



January 14, 2022

VIA RESS

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

Dear Ms. Long:

**Re: Reliability and Power Quality Review (RPQR)
Board File No.: EB-2021-0307**

We are counsel to Anwaatin Inc. (**Anwaatin**) in the RPQR. Anwaatin submits its comments on the RPQR, pursuant to the Board's letter of November 30, 2021.

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 the transition of the energy sector to address climate change. Anwaatin's interests are focused on ensuring that Indigenous communities and businesses (i) have access to efficient electricity and natural gas energy solutions for Indigenous communities; (ii) are provided with reliable energy transmission and distribution in order to meet basic health, safety and security needs and facilitate economic development; (iii) address poor electricity reliability and the disparate and adverse impacts that it has on Indigenous communities and Aboriginal rights; and (iv) strengthen distributed energy resources in Indigenous communities to facilitate their resilience, reconciliation, and efficient electrification solutions to address climate change.

Anwaatin's Indigenous membership for the RPQR presently includes Aroland First Nation, Animbiigoo Zaagi'igan Anishinaabek Nation, and Ginoogaming First Nation (collectively, the **Anwaatin First Nations**). 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 the RPQR. In fact, the Anwaatin First Nations have experience among the worst ever reported electricity unreliability in the history of the OEB.¹

The Anwaatin First Nations are located in Northwestern Ontario and North/East of Sudbury. Many are located in the Greenstone sub-system, which consists of one single-circuit 115 kV

¹ See EB-2016-0160.

transmission line, the A4L. The A4L is one of the least reliable transmission lines in Ontario with lengthy outages that exceed the minimum Customer Delivery Point Performance standards. Indigenous communities, including the Anwaatin First Nations, are extremely vulnerable to unreliable electricity and outages and can experience critical health and safety hardships during both momentary and extended outages, which include, but are not limited to:

- addressing increased health impacts and pandemic infection rates as a result of the need to congregate in shared facilities during electricity outages;
- Spoilage of freezers full of traditionally hunted game and blueberries;
- Economic harm and loss resulting from being required to travel and purchase, or if possible hunt, replacement sources of nutrition;
- Diminished health and well-being of seniors and community members that are in congregate settings and that are on temperature-sensitive medication and medical equipment powered by electricity impacted by loss of power;
- Loss of critical health and safety infrastructure, including water supply and wastewater services, which are caused by unreliable electricity;
- Limits on children's access to education;
- Cancellation of community events;
- Loss of critical insulin supplies; and
- Birth of newborns in winter conditions without access to power for home heating.

Poor reliability can result not only in serious health and safety impacts for Indigenous communities, but also significant financial challenges. In addition, improvements in energy reliability and reductions in energy poverty are top priorities for many Indigenous communities and can be assisted by facilitating grid access for much-needed distributed energy resources including generation, local energy storage, and local micro-grids in remote and near-remote communities.

Anwaatin respectfully provides the following comments on the RPQR in this most pressing and important context.

Utility Accountability

OEB staff's assessment of reported Major Events suggests that distributors have very different interpretations of what constitutes a "Major Event", which affects overall reliability performance scores. Should the OEB revise its Major Event reporting requirements to achieve a common understanding among distributors regarding the type of outages and events that should be reported under the Major Event category? Should the OEB review the effectiveness of outage restorations?

Addressing the needs of Indigenous communities before, during, and after outages caused by "Major Events", is highly affected by context and direct knowledge of the impacts of any outages in a community. In our view, this requires direct and meaningful attendance at, and consultation with, Indigenous community members affected by such outages, at or near the time they occur. Anwaatin respectfully requests that the Board have a "reliability rapporteur" specifically tasked with attending at Indigenous communities to speak with Indigenous community members affected

by outages during or immediately after the outage (the **Reliability Rapporteur**). Anwaatin believes that an effective Reliability Rapporteur must be empowered to travel to, and visit with, remote, and near-remote communities proximal to or during an outage to better understand how they have been affected by ongoing or very recent outages. The Reliability Rapporteur should be required to ask meaningful questions on impact of poor reliability to affected community members and be mandated to report to the Board on his, her or their findings and conclusions. The Reliability Rapporteur should be required to work with community members to propose solutions for the utility to implement. Anwaatin believes that this would support holding utilities accountable for the causes of outages, the length of outages, the effectiveness of outage restorations, and the impacts on the critical health and safety infrastructure of Indigenous communities. It would also stimulate community based, pragmatic solutions, to mitigate poor reliability.

