

September 9, 2022

**RESS & EMAIL**

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

Attention: Ms. Nancy Marconi, Registrar

Dear Ms. Marconi:

**Re: Wataynikaneyap Power LP - Application to Renew Electricity Distribution Licence (ED-2017-0236)**

We are legal counsel to Wataynikaneyap Power LP. Pursuant to sections 57(a) and 60(1) of the *Ontario Energy Board Act, 1998* (the "Act"), Wataynikaneyap Power LP, by its general partner Wataynikaneyap Power GP Inc. (together, "WPLP") hereby applies to the Ontario Energy Board ("OEB") to renew its Electricity Distribution Licence, ED-2017-0236 (the "Licence") for an additional 9-month period. As discussed below, the current licence expires September 27, 2022, and WPLP did not anticipate a need for renewal until it experienced a very recent change in circumstances. As such, WPLP requests that the OEB consider this application on an urgent basis. To assist the OEB in efficiently reviewing this application, WPLP has completed the OEB's new Streamlined Electricity Distribution Licence Renewal Application<sup>1</sup>, which is attached hereto as Appendix 'A', and provides additional information below in support of its application.

**Background**

WPLP was established for the purposes of developing, constructing, owning and operating a new electricity transmission system, approximately 1,744 km in total length, in northwestern Ontario (the "Transmission System"). Upon completion, the Transmission System will operate as a single transmission system in northwestern Ontario, one part of which will reinforce transmission to Pickle Lake and the balance of which will connect to the provincial power system 16 remote First Nation communities that are served by diesel generation north of Pickle Lake and north of Red Lake. The project is a priority project under section 96.1 of the Act.

On June 15, 2017, WPLP applied to the OEB for an electricity distribution licence to support WPLP's plan to develop, construct, own and operate an approximately 117 km distribution line between Red Lake and the Pikangikum First Nation Reserve, which is one the 16 remote First

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<sup>1</sup> OEB Letter Re: New Application Form for Electricity Distribution Licence Renewals, August 22, 2022. While the new form is intended to be used for distributors whose licences will be expiring in 2023 and beyond, WPLP has used the form in an effort to assist the OEB in efficiently reviewing this application.

Nation communities (the “Pikangikum Distribution Line”). WPLP indicated that, due to the urgent need for grid connection of the Pikangikum First Nation, it would be connected on an interim basis at a distribution voltage until such time as it can be served by the Transmission System. WPLP indicated its plan to construct the line largely using 115 kV conductors, but to connect it to Hydro One Networks Inc.’s (“Hydro One”) distribution system in Red Lake and to operate at 44 kV for approximately 3 to 4 years from late 2018, after which it would be connected to and form part of the Transmission System. On September 28, 2017, the OEB granted the Licence for a 5-year term, expiring on September 27, 2022.

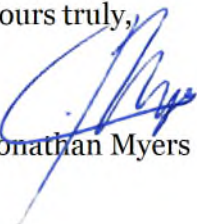
### **The Pikangikum Distribution Line**

WPLP connected the Pikangikum First Nation to the provincial power system by means of the Pikangikum Distribution Line on December 20, 2018. As part of the Transmission System project, WPLP and its EPC Contractor (Valard) have been working towards converting the Pikangikum Distribution Line from its interim 44 kV supply to a 115 kV supply. Based on the most recent project schedule<sup>2</sup>, WPLP anticipated that the Pikangikum Distribution Line will be converted to form part of the Transmission System by mid-to-late August 2022. As a result of third-party delays in establishing various telecommunication circuits, the planned conversion of the Pikangikum Distribution Line to a transmission supply was moved to September 4, 2022.

In the lead-up to the rescheduled conversion, during the week of August 29, 2022, WPLP experienced complications in certain testing and commissioning activities between WPLP’s Red Lake SS and Hydro One’s Ear Falls TS. This resulted in the last-minute cancellation of the IESO’s and Hydro One’s approvals to proceed with the September 4 conversion of the supply from 44 kV to 115 kV. Resolving the complications identified during the week of August 29, 2022 involves changes to Hydro One’s SCADA database that cannot be completed until October, which in turn, requires the Pikangikum Distribution Line to continue being operating at a distribution voltage beyond the current Licence expiry date of September 27, 2022.

The final stage in the conversion process requires a planned 10-hour outage to Pikangikum First Nation. If the conversion cannot proceed following the SCADA database update in October (for example, as a result of inclement weather or further unforeseen testing/commissioning complications), the final conversion work may need to be deferred until April/May 2023 to avoid scheduling the lengthy planned outage during the winter months. WPLP is therefore conservatively requesting that the OEB renew the Licence for an additional 9-month period until June 30, 2023.

Yours truly,



Jonathan Myers

cc: Ms. Margaret Kenequanash, WPLP  
Mr. Duane Fecteau, WPLP  
Mr. Tim Pavlov, Torsys LLP

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<sup>2</sup> EB-2022-0149, Exhibit B-1-3.

