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Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge St, 27th Floor
Toronto ON M4P 1E4

Dear Ms. Walli:

RE: EB-2013-0416 Hydro One Networks Inc Application to Raise Rates

Please accept this correspondence as the initial application of the Haudenosaunee Development Institute (HDI) acting on behalf of the Haudenosaunee Confederacy Chiefs Council (HCCC) to seek intervenor status in the hearings of the subject application.

Overview

The Haudenosaunee have inherent and treaty rights over that area of land where HONI owns, operates and maintains electricity distribution services.

We have advised HONI that the distribution operations have and will continue to impair and infringe upon Haudenosaunee rights and interests including the right to free and undisturbed harvesting.

HONI and its sole shareholder (the Province of Ontario) have failed to undertake any process of engagement and/or reconciliation with respect to Haudenosaunee rights and interests in relation to HONI operations despite knowledge, both real and constructive, of the Haudenosaunee rights and interests interfered with by HONI operations.

HONI's ability and/or obligation to provide payments in the nature of justifications for treaty right impairment is a necessary consideration in terms of any order made pursuant to section 78 of the *Ontario Energy Board Act* and the discretion granted to the Board by way of section 78(9) and section 78(10).

The HDI submits that the failure to consider the real costs of its operations and the failure to provide the HCCC with input to that cost structuring constitute a breach of fiduciary duty, a failure to uphold the honour of the Crown, and a breach of the obligation to engage and justify, all of which can be remedied through the Board's statutory authority.

Haudenosaunee Confederacy Chiefs Council

The HCCC is the government of the Haudenosaunee people over that area which is now referred to as Ontario. The Province of Ontario has recently recognized that the HCCC is an entity with which engagement must be undertaken in relation to Renewable Energy Projects. The HCCC is currently a recognized body for the purposes of section 14 of O.Reg 359/09 made under the *Environmental Protection Act*.

Haudenosaunee Development Institute

The HCCC legislated the HDI into existence and provided express authority to HDI to deal with the use of Haudenosaunee lands where the uses infringe, interfere or impair Haudenosaunee rights and interests including matters relating to the subject application.

Treaty Relationship

As old and faithful allies of the Crown the HCCC have an on-going relationship that predates Confederation and which has been memorialized by way of a number of specific treaty engagements including the Nanfan Treaty of 1701 and the 1768 Treaty of Fort Stanwix both of which recognize Haudenosaunee rights and interests in the lands upon which HONI undertakes its operations.

Oral vs. Written Hearing

HDI submits that its participation in the hearing be done by way of an oral hearing as we require evidence of Chiefs and Elders which must be given orally in Haudenosaunee languages.

Cost Eligibility

HDI also makes a request for cost eligibility.

Interest in Land

As noted above the HCCC have interests in land that will be affected by this process.

Public Interest

HDI submits that it is must always be in the public interest to ensure that the honour of the Crown is upheld in relation to actions which may impact, interfere or infringe treaty rights and relationships.

HDI submits that the granting of intervenor status with cost eligibility is appropriate and lawful in the circumstances.

Yours truly,

R. Aaron Detlor
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