



Kate Kempton
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September 24, 2021

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. - 2020 Federal Carbon Pricing Program Application Board File No.: EB-2019-0247, Costs Eligibility for Chiefs of Ontario

I am counsel to Chiefs of Ontario on this matter. Please accept this letter as a request for costs in accordance with s. 3.03(b) of the Board's Practice Direction on Cost Awards.

The Board's decision dated August 13, 2020 listed the Chiefs of Ontario as being granted intervenor status and cost eligibility, as did the decision on Costs awards dated September 21, 2020 which indicated that Chiefs of Ontario would be granted intervenor status and cost award eligibility. This led prior counsel and Chiefs of Ontario to believe its costs would be eligible. While Chiefs of Ontario did not specify it would seek costs in its letter of intervention, there was a change of counsel between the date of sending the letter and the submissions.

The OEB's Practice Direction on Cost Awards allows the Board to consider whether the party has demonstrated through its participation that it has:

- (a) participated reasonably in the process;
- (b) contributed to a better understanding by the Board of one or more of the issues in the process;
- ...
- (d) made reasonable efforts to combine its intervention with that of one or more similarly interested parties, and to co-operate with all other parties;
- (e) made reasonable efforts to ensure that its participation in the process, including its evidence, interrogatories and cross-examination, was not unduly repetitive and was focused on relevant and material issues;
- (f) engaged in any conduct that tended to lengthen the process unnecessarily; or
- (g) engaged in any conduct which the Board considers inappropriate or irresponsible.

Chiefs of Ontario represents the First Nations across Ontario and acts to uphold their self-determination efforts. The main objective of the Chiefs of Ontario office is to facilitate the discussion, planning, implementation and evaluation of all local, regional and national matters affecting the First Nations people of Ontario. This proceeding and the proposed rate increase it deals with will have an impact on First Nations economic circumstances.

Chiefs of Ontario's participation is important to the proceedings to ensure the interests of First Nations across Ontario are taken into account in the Board's decision. It is also important to ensure that the honour of the Crown was maintained when making decisions that would impact First Nations.

Chiefs of Ontario submits that it is eligible for costs and requests permission to meet the same deadlines as Anwaatin Inc. as stipulated in paragraphs 3-5 on page 31 of the Decision and Order of the Board dated September 23, 2021.

Best regards,

OLTHUIS, KLEER, TOWNSHEND LLP

A handwritten signature in black ink, appearing to read 'Kate', with a stylized flourish extending to the right.

Kate Kempton

KK/jrm