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August 30, 2018

**BY EMAIL AND RESS**

Ontario Energy Board  
2300 Young Street  
27<sup>th</sup> Floor  
Toronto, Ontario M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

**RE: EB-2017-0812/EB-2017-0194/EB-2017-0364**

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We are counsel to Biinjitiwaabik Zaaging Anishinaabek ("BZA"). Please find the enclosed interrogatories to Hydro One Networks Inc. on behalf of our client pursuant to **Procedural Order No. 1 on Combined Hearings**.

Please do not hesitate to contact me should there be any issues with the same.

Yours very truly,

ESQUEGA LAW OFFICE

ETIENNE ESQUEGA

cc. Hydro One Networks Inc.  
Nextbridge Infrastructure  
Intervenors  
Board Staff

Encl. BZA\_IR\_HONI\_20180830

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Schedule B), as amended;

**AND IN THE MATTER OF** an application by Upper Canada Transmission Inc., under section 92 of the *Ontario Energy Board Act* for an Order or Orders granting leave to construct an electricity transmission line between Thunder Bay and Wawa

**AND IN THE MATTER OF** an Application by Hydro One Networks Inc. pursuant to section 92 of the *Ontario Energy Board Act* for an Order or Orders granting leave to upgrade existing transmission station facilities in the Districts of Thunder Bay and Algoma

**AND IN THE MATTER OF** an Application by Hydro One Networks Inc. pursuant to section 92 of the *Ontario Energy Board Act* for an Order or Orders granting leave to construct an electricity transmission line between Thunder Bay and Wawa.

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**INTERROGATORIES**

**From BIINJITWAABIK ZAAGING ANISHINAABEK (“BZA”)**

**To HYDRO ONE NETWORKS INC. (“HONI”)**

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August 30, 2018

## **BZA-1**

Reference: HONI Application EB-2017-0364, Exhibit B, Tab 1, Schedule 1 pages 11-12; and Exhibit H, Tab 1, Schedule 1, pages 1-5 (February 15, 2018)

Please provide an updated record of First Nation and Metis consultation. Please include dates of any and all correspondence, records and notes from community meetings, records of attendance, feedback provided, internal memos or correspondence discussing the results or feedback of consultation, or any other document relevant to consultation.

## **BZA-2**

Reference: HONI Application EB-3027-0364 Exhibit B, Tab 7, Schedule 1 (see Table 2 and Table 3) (February 15, 2018)

Please include detailed records of consultation spending for each First Nation and Metis community to date. Please provide an explanation for any differences in the amount of consultation spending for between any First Nation and/or Metis community.

## **BZA-3**

Reference: HONI Application EB-2017-0364, Exhibit B, Tab 1, Schedule 1 pages 11-12; and Exhibit H, Tab 1, Schedule 1, pages 1-5 (February 15, 2018)

Please provide a detailed plan and schedule of future consultation with the First Nation and Metis communities identified above, and in particular with respect to BZA. Identify any issues that have arisen in scheduling or continuing consultation and provide details of the same, including any relevant correspondence or decisions.

## **BZA- 4**

Reference: HONI Application EB-2017-0364 Exhibit B, Tab 7, Schedule 1 (see Table 2 and Table 3) (February 15, 2018)

Please provide a detailed breakdown of the consultation budget on a go-forward for each First Nation and Metis community, and in particular with respect to BZA. Please provide a detailed explanation for any differences in the amounts budgeted for different First Nations and/or Metis Communities.

## **BZA-5**

Reference: HONI Application EB-2017-0364 Exhibit C, Tab 1, Schedule 2, page 1 -2 (February 15, 2018)

Please provide copies of any reports or updates on First Nations or Metis consultation and engagement provided to the MOE or MOECC, or any other crown department or agency, and in particular with respect to BZA.

Please provide any assessments/feedback/responses from the MOE or MOECC, or any other crown department or agency that consider/discuss/or assess HONI's reports and updates on First Nation and Metis consultation.

Please also provide any evaluations that have been provided by the MOE and MOECC, or any other crown department or agency, to HONI in relation to HONI's consultation efforts. In particular, have any evaluations been provided by MOE and MOECC, or any other crown department or agency to HONI in relation to HONI consultation efforts in relation to BZA? If so, please provide a copy of those evaluations.

Has anyone from the MOE, MOECC, or any other crown department advised that the consultation effort with respect to the First Nations and/or Metis communities, and in particular with respect to BZA, been adequate for the purposes of the crown to fulfill its duty to consult? If so, please produce a copy of the record and correspondence concerning the same.

