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BARRISTERS AND SOLICITORS

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September 3, 2010

**By Facsimile & Email**

Attn: Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
Toronto, Ontario  
M4P 1E4

boardsec@oeb.gov.on.ca  
Fax: 416- 440-7656

Dear Ms. Walli:

**Re: OEB file number EB-2010-0243, Notice of Application and Hearing for Leave to Construct Transmission Facilities for the Detour Lake Power Project (Phase I – Island Falls to Detour Lake)**

My firm is legal council for the Wahgoshig First Nation. I received the above notice a few days ago. The earliest date I could have received it is August 27<sup>th</sup>. I was away from the office on August 27<sup>th</sup> for out of town business, and away on August 30<sup>th</sup> and 31<sup>st</sup> for vacation. I returned to the office on September 1<sup>st</sup> to find this notice had arrived.

Upon reviewing this notice, I became aware that Wahgoshig First Nation likely has ten days from the “service date of this notice” (which I take to mean from the date my firm received it) to request to be an intervenor in this proceeding.

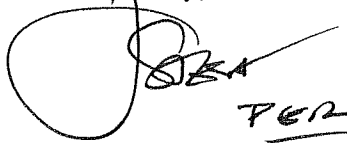
Since I became aware of this requirement, my firm has been attempting to get instruction from the Wahgoshig First Nation leadership as to whether or not they wish to intervene in this proceeding. However, the leadership of the First Nation has been tied up with other matters and I have been unable to receive instructions as of today’s date. I expect to receive instructions early next week.

In the interim, please be advised that Wahgoshig First Nation might seek intervenor status, and might also seek costs from the applicant, in this proceeding as the proposed transmission line (some or all of it) is in Wahgoshig traditional territory and could create adverse impacts to the first nation as a result.

I will inform the Board as soon as I have instructions to seek intervenor status. Given the earliest date on which I could have received this notice, and given the special status and rights of first nations under Section 35 of the Constitution, in particular as regards to the rights to consultation and accommodation for projects of this sort, I expect the board will allow Wahgoshig First Nation some flexibility in terms of the date by which it may seek intervenor status.

If you have any questions or concerns, please contact me.

Yours truly,

A handwritten signature in black ink, appearing to be 'K. Kempton', with a large loop at the start and a horizontal line at the end.

Kate Kempton

JS/

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