



Nishnawbe Aski Nation

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January 17, 2016

Ontario Energy Board
23 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

Attention: Ms. Kristen Walli, Board Secretary

Dear Ms. Walli,

**Re: Regional Planning and Cost Allocation Review - EB-2016-0003; and
Intent to Participate and Request for Cost Award Eligibility**

In response to the Ontario Energy Board ("OEB") letter dated January 7, 2016 this letter is to notify the Ontario Energy Board of intent to participate in the Regional Planning and Cost Allocation Review – EB-2016-0003 (the Review). Nishnawbe Aski Nation (represented by NAN Corporate Services) is a political representative organization representing 49 First Nation Communities (please refer to Appendix A for member First Nations and NAN elected officials), all of which are located in Northern Ontario. Nishnawbe Aski Nation is currently obtaining a Chiefs-in-Assembly resolution to support the participation in the review at which point we will identify to the Ontario Energy Board who the legal firm is we will be engaging on this file.

Background

Nishnawbe Aski Nation ("NAN"):

Nishnawbe Aski Nation (known as Grand Council Treaty No. 9 until 1983) was established in 1973. It represents the legitimate, socioeconomic, and political aspirations of its First Nation members of Northern Ontario to all levels of government in order to allow local self-determination while establishing spiritual, cultural, social, and economic independence. In 1977, Grand Council Treaty No. 9 made a public declaration of the rights and principles of Nishnawbe Aski.

NAN's objectives are:

- Implementing advocacy and policy directives from NAN Chiefs-in-Assembly
 - Advocating to improve the quality of life for the people in areas of education, lands and resources, energy, health, governance, and justice
 - Improving the awareness and sustainability of traditions, culture, and language of the people through unity and nationhood
 - Participation in developing and implementing policies which reflect the aspirations and betterment of the people
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- Developing strong partnerships with other organizations

NAN is a political territorial organization representing 49 First Nation communities within northern Ontario with the total population of membership (on and off reserve) estimated around 45,000 people. These communities are grouped by Tribal Council (Windigo First Nations Council, Wabun Tribal Council, Shibogama First Nations Council, Mushkegowuk Council, Matawa First Nations, Keewaytinook Okimakanak, and Independent First Nations Alliance) according to region. Six of the 49 communities are not affiliated with a specific Tribal Council.

NAN encompasses James Bay Treaty No. 9 and Ontario's portion of Treaty No. 5, and has a total land-mass covering two-thirds of the province of Ontario spanning 210,000 square miles. The people traditionally speak four languages: OjiCree in the west, Ojibway in the central-south area, and Cree and Algonquin in the east.

NAN continues to work to improve the quality of life for the Nishnawbe Aski territory. Through existing partnerships and agreements with Treaty partners (governments of Canada and Ontario), NAN continues to advocate on behalf of the communities it represents for self-determination with functioning self-government.

Substantial Interest

NAN has a substantial interest in this consultation because:

1. NAN is, in majority, dependant on diesel fuel and has specific interests in cost allocation in regards to regional planning, as this directly impacts the connection to the grid for their respective communities;
2. NAN is an elected political territorial organization representing 49 First Nation communities within northern Ontario with the total population of membership (on and off reserve) estimated around 45,000 people.
3. understands and can speak to the direct interests of the industrial, business, commercial and residential ratepayers throughout the NAN Territory (population approximately 45,000);
4. membership and First Nation driven Energy projects will be directly impacted by the amendments to the Transmission System Code ("TSC") and Distribution System Code ("DSC") with respect to cost responsibility;
5. is keenly aware of the short, medium, and long terms issues with respect to transmission and generation its members face in the NAN territory, and as such can provide important and unique perspectives of ratepayers in relation to the proposed amendments the TSC DSC with respect to:
 - a. cost responsibility and its profound impact on short, medium and long term electricity planning and infrastructure development in the NAN territory;
 - b. the effect of the proposed amendments to the TSC and DSC on its members generally, the growth (or lack thereof) of their communities;

- c. development of electricity infrastructure in the NAN territory; and
 - d. the impact on future economic development in the NAN territory;
6. is interested in ensuring that regional planning in the NAN territory is appropriately implemented and that the proposed amendments to the TSC and DSC relating to cost responsibility are appropriately reviewed and revised to reflect and consider issues that affect the NAN specifically; and
 7. can provide important and unique perspectives of ratepayers in relation to the proposed amendments to the TSC and DSC with respect to cost responsibility as these amendments will have a profound impact on short, medium and long term electricity planning and infrastructure development in the NAN territory, particularly in terms of attracting new investment in resource based infrastructure; and
 8. is in a position to provide the OEB clearly defined consumer needs with respect to cost responsibility and wishes to ensure that the proposed amendments to the TSC and DSC reflect the needs of current and future members.

NAN Nation will be able to provide valuable insight into not only issues related to cost responsibility but also to environmental and other social imperatives, including but not limited to social imperatives that are geographical, economic and commercial.

In addition, NAN, in a broad spectrum of issues, are active in seeking out areas where they have similar interests with other established organizations who share the needs of two thirds of the Province of Ontario. NAN will continue sharing information and aligning strategies for submissions that are complementary to one another in above noted consultation now being undertaken by the OEB.