Anwaatin supports the Board's proposition of revising Major Event reporting requirements to achieve a common understanding among distributors regarding the types of outages and events that should be reported under the Major Event category. However, this cannot be done without meaningful input from the most vulnerable, most affected customers. Standardisation requirements with requisite flexibility to address community needs and preferences is likely to enhance the Board's meaningful review of reliability, allowing communities and the Board to better track outcomes and address system vulnerabilities in an equitable manner.

Monitor Utility Performance

Power quality and momentary outages can have a significant impact on customers. The OEB has seen an increase in customer concerns regarding these issues. Should the OEB establish reporting requirements to monitor utility performance in relation to momentary outages and power quality issues? What type of power quality issues should be and can be reported and monitored?

Remote and near-remote Indigenous communities face unique challenges to the health and safety of their members as a result of momentary outages. As an example, momentary outages can affect localized water treatment facilities in reserve communities long after power has been restored. In certain instances this may take a number of days in order to restore the basic health and safety infrastructure that has been negatively impacted by an outage. For example, water treatment facilities are often required to be taken offline, and to flush out wastewater and treated water as a result of the momentary outage. This process can take several days and may result in the affected community, and surrounding communities losing access to clean and safe drinking water and being required to boil water. Impacts on critical health and safety infrastructure have real, tangible, and long-term effects that must be considered, monitored, and ameliorated to ensure the equitable treatment of Indigenous communities. Accordingly, the Board should consider establishing reporting requirements that take into account the varying experiences of communities and differential impacts of momentary outages on Indigenous communities across Ontario. The scale and severity of impacts on people must be considered in order to improve outcomes.

Customer Specific Reliability

Given customers' expectations are changing because of an increasing reliance on a reliable system, should the OEB develop customer-focused reliability measures that can provide greater transparency on the level of service individual customers are receiving? Along with creating customer-focused reliability standards, should the OEB consider consequences when reliability performance expectations are not met? (e.g., customer compensation when reliability falls below acceptable level)?

Indigenous communities continue to be disproportionately affected by unreliable electricity transmission and services throughout Ontario. Further, health and safety issues resulting from unreliability and outages are acutely and frequently experienced in northern First Nations, including the Anwaatin First Nations. Evidence of the historic and present challenges faced by remote and near-remote Indigenous communities can be found in numerous proceedings before the Board, including many of which Anwaatin has advocated on behalf of the Anwaatin First Nations and other Indigenous communities.² Remote and near-remote First Nations and Indigenous communities rely heavily on currently unreliable systems for the most fundamental human needs including heating and drinking water. When outages occur, community members and services, such as First Nations police forces and other the community services and networks supported by and through Band Councils, are often mobilized to assist vulnerable community members. The effects on critical health and safety infrastructure which is exacerbated in many Indigenous communities by chronic underfunding by government and utilities and the limited resources available to improve power reliability in their communities. This includes telecommunications infrastructure, which is increasingly reliant on digital communications and electric power to charge phones and computers. As a result, much greater transparency is required.

Holistically understanding the unique challenges faced by Indigenous communities should be considered a requirement for addressing customer specific unreliability and developing measures to address it. The oversight and accountability envisioned as part of the proposed mandate of the Reliability Rapporteur may also serve as point of contact for providing a voice to vulnerable communities and ensuring that their needs are heard, understood, and addressed during and shortly after outages. Anwaatin does not currently take a position on the form of accountability when reliability falls below an acceptable level. However, any accountability measures considered or implemented by the Board to compensate customers, whether pecuniary or otherwise, must not result in indirectly raising the costs for ratepayers.

² For historic data on unreliability in Anwaatin First Nations communities see EB-2016-0160, Anwaatin's Submissions in, pp. 15-21 available online: <https://www.rds.oeb.ca/CMWebDrawer/Record/560209/File/document>. For recent data on reliability in First Nations see EB-2021-0110, Exhibit A, Tab 7, Schedule 2, Attachment 1, available online: <https://www.rds.oeb.ca/CMWebDrawer/Record/721528/File/document>.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'L' followed by a long, sweeping horizontal stroke that ends in an arrowhead.

Lisa (Elisabeth) DeMarco

c. Larry Sault, Anwaatin Inc.
Don Richardson