



**HENEIN HUTCHISON** LLP  
BARRISTERS

January 15, 2020

**VIA EMAIL: [boardsec@oeb.ca](mailto:boardsec@oeb.ca)**

Attention: Christine Long  
Board Secretary  
Office of the Registrar  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario M4P 1E4

Dear Ms. Long:

**RE: EB-2019-0255 – Potential Projects to Expand Access to Natural Gas  
Distribution**

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We are counsel to the Bingwi Neyaashi Anishinaabek First Nation (“BNA”) and Red Rock Indian Band (“RRIB”) and write to provide comments on the Draft Guidelines for Potential Projects to Expand Access to Natural Gas Distribution (“Draft Guidelines”).

BNA and RRIB are Ojibwe First Nations in Northwestern Ontario: BNA’s traditional land is located on the shores of Lake Nipigon and RRIB’s traditional land is located directly adjacent to the town of Nipigon. As First Nations in the north, BNA and RRIB respectfully submit that the Draft Guidelines do not adequately address two important considerations: the needs and concerns of First Nations communities and the needs and concerns of historically underserved regions and communities in Northern Ontario.

While the Ontario Energy Board (the “Board”) has been directed, in assessing proposed projects, to consider support for the proposed project from Band Councils demonstrated through a written expression of support, BNA and RRIB submit that supporting First Nations communities should itself be a goal. The Draft Guidelines should be amended to provide for specific consideration of the concerns and needs of First Nations peoples. In light both of the principle of subsidiarity and the constitutionally mandated goal of achieving reconciliation of First Nations and non-First Nations peoples, the direct involvement of First Nations communities and consideration of their interests should be a significant factor in any proposed expansion of natural gas distribution.

With respect to the issue of regional disparity and the under-servicing of the north, BNA and RRIB submit that the Draft Guidelines should provide for greater consideration of how a proposal will serve as an engine for sustainable growth and civil renewal for the communities of Northern Ontario. Related considerations include regional profile (e.g. the existence of historic infrastructure gaps, regional income disparity, average energy usage, yearly energy costs and budgeting), potential socio-economic multiplier and spill-over effects of a project proposal (e.g., job creation and economic development), relative construction costs, and energy affordability, security and diversity.

For the foregoing reasons, BNA and RRIB respectfully propose the following changes (in red) to Section 3.1 of the Draft Guidelines:

Provide a general overview of the project which is to include the following: communities to be connected; **a regional profile that considers historic infrastructure gaps, regional income disparity, average energy usage, yearly energy costs and budgeting in communities to be connected**; existing population of each community by residential, commercial/institutional and industrial sectors; **the project's servicing (if any) of First Nations communities in partnership with their utility of choice and other project benefits to First Nations that advance reconciliation**; routing; length of pipeline; and nominal pipe size.

Yours very truly,

**HENEIN HUTCHISON LLP**



Alex Smith

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cc: Intervenor of Record