

May 20, 2022

To Whom It May Concern:

Re: M10473 EfficiencyOne 2023-2025 DSM Application - Evidence of Membertou

On behalf of Membertou, I welcome the opportunity to provide evidence and insight relevant to this matter and particularly the dedicated Mi'kmaw and Diverse Community Programming proposed under the Demand Side Management (DSM) Plan for 2023-2025.

For a host of reasons, systemic or otherwise, our community, like many communities within Mi'kmaki, remains underserved and underrepresented in terms of energy program opportunities. Progress has been witnessed in recent years, particularly via the implementation of the successful Mi'kmaw Home Energy Efficiency Project ("MHEEP") in our communities under the current DSM Plan. However, in terms of energy efficiency program options, further expansion and enhanced opportunities are needed. It is important to understand and recognize that I am making this statement for reasons which go well beyond a simple underscoring of historical underservice in this area; rather, I wish to bring to the attention of the Board and all stakeholders in this matter that we must collectively pursue alignment with the goals, requirements and rights reiterated in recent legislative changes and commissioned reports, most notably the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP Act), which received Royal Assent on June 21st, 2021, and the applicable Calls to Action outlined by the Truth and Reconciliation Commission of Canada in its 2015 report.^{1,2}

I have reviewed EfficiencyOne's Application under Matter M10473 seeking Approval of its Supply Agreement for Electricity Efficiency and Conservation Activities with Nova Scotia Power Inc. (NSPI), the establishment of a final agreement between the parties, and approval of its 2023-2025 DSM Plan.

I am very pleased to see that the proposed DSM Plan will not only provide for the continuation of past successful programming such as the MHEEP in our communities, but it will also include program expansion and increased investment and opportunities for all underserved markets and diverse communities in this Province. These efforts are aligned with my community's priorities relating to reconciliation, environmental stewardship and our progressive approach to sustainability. Further, I am also pleased that programming dedicated to Mi'kmaw communities under the DSM Plan is generally responsive to, and aligned with, UNDRIP Article 29 and the Truth and Reconciliation Commission of Canada's (TRCC) Call to Action #92.^{3,4}

¹ *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14.

² Truth and Reconciliation Commission of Canada, Calls to Action, (Winnipeg: TRCC, 2015).

³ *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, Annex to Schedule, Art 29.

⁴ Truth and Reconciliation Commission of Canada, Calls to Action, (Winnipeg: TRCC, 2015), p 14.

Expansion and Increased Investment

The proposed DSM 2023-2025 Plan is a welcomed expansion in terms of program delivery and increased investment levels, with a proposed dedicated investment of \$7 million toward Mi'kmaw Community programming and an overall 177% increase over past investment levels for underserved and diverse communities. These proposed measures and investment levels indicate that EfficiencyOne appreciates that increased energy efficiency investment, mitigation of related barriers, and improved access to existing programs are urgently required by our communities and other underserved markets, not to mention simply the right and equitable thing to do in the circumstances.

UNDRIP, Article 29

At its core, UNDRIP seeks to safeguard the self-determination of our People, promote reconciliation, and ensure we can live according to our own values and traditions. With Bill C-15 having received Royal Assent on June 21st, 2021, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) officially became a part of Canadian Law under the UNDRIP Act. The UNDRIP Act serves as an overarching roadmap and substantive step toward legal transformation and nation-to-nation reconciliation.⁵ The effort was, itself, directly called upon under the TRCC's Call to Action #45 and closely related to numerous other Calls to Action.⁶ In effect, the Act obliges the Canadian government to ensure all domestic laws are consistent with the Declaration given the Declaration's affirmation "as a universal international human rights instrument with application in Canadian law".⁷

The implementation of UNDRIP formally into Canadian Law serves as a national catalyst for change across the Canadian legal landscape. This legislative effort is "part of a broader conversation about national reconciliation, the recognition and implementation of Indigenous rights and the rebuilding of a strong and healthy relationship between the Crown and Indigenous peoples based on respect, cooperation and partnership...[and] reflects the desire of many Indigenous and non-Indigenous people in Canada to pursue reconciliation efforts, including the rebuilding of Indigenous nations through lasting, tangible and meaningful change."⁸

UNDRIP requires "[r]ecognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment." Under Article 29, it is clearly stated that:

"Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination."⁹

⁵ *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, s 4(b).

⁶ Truth and Reconciliation Commission of Canada, *Calls to Action*, (Winnipeg: TRCC, 2015), pp 8 – 9.

⁷ *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, s 4(a).

⁸ Hansard debates, 1720, February 21, 2019, Honourable Peter Harder.

⁹ *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, Annex to Schedule, Art 29.

As Nova Scotia's Energy Efficiency Franchise Holder, EfficiencyOne's continued funding of the MHEEP and a dedicated Business Development Manager under the DSM Plan, along with increased investment levels and program delivery opportunities, are all supportive of Article 29 commitments. Likewise, the introduction of a Mi'kmaw Engagement Officer and the potential of introducing a Roving Onsite Manager, along with additional training, educational and partnership opportunities focused on energy efficiency, align with the purpose and requirements of Article 29.

TRCC Call to Action #92

TRCC Call to Action #92 concerns reconciliation with the Business Community. Notably, Call to Action #92 is also rooted in UNDRIP's reconciliation framework and calls for the following:

- i. [A commitment] to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
- ii. [Ensuring] that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.

...

A DSM Plan between NSPI and EfficiencyOne, with considerable input from stakeholders, that embraces increased investment levels and programming opportunities for the Mi'kmaw communities in Nova Scotia is illustrative of the business community's commitment toward Call to Action #92 and the UNDRIP reconciliation framework. Further, EfficiencyOne's goal of reducing barriers and increasing partnership, educational and community-based efforts is, likewise, a demonstration of its commitment toward reconciliation and meaningful consultation with our communities in the context of energy efficiency program delivery.



Chief Terry Paul, O.C.
Chief & CEO, Membertou

¹ *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, Annex to Schedule, Art 29.