

EB-2021-0015

ONTARIO ENERGY BOARD

IN THE MATTER OF the Ontario Energy Board Act, 1998, being Schedule B to the Energy Competition Act, 1998, S.O. 1998, c. 15;

AND IN THE MATTER OF an Application by Elexicon Energy Inc. to the Ontario Energy Board for an Order or Orders approving or fixing just and reasonable rates and other service charges for the distribution of electricity for Elexicon Energy Inc. as of January 1, 2022;

**NOTICE OF INTERVENTION
OF
MISSISSAUGAS OF SCUGOG ISLAND FIRST NATION**

1. The Mississaugas of Scugog Island First Nation (MSIFN) applies for intervenor status in this proceeding.

2. MSIFN is a new intervenor in Board proceedings. MSIFN is affected by this Application with respect to land use, and with respect to Elexicon Energy Inc. (Elexicon) services to off-reserve MSIFN members. Elexicon is consulting with MSIFN on one of the projects included in the Incremental Capital Module (ICM) included in this Application, with respect to an Indigenous burial site: the specific project is referred to as the Seaton Transformer Station (“Seaton TS”) – a new 230/27.6 kV transformer 10 station required to serve the growing load in the Pickering area.

Elexicon distributes electricity to approximately 171,000 residential and commercial customers (including general service, unmetered scattered loads, sentinel light and street light customer classes) within its regulated service area, which includes of Ajax, Pickering, Whitby, Belleville, Brock, Uxbridge, Scugog, Clarington, Port Hope, Gravenhurst, Village of Brooklin, hamlets of Ashburn and Myrtle. The majority of the Applicant’s electricity distribution assets and Crown designated “rights-of-way”, are within MSIFN Treaty Lands.

MSIFN, and six other Williams Treaties First Nations, reached a negotiated settlement resolving the Alderville land claim litigation, which was filed by the seven Williams Treaties First Nations in 1992. The negotiated settlement was approved by First Nation members in June 2018 and signed by the seven First Nations in July 2018 and by Ontario and Canada in August 2018. The settlement includes a total of \$1.11 billion in financial compensation to the Williams Treaties First Nations, recognition of treaty harvesting rights and an entitlement for each First Nation to add up to 11,000 acres to their reserve land base. Under the settlement, the First Nations can use the funds to buy land on a willing-seller/willing-buyer basis and apply to Canada to have the land added to their reserve land base. In conjunction with the settlement, the Government of Canada and the Government of Ontario apologized for the negative impacts of the Williams Treaties on the Williams Treaties First Nations. The apologies were made by the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations and the Honourable Greg Rickford, Minister of Indigenous Affairs for Ontario.

MSIFN is considering lands and related economic development investments associated with the above negotiated settlement, including adding land to its reserve base in areas served by Elexicon. MSIFN is also considering developing long-term relationship agreements with entities active in its treaty lands, including entities seeking Crown approvals for projects contributing to land use growth in Elexicon’s service areas.

3. MSIFN intends to participate actively and responsibly in this hearing, and intends to apply for recovery of its costs reasonably incurred in the course of its intervention in this matter. MSIFN believes that it meets the

eligibility criteria set out in the Ontario Energy Board's Rules of Practice and Procedure (Section 41) and its' Practice Direction on Cost Awards (Section 3.03).

Issues to be Addressed

4. MSIFN's intended participation will include the following:

- a. The appropriateness of the proposed Incremental Captial Module (ICM);
- b. The Applicant's consolidated Utility System Plan;
- c. The Applicant's approach to consulting MSIFN with respect to this application and future applications for Crown approvals;
- d. All other components of the Application; and
- e. Generally, to represent the Aboriginal rights interests of MSIFN and its members.

The Intervenor's Intended Participation

5. MSIFN intends to participate in any pre-hearing procedures, including interrogatories or technical conferences, and settlement conferences. MSIFN also intends to participate in any oral hearings of this matter, and in written or oral submissions, as well as any other parts of the process that the Board should order. While MSIFN does not currently intend to file evidence in this proceeding, it reserves its right to do so depending on the responses to interrogatories and any other discovery processes ordered by the Board.

Nature of Hearing Requested

6. Until interrogatories have been answered, MSIFN believes it is premature to assess whether a written or an oral hearing is more appropriate in this proceeding.

7. MSIFN requests that a copy of all documents filed with the Board by each party to this proceeding be served on the intervenor, as follows:

- a. Mississaugas of Scugog Island First Nation: (electronic copies only)

Mississaugas of Scugog Island First Nation, Administration Building, 22521 Island Road, Port Perry, ON L9L 1B6. Attn: Consultation Advisor. Email: consultation@scugogfirstnation.com

- b. Mississaugas of Scugog Island First Nation's Advisor (electronic copies only)

IBA Braiding Ltd., 4606 Concession 11, Puslinch, ON N0B 2J0
Attn: Don Richardson
Email: don@ibabraiding.com

Respectfully submitted on behalf of the Mississaugas of Scugog Island, September 22, 2021.



Don Richardson, Ph.D., Energy Regulatory Advisor to Scugog Island First Nation