

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** subsection 25 (1) of the *Electricity Act, 1998*;

**AND IN THE MATTER OF** an application by Hydro One Networks Inc. for an accounting order to establish a deferral account for the purpose of recording and tracking development and capital costs relating to large transmission projects expected to be in-serviced in an Affiliate company.

**WRITTEN SUBMISSION OF**

**CHIPPEWAS OF KETTLE AND STONY POINT FIRST NATION (CKSPFN)**

1. CKSPFN is a new intervenor in Ontario Energy Board proceedings, has very recently become aware of this proceeding, and has Aboriginal and treaty rights likely to be affected by large transmission projects proposed to be in-serviced in a by the proposed Affiliate company.
2. On August 27, 2021 the OEB approved CKSPFN's request for intervenor status and cost award eligibility (in accordance with the OEB's Practice Direction on Cost Awards (Practice Direction) on the basis that CKSPFN accepts the record as it stands.
3. CKSPFN accepts the record for EB-2021-0169 as it stands.
4. CKSPFN has reviewed Hydro One's application, Hydro One's updated evidence of July 20, 2021, the OEB approved issues list that identified the issues that the OEB will consider in this proceeding, OEB staff and intervenor interrogatories, and Hydro One's responses to interrogatories.
5. Procedural Order Number 1 and Decision on Interim Order July 12, 2021 requires intervenors to provide written submissions by August 31, 2021.
6. CKSPFN has instructed Southwind Development Corporation, which is wholly owned by the First Nation, to lead the First Nation's intervention in this proceeding.

**Comments on Approved Issues List**

CKSPFN provides the following comments on the approved issues list:

7. Issue #1: Is the proposed regulatory account appropriate?

CKPSFN's submission: CKSPFN has no issue with the general approach proposed for the regulatory account, provided that the regulatory account is inclusive of both Line costs and Station costs.

8. Issue #2: Has Hydro One complied with all the filing requirements necessary to establish an Accounting Order, including, without limitation, the eligibility criteria of causation, materiality, and prudence?

CKSPFN submission: Hydro One has not provided sufficient detail on its rationale and approach for choosing to separate Station costs from Line costs. CKSPFN submits that all capital assets which are

required for transmission line operation must be included in the Indigenous consultation program and that equity participation in all those assets should be included in potential accommodation discussions. Exclusion of new transmission assets from the consultation and accommodation discussions renders the entire program open to judicial review on the principles enunciated in *Yahey v British Columbia*, 2021 BCSC 1287 (CanLII).

9. Issue #3: Is the draft accounting order filed by Hydro One, including the proposed accounting entries set out therein, appropriate?

CKSPFN submission: Hydro One has not provided details on its rationale for choosing to separate Station costs from Line costs. CKSPFN submits that all capital assets which are required for transmission line operation, and accommodation options including participation in ownership of those assets, must be included in the Indigenous consultation program.

10. Issue #4: Is the proposed methodology of allocation of Hydro One's direct and indirect costs to a project that is subject to the proposed account appropriate; and is the allocation methodology of common costs to Lines and Stations appropriate?

CKSPFN submission: CKSPFN finds that Hydro One has not proposed a specific cost allocation methodology for both Lines and Stations that reflects the interests of CKSPFN and a prospective First Nation partner in the new capital assets required to operate the transmission lines, inclusive of both Line and Station assets.

11. Issue #5: Are the notification and reporting requirements for the proposed regulatory account appropriate?

CKSPFN submission: CKSPFN has no issues with the general notification and reporting requirements, with the exception of the arbitrary separation of Line costs and Stations costs.

12. Issue #6: Is the proposed manner and timing for disposition of this account appropriate?

CKSPFN submission: CKSPFN has no issues with the proposed manner and timing for disposition of this account, with the exception of the arbitrary separation of Line costs and Stations costs.

Respectfully submitted on behalf of the Chippewas of Kettle and Stony Point First Nation this August 31, 2021.

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Philip Lee, CEO

Southwind Development Corporation Inc., is a wholly owned subsidiary of the Chippewas of Kettle and Stony Point First Nation