The members of NAN First Nations will collaborate, represented by the Energy Department of NAN Corporate Services, to provide their collective questions, submissions and argument in relation to not only issues related to energy but also to environmental and other social imperatives, including but not limited to social imperatives that are peculiar to the geographical, economic and commercial needs of the nation. NAN Corporate Services have been and will continue to be proponents of coordinated, comprehensive regional planning in the development of electricity infrastructure in the NAN territory.

The NAN submission, by no means, would override an individual First Nation submission – each of our First Nations have equal and significant interest in participating in consultation in regards to energy development in their respective traditional territories.

Cost Awards

NAN will, seek designation as persons, under Section 30 of the *Ontario Energy Board Act, 1998*, eligible to receive costs. The basis for the designation would be the representative nature of NAN territory itself and will continue to pursue with other Interested Parties representing the interests of the NAN territory. NAN Corporate Services represent the direct interests of consumers, as

ratepayers, and energy transmitters in relation to regulated services, and each can offer important and unique perspectives to the OEB.

In addition, NAN Corporate Services represents an interest or policy perspective relevant to the Board's mandate and to this consultation.

NAN Corporate Services represents the direct interest of ratepayers, throughout the NAN territory. The cost responsibility provisions of the TSC and DSC impact those ratepayers whose livelihood often depends diesel fuel for energy in the territory.

NAN Corporate Services represent an interest in seeking to ensure amendments to the TSC and DSC relating to cost responsibility positively impacts existing and future businesses, consumers, and ratepayers in the NAN territory and the industries that they supply with goods and services.

NAN Corporate Services can offer clearly defined consumer needs to the OEB in relation to whether the proposed amendments to TSC and DSC reflect the specific geographic, economic and social issues effecting ratepayers, consumers and businesses in the NAN territory. The proposed amendments to the TSC and DSC will impact those ratepayers, who are in majority dependant on diesel fuel for their heat and energy consumption needs, consumers, and other energy proponents in NAN. Ensuring the short, medium and long term infrastructure and regional planning needs of the NAN territory and that the above noted issues effecting the NAN territory, its consumers, ratepayers and businesses is a necessity for the economic well-being of the members of NAN.

NAN and NAN Corporate Services and its members are or represent persons with a significant interest in land that is, or may be, affected by amendments to the TSC and DSC relating to cost responsibility. That interest in some instances may be a private interest, but in every case it is a public interest.

Spokesperson for the Nishnawbe Aski Nation

- **Alvin Fiddler, Grand Chief**
 - **Please contact Tobey Meyer, Senior Policy Analyst, 807-622-8228**
- **Derek Fox, Deputy Grand Chief**
 - **Please contact Chris Minor, Senior Policy Analyst, 807-622-8228**

Spokesperson for NAN Corporate Services

- **Travis Boisseneau, CAO**
 - **NAN Corporate Services, 807-625-4290**
- **Charmaine McCraw – Director of Energy, NAN Corporate Services**
 - **NAN Corporate Services, 807-625-4959**

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Please note that Charmaine McCraw, Director of Energy will be the staff member who will be engaging NAN leadership and membership for the duration of this submission. Any questions or media requests will be handled by the elected officials declared above and in their absence, Travis Boissoneau, Chief Administrative Officer.

Yours very truly,



Charmaine McCraw
Director of Energy
NAN Corporate Services

Appendix A

Executive Council (Elected August 2015 – 3 year Term)

Alvin Fiddler, Grand Chief
Derek Fox, Deputy Grand Chief
Terry Waboose, Deputy Grand Chief
Anna Betty Achneepineskum, Deputy Grand Chief

Member First Nations



Aroland First Nation
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Attawapiskat First Nation
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Bearskin Lake First Nation
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Beaverhouse First Nation
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Brunswick House First Nation
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Cat Lake First Nation
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Chapleau Cree First Nation

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Chapleau Ojibwe First Nation

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Constance Lake First Nation

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Deer Lake First Nation

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Eabametoong First Nation

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Flying Post First Nation

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Fort Albany First Nation

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Fort Severn First Nation

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Ginoogaming First Nation

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Hornepayne First Nation



Kasabonika Lake First Nation

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Kashechewan First Nation



Kashechewan First Nation

Chief Leo Friday
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Keewaywin First Nation

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Kingfisher Lake
First Nation

Kingfisher Lake First Nation

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Long Lake #58 First Nation
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Marten Falls First Nation
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Matachewan First Nation
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Mattagami First Nation
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Missanabie Cree First Nation
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Mocreebec Council of the Cree Nation
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Moose Cree First Nation
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Muskrat Dam First Nation
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Neskantaga First Nation
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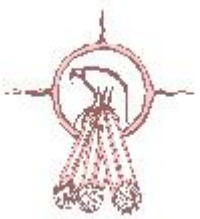
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North Caribou Lake First Nation
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Pikangikum First Nation
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Poplar Hill First Nation
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Taykwa Tagamou Nation



Taykwa Tagamou Nation (New Post)

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Wapekeka
First Nation

Wapekeka First Nation

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Wawakapewin
First Nation

Wawakapewin First Nation

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Webequie First Nation

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Weenusk First Nation

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