



BY EMAIL

June 26, 2024

Nicholas Daube / DT Vollmer
Resilient LLP
119 Baby Point Road
Toronto, ON M6S 2G7

Dear Mr. Daube and Mr. Vollmer:

**Re: Generic Proceeding – Cost of Capital and Other Matters
Late Intervention Requests
Ontario Energy Board File Number: EB-2024-0063**

On June 19, 2024, the Ontario Energy Board (OEB) received two late requests for intervenor status in this proceeding. The first was a joint request on behalf of Three Fires Group Inc. (TFG) and Minogi Corp. (Minogi). TFG is an Indigenous business corporation that represents the interests of Chippewas of Kettle and Stony Point First Nation. Minogi is an Indigenous business corporation that represents the interests of Mississaugas of Scugog Island First Nation.

The second was on behalf of Caldwell First Nation (CFN) and Mississaugas of the Credit First Nation (MCFN). CFN and MCFN explained that they “have decided to work together to ensure that their participation is cost-effective and cost-efficient.”

TFG/Minogi and CFN/MCFN also asked for cost eligibility.

The OEB approves TFG/Minogi and CFN/MCFN as intervenors. Although they filed their requests to intervene well after the March 25, 2024 deadline, the OEB is satisfied that granting the requests would not delay the hearing or cause prejudice to any other party. The OEB is also satisfied that TFG/Minogi and CFN/MCFN have a substantial interest in this proceeding. The OEB reminds them, however, that the scope of the proceeding has been set out in the Issues List approved on April 22, 2024. In their request letters, under the heading “Nature and Scope of Intended Participation”, they each listed a number of matters they intend to address. While some of those are clearly covered by the Issues List, others are less clearly so. For example, neither cost recovery mechanisms nor energy planning processes are on the Issues List and therefore are not in scope. Furthermore, the duty to consult is an important constitutional principle, however, it is not clear how this proceeding could impact an Aboriginal or treaty right.

TFG/Minogi and CFN/MCFN are also approved for cost eligibility. Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of an OEB order at the end of the hearing. As in all cases, co-operation with other intervenors and adherence to the approved Issues List are among the factors that may inform the OEB's final decision on costs.

Any questions relating to this letter should be directed to Fiona O'Connell at fiona.oconnell@oeb.ca.

Yours truly,

Nancy Marconi
Registrar

c: All Parties to EB-2024-0063