



BATCHEWANA FIRST NATION OF OJIBWAYS

Rankin Reserve 15D - Goulais Bay Reserve 15A- Obadjiwan Reserve 15E - Whitefish Island 15

Administrative Office: Rankin Reserve 15D
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February 16, 2024

Via email: Registrar@oeb.ca

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

Re: EB-2023-0360 PUC (Transmission) LP (“PUC”) and Hydro One Sault Ste. Marie LP (“HOSSM”) Leave to Construct Application - PUC Tx Project and HOSSM Station Project

Dear Ms. Marconi:

Please accept this letter as application for Intervenor Status pursuant to Rule 22 of the Ontario Energy Board’s *Rules of Practice and Procedure* by Batchewana First Nation (“**BFN**”) in EB-2023-0360 PUC - (Transmission) LP and Hydro One Sault Ste. Marie LP Leave to Construct Application (“**PUC Tx Project and HOSSM Station Project**”).

About Batchewana First Nation

BFN is a signatory to the *Robinson-Huron Treaty* of 1850 and holds and exercises Aboriginal and Treaty rights over the lands and waters within its territory. The Treaty description of lands set aside for BFN’s use is as follows:

FIFTEENTH – For Nebenaigoching and his Band, a tract of land extending from Wanabekineyunnung west of Gros Cap to the boundary of the lands ceded by the Chiefs of Lake Superior, and inland ten miles throughout the whole distance, including Batchewanaung Bay; and also the small island at Sault Ste. Marie used by them as a fishing station.

BFN maintains a commercial fishery that uses the waters of Lake Superior from Whitefish Island and stretching all along the shoreline of Lake Superior to the boundary of Pukaskwa National Park. The inherent right to fish, hunt and make use of the lands throughout our Original Reserve remains a part of the way of life for BFN.

BFN’s Aboriginal and Treaty rights also trigger the Crown’s constitutional obligations to consult and accommodate BFN in respect of any activity that has the potential to affect these rights.

As noted in the Final Environmental Study Report for the project's Class Environmental Assessment, BFN's Rankin Location 15D Reserve and Whitefish Island Reserve are located 5.5 km and 0.5 km, respectively, east of the PUC Tx Project and HOSSM Station Project. BFN members live and carry on business throughout the project area.

BFN Mandate and Objectives

BFN expects to fully participate in the development of any project that may impact its rights.

OEB Proceedings

BFN has participated in past Ontario Energy Board ("OEB") proceedings including most recently, EB-2023-0061 a Hydro One Sault Ste. Marie Leave to Construct Application related to the Sault #3 Transmission Line Refurbishment Project. BFN has never been denied intervenor status.

Issues and Interests

BFN has a substantive interest in the above noted matter because it is the Indigenous group most proximate to the PUC Tx Project and HOSSM Station Project. BFN respectfully requests intervenor status as it is the most materially affected by this proceeding.

Access to Information

BFN will request from the proponent, an unredacted version of the IESO's *Expedited System Impact Assessment Report* (Application and Evidence, Exhibit F) such that it can do a thorough review of the information being relied upon to make this decision. BFN is willing to enter into a confidentiality agreement with the proponent to protect information that they are unwilling to release into the public domain.

Form of Hearing

BFN supports the filing of written submission but requests an oral hearing if the proponent's responses are not timely or, in the view of BFN, do not address the issues raised in its submission.

Evidence

BFN intends to provide submissions respecting its long-term energy plans and will indicate how the PUC Tx Project and HOSSM Station Project will support these plans and the growth of the electricity sector within BFN's Original Reserve. BFN's long term energy plans are directly related to the reliability and quality of electricity service in Ontario.

Award of Costs

BFN seeks an award of costs in its intervention in these proceedings pursuant to Section 3.03 of the OEB's *Practice Direction on Cost Awards*. BFN is a party that primarily represents an interest or policy perspective relevant to the OEB's mandate and to these proceedings. Specifically, BFN has an interest in the land affected by this process but is not a person as defined within the *Practice Direction on Cost Awards*.

Authorized Representatives

BFN requests copies of written evidence and all correspondence related to this matter be directed to:

Batchewana First Nation:

Chief Mark McCoy
236 Frontenac Street
Batchewana First Nation, ON
P6A 6Z1

Email: mark.mccoy@batchewana.ca
councilsecretary@batchewana.ca

Aboriginal Business Network:

Wayne Greer, Chief Executive Officer
1340 Terrace Ridge Drive
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Email: wayne@abnetwork.ca

Yours Very Truly,



Chief Mark McCoy

Cc: Wayne Greer, ABN, wayne@abnetwork.ca
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