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VIA EMAIL to registrar@oeb.ca, COURIER AND RESS

April 12, 2018.

Board Secretary
Ontario Energy Board
P.O. Box 2319, 27th Floor
2300 Young Street
Toronto, ON M4P 1E4

Attn: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**RE: EB-2017-0364 – Hydro One Networks Inc.'s Section 92 – Lake Superior Link
Project
Biinjitiwaabik Zaaging Anishinaabek Intervenor Request Letter**

We are legal counsel for Biinjitiwaabik Zaaging Anishinaabek (BZA) with respect to the above matter (the "Lake Superior Link Project" or "Project"). We are writing on behalf of BZA to request intervenor status pursuant to Rule 22 of the Ontario Energy Board's *Rules of Practice and Procedure*, and to request costs so that my client can meaningfully participate in the Lake Superior Link proceeding. We further reserve the right to make further submissions with respect to this matter.

Biinjitiwaabik Zaaging Anishinaabek's Interest in the Proceedings

BZA is an Indian Band pursuant to the *Indian Act* and is a party to the *Robinson Superior Treaty of 1850*. The Biinjitiwaabik Zaaging Anishinaabek has over 650 members, who are represented by the Chief and Counsel. Many members live on the Rocky Bay 1 Indian Reserve is located in the municipality of Greenstone; however, the traditional territory of the First Nation extends throughout Northwestern Ontario, and includes areas which will be directly impacted the Lake Superior Link Project.

Further, the Project as proposed has the potential to impact the rights, interests, lands, claims and practices of BZA, which include but are not limited to rights to hunt, fish, and carry on other cultural practices throughout the traditional territory. These rights are protected by section 35 of the *Constitution Act 1982*, and as such, the Crown has a fiduciary obligation to consult with the BZA. Biinjitiwaabik Zaaging Anishinaabek is a necessary intervenor if Ontario intends to rely on the Board's process to discharge its constitutional duty.

Nature and Scope of Intended Participation

Biinjitiwaabik Zaaging Anishinaabek intends to participate actively and responsibly as an intervenor in the proceedings as necessary to determine issues by making written or oral submissions, submitting evidence, argument, or interrogatories and may cross-examine witnesses.

Where Biinjitiwaabik Zaaging Anishinaabek lacks the internal capacity to review and assess any aspects of the Project proposal and documents which may be filed in relation thereto, the First Nation requests the resources required to adequately assess the Project and so that its participation as an intervenor will be meaningful and productive.

Biinjitiwaabik Zaaging Anishinaabek requests copies of written evidence related to this matter, and that they be directed to our firm, whose contact information is provided herein.

Request for Costs

Biinjitiwaabik Zaaging Anishinaabek is seeking costs in order to participate as an intervenor in the proceeding. Biinjitiwaabik Zaaging Anishinaabek fulfills the eligibility criteria for costs as set out in Section 3 of the OEB's Practice Direction on Cost Awards. Biinjitiwaabik Zaaging Anishinaabek primarily represents an interest and policy perspective relevant to the Board's mandate and the proceedings related to this Project. Additionally, the proposed project traverses the traditional territory of Biinjitiwaabik Zaaging Anishinaabek, and as such the First Nation has an interest in the land that is affected by the project.

Contact Information

Biinjitiwaabik Zaaging Anishinaabek requests that Board and Parties to the proceeding direct correspondence to our office and use the following contact information:

Etienne Esquega

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Email: ee@esquegalaw.com

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100 Anemki Drive, Suite 104
Fort William First Nation (Thunder Bay), ON
P7J 1J4

Chief Melvin Hardy

Tel: 807-885-3401

Email: chief@rockybayfn.ca

Mailing address: Biinjitiwaabik Zaaging Anishinaabek
501 Spirit Bay Road,
Macdiarmid, ON
P0T 2B0

Should you have any questions or concerns please do not hesitate to contact me.

Kind regards,

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Cc. Biinjitiwaabik Zaaging Anishinaabek Chief and Council;
Zora Crnojacki, Case Manager; and
Lawren Murray, Ontario Energy Board Counsel