



BATCHEWANA FIRST NATION OF OJIBWAYS

Rankin Reserve 15D - Goulais Bay Reserve 15A- Obadjiwan Reserve 15E - Whitefish Island 15

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July 20, 2023

Via email: Registrar@oeb.ca
Ms. Nancy Marconi
Registrar
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Re: EB-2023-0061 Application for Intervenor Status by Batchewana First Nation

Dear Ms. Marconi:

Please accept this letter as application for Intervenor Status pursuant to Rule 22 of the Ontario Energy Board's *Rules of Practice and Procedure* by Batchewana First Nation ("BFN").

About Batchewana First Nation

BFN is a signatory to the *Robinson-Huron Treaty* of 1850 and holds and exercises Aboriginal and Treaty rights over the lands and waters within its territory. The Treaty description of lands set aside for BFN's use is as follows:

FIFTEENTH – For Nebenaigoching and his Band, a tract of land extending from Wanabekineyunnung west of Gros Cap to the boundary of the lands ceded by the Chiefs of Lake Superior, and inland ten miles throughout the whole distance, including Batchewanaung Bay; and also the small island at Sault Ste. Marie used by them as a fishing station.

BFN maintains a commercial fishery that uses the waters of Lake Superior from Whitefish Island and stretching all along the shoreline of Lake Superior to the boundary of Pukaskwa National Park. The inherent right to fish, hunt and make use of the lands throughout our Original Reserve remains a part of the way of life for BFN. The Sault #3 Transmission Line Refurbishment Project is located on BFN's Original Reserve.

BFN's Aboriginal and Treaty rights also trigger the Crown's constitutional obligations to consult and accommodate BFN in respect of any activity that has the potential to affect these rights. As such, BFN expects to fully participate in the development of any project that may impact its rights.

BFN has participated in past Ontario Energy Board ("OEB") proceedings including most recently, EB-2017-0182/EB-2017-0194 involving Upper Canada Transmission, Inc. and Hydro One Networks Inc. related to the East-West Tie Line Project. BFN has never been denied intervenor status.

BFN's Intended Participation

BFN respectfully requests intervenor status in the above noted matter to address the following key issues:

1. Does the proposed like for like rebuild adequately consider BFN's long-term energy plans?
2. What benefits are being derived from the rebuild that will support growth within the electricity sector within BFN's Original Reserve?
3. The Independent Electricity Supply Operator ("IESO") is proposing major upgrades that would include new assets connecting South Porcupine and Wawa as well as Hamner and Sault Ste. Marie. Does the development of these projects provide any impetus to reexamine transmission capacity from Wawa to Sault Ste. Marie?
4. What, if any, alternatives did the proponent consider? In light of the responses to questions 1 to 3, above, what alternatives may benefit the system from a reliability and development perspective? What alternatives were considered with respect to price and the reliability and quality of electricity service?
5. Will the proposed project impact BFN's rights and interests, including traditional uses of the land by its members? BFN acknowledges that the OEB states that issues related to the Crown's duty to consult are not part of the OEB's review, however in this case, 6.2 of the *Section 92 Leave to Construct Issues List* gives rise to BFN seeking additional clarification from the proponent.

Access to Information

BFN has requested, under a Confidentiality Agreement with the proponent, to obtain an unredacted version of the IESO's *Expedited System Impact Assessment Report* (Application and Evidence, Exhibit F) such that it can do a thorough review of the information being relied upon to make this decision.

Form of Hearing

BFN supports the filing of written submission but requests an oral hearing if the proponent's responses are not timely or, in the view of BFN, do not address the issues raised in its submission. BFN intends to file evidence.

Award of Costs

BFN seeks an award of costs in its intervention in these proceedings pursuant to Section 3.03 of the OEB's *Practice Direction on Cost Awards*. BFN is a party that primarily represents an interest or policy perspective relevant to the OEB's mandate and to these proceedings. Specifically, BFN has an interest in the land affected by this process but is not a person as defined within the *Practice Direction on Cost Awards*.

Authorized Representatives

BFN requests copies of written evidence and all correspondence related to this matter be directed to:

Batchewana First Nation:

Aboriginal Business Network:

Chief Dean Sayers
236 Frontenac Street
Batchewana First Nation, ON
P6A 6Z1

Email: chiefdeansayers@batchewana.ca
councilsecretary@batchewana.ca

Wayne Greer, Chief Executive Officer
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Email: wayne@abnetwork.ca

Yours Very Truly,



Chief Dean Sayers

Cc: Wayne Greer, ABN, wayne@abnetwork.ca
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