

September 13, 2017

**RESS, EMAIL & COURIER**

Ontario Energy Board  
27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Attention: Ms. K. Walli, Board Secretary

**Re: Sagatay Transmission LP Appeal of Order of the Registrar in EB-2016-0017  
(EB-2017-0258) – Request for Party Status from Wataynikaneyap Power LP**

We are counsel to Wataynikaneyap Power GP Inc. (“**WPGP**”) and Wataynikaneyap Power LP (“**WPLP**”). WPGP on behalf of WPLP (“**Watay**”) is hereby requesting to be added as a party in the above-referenced proceeding, in which Sagatay Transmission LP (“**Sagatay**”) appeals under section 7 of the *Ontario Energy Board Act, 1998* (the “**Act**”) from the Order of the Registrar dismissing Sagatay’s application for leave to construct a transmission line to Pickle Lake in EB-2016-0017.

On September 1, 2017, the Board issued its Notice of Hearing and Procedural Order No. 1 (the “**Notice**”) in EB-2017-0258. The Notice names Sagatay, the Registrar and Board Staff as parties to the appeal. The Notice also indicates that, under subsection 7(3) of the Act, the parties to an appeal under section 7 of the Act may include “any other person added as a party by the Board”. In this regard, and for the reasons set out below, Watay hereby requests that the Board add Watay as a party in this proceeding.

As a partnership involving 22 First Nations communities and FortisOntario Inc., Watay is working to design, construct, own and operate a new 230 kV transmission line originating at a point between Ignace and Dryden and terminating in Pickle Lake, as well as new transmission lines extending north from Red Lake and Pickle Lake to connect certain remote communities to the provincial transmission grid (the “**Project**”). The Lieutenant Governor in Council has declared the Project to be a “priority project” through an Order-in-Council made under section 96.1 of the Act. In addition, the Lieutenant Governor in Council approved a Ministerial Directive under the Act, which required the Board to amend Watay’s transmission license so as to require Watay, as a condition of its licence (ET-2015-0264), to develop and seek approvals for the Project.

The scope of legislative provisions, in particular section 97.1<sup>1</sup> of the Act, that underpin the jurisdiction of the Board and are the subject of the appeal has the potential to directly and adversely affect Watay and its Project. Therefore, Watay has a substantial interest in the outcome of the EB-2017-0258 proceeding. As appropriate, Watay intends to only make submissions on issues regarding the Board’s jurisdiction in relation to Sagatay’s appeal and

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<sup>1</sup> Section 97.1(1) provides that in an application for leave to construct under Section 92, leave shall not be granted to a person if a licence issued by the Board to another person includes an obligation to develop, construct, expand or reinforce the line, or make the interconnection, that is the subject of the application.

leave to construct application.

Please provide copies of all communications with respect to this proceeding to:

Applicant:

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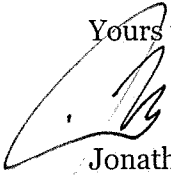
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Yours truly,



Jonathan Myers

cc: Ms. M. Kenequanash, Wataynikaneyap Power  
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