

NEWFOUNDLAND AND LABRADOR  
**BOARD OF COMMISSIONERS OF PUBLIC UTILITIES**

120 Torbay Road, P.O. Box 21040, St. John's, Newfoundland and Labrador, Canada, A1A 5B2

*Hearing Transcript*

**Newfoundland and Labrador Hydro  
2017 General Rate Application**

**April 23, 2018**

**The Board:**

Darlene Whalen, Chair and CEO  
Dwanda Newman, Vice-Chair  
James Oxford, Commissioner

**Board Counsel/Staff:**

Jacqueline Glynn, Board Counsel  
Maureen Greene, Q.C., Hearing Counsel  
Cheryl Blundon, Board Secretary

**Newfoundland and Labrador Hydro:**

Geoffrey Young, Counsel  
Alex Templeton, Counsel

**Witness/Witnesses**

Mr. James Haynes, President of  
Newfoundland and Labrador Hydro

**Newfoundland Power Inc.:**

Gerard Hayes, Counsel  
Liam O'Brien, Counsel

**Consumer Advocate:**

Dennis Browne, Q.C.  
Steven Fitzgerald, Counsel

**Island Industrial Customers**

Paul Coxworthy, Counsel  
Dean Porter, Counsel  
Denis Fleming, Counsel

**Labrador Interconnected Group\***

Senwung Luk, Counsel

**Iron Ore Company of Canada\***

Benoit Pepin, Counsel

\*Note – These two parties will not be in attendance every day

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1 (9:03 a.m.)  
 2 CHAIR:  
 3 Q. Okay, good morning, everybody. I'd like to  
 4 extend first my personal thanks to all of  
 5 you for your understanding for last week,  
 6 for Thursday and Friday, and especially to  
 7 you, Mr. Haynes.  
 8 MR. HAYNES:  
 9 A. No problem.  
 10 CHAIR:  
 11 Q. I guess, you were hoping this wouldn't be  
 12 happening today, but here we are.  
 13 MR. HAYNES:  
 14 A. That's life.  
 15 CHAIR:  
 16 Q. I think before we get started, I just want  
 17 to note we do have a new transcription  
 18 services provider. Discoveries Unlimited is  
 19 here, and welcome back, Glenda. Glenda  
 20 Gibbons is here as recorder, and I don't  
 21 think we have any other matters from the  
 22 parties.  
 23 MR. TEMPLETON:  
 24 Q. Madam Chair, just as a preliminary matter,  
 25 at our last hearing date on Tuesday, April

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1 17th, a second undertaking was provided. The  
 2 undertaking was to provide the 2017 budget  
 3 and when it was approved. That undertaking,  
 4 Hydro has filed a document today. Copies of  
 5 that document have been circulated to the  
 6 panel and to all parties, and it is filed in  
 7 fulfilment of Undertaking #2.  
 8  
 9 CHAIR:  
 10 Q. Perfect. Thank you, Mr. Templeton. Ms.  
 11 Glynn, is there anything that you need to –  
 12 MS. GLYNN:  
 13 Q. Just one matter. We did have an updated  
 14 undertakings list which will now be updated  
 15 to reflect the filing of Undertaking #2 by  
 16 Hydro. We do have new paper transcripts for  
 17 the two hearing days last week. If any of  
 18 the parties would like us to take the old  
 19 paper transcripts, we can certainly do that  
 20 and do what we need to do with those. Thank  
 21 you.  
 22 CHAIR:  
 23 Q. Thank you. Okay, so we're back to you, Mr.  
 24 O'Brien, thank you, and Mr. Haynes, you're  
 25 still under oath right now.

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1 MR. HAYNES:  
 2 Q. Okay.  
 3 MR. JAMES HAYNES – CROSS-EXAMINATION BY MR. O'BRIEN:  
 4 Q. Good morning, Mr. Haynes.  
 5 MR. HAYNES:  
 6 A. Good morning.  
 7 MR. O'BRIEN:  
 8 Q. When we left off last week, my recollection  
 9 is we were talking about the Avalon  
 10 capability and reserve operating  
 11 instructions around that time?  
 12 MR. HAYNES:  
 13 A. Yes.  
 14 MR. O'BRIEN:  
 15 Q. We were talking sort of about Hydro's  
 16 philosophy on standby generation use. Now  
 17 as an intervener, and Newfoundland Power I  
 18 can only speak for, but I think some of the  
 19 other interveners as well, are interested in  
 20 this area, given the application for  
 21 recovery of the amounts from the energy  
 22 supply deferral accounts for 2015, 2016, and  
 23 2017. That application is part of these  
 24 proceedings. The amounts in that deferral  
 25 account, in the energy supply deferral

