

July 2, 2020

File No.: 580190-1

Sent Via E-mail: registrar@oeb.ca

Christine Long
Registrar and Board Secretary
Office of the Registrar
Ontario Energy Board
PO Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Long:

Re: **OEB Decision and Order dated June 4, 2020**
RRIB and BNA Motion to Review and Vary Phase 1 Decision and Order in EB-2018-0329
dated January 27, 2020
OEB File Number: EB-2020-0107

We are writing on behalf of the Corporation of the Town of Marathon (the “**Corporation**”) in its own capacity and as the representative of the Township of Manitouwadge, Township of Schreiber, Township of Terrace Bay and the Municipality of Wawa (together with the Corporation, the “**Municipalities**”) and in connection with the Ontario Energy Board’s (the “**Board**”) Decision and Order dated June 4, 2020 in EB-2020-0107¹ (the “**Decision**”).

In the Decision, the Board denied the Motion (defined below) and directed that the Corporation be responsible for the payment of approved cost claims as well as the Board’s costs incidental to the EB-2020-0107 proceeding.² The Board, in Procedural Order No. 1 (**PO1**) had previously determined that any party eligible for an award of costs in the EB-2018-0329 proceeding would also be eligible for costs in the EB-2020-0107 proceeding.³ Accordingly, the only cost eligible party in the EB-2020-0107 proceeding is Anwaatin Inc. (“**Anwaatin**”).

Neither the Board’s *Rules of Practice and Procedure* nor the Board’s *Practice Direction on Cost Awards* provides any guidance as to whether an applicant in one proceeding should be held responsible for costs in another, albeit related, proceeding established to hear a motion to review the Board’s decision in the first

¹ Motion to Review and Vary Phase 1 Decision in EB-2018-0329 dated February 27, 2020 brought by Red Rock Indian Band and Bingwi Neyaashi Anishinaabek First Nation (the “**Motion**”).

² Decision, pages 14-15.

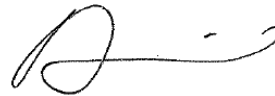
³ Decision, page 14.

proceeding by an intervenor in the first proceeding. As the Board is aware, the Municipalities have limited resources and are concerned about having to pay costs for a proceeding that they did not initiate.

In light of the above, the Municipalities do not understand the Board's rationale for holding the Municipalities responsible for costs in this proceeding. Nevertheless, should the Board decide to award costs, the Municipalities would be prepared to pay Anwaatin's cost claim dated June 15, 2020.

Very truly yours,

Dentons Canada LLP

A handwritten signature in black ink, appearing to be 'Dennis Wong', with a stylized flourish at the end.

Dennis Wong
Associate

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