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EB-2007-0617

June 18, 2007

To: All interested parties

Re: Ontario Energy Board Aboriginal Consultation Policy

The Ontario Energy Board (the "Board") is proposing to adopt an Aboriginal Consultation Policy (the "Policy").

The Board is committed to ensuring that appropriate consultation is carried out in respect of applications for the construction of new facilities where there may be an adverse effect on an existing or asserted Aboriginal or treaty right. The Policy would apply to all proponents of hydrocarbon line projects or electricity transmission line projects which require Board approval under section 90, section 91, or section 92 of the *Ontario Energy Board Act, 1998*. The Board may also require the proponents of other projects, plans or proposals that are subject to Board approval to abide by this Policy where there may be an adverse effect on existing or asserted Aboriginal rights or title.

The ultimate determination as to whether consultation and, where necessary, accommodation are conducted properly lies with the Board. In order to make that determination, the Board will require the proponent to demonstrate that it has conducted appropriate consultation and accommodation. The Policy would require project proponents to file information which identifies any Aboriginal groups that may be affected by a proposed project. Further information would also be required, including details of meetings with those individuals or groups, concerns expressed and the extent to which those concerns have been or will be addressed or accommodated by the proponent. The Board may require additional information in any process where there may be an adverse effect on an existing or asserted Aboriginal or treaty right.

A copy of the proposed Policy, including proposed filing guidelines, is attached to this notice, and is available for inspection on the Board's website at <http://www.oeb.gov.on.ca> and at the Board's offices during normal business hours.

Anticipated Costs and Benefits

The anticipated benefits of the Policy are improved consultations with Aboriginal Peoples and the subsequent mitigation of any identified impacts on those Aboriginal Peoples as a result of infrastructure projects requiring Board approval. Recent decisions of the Supreme Court of Canada have reinforced and clarified the requirement that Aboriginal Peoples be consulted where projects may have an adverse effect on existing or asserted Aboriginal rights or title.

The anticipated costs are those that will be incurred by proponents to gather and file the

information required by the Policy. It is possible that these costs will ultimately be borne by ratepayers.

Coming Into Force

The Board is proposing that the Policy come into force 30 days after it is published on the Board's website.

Invitation to Comment

All interested parties are invited to comment on the proposed Policy.

Any person who wishes to make a written representation with respect to the proposed Policy should submit 8 copies to the Board Secretary by 4:30 p.m. within 5 weeks of the issuance of this notice, as well as electronic versions of the representation in both searchable Adobe Acrobat (PDF) and Word formats. The electronic versions may be submitted by diskette or by email to boardsec@oeb.gov.on.ca. Your submission must quote file number EB-2007-0617 and include your name, postal address, email address and fax number.

Submissions will be posted on the Board's website.

Cost Awards

The Board may grant cost awards to eligible stakeholders pursuant to its power under section 30 of the *Ontario Energy Board Act, 1998*. The Board will order that any cost awards granted will be recovered from Hydro One Networks Inc., Enbridge Gas Distribution Inc., and Union Gas Limited (the "Payors"). Hydro One Networks Inc. will pay 50% of the eligible costs that are ultimately approved, and Enbridge Gas Distribution Inc. and Union Gas Limited will each pay a 25% share. The contact information for the Payors is included at the bottom of this letter.

The Board will determine eligibility for costs in accordance with its Practice Direction on Cost Awards. Any person intending to request an award of costs must file with the Board, and serve on each Payor, a written submission requesting cost eligibility within 10 days of the issuance of this letter. The request for cost eligibility must include the nature of the person's interest in this process and the grounds on which the person believes that he or she is eligible for an award of costs having regard to the cost eligibility criteria set out in section 3 of the Board's Practice Direction on Cost Awards. An explanation of any other funding to which the person has access must also be provided, as should the name and credentials of any lawyer, analyst or consultant that the person intends to retain, if known.

The Payors will have 10 days from their receipt of any cost eligibility claims to object to any stakeholder's request for cost eligibility. The objection must be filed with the Board and served on the stakeholder whose request is being objected to. Any stakeholder whose cost eligibility has been objected to by a Payor may file a response with the Board within 5 days of the date they received the objection.

The Board will then issue a decision on which stakeholders are eligible for cost awards. When determining the amount of the cost awards, the Board will apply the principles set

out in section 5 of the Board's Practice Direction on Cost Awards. The maximum hourly rates set out in the Board's Cost Awards Tariff will also be applied.

The Board expects that groups representing the same interests or class of persons will make every effort to communicate and co-ordinate their participation in this process. It is the Board's view that any costs claims for the comments process should be modest. The Board will therefore cap the maximum cost award that any stakeholder may receive at \$3,000.

All filings with the Board must be in the form of 8 hard copies and be received by the Board by 5:00 p.m. on the stated date. The Board requires all correspondence to be in electronic form as well as paper. Therefore, all parties must also e-mail an electronic copy of their filings preferably in searchable PDF format to the Board Secretary at Boardsec@oeb.gov.on.ca.

ADDRESSES (Payors)

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Yours truly

Original signed by
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