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1 account, in the evidence they suggest, or  
 2 there's a cumulative amount over those three  
 3 year periods of about 59 million dollars.  
 4 Does that sound right to you in that range?  
 5 MR. HAYNES:  
 6 A. I thought the total was 65 in total of all  
 7 of them.  
 8 MR. O'BRIEN:  
 9 Q. And that's for the total deferral account  
 10 itself, I think, but for the energy supply,  
 11 I think, itself, if we took something in  
 12 that –  
 13 MR. HAYNES:  
 14 A. Subject to check, yes.  
 15 MR. O'BRIEN:  
 16 Q. Subject to check, okay. So we're looking at  
 17 something in the range of about 20 million  
 18 dollars a year associated with fuel for  
 19 primarily the Holyrood GT use, is that  
 20 right?  
 21 MR. HAYNES:  
 22 A. Primarily the Holyrood, but it would be the  
 23 whole, I'm sure.  
 24 MR. O'BRIEN:  
 25 Q. Okay, and that cost is based on cost of #2

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1 fuel, which doesn't run through the RSP?

2 MR. HAYNES:

3 A. No, that's correct.

4 MR. O'BRIEN:

5 Q. And I think we did speak about the fact that

6 running the Holyrood GT, the cost of that

7 from a fuel basis would be significantly

8 higher than hydroelectricity, from the cost

9 of that energy?

10 MR. HAYNES:

11 A. Well, it's fuel related, so, yes.

12 MR. O'BRIEN:

13 Q. And I believe I had asked you whether it

14 would be an average of somewhere in the

15 range of about 30 cents a kilowatt hour to

16 run the Holyrood CT?

17 MR. HAYNES:

18 A. You did mention that. I didn't check that.

19 It sounds high.

20 MR. O'BRIEN:

21 Q. Does it?

22 MR. HAYNES:

23 A. I would have thought 20 or 25 cents, but,

24 you know -

25 MR. O'BRIEN:

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1 Q. Would you be able to check on that for us

2 and give us an undertaking to check on that?

3 MR. HAYNES:

4 A. Yes, I'm sure we can get that number fairly

5 quickly.

6 MS. GLYNN:

7 Q. Noted on the record.

8 (UNDERTAKING)

9 MR. O'BRIEN:

10 Q. So even if it's, say, 20/25 cents a kilowatt

11 hour, that's still over double what it would

12 be for running, say, thermal energy?

13 MR. HAYNES:

14 A. Yes, but it's a different unit which is used

15 for different applications.

16 MR. O'BRIEN:

17 Q. Yeah, yeah. No, I understand, yeah. What

18 about capital cost of running the CT?

19 MR. HAYNES:

20 A. Capital cost for running the CT would

21 basically be driven by such things as the

22 number of starts.

23 MR. O'BRIEN:

24 Q. Right.

25 MR. HAYNES:

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1 A. The number of operating hours, and there are

2 criteria, and I'm not familiar with the

3 depth of that there, but they would generate

4 into a requirement for overalls at certain

5 time frames on, you know, the effective

6 starts, and I think there's another driver

7 with respect to total hours of running -

8 MR. O'BRIEN:

9 Q. Okay.

10 MR. HAYNES:

11 A. Would affect that. So there is a capital

12 component in the sense of, you know, I won't

13 say regular hours. Those requirements are

14 driven by - totally energy produced, our

15 operating hours probably more so than

16 energy, and the number of starts primarily,

17 the two that I'm familiar with.

18 MR. O'BRIEN:

19 Q. So there's really sort of a couple of

20 variables here. It's the number of starts

21 and then really how long you're running the

22 unit as well in terms of capital?

23 MR. HAYNES:

24 A. Yeah, they would drive a capital eventually,

25 yes.

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1 MR. O'BRIEN:

2 Q. Okay. I wonder if we could bring up - this

3 is one of the documents that we had provided

4 in advance. It's from Hydro's capital

5 budget application of 2018. It's response

6 to an RFI NP-NLH-004.

