



Ontario
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BY EMAIL

September 11, 2019

Mr. Jeffrey Kaufman
Jeffrey Kaufman Law Professional Corporation
15 Prince Arthur Avenue, Suite 200
Toronto, ON M5R 1B2

Dear Mr. Kaufman:

Re: EB-2018-0276 – Application for Approval to Sell Assets related to the Niagara Reinforcement Project

I am writing in response to your letter of August 30, 2019, sent the evening of that day on behalf of your client the Men's Fire of the Six Nations of the Grand River Territory, also known as the Hodiskeagehda. Your letter seeks intervenor status for your client in relation to the above-noted application, and expresses concerns relating to the involvement of Six Nations of the Grand River Development Corporation (SNGRDC) in respect of the Niagara Reinforcement Project (NRP).

As confirmed in previous correspondence to your client, the Ontario Energy Board (OEB) issued an order granting Hydro One Networks Inc. (Hydro One) leave to construct the NRP in 2005¹. Although the completion of the project was delayed for many years, the leave to construct order remained in effect and no further construction-related approvals of the OEB were required to complete the transmission line.

In the OEB's most recent correspondence to your client on August 20, 2019, it was noted that Hydro One expected the NRP to be completed by September 1, 2019. According to Hydro One, the line went into service on August 30, 2019, with all major construction completed.

The application in respect of which you have requested intervenor status for the Hodiskeagehda is an application for approval to sell NRP-related assets to Niagara

¹ EB-2004-0476

Reinforcement Limited Partnership (NRLP). This application is being decided by delegated authority under section 6 of the *Ontario Energy Board Act, 1998* (OEB Act), and without a hearing as permitted by section 6(4) of the OEB Act.

It is clear from the application that SNGRDC does not hold an interest in NRLP (see, for example, sections 1.2 and 5.3 of the application). Although the application notes an intention to convey minority interests in NRLP to SNGRDC and to the Mississaugas of the Credit First Nation in subsequent transactions, the EB-2018-0276 application is seeking approval only of the sale of assets to NRLP, and not approval of these subsequent transactions. As such, SNGRDC's activities are not matters that would be within the scope of the EB-2018-0276 application. Further, the OEB does not expect to receive an application for approval of these subsequent transactions based on the description of them that is currently before the OEB. That is because, as the OEB found in a similar kind of application,² section 86(2)(a) of the OEB Act does not cover the acquisition of an interest in a limited partnership.

If you have any questions regarding this letter, please contact Nancy Marconi, Manager, Supply and Infrastructure, at Nancy.Marconi@oeb.ca or 416-440-7680.

Yours truly,

Original Signed By

Kirsten Walli
Board Secretary

² In its Decision and Order in EB-2013-0080, one of three applications related to the sale of certain transmission assets to B2M Limited Partnership, the OEB found that “the wording of subsection 86(2)(a) of the [OEB] Act does not cover the acquisition of an interest in a limited partnership”.