

**Ontario Energy  
Board**  
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**Commission de l'énergie  
de l'Ontario**  
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**BY EMAIL**

January 21, 2008

Jason Madden  
JTM Law  
Barrister & Solicitor  
546 Euclid Avenue  
Toronto ON M6G 2T2

Dear Mr. Madden:

**Re: Ontario Power Authority  
2008 Expenditure and Revenue Requirement Submission  
Intervention Notice by Métis Nation of Ontario (“MNO”)  
Board File No. EB-2007-0791**

We are writing to clarify the scope of the Board’s powers regarding its review of the OPA fees submission and to seek some clarification from you related to the intervention notice dated December 21, 2007, that you sent to the Board on behalf of your client Métis Nation of Ontario (“MNO”).

In your intervention notice you indicate that the MNO’s interest in this proceeding relate to the OPA’s Business Plan. More specifically, you outline certain concerns relating to possible deficiencies in the Business Plan’s proposals for addressing the Crown’s duty to consult Aboriginal peoples.

The Ontario Energy Board has no jurisdiction over the OPA’s Business Plan. Pursuant to section 25.22 of the Electricity Act, 1998, it is the role of the Minister of Energy to approve the Business Plan or refer it back to the OPA for further consideration. The Board’s role, as set out in section 25.21 of the Electricity Act, is to review the OPA’s proposed revenue requirement and fees. The 2008 Business Plan has already been approved by the Minister pursuant to section 25.22(3) of the Electricity Act and the Board has no powers to alter it in any way. It appears, therefore, that the issues you wish to address may be outside the scope of Board’s review.

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Based on the above clarification please indicate if you wish to have your intervention notice in the OPA Fees review considered further by the Board and if so would you please provide additional information on how your intervention interest fits within the scope of the OPA Fees proceeding.

Yours truly,

*Original Signed By*

John Pickernell  
Assistant Board Secretary

- c. Ms. Miriam Heinz, Ontario Power Authority  
Mr. Fred Cass, Aird & Berlis LPP