

# Feedback Form

## Transmitter Selection Framework – January 28, 2026

### Feedback Provided by:

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Date: February 18, 2026

To promote transparency, feedback submitted will be posted on the TSF engagement page unless otherwise requested by the sender.

- Yes – there is confidential information, do not post**
- No – comfortable to publish to the IESO web page**

Following the Transmitter Selection Framework (January 28, 2026), engagement webinar, the Independent Electricity System Operator (IESO) is seeking feedback from stakeholders on the items discussed. The presentation and recording can be accessed from the [Transmitter Selection Framework engagement webpage](#).

**Note:** The IESO will accept additional materials where it may be required to support your rationale provided below. When sending additional materials please indicate if they are confidential.

**Please submit feedback to [engagement@ieso.ca](mailto:engagement@ieso.ca) by February 18, 2026.**

**Experience Requirements:**

1. How should the IESO define and evaluate relevant project "experience" for the purposes of qualifying proponents for the RFP?
2. How should the IESO define and assess meaningful "experience" in engaging and working with Indigenous communities?
3. Should either form of experience be assessed at the corporate level, the project team level etc...?
4. Are there specific types of experience, qualifications, or evidence that should be required or weighted more heavily in the RFP evaluation?

1. Qualifying proponents should have a combination of skills: (a) technical; (b) Ontario regulatory; (c) financial wherewithal and access to capital; (d) First Nation engagement, partnerships and other participation; and (e) governance. First Nation engagement, partnerships, procurements for goods and services, employment and training opportunities, and other participation needs to be a significant element of the qualifying process.

2. The definition of "meaningful" experience is a difficult issue. For example, an incumbent should not have an unfair advantage where a new entrant has a potentially much better approach. However, we recognize that understanding issues of relevance to certain rights-holding First Nations may provide a significant benefit. We would suggest this may need to be done on a project-by-project basis as the interests of the rights-holding First Nations and the risks inherent in the project vary.

3. Experience should be evaluated at both the corporate and the project team level. Looking at just the corporate policy does not provide enough information to ensure implementation will be as expected by rights-holding First Nations. In our experience, the corporation sets the policy, but there is discretion in the implementation of such policy: the more recent and greater experience of the actual project team in working directly with rights-holding First Nations with respect to major projects that may impact their rights, the more likely the proponent is to understand their obligations and to actually successfully partner with rights-holding First Nations. For example, in scoring, weight recent and actual proponent team-led rights-holder First Nation equity partnership formation and significant rights-holder First Nation supply-chain participation higher than generic corporate policy. This will result in more accurate scoring of actions and results than checking off a box for a policy that may not achieve actions and results.

4. Demonstrated success with rights-holder First Nation engagement, partnerships that include

significant equity, procurement, employment and training opportunities and other participation by such communities should be significantly valued in the RFP evaluation. There are many elements to such an evaluation, and we would suggest that the IESO provide appropriate capacity funding for rights-holder First Nations to establish a joint entity to advance rights-based and commercial interests as part of the IESO's Transmitter Selection Framework. This would supersede any "Indigenous Advisory Committee". Confirmation and support from the rights-holding First Nations of the IEPPs early in the RFP process provides certainty to all parties, reduces various areas of risk, and facilitates better pricing for the benefit of ratepayers.

5. The IESO's Transmitter Selection Framework needs to avoid pitting rights-holding First Nations against one another. Such outcomes may significantly delay project execution. Provide the Rights-Holder First Nations joint entity with appropriate capacity funding, including for developing joint internal agreements.

**Toronto Third Line Commercial Framework:**

1. How prescriptive are technical requirements expected to be to build the project scope at this stage? How can the IESO balance opportunities for flexibility as opposed to providing prescriptive requirements for the project?
2. Which activities are expected to involve risk that is not readily manageable by the proponent?
3. What contractual mechanisms do you recommend incenting schedule adherence?

1. The commercial framework should ensure, among other things, that First Nation rights-holder equity participation meets or exceed 50%, minimum targets be set for procurement of goods and services and employment and training, and that participation should be meaningful from the outset of the project. Early-stage capacity and other funding is required to incorporate such Indigenous participation. As such, the manner of raising funds is very dynamic and the IESO should balance certainty of closing with innovation.

The commercial framework should also ensure the early participation of rights-holding First Nation businesses and persons in procurement, employment and training, the protection and enhancement of rights-holder First Nation rights and interests and their communities. Further, it should encourage positive results rather than prescribe structures.

We do not believe the IESO needs to be overly prescriptive at this stage as the balance of the various interests should be a collaborative decision of the rights-holding First Nations in light of the project and potential options.

2. As noted above, the IESO should provide appropriate capacity funding for rights-holder First Nations to establish a joint entity to advance rights-based and commercial interests for the Toronto Third Line (TTL) commercial framework.
3. Contractual mechanisms should encourage robust consultation throughout the project to ensure matters are dealt with early and are resolved without having adverse impacts on the delivery of the project. This is best achieved with the IESO – not individual proponents – enabling rights-holder First Nations to establish a joint entity to advance

	<p>rights-based and commercial interests. This must include reasonable capacity funding. There should be consequences for proponents who fail to fulfill their obligations to rights-holding First Nations and partners, or who pit rights-holding First Nations against rights-holding First Nations. The IESO must make the success of completing the project, with the consent of equity-holding rights-holding First Nations, a priority in the selection process, not an afterthought, if it wishes to mitigate schedule risk.</p>
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**Evaluating Indigenous Participation within IEPP:**

1. What additional considerations are there in designing the form of the IEPP?
2. What do Indigenous communities and stakeholders think of our proposed criteria? Are there other criteria the IESO should consider?
3. If rated criteria are used, what should the relative importance be of equity participation and non-equity participation?
4. Through the design of the IEPP, how can the IESO balance early Indigenous community engagement with concerns of inundating communities with requests for engagement from prospective bidders?

