

File 4

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October 17, 2008

EW
Oct 20/08
Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
Toronto, Ontario

Dear OEB Members:

**Re: Hydro One Remote Communities Inc.
Request for Intervenor Status – Letter of Intervention
EB-2008-0232
Our File No.: 00494**

Our firm is writing on behalf of the Nishnawbe Aski Nation ("NAN") in respect of the application of Hydro One Remote Communities Inc. ("HORCI") before the OEB which is EB-2008-0232. My client has advised me that notice of HORCI's application was posted in a Thunder Bay newspaper yesterday.

NAN represents 49 First Nation communities covered by Treaties No. 5 and 9. NAN's head office is located in Thunder Bay.

The territory covered by Treaties No. 5 and 9 is 210,000 square miles in area, which is approximately 2/3 of the Province of Ontario. Most NAN communities are located north of the 50th parallel in Northwestern and Northeastern Ontario.

NAN hereby requests that it be granted *intervenor party* status in this application before the OEB. NAN also requests that it be granted costs (i.e. intervenor funding) from HORCI.

The reasons for NAN's request to be granted intervenor party status and legal and consulting costs in respect of HORCI's application can be summarized as follows:

1. Many NAN communities are remote communities which rely on HORCI to provide them with diesel-generated electricity. HORCI currently serves 14 First Nation communities in Northwestern and Northeastern Ontario;
2. The First Nation community of Marten Falls, which is also part of NAN, will soon be served by HORCI and it therefore has an interest in the outcome of this application;

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3. The First Nation communities represented by NAN will be directly and adversely affected by the proposed rate increases in HORCI's application;
4. NAN communities have no financial resources of their own to participate in the OEB process in which HORCI's application will be scrutinized. In the absence of funding being granted to NAN in this application, the First Nation communities in NAN who are customers served by HORCI, would not be able to make submissions and voice their concerns about the proposed rate increases;
5. There is a duty on the part of the Crown to consult with First Nation's communities in respect of matters actually affect their treaty rights or other claims or which can potentially affect those rights. The viability of many NAN communities, and the ability of their members to take advantage of existing treaty rights, depends in part on the level and cost of public services, including utilities, that are available to such communities;
6. In the Integrated Power Supply System ("IPSP") hearing which is currently before the OEB, the Minister of Environment and Energy has recently directed that the Ontario Power Authority revise its 20-year plan to give greater consideration to the issue of distributed generation. Diesel generation of electricity by HORCI in remote First Nations communities is a form of distributed generation. HORCI's application itself raises issues relating to distributed generation, and the need to control skyrocketing costs. Such issues are directly relevant to NAN communities served by HORCI;
7. NAN also has an interest in ensuring that HORCI has sufficient resources available to it to continue to provide the services which HORCI has traditionally supplied to First Nations communities in NAN's territory; and
8. The rate increases proposed by HORCI will have an impact on residential, commercial and industrial consumers in NAN communities.

Given the above, it should be obvious that NAN represents the direct interests of electricity consumers (i.e. ratepayers) in relation to regulated services; NAN represents a public interest relevant to the Board's mandate; and NAN represents a significant grouping of interests relevant to the Board's mandate.

Members of NAN communities speak a number of languages, including Cree, Ojicree, Ojibway, and French.

Information and documents, including the entire Application and evidence of HORCI, may be provided to NAN by sending a copy of such information to the undersigned at Cunningham & Gillespie LLP. I have two email addresses which I use in my practice: dmc@cunningham-gillespie.com and douglasmcunningham@gmail.com.

We look forward to the Board's reply, and any comments which HORCI may have, and to participating in the hearing of HORCI's application before the OEB. Thank you.

Yours very truly,

CUNNINGHAM & GILLESPIE LLP


Douglas M. Cunningham
DMC/am

cc: Mel Stewart

cc: Deputy Grand Chief Terry Waboose