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July 23, 2008

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

Attention: Ms. Kirsten Walli

Dear Ms. Walli:

**Re: Intervention and Cost Eligibility Request of the National Chief's Office on
behalf of the Assembly of First Nations
Board File No. EB-2008-0150
Consultation on Energy Issues Relating to Low-Income Consumers**

Willms and Shier Environmental Lawyers LLP (W+SEL) is environmental legal counsel to the National Chief Phil Fontaine and the National Chief's Office on behalf of the Assembly of First Nations (NCO).

REQUEST FOR INTERVENTION

In accordance with section 23 of the Ontario Energy Board (Board) *Rules of Practice and Procedure* and the Board's letter providing notice of the consultation on July 2, 2008, we hereby request Intervenor status on behalf of the NCO in the above-noted consultation on energy issues relating to low-income consumers.

INTEREST IN PROCEEDING AND GROUNDS FOR INTERVENTION

The Assembly of First Nations is the national representative organization for all the First Nations in Canada. As such, the AFN represents the interests of 615 First Nations nationally, of which 134 are located in Ontario.

First Nations across Canada have historically and currently suffer poverty and marginalization. As a group, the First Nations of Ontario form a substantial body of low-income consumers in the province. First Nations of Ontario are likely to be materially affected by the outcome of this consultation on energy issues relating to low-income consumers. Given the probable impact to First Nations, it is incumbent upon the National



Chief's Office on behalf of the Assembly of First Nations to participate in the consultation and ensure the interests of First Nations are represented.

For the avoidance of doubt, the NCO's participation in the review is not a consultation under the duty of the Crown to consult First Nations and is without limitation upon or prejudice to that duty.

NATURE AND SCOPE OF INTERVENTION

The NCO intends to participate actively and responsibly throughout the consultation. We intend to be present at the Board's stakeholder conference to be held in September.

REQUEST FOR AN ORAL HEARING

Given the complexity of the subject matter, the NCO requests that this matter be dealt with by way of oral hearing by the Board.

COSTS

We respectfully request a determination by the board that the NCO is eligible for costs under section 3.03(a) of the Board's *Practice Direction on Cost Awards*. In accordance with that section, the NCO represents the direct interest of consumers in relation to regulated services, those consumers being the 134 First Nations of Ontario. The NCO has been found eligible for costs in the IPSP proceeding (EB-2007-0707) before the Board.

CONTACT INFORMATION

Please send any communications regarding this proceeding to:

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Attention: Mr. John Kim Bell, President

Tel.: (519) 445-1222

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Yours truly,

A handwritten signature in blue ink, appearing to read 'Paul Manning', is written over the printed name. The signature is fluid and cursive, with a large initial 'P' and a long, sweeping underline.

cc: Mr. John Kim Bell, Bell & Bernard Limited

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