**APPENDIX 'A'**

**WPLP's Streamlined Electricity Distribution Licence Renewal Application**

## 1. Applicant

Name of Applicant <b>Wataynikaneyap Power GP Inc. on behalf of Wataynikaneyap Power LP</b>	
Address <b>300 Anemki Place Suite B Fort William First Nation, ON P7J 1H9</b>	Telephone Number <b>807-577-5955</b>
	Email Address <a href="mailto:watayinquiries@wataypower.ca">watayinquiries@wataypower.ca</a>
	Corporate Website <a href="https://www.wataypower.ca">https://www.wataypower.ca</a>
Licence Primary Contact: <b>Ms. Margaret Kenequanash</b> Name and Title <b>Chief Executive Officer</b>	Telephone Number <b>807-577-5955 ext. 105</b>
	Email Address <a href="mailto:margaret.kenequanash@wataypower.ca">margaret.kenequanash@wataypower.ca</a>
Application Primary Contact: (If different from Licence Primary Contact above) Name and Title <b>Mr. Jonathan Myers</b> <b>Counsel, Torys LLP</b>	Telephone Number <b>416-865-7532</b>
	Email Address <a href="mailto:jmyers@torys.com">jmyers@torys.com</a>

## 2. Current Licence Information

2.1	Licence Number <b>ED-2017-0236</b>
2.2	Licence Expiry Date <b>September 27, 2022</b>

## 3. Applicant's Key Individuals

Please provide a list of key individuals responsible for executing the following functions for the applicant: matters related to regulatory requirements and conduct, financial matters, and technical matters. The list must also include the Executives responsible for the following roles: the chief executive officer, the chief operating officer, the chief financial officer.

Name of Key Individual	Title/Position	Telephone Number	Email Address
<b>Ms. Margaret Kenequanash</b>	<b>Chief Executive Officer</b>	<b>807-577-5955 ext. 105</b>	<a href="mailto:margaret.kenequanash@wataypower.ca">margaret.kenequanash@wataypower.ca</a>
<b>Mr. Duane Fecteau</b>	<b>Vice President – Finance and CFO</b>	<b>705-987-3616</b>	<a href="mailto:Duane.Fecteau@wataypower.ca">Duane.Fecteau@wataypower.ca</a>
<b>Mr. Mike Jardine</b>	<b>Chief Operating Officer</b>	<b>709-697-0588</b>	<a href="mailto:Mike.Jardine@wataypower.ca">Mike.Jardine@wataypower.ca</a>

## 4. Affiliates of the Applicant

4.1 Please provide the following information for all Affiliates of the Applicant (attach a copy of 4.1 for each affiliate)

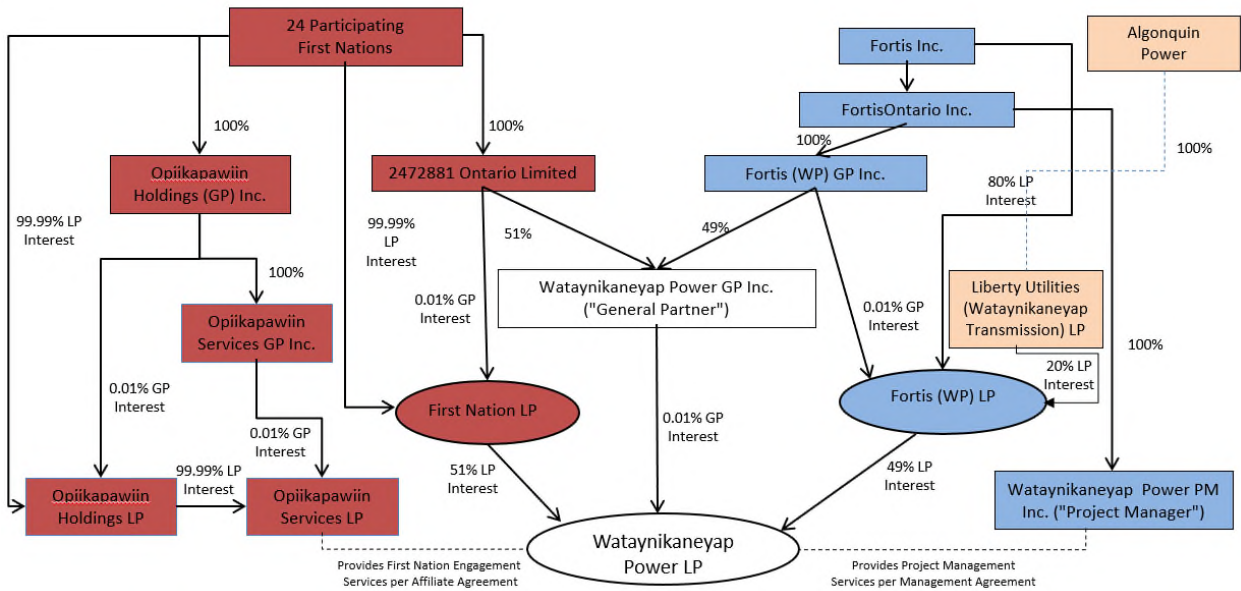
Pursuant to the meaning of "affiliate" under Section 1 of the *Ontario Business Corporations Act*, the Applicant has no energy sector affiliates. The Applicant is Wataynikaneyap Power GP on behalf of Wataynikaneyap Power LP.

