

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15, Schedule. B, as amended;

AND IN THE MATTER OF a generic proceeding
commenced by the Ontario Energy Board on its own motion
to consider the cost of capital parameters and deemed
capital structure to be used to set rates.

EB-2024-0063

NOTICE OF INTERVENTION

THREE FIRES GROUP INC.

AND

MINOGI CORP.

June 19, 2024

A. Application for Intervenor Status

1. Three Fires Group Inc. (“**TFG**”) and Minogi Corp. (“**Minogi**”) hereby jointly seek to participate in the Ontario Energy Board’s (the “**Board**”) generic proceeding on cost of capital and other matters (the “**Proceeding**”). This notice of intervention is filed pursuant to Rule 22 of the Board's *Rules of Practice and Procedure*.

B. About TFG and Minogi

2. TFG is an Indigenous business corporation that represents the interests of Chippewas of Kettle and Stony Point First Nation (“**CKSPFN**”). CKSPFN is located in southern Ontario along the shores of Lake Huron, 35 kilometres from Sarnia, Ontario and has 1,000 members who live on-reserve and 900 who live off-reserve.
3. Minogi is an Indigenous business corporation that represents the interest of Mississaugas of Scugog Island First Nation (“**MSIFN**”). The Mississaugas of MSIFN moved into southern Ontario and settled in the areas around Lake Scugog from their former homeland north of Lake Huron around 1700. MSIFN is located on Scugog Island in the Port Perry area and has close to 300 members.

C. Reasons for Late Intervention

4. Minogi and TFG, after careful consideration, have each determined that participation in the Proceeding will provide an important forum to consider the issues and concerns of MSIFN and CKSPFN and their respective members. They have spent considerable time working together to minimize anticipated costs and avoid unnecessary duplication of effort associated with participating in the Proceeding. The time spent on coordinating two separate First Nations and related entities, in addition to the limited resources available to track and follow the numerous OEB proceedings, consultations, and processes, resulted in delay in their ability to facilitate such coordination and seek to participate in this Proceeding. As a result, this late request for participation is the earliest that TFG and Minogi were able to indicate, collectively, their intention to participate in the Proceeding.
5. TFG and Minogi are conscious of the Board's current timelines and do not wish to delay the Proceeding and accept the current record. TFG and Minogi submit that granting intervenor status for the Proceeding will not prejudice the Board or other intervenors nor will it disadvantage any of the parties, given that the proceeding remains at its early stages. TFG

and Minogi further submit that their participation will assist the Board to better understand the unique interests of otherwise unrepresented Ontario energy customers and impacted First Nations.

D. Interest in the Proceeding

6. CKSPFN's and MSIFN's Aboriginal and Treaty rights, land use, cultural heritage, and other rights and interests are potentially affected by the Proceeding. CKSPFN and MSIFN each have traditional territory, and associated rights and interests protected by the *Constitution Act, 1982*, that may be impacted by the outcomes of this proceeding.
7. TFG was approved as an intervenor by the Board and has been an active intervenor in each of the following OEB proceedings, among others: EB-2022-0200, EB-2024-0111, EB-2024-0067, EB-2022-0086, EB-2022-0157, and EB-2022-0140. Minogi is a board-approved and active intervenor in EB-2024-0067 and EB-2024-0111.

E. Nature and Scope of Intended Participation

8. TFG and Minogi intend to participate in the Proceeding to address the following:
 - (i) impact and consequences for Indigenous communities and Indigenous customers;
 - (ii) First Nations equity in energy projects and related board regulated returns in major energy projects;
 - (iii) improved cost recovery mechanisms for First Nations;
 - (iv) exclusion of First Nations from energy planning and deliberations;
 - (v) the constitutional duty to consult and accommodate; and
 - (vi) any other matters that promote or otherwise represent the interests of CKSPFN and MSIFN more generally.
9. TFG and Minogi intend to be active participants in this Proceeding and will act responsibly to coordinate with other intervenors, where common issues may arise and may be addressed. The proposed joint intervention will seek to reduce duplications and support time and cost efficiencies.

F. Costs

10. TFG and Minogi hereby request cost eligibility in the Proceeding. TFG and Minogi are, in accordance with s. 3.03(b) of the Board's *Practice Direction on Cost Awards*, eligible to seek an award of costs as they are each a party that primarily represents an interest or policy perspective that is relevant to the Board's mandate and to the Proceeding.
11. TFG and Minogi both represent the interests of a unique and otherwise unrepresented set of Indigenous energy consumers in Ontario and are committed to ensuring that they are served through access to an affordable, reliable, sustainable, and modern natural gas service. TFG and Minogi request an award of costs in this proceeding on the basis that their comments and participation serve a direct interest and policy perspective that is relevant to the Board's mandate and pressing for Ontario's First Nation energy consumers. The Board has granted TFG, CKSPFN, and Minogi cost eligibility in several Board proceedings, including those referred to above in paragraph 7.

G. Party Representatives

12. TFG and Minogi hereby requests that further communications with respect to this Proceeding be sent to the following:

Reggie George

Three Fires Group Inc.
on behalf of Chippewas of Kettle and Stony Point First Nation
9119 W Ipperwash Rd Unit A,
Lambton Shores, ON N0N 1J3
Email: reggie.george@threefires.com

Don Richardson

Minogi Corp.
on behalf of Mississaugas of Scugog Island First Nation,
Administration Building,
22521 Island Road,
Port Perry, ON L9L 1B6
Email: drichardson@scugogfirstnation.ca

AND TO ITS COUNSEL

Resilient LLP

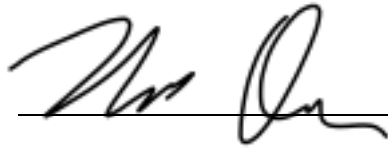
119 Baby Point Road

Toronto, ON M6S 2G7

Attention: Lisa (Elisabeth) DeMarco
Tel: 647-991-1190
Fax: 1-888-734-9459
Email: lisa@resilientllp.com

Attention: Nicholas Daube
Tel: 416-768-8341
Fax: 1-888-734-9459
Email: nicholas@resilientllp.com

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS 19th day of June, 2024

A handwritten signature in black ink, appearing to read 'Nick Daube', is written over a horizontal line.

Nicholas Daube
Resilient LLP
Counsel for TFG and Minogi