



DEMARCO
ALLAN
LLP

Jonathan McGillivray
Associate

Bay Adelaide Centre
333 Bay Street, Suite 625
Toronto, ON M5H 2R2

TEL +1.647.208.2677

FAX +1.888.734.9459

jonathan@demarcoallan.com

November 3, 2020

VIA RESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Attention: Registrar

Dear Ms. Long:

**Re: Enbridge Gas Inc. (EGI)
2021 Federal Carbon Pricing Program Application
Board File No.: EB-2020-0212**

We are counsel to the Anwaatin Inc. (**Anwaatin**). Please find enclosed Anwaatin's Notice of Intervention in the above-noted proceeding.

Sincerely,

Jonathan McGillivray

- c. Adam Stiers, EGI
- Tania Persad, EGI
- Larry Sault, Anwaatin Inc.
- Don Richardson

ONTARIO ENERGY BOARD

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

AND IN THE MATTER OF an application by Enbridge Gas
Inc., for an order or orders for gas distribution rate changes
related to compliance obligations under the Greenhouse
Gas Pollution Pricing Act, S.C. 2018, c. 12, s. 186;

EB-2020-0212

NOTICE OF INTERVENTION

ANWAATIN INC.

November 3, 2020

A. Application for Intervenor Status

1. Anwaatin Inc. (**Anwaatin**) hereby requests intervenor status in the matter of the application (the **Application**) of Enbridge Gas Inc. (the **Applicant**) to the Ontario Energy Board (the **OEB** or the **Board**) for approval to increase its rates effective April 1, 2021, to recover the costs associated with meeting its obligations under the federal government's *Greenhouse Gas Pollution Pricing Act* (**GGPPA**). This notice of intervention is filed pursuant to Rule 22 of the Board's *Rules of Practice and Procedure*.

B. Anwaatin and its Interest in the Proceeding

2. Anwaatin is an Indigenous business corporation that works with Indigenous communities in linked energy markets that include Ontario, Quebec, California and Manitoba. Anwaatin's mission is to ensure that Indigenous communities are afforded reliable and affordable energy and have a central role in energy-related climate change action. Its business focusses on (i) access to efficient electricity and natural gas energy solutions for indigenous communities; (ii) ensuring Indigenous communities have reliable energy transmission and distribution in order to meet basic needs and facilitate economic development; (iii) addressing poor electricity reliability and the disparate and adverse impacts that it has on Indigenous communities and Aboriginal rights; and (iv) strengthening distributed energy resources in Indigenous communities to facilitate resilience and efficient electrification solutions to address climate change.
3. Anwaatin's Indigenous membership for this proceeding presently includes Aroland First Nation (**Aroland**), Animbiigoo Zaagi'igan Anishinaabek Nation (**AZA**), and Ginoogaming First Nation (**Ginoogaming**) (collectively, the **Anwaatin First Nations**). Additional Indigenous communities may be confirmed as members of Anwaatin for this proceeding. The Anwaatin First Nations each have traditional territory, and associated rights and interests protected by the *Constitution Act, 1982*, that may be impacted by the outcomes of this proceeding.
4. In its decision on the Applicant's 2020 Federal Carbon Pricing Program (**FCPP**) application (EB-2019-0247), the Board relied heavily on Anwaatin's submissions to make its determination that the Federal Carbon Charge on First Nations on-reserve customers will remain interim until determination of outstanding constitutional (s. 35) and *Indian Act* (ss. 87 and 89) issues, which the Board has deferred until after the decision of the Supreme

Court of Canada in the carbon pricing reference appeals (SCC Docket Nos. 38663, 38781, and 39116). A decision may be handed down during the course of this proceeding. Anwaatin, therefore, intends to make submissions on the applicability of the proposed FCPP natural gas charges to Indigenous and/or on-reserve communities in light of sections 87 and 89 of the *Indian Act*, treaty rights, and section 35 of the Constitution. To assist the Board in responding to these issues, Anwaatin will also address unique consideration of Indigenous peoples in this proceeding.