7 MS. GLYNN:

8 Q. We'll mark that as an exhibit.

9 MR. O'BRIEN:

10 Q. And can we mark that as Information?

11 MS. GLYNN:

12 Q. Information Item, and, unfortunately, I'm

13 unsure which number we're -

14 MR. O'BRIEN:

15 Q. The last one we had there - I think it would

16 be Information 4. Does that sound right?

17 MS. GLYNN:

18 Q. Thank you, Mr. O'Brien, it is. It will be

19 entered as Information #4.

20 MR. O'BRIEN:

21 Q. There's actually two with this one, the NP-

22 004, and then - NP-NLH-004 and NP-NLH-0019

23 are with this group.

24 MS. GLYNN:

25 Q. Okay.

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1 MR. O'BRIEN:  
 2 Q. Maybe we'll mark the 004. Would that be #4?  
 3 MS. GLYNN:  
 4 Q. Yes, so NP-NLH-004 will be entered as  
 5 Information #4, and NP-NLH-019 will be  
 6 entered as Information #5.  
 7 MR. O'BRIEN:  
 8 Q. Okay, thank you. So Information #4, Mr.  
 9 Haynes, that's a request for information  
 10 concerning Hydro's current estimated capital  
 11 cost per equivalent start, and I think  
 12 that's what you were talking about when you  
 13 mentions per start for the Holyrood gas  
 14 turbine, and the current estimate there in  
 15 terms of the response was 33,000 per, and is  
 16 that per – that's per equivalent start, is  
 17 that right?  
 18 MR. HAYNES:  
 19 A. That would be my understanding, yes.  
 20 MR. O'BRIEN:  
 21 Q. And are you able to tell me exactly what an  
 22 equivalent start is?  
 23 MR. HAYNES:  
 24 A. I did have a brief discussion with someone  
 25 last summer explaining what an equivalent

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1 start was, and, basically, it's not the  
 2 number of times that you actually start the  
 3 gas turbine, it's a calculated number based  
 4 on Siemens, which is the equipment supplier  
 5 recommendation of how you do these overalls,  
 6 and it depends on, obviously, the number of  
 7 starts you do. It depends on the number of  
 8 trips that you may have at certain loads.  
 9 Like, if it tripped off at 75 percent load,  
 10 that may be – I can't quote the number that  
 11 that would be.  
 12 MR. O'BRIEN:  
 13 Q. Okay.  
 14 MR. HAYNES:  
 15 A. But it would not be 1. So there's two or  
 16 three penalties on that there. The  
 17 intention is to measure the stress on the  
 18 machine.  
 19 MR. O'BRIEN:  
 20 Q. Okay.  
 21 MR. HAYNES:  
 22 A. And it's the OEM recommendation to go back  
 23 after – I think the number is actually 400  
 24 equivalent starts into this minor overall  
 25 that is required.

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1 MR. O'BRIEN:  
 2 Q. And so this is sort of based on how many  
 3 times – you have certain overalls at certain  
 4 number of starts?  
 5 MR. HAYNES:  
 6 A. Yes.  
 7 MR. O'BRIEN:  
 8 Q. And so this capital cost based on that, and  
 9 the number of actual starts or equivalent  
 10 starts until you get to that point?  
 11 MR. HAYNES:  
 12 A. The equivalent starts would always be higher  
 13 than the actual number of starts, yeah,  
 14 unless you had completely perfect  
 15 operations, but if there's a trip, for  
 16 instance, there would be a penalty, and I do  
 17 not know what the numbers are, but it's a  
 18 calculated value.  
 19 MR. O'BRIEN:  
 20 Q. Right.  
 21 MR. HAYNES:  
 22 A. That basically, you know, measures the  
 23 stress upon the machine, and it's a  
 24 recommendation by the OEM to actually do  
 25 these overalls in that period of time.

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1 MR. O'BRIEN:  
 2 Q. So every time you start the machine, you've  
 3 got a fuel cost based on how long you run  
 4 it, and an equivalent – a capital cost based  
 5 on at least the fact that you had started  
 6 it?  
 7 MR. HAYNES:  
 8 A. An eventual capital cost based on that.  
 9 MR. O'BRIEN:  
 10 Q. Is there any difference to capital cost,  
 11 say, if the CT runs for an hour versus ten  
 12 hours?  
 13 MR. HAYNES:  
 14 A. Not that I'm aware of, except your total  
 15 running hours would actually result in an  
 16 overall later on because of the actual  
 17 production, if you will, or running hours.  
 18 They're two different things, as I  
 19 understand.  
 20 MR. O'BRIEN:  
 21 Q. Okay. So every time it's started, whether  
 22 it's for capacity or threshold purposes,  
 23 customers would bear the cost of that start?  
 24 MR. HAYNES:  
 25 A. Eventually.

