
First Nations-Ontario Energy Table:

Considerations and Recommendations

November 22, 2017

CONFIDENTIAL

PURPOSE

- To provide consideration and recommendations to address initiatives/approaches being advanced by the Chiefs of Ontario at the upcoming Energy Table meeting during the Leaders in the Legislature event.
- The last meeting of the Energy Table was held on March 10, 2017 in Garden River First Nation.
- We have not yet received an agenda from COO. We anticipate that they will want to talk about:
 1. Long Term Energy Plan 2017
 2. First Nation Delivery Credit
 3. First Nation Power Authority
 4. Capacity Funding

1) LTEP 2017

- The 2017 LTEP was released on October 26, 2017
- The Energy Table will provide an opportunity for the Ministry to highlight the commitments in the LTEP and to demonstrate how First Nation feedback was taken into consideration.
- Regarding First Nation involvement in the energy sector, COO has not expressed a clear position on how they see First Nation participation in the sector given how the Province is shifting away from procurement of new supply.
- The Energy Table meeting will be an opportunity to walk through the LTEP 2017 and potentially set a path forward for future discussions. The Chiefs may raise a concern that they were not provided a review of the draft LTEP prior to it being published.
- Summary of Commitments to First Nation communities:
 - Conservation programs will be reviewed
 - Connecting Remote Communities
 - Implement Community Energy Plans
 - Education and capacity building programs will be reviewed
 - Local Opportunities
 - Explore new tools to address barriers to the financing
 - Report-back Between LTEPs
 - Natural Gas Expansion
- Implementation Directives have been issued to the Independent Electricity System Operator and the Ontario Energy Board. The agencies will now develop plans to implement the LTEP's goals and submit these plans for the Minister for review.

Consideration:

- The Chiefs of Ontario are likely to request an active role in providing input and working with the agencies in developing the implementation plans.

Recommendation:

- The Ministry to consider asking the agencies to engage with the First Nation Leadership to incorporate First Nation perspectives into the implementation plans.

2) FIRST NATION DELIVERY CREDIT (FNDC)

- The Ministry of Energy, in collaboration with the Chiefs of Ontario (COO), crafted policy in a manner which best reflects the needs and wishes of First Nations to ensure the implementation of the credit on July 1, 2017.
- Through the FNDC Working Group the Chiefs Committee on Energy had requested that the FNDC include Band owned buildings however agreed to focus on First Nation on-reserve residential customers.
- At a meeting with Ministry staff on November 9, 2017, the Chiefs Committee on Energy requested that Band owned buildings be included in an expanded FNDC in a timely fashion.
- Buildings identified as Band owned buildings are as follows, but not limited to and recognizing that not all communities have similar infrastructure:
 - Arenas
 - Health Centres
 - Administration buildings
 - Senior Centres
 - Community Centres
 - Schools
 - Water plants

Consideration:

- The Chiefs Committee on Energy is aware the FNDC is tax based program and will be reaching out through the COO to First Nations to collect information on delivery costs for these types of facilities to assist the Ministry with determining the costs of expanding the FNDC by the end of November.
- The Ministry suggested an approach to consider critical infrastructure like water plants and the idea was rejected by the Chiefs.

Recommendation:

- The Ministry look forward to receiving the information on delivery costs for Band owned buildings from COO for all impacted First Nations and undertake an analysis.

3) FIRST NATION POWER AUTHORITY

- COO has consistently advocated for COO/First Nation involvement in the development of energy policy throughout the policy development and implementation life cycle.
- COO will likely seek to build on the recent experience and success working with the Ministry on the development and implementation of the FNDC.
- COO will advocate for ways/mechanisms such as the First Nations Power Authority to build their in-house capacity to lead policy development to counter being a sounding board for the Ministry once policy has been developed.
- As an alternative to the First Nation Power Authority concept, the Ministry can consider and respond by proposing the expansion of the Energy Table to the structure that was originally proposed in 2015.
- The original concept of the Energy Table had a Technical Working Group component that would meet in between the Energy Table meetings to undertake the required work to advance initiatives that were prioritized by the respective Leadership.
- This approach could be structured using the Chiefs Committee on Energy who would be responsible for managing COO's side of the equation and engage with the Ministry to actively inform policy development as was done for the FNDC. The Technical Working Group would report into the Energy Table where high level direction would be provided.

Consideration

- Setting up a Technical Working Group will require capacity funding for COO on annual basis to assist the development of their in-house expertise to support the Chiefs Committee on Energy to meaningfully interact with the Ministry on technical and community relationship issues.
- COO currently receives capacity funding from the IESO for a staff person however it is unclear how this FTE is utilized on energy related files by COO

Recommendation

- This structure may be particularly useful as we contemplate the implementation of Aboriginal Community Energy Plans (ACEP) and look to interact more thoroughly with the underserved First Nations in the Province from a program perspective.

4) CAPACITY FUNDING

- On November 10, 2017 the Chiefs of Ontario re-submitted two capacity funding proposals:
 1. Hydro One Equity Acquisition - Ontario First Nation Sovereign Wealth Fund
 - \$2,017,000.00 requested
 2. Energy Technical Table and Energy Roundtable
 - \$165,000.00 requested
- Ministry is currently reviewing and will develop TPA as appropriate.

Potential meeting agenda

- COO has not provided a draft agenda for the Ministry's consideration as of November 10, 2017.

Proposed Draft Agenda:

1. LTEP 2017
 1. Highlight how feedback was incorporated; key commitments
 2. First Nation Delivery Credit
 2. Implementation
 3. Expansion to include Band owned buildings
 3. First Nation ACEP Symposium
 4. What we heard from communities
 5. ACEP implementation
 4. COO participation in policy development
 6. Ongoing role of the First Nations-Ontario Energy Table
- This draft agenda will be adjusted based on agenda received from COO

Thank you