1. **Adaptability:** For TTL, several rights-holding First Nations are impacted; the project development occurs over several years and operation over several decades; and the rights of certain First Nations to the waters of Lake Ontario and its lakebed have not been surrendered. The IEPP should not be cast in stone but rather reflect that the law respecting First Nation rights and the responsibility of the Crown are constantly changing. The specific nature of the First Nation rights in the TTL Project may also change. IEPP's should evolve as the law evolves.

**Decision-making:** The IEPP should recognize that rights-holding First Nations should have the authority and ability to make as many decisions as possible among themselves. Proponents should not be able to dictate certain decisions, such as prescribing equity participation rates for each rights-holding First Nation. The impacts, rights and interests are of the rights-holding First Nations, and they should decide such matters taking into account the broader context.

**Existing Indigenous Governance/Relationship Structures:** IEPP should account for how the rights-holding First Nations wish to manage their relationship to opportunities such as Tx lines. For example, some First Nations may have come together in various ways to coordinate participation in such projects for member rights-holding Nations, and such Nations may have been cooperating on matters for other projects. Dovetailing the IEPP with such existing First Nation coordination creates a more streamlined process and avoids rights-holding First Nations being pitted against one another.

**True Participation:** The IEPP should include the role rights-holding First Nations play in all decisions.

2. IEPPs should be tailored to the project and the relevant communities. Also, the capacity and interest in participating in the project for rights-holding First Nations in the project area have been rapidly evolving. The process should encourage the continued evolution of rights-holding First Nation participation. As such, the IESO should not be approaching this from a formulaic approach.
3. Both equity and non-equity participation are important factors to be considered. In general, equity participation is more important to the long-term benefits of the rights-holding First Nations while non-equity benefits tend to be directed more individually on specific items and have a more immediate impact with potential for future benefit (providing training that is transferable to other projects).

In general, equity participation for rights-holding First Nations, as stated in Hydro One's policy (50%) is a minimum threshold for equity participation.

There should be a minimum level of competence or acceptability in each element that comprises the IEPP. This ensures at least a minimal level for acceptance. This could be done through either (i) a signed acceptance by the rights-holding First Nations as part of the submission to the IESO or through a review; or (ii) negotiation prior to award of the contract by the IESO with input from the rights-holding First Nations.

In any rated system, there needs to be an acknowledgement that IEPPs must be meaningful, such that a proponent cannot be successful based solely upon technical or financial matters.

	<p>4. It is essential the IESO seek to establish a balance of early rights-holding First Nations engagement with the potential of multiple bidders approaching the Nations. Communities have numerous projects (including current and future IESO procurements, large multi-billion generation projects, and other Tx lines) in this geographic region that require significant resources. We would suggest a potential process that provides for at least 2 rounds of meetings between rights-holding First Nations and proponents.</p> <p>Round 1 – Each proponent can present to the rights-holding First Nations as a group and has an opportunity to meet with each Nation for a specified period of time.</p> <p>Round 2 – Each proponent is provided a window for re-engagement with the rights-holding First Nation as a group to discuss their proposal and receive comments that may be incorporated into their IEPP.</p> <p>Written communication may be permitted in addition to Round 1 and Round 2.</p> <p>We would suggest that rights-holding First Nations provide input into the analysis of the IEPP to the IESO and make suggestions for improvement to the potentially successful proponent prior to contract award. The Nations should be involved in the finalization of any contract awarded by the IESO.</p>
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**General Comments/Feedback**

We would like to reiterate that the IEPP and the ultimate regulatory process must work together and recognize regulatory principles in a world where UNDRIP is part of Canadian law and where the stated expectations include furthering reconciliation (TRC #92).

Rights-holding First Nations are able to attract funding for early-stage project development where the project has well-defined risk management, experienced proponents, and a robust regulatory regime. The process should encourage early engagement and potential investment by rights-holding First Nations.

In OEB proceedings to include transmission assets into the rate base, the transmitters revenue requirement was reduced to reflect that First Nation owners were not going to be subject to corporate taxes. That savings benefit was passed along to ratepayers. This is based upon the inclusion of only prudently incurred costs as part of the regulated rate base in keeping with established regulatory principles. However, regulatory agencies must also find ways to encourage cost savings and achieve other goals, including the recognition of UNDRIP and TRC #92.

As noted, rights-holder First Nation equity should equal or exceed the 50% threshold for equity participation. To the extent such First Nation equity exceeds 50% and there is a continued ratepayer benefit from such participation levels then such a benefit should be shared by the rights-holding First Nations and the ratepayer. In addition, this cost-savings to ratepayers over the life of the project supports a rationale for the IESO (and project proponents) providing right-holding First Nations with adequate early-stage capacity and other funding and other participation.

The IESO process needs to recognize that rights-holding First Nations have multiple interests, similar to other nation governments, and may be participating in projects as an equity holder but also have responsibilities to discharge to members.

Rights-holding First Nations should be involved in any delegation letter from the Crown to ensure the consultation will be satisfactory for discharging the Crown's duty to consult.

The *Buy Ontario Act, 2025* establishes a framework that allows the Ontario provincial government to use public sector procurement to promote economic development, support Ontario-based businesses and strengthen domestic supply chains by directing public spending toward Ontario and Canadian-made goods and services. The Act explicitly states that its purpose is to “promote, protect and build Ontario’s economy and businesses and safeguard its supply chain.” The Ministry of Public Business Service Delivery and Procurement (MPBSDP) may issue directives under the Act, and the IESO should facilitate a directive from the MPBSDP that prioritizes procurement from rights-holding First Nations businesses as part of the RFP process and the IEPPs.