

**ONTARIO ENERGY BOARD FILE NO. EB – 2007 – 0707**

**INTEGRATED POWER SYSTEM PLAN AND PROCUREMENT PROCESS  
("IPSP")**

**REVISED ISSUES LIST**

**ADDITIONAL ISSUES PROPOSED BY THE NATIONAL CHIEF'S OFFICE  
OF THE ASSOCIATION OF FIRST NATIONS ("AFN")**

Further to the written submissions dated December 11, 2007 made on its behalf by Bell and Bernard Ltd., the AFN respectfully requests that the Board add the issues below to the Revised Issues List in this proceeding, under the heading Part II – The Procurement Process. The AFN's interest and involvement in this Proceeding is not limited to these issues.

**PART II – THE PROCUREMENT PROCESS**

- 1 Does the IPSP provide a level playing field for First Nations and bidders from First Nations communities to participate fully and successfully in the procurement process?
- 2 Are the procurement processes and selection criteria under the IPSP fair, open and accessible to First Nations and bidders from First Nation communities?
- 3 Does or could the selection processes under the IPSP involve conflicts of interest or unfair advantage contrary to the interests of First Nations and bidders from First Nations communities?

*Mandate and Jurisdiction of the Board for Issues 1-3 - Section 3 of the Ontario Power Authority Procurement Process Regulation, O.Reg 426/04. See Appendix A.*

- 4 Does the IPSP provide First Nations and bidders from First Nations communities non-discriminatory access to transmission and distribution systems in Ontario?

*Mandate and Jurisdiction of the Board for Issue 4 - The purposes of the Electricity Act as stated in Section 1 (c) of that Act. See Appendix A.*

- 5 What additional measures, including (by way of example but not limitation):
  - A First Nations Capacity and Governance Program and Fund;
  - A First Nations Venture Capital Fund;
  - Preferred access for First Nations and bidders from First Nations communities to grid connections;

- A Set-Aside Program for First Nations and bidders from First Nations communities; and/or
- Installation of enabling transmission lines to service energy generation by First Nations and bidders from First Nations communities.

are appropriate for inclusion in the IPSP and sufficient to facilitate full participation by First Nations and bidders from First Nations communities in providing the power generation proposed by the IPSP

*Mandate and Jurisdiction of the Board as for Issues 1-4*

## **APPENDIX A**

### **Ontario Regulation 426/04**

#### **Ontario Power Authority Procurement Process Regulation**

##### **Principles in the procurement process**

3. In developing procurement processes under section 25.31 of the Act, the OPA shall comply with the following principles:

1. Procurement processes and selection criteria must be fair and clearly stated and, wherever possible, open and accessible to a broad range of interested bidders.
2. To the greatest extent possible, the procurement process must be a competitive process.
3. There must be no conflicts of interest or unfair advantage allowed in the selection process.
4. To the greatest extent possible, the procurement process must not have an adverse impact outside of the OPA procurement process on investment in electricity supply or capacity or in measures that will manage electricity demand as described in subsection 29.32 (1) of the Act. O. Reg. 426/04, s. 3.

### **Electricity Act, 1998**

#### **Purposes**

1. The purposes of this Act are,

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(e) to provide generators, retailers and consumers with non-discriminatory access to transmission and distribution systems in Ontario;