



November 12, 2012

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, ON M4P 1E4
Attention: Ms. K. Walli, Board Secretary

By email

Dear Ms. Walli

Re: EB- 2011-0140 Pic River First Nation' Comments on Board's Costs Decision

We are the elected Council of the Ojibways of the Pic River First Nation., We are writing to address the Board's Decision and Order on Costs dated September 17, 2012 as it relates to our intervention.

The Council has chosen not to appeal this Order, but we feel obliged to comment on it. Pic River First Nation is the only intervenor in this proceeding with proven (not asserted) aboriginal rights along the Project corridor. Five other First Nations are similarly situated. They have chosen not to intervene leaving Pic River as the voice before the Board but when we speak, we must and do so while considering these other communities. We remind the Board that Pic River has an outstanding aboriginal title claim over the Project corridor; we have an interest in several energy related projects in our traditional territory; and we have partnerships and complex relationships with First Nations, non-aboriginals and the Crown.

Considering how our rights and interests might be impacted by positions advanced in this proceeding is a nuanced and complicated undertaking. As a result, our involvement and preparation is careful, considered and extensive. We are obliged to take into account a myriad of issues that do not pertain to other intervenors and we are concerned that the Board's comments about our costs being "excessive and disproportionate to the value our participation in Phase I," do not reflect an appreciation for these facts. As such, Pic River First Nation felt it necessary to register this objection with the Board.

Ojibways of the Pic River First Nation

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We respect the need for efficiency in this process and we strive to accomplish same, but we cannot short circuit protection of our First Nations citizens' rights and interests for the sake of Board efficiency.

Yours truly,

A handwritten signature in black ink, appearing to read 'Roy Michano', with a long horizontal flourish extending to the right.

Chief Roy Michano,

Ojibways of the Pic River First Nation

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