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1 MR. O'BRIEN:  
 2 Q. Yeah, eventually.  
 3 MR. HAYNES:  
 4 A. And, you know, the actual time frame to do  
 5 that is, obviously, something that would be  
 6 looked at from the point of view of the –  
 7 from the asset health point of view or the  
 8 asset folks who look at the number of  
 9 starts, they will plan for a capital budget  
 10 based on expected starts for the year. If  
 11 there's a lot more starts because the  
 12 situation changes, that would advance; if  
 13 it's delayed, you would move out, and so  
 14 they would predict when the ideal timing  
 15 would be for an overall because of that.  
 16 MR. O'BRIEN:  
 17 Q. And the amount included in each of the years  
 18 here for this deferral account, the energy  
 19 supply deferral account, is well in excess  
 20 of the \$500,000.00 threshold built into  
 21 those accounts. Is that fair? Hydro would  
 22 essentially eat the first \$500,000.00 of  
 23 that account, but the remaining -  
 24 MR. HAYNES:  
 25 A. That's my understanding, yes.

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1 MR. O'BRIEN:  
 2 Q. Yeah, yeah. So does that \$500,000.00  
 3 threshold provide any incentive to Hydro not  
 4 to run the GT?  
 5 (9:15 A.M.)  
 6 MR. HAYNES:  
 7 A. Every time we look at operating the gas  
 8 turbine, we look at the need from the point  
 9 of view of, you know, meeting our reserve  
 10 and so on, so our primary focus is on  
 11 reliability, and if that was the option that  
 12 was available, or the most – you know, we  
 13 would run the other gas turbines first, if  
 14 we could. When you start the Holyrood gas  
 15 turbine, first of all it has a minimum  
 16 loading of 40 megawatts, so basically you're  
 17 not – you know, and the other machines, the  
 18 Hardwood and Stephenville machines can run  
 19 at a lower load. So we would look for what  
 20 we can do, but if it's an Avalon  
 21 requirement, and depending where Holyrood is  
 22 with respect to its capability, which  
 23 basically is a primary one along with  
 24 Newfoundland Power Avalon units as well,  
 25 obviously, we would run that if and required

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1 for the Avalon reserve. With TL-267, the  
 2 pressure on that does decrease a lot,  
 3 because basically we have a lot more  
 4 flexibility to bring hydro power in from the  
 5 Bay d'Espoir area, or from west, I should  
 6 say, and – so that'll decrease that. You  
 7 know, when Soldiers Pond comes in, even on a  
 8 mono-pole basis, that will also, you know,  
 9 decrease the numbers of starts, and all  
 10 those things are looked at by the production  
 11 people in an effort to provide the least  
 12 cost, but to maintain those reserve levels  
 13 on the Avalon. With the 267 in service, the  
 14 Avalon regional planning or production thing  
 15 is not nearly as intense as it was.  
 16 MR. O'BRIEN:  
 17 Q. Okay.  
 18 MR. HAYNES:  
 19 A. But we do have to recognize the fact that we  
 20 have had some limitations at Holyrood as  
 21 well.  
 22 MR. O'BRIEN:  
 23 Q. So with that line in place, we should see a  
 24 reduction in fuel costs and starts?  
 25 MR. HAYNES:

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1 A. Over time, yes.  
 2 MR. O'BRIEN:  
 3 Q. Hydro brought an application for the  
 4 disposition of balances in the 2015 and 2016  
 5 account, the energy supply deferral account,  
 6 last fall and this was denied, correct?  
 7 MR. HAYNES:  
 8 A. Denied or deferred, yes.  
 9 MR. O'BRIEN:  
 10 Q. Were you aware that the Board felt that  
 11 Hydro had not adequately addressed the cost  
 12 and benefits of Hydro's approach to general  
 13 dispatch in –  
 14 MR. HAYNES:  
 15 A. Yes, I'm aware of that.  
 16 MR. O'BRIEN:  
 17 Q. And that Hydro had not proven that its costs  
 18 were reasonable and necessary to provide  
 19 reasonable service at that point?  
 20 MR. HAYNES:  
 21 A. That was the conclusion on our application;  
 22 however, we have reapplied, obviously, and I  
 23 think that we've actually, you know, better  
 24 justified the utilization of that gas  
 25 turbine. We done it to protect the

