

NOVA SCOTIA UTILITY AND REVIEW BOARD
IN THE MATTER OF THE PUBLIC UTILITIES ACT
— AND —
IN THE MATTER OF
EfficiencyOne (E1) application for Approval of a
Supply Agreement for Electricity Efficiency and Conservation Activities
between EfficiencyOne and Nova Scotia Power Inc. (2020-2022)



Maw-lukutijik **Saqmaq**
Assembly of Nova Scotia
Mi'kmaw Chiefs

Closing Submission of the
Assembly of Nova Scotia Mi'kmaw Chiefs (ANSMC)
AND
Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO)/Mi'kmaq Rights Initiative

Chief Paul Prosper
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Assembly of Nova Scotia Mi'kmaw Chiefs
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July 4th 2019

The Assembly of Nova Scotia Mi'kmaw Chiefs (ANSMC) is comprised of all 13 Chiefs in Nova Scotia. It is the highest level of decision making in the Made-in-Nova Scotia negotiation process reconciling and implementing Mi'kmaw title and rights in Nova Scotia.

Under the direction of the ANSMC, the Kwikmu'kw Maw-klusuaqn Negotiation Office (KMKNO) provides support for the Mi'kmaw Negotiating Team in the Mi'kmaq-Nova Scotia-Canada Framework Agreement (Made-in-Nova Scotia Process). It also supplies consultation services for 11 of the 13 Mi'kmaw communities in Nova Scotia.

On behalf of all 13 Mi'kmaw communities, the KMKNO also provides the ANSMC with support and coordination of energy projects and programmes, including sustainable energy projects and energy efficiency programmes through the office of the Mi'kmaw Energy and Mines Advisor. The Energy and Mines Advisor has been working with E1 to design and deliver culturally appropriate, relevant, and cost-effective programmes to improve on-reserve energy efficiency.

The Mi'kmaw Nation in Nova Scotia has a general interest in all lands and resources in Nova Scotia as the Mi'kmaq of Nova Scotia have never surrendered, ceded, or sold the Aboriginal title to any of its lands in Nova Scotia. The Mi'kmaq have a title claim to all of Nova Scotia and are co-owners of the lands, waters and resources of the Province. Nova Scotia and Canada are aware of and acknowledge the title and rights claims of the Mi'kmaq and that any potential impacts to rights and title are subject to the duty to consult.

Demand Side Management

Mi'kmaw households in Nova Scotia tend to experience higher than average energy bills and problematic indoor air quality due to issues such as low-quality housing, overcrowding, and obstacles to individual home ownership on reserve. With the help of Demand Side Management funding the Mi'kmaq of Nova Scotia will be able to strengthen energy efficiency and conservation in hundreds of households throughout the province, increase comfort and indoor air quality in homes, reduce GHG emissions, create local employment, and lower energy costs.

The ANSMC and KMKNO support the commitment by Efficiency One and NSPI in clause 2 of the Consensus Agreement that states the amount of DSM allocated for First Nations and Low Income in the final 2020-2022 DSM plan will remain at the level set out in E1's proposed Preferred Plan. Considering this is a Nova Scotia specific project we suggest using the term Mi'kmaw instead of First Nations. The amount set out for the Mi'kmaw of Nova Scotia in the preferred plan is \$1.5 million per year for three years. This funding is intended to build on the 2018/19 pilot project assessing Mi'kmaw homes on-reserve and installing recommended energy efficiency upgrades such as insulation and more efficient space heating at no cost to participants.

The Demand Side Management Advisory Group (DMSAG) is intended to keep stakeholders engaged on key DSM issues and development of future DSM plans. It is important that Efficiency One and NSPI follow through on their commitment to include Mi'kmaq representation on the DSMAG to ensure the Mi'kmaq of Nova Scotia participate in discussions about key DSM issues and future DSM plans.

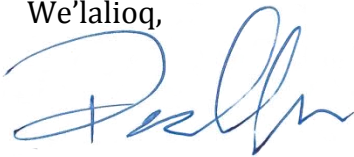
Conclusion

Call to Action 92 of the Truth and Reconciliation Commission calls upon Canada's corporate sector to adopt the philosophy of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* as a reconciliation framework.¹ We believe the Mi'kmaq Home Energy Efficiency project is a positive step of reconciliation, demonstrating commitment to reconciliation and relationship-building with the Mi'kmaq of Nova Scotia. We believe the proposed \$1.5 million per annum over three years for the project is a reasonable commitment to ensure that the Mi'kmaq people of Nova Scotia benefit from the use of their lands and waters to generate electricity.²

We respectfully request that this Honourable Board, pursuant to its authority under s.79G(5) include in its order a directive that E1 and NSPI shall fund the Mi'kmaq Home Energy Efficiency program at \$1.5 million per year as set out in the proposed Preferred Option and Consensus Agreement, Appendix A, Clause 2.

It's time to make things right.

We'lalioq,



Chief Paul J. Prosper
Lead Energy
Assembly of Nova Scotia Mi'kmaq Chiefs

¹ Truth and Reconciliation Commission of Canada, *Calls to Action*, (Winnipeg: TRCC, 2015), p.10, <http://nctr.ca/reports2.php> and United Nations Declaration on the Rights of Indigenous Peoples, <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>. In 2016, Canada committed to full support of the *Declaration*, <https://www.aadnc-aandc.gc.ca/eng/1309374407406/1309374458958>.

² In 2016, NSPI estimated that in 2020, 22% of its power will come from hydro and tidal and 7% from biomass. See: NSPI, "Nova Scotia Power Sets Renewable Energy Record," 2016-01-26, <https://www.nspower.ca/en/home/newsroom/news-releases/nova-scotia-power-sets-renewable-energy-record.aspx>