Wataynikaneyap Power GP is controlled by 2472881 Ontario Limited. As such, the only affiliates of the Applicant are 2472881 Ontario Limited and Opiikapawiin Holdings (GP) Inc., which are not regulated entities in the energy sector.

4.1.1.1	Full Legal Name of Affiliate Company 2472881 Ontario Limited (“First Nation GP”)
4.1.2.1	Description of Business Activities of Affiliate Company <p>First Nation GP is an Ontario company (2472881 Ontario Limited) and is the general partner of First Nation LP, an Ontario limited partnership. The shares of First Nation GP, as well as the limited partnership interests in First Nation LP, are held directly by 24 Participating First Nations in equal shares. The sole business activity of First Nation GP is holding the investments of the Participating First Nations, through First Nation LP, in WPLP.</p>
4.1.3.1	If Affiliate Company is licensed, provide licensing information N/A
4.1.4.1	Affiliate Company's website, if available N/A

4.1.1.2	Full Legal Name of Affiliate Company Opiikapawiin Holdings (GP) Inc.
4.1.2.2	Description of Business Activities of Affiliate Company <p>Opiikapawiin Holdings (GP) Inc. owns Opiikapawiin Services GP Inc. who is the general partner of Opiikapawiin Services LP (“OSLP”), an Ontario Limited Partnership. As shown in a corporate organization chart below, the shares of Opiikapawiin Services GP Inc. are held by Opiikapawiin Holdings (GP) Inc., which is wholly owned by the 24 Participating First Nations in equal shares. The limited partnership interests in OSLP are held by Opiikapawiin Holdings Inc., which is also controlled by the 24 Participating First Nations. OSLP’s business activities consist of administering projects and programs for WPLP in relation to community engagement, community readiness, education &amp; training, business readiness, stakeholder engagement (including government relations), communications and capacity building. OSLP also provides support to First Nations LP in respect of managing its investment in WPLP, including seeking development funding and raising equity.</p>
4.1.3.2	If Affiliate Company is licensed, provide licensing information N/A
4.1.4.2	Affiliate Company's website, if available <a href="https://www.oslp.ca/">https://www.oslp.ca/</a>

4.2 Please attach a corporate organization chart describing the relationships between the Applicant and its Affiliates and, if applicable, the respective ownership percentages by the Applicant in each Affiliate.



## 5. Description of Service Area

5.1	Please confirm that the licensee's service area is accurately reflected in Schedule 1 of its existing distribution licence. <b>Confirmed</b>
5.2	If the service area is not accurately reflected in Schedule 1 of the licence, please provide an updated service area description and explanation for the discrepancy. <b>N/A</b>

## 6. List of Code Exemptions

6.1	<p>Please list all code exemptions included in Schedule 3 of the licence and identify any code exemptions that are no longer necessary and may be removed from the licence.</p> <p><b>1. The Applicant is exempt from the metering and settlement requirements pertaining to host and embedded distributors in Sections 3.1, 3.2, 4.1, 5.1 and 6 of the Retail Settlement Code, in relation to any costs being settled directly between Hydro One Networks Inc. and Hydro One Remote Communities Inc. This exemption applies only if Hydro One Remote Communities Inc. remains the sole customer of the Licensee.</b></p> <p><b>2. The Applicant is exempt from Sections 2.1 and 2.2 of the Electricity Reporting and Record Keeping Requirements. This exemption applies only if Hydro One Remote Communities Inc. remains the sole customer of the Licensee.</b></p> <p><b>The Applicant confirms that it requires the above referenced exemptions for the duration of its electricity distribution licence.</b></p>
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## CERTIFICATION AND ACKNOWLEDGMENT

1. I certify that the information contained in this application and in the documents provided are true and accurate.
2. I confirm that there are no outstanding fees assessed by the OEB, RRR filings or other information requests.
3. I certify that the licensee is compliant with all applicable provisions of the Distribution System Code, Affiliate

Relationships Code for Electricity Distributors and Transmitters, Retail Settlement Code, Standard Supply Service Code, and all other conditions set out in their licence subject to any approved exemption(s).

Signed on Original

Duane Fecteau  
Vice President Finance and CFO

September 9, 2022

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Signature of Key Individual

Name and Title of Key Individual

Date

(Must be signed by Chief Executive Officer, Chief Operating Officer, President or other person of equivalent position.)