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Reply To: Thomas Brett
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Our File No. 101340

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319, 2300 Yonge Street
Toronto, Ontario M4P 1E4
boardsec@oeb.gov.on.ca

Dear Ms. Walli:

Re: Transmission Project Development Planning - Board File No.: EB-2010-0059 ("TPDP")

Lake Huron Anishinabek Transmission Co. Inc. ("LHATC" or the "company") is a First Nations owned corporation, incorporated under the Ontario Business Corporations Act, which represents the nineteen Robinson-Huron Treaty First Nations. The Company has been created by these First Nations to own and operate electricity transmission projects in their traditional territories. The president of the company is John Beaucage, former Grand Chief of the Union of Ontario Indians. Fogler, Rubinoff LLP serves as energy regulatory counsel to the company. We apologize for the lateness of this submission.

The company and its shareholders are directly affected by the TPDP proceeding because they are planning to apply to the Ontario Energy Board to be the designated transmitter for several transmission projects in Ontario. The LHATC has been engaged in discussions for several months with various organizations, who may become partners in these projects and with the Government of Ontario and the Ontario Power Authority. As a First Nations owned company, LHATC has a vital interest in this Board initiative. Given the Ontario government policy, as reflected in the Green Energy Act (see below), the participation of First Nations in transmission projects represent a public interest relevant to the Board's mandate.

The Electricity Act, as amended by The Green Energy and Green Economy Act, 2009, permits the Minister to direct the OPA to "establish measures to facilitate the participation of aboriginal peoples in the development of renewable energy, generation facilities, transmission systems and distribution systems, and such programs, or funding for, or associated with aboriginal participation in the development of such facilities or systems". In addition, the Ontario

Government, through the Ministry of Finance, has established an Aboriginal Loan Guarantee Program, to facilitate First Nations capital investment in such projects.

In addition, the nineteen First Nations, represent substantial consumers of energy, and have an interest in the efficient delivery of energy. Finally, and most important, the affected First Nations have an important interest in the integrity and protection of lands that will be traversed by the planned transmission projects in which they intend to invest.

As a potential owner and operator of transmission lines, LHATC has a fundamental interest in the Discussion Paper which describes the process and criteria which will apply to the selection of the entities to develop (and likely build, own and operate) the various transmission projects in Ontario. Many of these projects will traverse the traditional territories of the First Nations sponsors of the company.

LHATC will, of course, coordinate its efforts with other First Nations groups who may be involved in this proceeding.


Without a cost award, LHATC will be unable to participate in the consultation, since, at this early stage of its existence and of the planned projects which it seeks to develop, it does not have the resources available.

The LHATC respectfully requests that the Board exercise its discretion pursuant to section 3.08 of the Practice Direction on Cost Awards to make LHATC eligible for costs in this proceeding.

Please direct any communications with respect to this matter to Mr. Tom Brett, Fogler, Rubinoff LLP (tbrett@foglers.com) and to Mr. John Beaucage (jbeaucage@winddancerpower.com).

Yours truly,

FOGLER, RUBINOFF LLP



Thomas Brett

TB/dd