

Ms. Kirsten Walli
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Ontario Energy Board
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Dear Ms. Walli:

Re: EB-2007-0707 - OPA - IPSP and Procurement Processes Nishnawbe Aski Nation (Intervenor) - Initial Submissions for Issues List - Phase 1

This is to provide Nishnawbe Aski Nation's initial submission regarding the OPA Issues List as required by the Ontario Energy Board's Notice of Application. We expect that oral hearings will likely be necessary and are prepared to address the issues discussed below and in our request for Intervenor status delivered to Mr. Howard I. Wetston, Chair & Chief Executive Officer, Ontario Energy Board on November 13, 2003.

Summary

The Nishnawbe Aski Nation submits that 10 issues should be added to the Issues List proposed by the Ontario Power Authority (the "OPA") in their application regarding the Integrated Power System Plan ("IPSP") and Procurement Processes.

Our concerns, and therefore the issues to be added fall in to three main groupings:

1. recognition of, and commitment to resolution of, the immediate, mid term and long range energy needs of First Nations and remote communities in Northern Ontario.
2. recognition of, and commitment to, the further exploration and realization of the potential in NAN First Nations territory and NAN First Nations for electric power generation and transmission.
3. recognition of, and commitment to the development of the electrical power generation potential in NAN Territory and appropriate commitments to purchases of power to facilitate the capitalization of that development.
4. Appropriate consultation and accommodation of the rights of NAN First Nations in keeping with directions of the Supreme Court of Canada.

The issues are outlined below. However, this list of additions will not limit discussions and issues generated while addressing the OPA's proposed Issues List.

1. Recognition of, and commitment to resolution of, the immediate, mid term and long range energy needs of First Nations and remote communities in Northern Ontario.

Issues

1. The majority of NAN First Nations and their people have limited access to expensive, diesel generated power that is unsustainable financially and ecologically. The lack of affordable, sustainable electrical power affects the quality of life of our people and the sustainability and potential for development and growth of our communities.
2. There needs to be a jointly developed, comprehensive evaluation of the needs and potential resolutions of the needs of our people and our communities.
3. The evaluation of need and possible resolution of these needs should be relevant to the entire northern region with respect to current needs, near term needs and long term needs with regard to sustainability and development of the northern territory and its communities.

2. Recognition of, and commitment to, the further exploration and realization of the potential in NAN First Nations territory and NAN First Nations for electric power generation and transmission.

Issues

1. NAN First Nations territory potentially contains 95 % of the untapped renewable energy in Ontario. This potential needs to be jointly evaluated by the NAN First Nations and the Province of Ontario for inclusion in the power supply mix over the next twenty years and beyond. A commitment needs to be made to exploration and realization of this potential within the IPSP for the next twenty years.

2. The potential for local renewable power generation in NAN territory and the north in general needs to be explored as a source of cheaper environmentally appropriate power for local use by consumers, government agencies, business and industry.
 3. Appropriate planning and financial supports should be identified to facilitate local, regional and territorial electrical power and distribution to make systems economically feasible and effective in providing affordable, sustainable power.
 4. A commitment should be made to site inter provincial transmission lines within Nishnawbe Aski Nation territory to provide the opportunity for development of the region and to maximize the potential of power development in the region.
3. **Recognition of, and commitment to the development of the electrical power generation potential in NAN Territory and appropriate commitments to purchases of power to facilitate the capitalization of that development.**

Issues

1. The potential electrical power generation capacity in the Nishnawbe Aski First Nations territory not only has the potential to provide the electrical power needed by the First Nations directly, but also to become a marketable commodity that would act as a driving force in the economic betterment of the First Nations people, their territory and the entire region. Such values must be reflected in any long range Integrated Power plan. The long term plan must go beyond cheaper power in southern Ontario urban centers.
 2. A commitment in principle will be necessary to attract investment in development of the potential power in NAN territory. The province of Ontario needs to make such a commitment as part of its long range plan.
4. **Appropriate consultation and accommodation of the rights of NAN First Nations in keeping with directions of the Supreme Court of Canada.**

1. The Supreme Court of Canada has been very clear that there needs to be appropriate prior consultation and meaningful accommodation of the rights, intentions of First Nations in any matters affecting their traditional lands. Any plan created for power generation or transmission affecting First Nations territory can only be undertaken after due consultation and accommodation of First Nations rights and intentions. This requirement is not met merely by the distribution of materials nor in the holding of general public hearings.

We look forward to presenting our issues and taking part in the discussions of this important planning process.

Meegwetch

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Nishnawbe Aski Nation

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