5. Anwaatin has been active in representing various Indigenous interests before the Board in a number of electricity and natural gas proceedings, including the Applicant's prior FCPP application (EB-2019-0247); the Town of Marathon's North Shore project (EB-2018-0329); the Applicant's Chatham-Kent (EB-2018-0188) and Georgian Sands (EB-2018-0226) leave to construct proceedings; the Southern Bruce franchise proceeding (EB-2016-0137 / EB-2016-0138 / EB-2016-0139); EPCOR Natural Gas Limited Partnership's Southern Bruce leave to construct (EB-2018-0263) and rates (EB-2018-0264) proceedings; Hydro One's applications for approval to increase electricity transmission rates (EB-2016-0160 and EB-2019-0082); Hydro One's application to increase 2018-2022 electricity distribution rates (EB-2017-0049); Hydro One's application for approval of a Revenue Cap Index adjustment for its 2019 revenue requirement (EB-2018-0130); and the East-West Tie Line / Lake Superior Link combined proceeding (EB-2017-0182 / EB-2017-0194 / EB-2017-0364).

C. Nature and Scope of Anwaatin's Intended Participation

6. Anwaatin intends to be an active participant in this proceeding and will act responsibly to coordinate with other intervenors, where common issues may arise and may be addressed. Anwaatin intends to participate to request information, participate in any requisite motions, test evidence through the stipulated processes, submit written interrogatories, if applicable, and provide submissions. Subject to the development of the record in this matter, Anwaatin may also submit evidence.

D. Costs

7. Anwaatin hereby requests cost eligibility in this proceeding. Anwaatin is, in accordance with s. 3.03(b) of the Board's Practice Direction on Cost Awards, eligible to seek an award

of costs as Anwaatin is a party that primarily represents an interest or policy perspective that is relevant to the Board's mandate and to the proceeding.

8. Anwaatin represents the interests of a unique and otherwise unrepresented set of Indigenous energy consumers in Ontario and is committed to ensuring that they are served through access to an affordable, reliable, sustainable, and modern natural gas service. Anwaatin requests an award of costs in this proceeding on the basis that its comments and participation serve a direct interest and policy perspective that is relevant to the Board's mandate and pressing for Ontario's energy consumers. The Board has granted Anwaatin cost eligibility in several Board proceedings, including each and all of those referred to above in paragraph 5.
9. Anwaatin therefore submits that it is appropriate for the Board to award Anwaatin costs in the context of this proceeding, and hereby requests cost eligibility.

E. Anwaatin's Representatives

10. Anwaatin hereby requests that further communications with respect to this proceeding be sent to the following:

Anwaatin Inc.
c/o Mississaugas of the New Credit First Nation
3034 Mississauga Road, RR#6
Hagersville, Ontario N0A 1H0

Attention: Larry Sault, CEO
Telephone: 416-675-3226 x 311
Facsimile: 226-314-1200
Email: larry@anwaatin.com

AND TO ITS CONSULTANT

Don Richardson
62 Baker Street
Guelph, ON N1H 4G1

Attention: Don Richardson
Telephone: 226-706-8888 x 101
Facsimile: 226-314-1200
Email: don.richardson@sharedvaluesolutions.com

AND TO ITS COUNSEL

DeMarco Allan LLP

Bay Adelaide Centre
333 Bay Street, Suite 625
Toronto, ON M5H 2R2

Attention: Elisabeth DeMarco
Telephone: (647) 991-1190
Facsimile: 1-888-734-9459
Email: lisa@demarcoallan.com

Attention: Jonathan McGillivray
Tel: (647) 208-2677
Facsimile: 1-888-734-9459
Email: jonathan@demarcoallan.com

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS 3rd day of November, 2020



Jonathan McGillivray
DeMarco Allan LLP
Counsel for Anwaatin