### **BZA -6**

Reference: HONI Application EB-2017-0364 Exhibit B, Tab 1, Schedule 1 pages 11 -12 and Exhibit H, Tab 1, Schedule 1 (February 15, 2018); (February 15, 2018)

Has HONI prepared a projected participation budget? Please provide a detailed breakdown of the participation budget for each First Nation and Metis community and specifically with respect to BZA. Please provide a detailed explanation for any differences in the amounts budgeted for different First Nations and/or Metis Communities.

### **BZA- 7**

Reference: HONI Application EB-2017-0364 Exhibit B, Tab 1, Schedule 1 pages 11 -12 and Exhibit H, Tab 1, Schedule 1 pages 4-5 (February 15, 2018);

In fulfilling Indigenous participation obligations, will HONI offer economic participation agreements with equity options to all of the affected First Nation and Metis communities or only those in the BLP? If not, which First Nation and Metis communities will HONI offer economic participation agreements with equity options to, and who determines which affected communities will be offered these agreements?

Further, please provide a detailed explanation of:

- 1) what economic participation agreements may look like;
- 2) what equity will be offered to each First Nation and Metis community;
- 3) what other economic participation options will be offered; and

Will HONI offer differing economic participation opportunities to different First Nations and Metis communities? If so, please provide a detailed explanation as to why.

### **BZA-8**

Reference: HONI Application EB-2017-0364 Exhibit H, Tab 1, Schedule 1 page 2.

What employment opportunities has HONI offered, or does HONI expect to offer to members of Biinjitiwaabik Zaaging Anishinaabek? Please provide details of each employment opportunity, including the expected term of any position, job description and salary.

Similarly, what contracts for services or procurements has HONI offered, or expect to offer to Biinjitiwaabik Zaaging Anishinaabek or member operated businesses? Please provide details of every anticipated service or procurement contract including the estimated value of the contract and the term.

## **BZA- 9**

Reference: HONI Application EB-2017-0364 Exhibit H, Tab 1, Schedule 1 page 2.

What employment opportunities has HONI offered, or does HONI expect to offer to members each First Nation and Metis Community? Please provide details of each employment opportunity, including the expected term of any position, job description and salary. Provide details of which First Nation and Metis communities these employment opportunities will be offered?

Similarly, what contracts for services or procurements has HONI offered, or expect to offer to each First Nation and Metis community or member operated business. Please provide details of every anticipated service and procurement contract, including the expected term and value of the contract. Provide details of which First Nation and Metis community these service and procurement contracts will be offered?

Please provide a detailed explanation for any differences in what employment, service, or procurement opportunities are available to each First Nation/Metis community or their members.

## **BZA-10**

Reference: HONI App EB-2017-0364 Exhibit X, Tab 1, Schedule 1, pages 1-5 (February 15, 2018)

If granted leave to construct, will HONI refrain from construction until obtaining the consent of Biinjitiwaabik Zaaging Anishinaabek and the other First Nation or Metis communities to construct the Lake Superior Link transmission line?

## **BZA- 11**

Reference: EB-2017-0364 Technical Conference Transcript (May 17, 2018) page 103 line 103.  
HONI EB-2017-0364 Additional Evidence on Motion at page 2 and 11. (Filed May 7, 2018)

Throughout the proceedings HONI has differentiated between the BLP First Nations and the other First Nations. For instance, Hydro One has made an offer of 34% equity to the BLP. Hydro One sent a letter to the BLP First Nations introducing the Lake Superior Link project on February 16, 2018 but did not contact the other affected First Nation and Metis communities until April 30<sup>th</sup> 2018.

Please provide a detailed explanation of why the Biinjitiwaabik Zaaging Anishinaabek has been treated differently from the BLP First Nations. Please provide all correspondence, notes, internal memo's, decisions or other documentation discussing the which Indigenous groups were to be consulted, to what degree and any justification. Please provide any metrics that Hydro One uses internally for making determinations on the degree of consultation or accommodation owing to any affected Indigenous community.

## **BZA- 12**

Reference: FinalTranscripts\_HONI\_MOTION\_Technical Conference\_20180517 EB-2017-0364 page 247 (Filed May 17, 2018); and  
HONI\_LSL\_TC\_Undertaking JT.27 EB-2017-0364 Exhibit JT2.27 Page 1 (Filed 2018-05-25)

At the technical conference on May 17, 2018, Mr. Goulais stated that in the 2013 designation proceedings, the Bamkushwada communities were identified as being the most-impacted and the most proximate to the project.

Please provide any/all memos, documents, correspondence either internal to HONI or with the MOE where there is any discussion, determination or consideration of:

- a) the level of consultation that may be afforded to the differing affected First Nations and Metis groups;
- b) which First Nations and Metis groups are the most directly affected.