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September 4, 2013

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
Suite 2700, P.O. Box 2319
Toronto, Ontario
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Dear OEB Members:

**Re: Request for Participant Status – Letter on behalf of Nishnawbi Aski Nation
EB-2013-0301
DMC File No.: 10074 / NAN re: OEB Intervenor Conference**

As legal counsel for the Nishnawbe Aski Nation (“NAN”), I am writing in response to the Board’s letter dated 22 August 2013 in EB-2013-0301.

As the Board has been advised previously, NAN represents 49 First Nation communities covered by Treaties No. 5 and 9. The head office of NAN is located in Thunder Bay.

The territory covered by Treaties No. 5 and 9 is 210,000 square miles in area, which is approximately two-thirds of the Province of Ontario. Most of the communities which are members of NAN are located north of the 50th parallel in Northwestern and Northeastern Ontario.

Many residents in NAN communities are economically disadvantaged such that they qualify as low-income customers under the Distribution System Code; further, many NAN communities lack permanent road and rail access such that they qualify as “remote” communities.

Since NAN has previously sought and been granted intervenor party status and funding in a number of OEB proceedings, NAN believes that it has a direct interest in the proposed review and/or any changes to the Board’s policies and practices.

NAN is an umbrella organization representing the interests of its 49 member communities on a variety of issues.

As an organization which is particularly dependent on public funding-- which has been severely reduced in recent years -- NAN would be concerned about any material change in the OEB’s intervenor policies and practices that would limit the involvement of First Nation organizations in OEB proceedings either by restricting the circumstances under which intervenor status is granted or by reducing intervenor funding in OEB proceedings.

Individual NAN communities, including NAN as a representative organization, ordinarily have no financial resources of their own to participate in proceedings such as those held by the Board. As an umbrella organization, however, NAN can effectively represent the common interests of many First Nation communities in matters regulated by the Board.

Still, in the absence of intervenor funding being granted to NAN in OEB proceedings, many First Nation communities would not be able to make submissions and voice their concerns in applications before the Board.

Given the above, NAN hereby requests that it be permitted to participate in this proceeding and that it be considered to be eligible for costs consistent with the criteria and limits set out in Appendix A to the Board's August 22, 2013 letter.

As the Board is aware, members of NAN communities speak a number of languages, including English, Cree, Ojicree, Ojibway, and French.

However, information and documents in English relating to the proceeding may be provided to NAN by sending a copy of such information to the undersigned, Douglas M. Cunningham, Barrister & Solicitor, 10 King Street East, Suite 600, Toronto, Ontario, M5C 1C3.

My email address is douglasmcunningham@gmail.com. I look forward to the Board's decision with respect to NAN's request for participant status and cost recovery. Thank you.

Yours very truly,
Barrister & Solicitor

Douglas M. Cunningham [Electronic signature]

Douglas M. Cunningham
DMC/am

c: Deputy Grand Chief Les Loutitt (NAN)
Jason Smallboy (NAN)