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1 customers and to provide Avalon security,  
 2 and, basically, we've provided information  
 3 to the Board, to interveners, to  
 4 Newfoundland Power, and on the rationale for  
 5 using that.  
 6 MR. O'BRIEN:  
 7 Q. And is it important in your mind that that  
 8 rationale or that operational philosophy  
 9 incorporates an appropriate cost benefit  
 10 analysis?  
 11 MR. HAYNES:  
 12 A. I'm pretty comfortable that the folks who  
 13 make the decision to run the gas turbine  
 14 looked at that particular part. If you're  
 15 referring to the balance of reliability,  
 16 overall system reliability and cost, we have  
 17 taken the position that we have responded to  
 18 the reports that have been made by the  
 19 Liberty folks, and through Board  
 20 information, and through other stakeholders  
 21 that they want security on the Avalon, and  
 22 that's what we did. So we haven't – you  
 23 know, if we were to change the way we did  
 24 that, there would be more risk to the  
 25 customers at the time, if that's what you

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1 mean.  
 2 MR. O'BRIEN:  
 3 Q. That's part of my question. I guess, I'm  
 4 more sort of focused on would you agree that  
 5 even with a focus on reliability, it's still  
 6 important that when Hydro is looking to  
 7 collect these costs, that they show that the  
 8 operational philosophy in running that  
 9 standby generation, that there's been a  
 10 least cost benefit analysis done?  
 11 MR. HAYNES:  
 12 A. Yes, it's important that, basically, we take  
 13 the least cost approach to provide the  
 14 security that we anticipate the customers  
 15 need or want.  
 16 MR. O'BRIEN:  
 17 Q. I wonder if we could pull up page 3.6 from  
 18 the evidence. The operational improvements,  
 19 we started talking about those a little bit  
 20 yesterday – last week we talked about daily  
 21 system status meetings, and the new  
 22 operating instruction. That was the T-096  
 23 Avalon capability and reserves instruction,  
 24 correct?  
 25 MR. HAYNES:

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1 A. Yes.  
 2 MR. O'BRIEN:  
 3 Q. That third bullet there, the maintenance  
 4 spinning reserves, we touched on that as  
 5 well. We talked about the spinning reserves  
 6 being equal to the capacity of the largest  
 7 online unit, plus, I believe it's an  
 8 additional 70 megawatts of available reserve  
 9 to cover performance uncertainties, is that  
 10 right?  
 11 MR. HAYNES:  
 12 A. That's what it says, yes.  
 13 MR. O'BRIEN:  
 14 Q. Okay, and if we look down at Footnote 15, I  
 15 think that's where it says, "For the current  
 16 system this is equal to 170 megawatts from  
 17 the Unit 1 or 2 at Holyrood's online, and is  
 18 otherwise 154". So those are your bigger  
 19 units?  
 20 MR. HAYNES:  
 21 A. Those are the larger units, yes.  
 22 MR. O'BRIEN:  
 23 Q. Yeah, okay. So if we look at those figures,  
 24 the total spinning reserves which is  
 25 maintained is either 240 megawatts if Unit 1

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1 or 2 is online, or it will be 224 if the  
 2 largest unit is Bay d'Espoir?  
 3 MR. HAYNES:  
 4 A. Yes, or it could be less if Bay d'Espoir  
 5 happened to be off, but Bay d'Espoir  
 6 operates a lot because it's the most  
 7 efficient machine.  
 8 MR. O'BRIEN:  
 9 Q. So if that happened to be off, would you  
 10 have Unit 1 or 2 on? You could have all  
 11 three off?  
 12 MR. HAYNES:  
 13 A. If unit at Holyrood –  
 14 MR. O'BRIEN:  
 15 Q. Could you have all three off?  
 16 MR. HAYNES:  
 17 A. It is possible, but generally speaking #7,  
 18 if #7 is not down for maintenance at Bay  
 19 d'Espoir, you know, typically it does  
 20 operate. Not all the time, but typically it  
 21 does operate as it is the most efficient  
 22 turbine.  
 23 MR. O'BRIEN:  
 24 Q. Okay.  
 25 MR. HAYNES:

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1 A. But, you know, it could be down for  
 2 maintenance or it could be in sequence  
 3 connection mode, but, basically, the  
 4 spinning reserve is a bit of a dynamic  
 5 number. I mentioned before that we looked  
 6 at the Avalon as a separate region, and if  
 7 we go back to the – if we end up we have a  
 8 line outage, a line out from Bay d’Espoir  
 9 east, or whatever, we’ll kind of flip back  
 10 to that particular mode, so it’s a bit  
 11 dynamic, but, basically, what we endeavour  
 12 to do is to ensure that we have, you know,  
 13 reserve to cover the loss of that large  
 14 machine, whatever that large machine is at  
 15 the time.  
 16 MR. O’BRIEN:  
 17 Q. Okay. So then that’s your N minus 1  
 18 contingency, is that right?  
 19 MR. HAYNES:  
 20 A. Exactly, yes.  
 21 MR. O’BRIEN:  
 22 Q. So if your reserve is to cover the loss of  
 23 that largest machine, and, say, the largest  
 24 machine that’s on is actually de-rated at  
 25 the time, the most – let’s say it’s one of

Page 22

1 the Unit 1’s that rated at 150.  
 2 MR. HAYNES:  
 3 A. Okay.  
 4 MR. O’BRIEN:  
 5 Q. All right. The most you’re going to lose is  
 6 that 150, is that fair?  
 7 MR. HAYNES:  
 8 A. Or the Holyrood number – I’m sorry, Bay  
 9 d’Espoir #7, similar number.  
 10 MR. O’BRIEN:  
 11 Q. Okay, all right, so whatever the largest one  
 12 is, but let’s say it’s de-rated to, for  
 13 argument sake, 160, so that’s higher than  
 14 the Bay d’Espoir, but it’s lower than the  
 15 170?  
 16 MR. HAYNES:  
 17 A. My understanding is that would be the  
 18 trigger point for actually looking to doing  
 19 the calculations for the spinning reserve  
 20 requirements on the island or the Avalon,  
 21 but I would suggest as well that Ms.  
 22 Williams is more than familiar with the  
 23 details of this if you want to –  
 24 MR. O’BRIEN:  
 25 Q. Is that something I should take up with Ms.

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1 Williams?  
 2 MR. HAYNES:  
 3 A. If you’re going to go down in a lot of  
 4 detail –  
 5 MR. O’BRIEN:  
 6 Q. Yeah, I’m kind of looking at –  
 7 MR. HAYNES:  
 8 A. She is, you know, very familiar with that  
 9 and her team.  
 10 MR. O’BRIEN:  
 11 Q. Okay, let me ask you – I’ll take that issue  
 12 of the name plate versus the de-rated rating  
 13 up with Ms. Williams. I wonder if we could  
 14 move to the next – if we move up on the  
 15 screen. Let me ask you just in terms of the  
 16 CT, the operation of the CT, were you  
 17 involved when the Holyrood CT was procured?  
 18 Were you at Hydro then?  
 19 MR. HAYNES:  
 20 A. When I retired, the intention was to put  
 21 forward a capital budget proposal for a  
 22 replacement gas turbine. I did come back in  
 23 January of 2014 to assist with the  
 24 preparation of the capital budget, so I was  
 25 back for two or three months, basically, you

Page 24

1 know, stewarding, I suppose, if you will,  
 2 the application for TL-267 and the gas  
 3 turbine, and then I left and I wasn’t back  
 4 after.  
 5 MR. O’BRIEN:  
 6 Q. Okay.  
 7 MR. HAYNES:  
 8 A. So, basically, my involvement was – as I  
 9 said, when I retired, we knew that there was  
 10 an upcoming need for additional generation.  
 11 MR. O’BRIEN:  
 12 Q. Okay.  
 13 MR. HAYNES:  
 14 A. We were – you know, we were looking at  
 15 location, we were looking at size and so on,  
 16 and when I returned, basically, you know, I  
 17 came back on a short term basis to just help  
 18 ensure that the applications to the Board  
 19 got in and where appropriate to get those  
 20 items approved.  
 21 MR. O’BRIEN:  
 22 Q. And were in – in terms of putting those  
 23 applications together and the need for that  
 24 unit, are you aware sort of what the plan  
 25 was in terms of the operation of that unit

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1                                   once you obtained it?

2       MR. HAYNES:

3            A.    No, the actual – the application was mostly

4                    from the point of view that we had a

5                    capacity shortfall that we needed to

6                    address.

7       MR. O’BRIEN:

8            Q.    Okay.

9       MR. HAYNES:

10           A.   When it comes down to the actual operating

11                   parameters and, you know, I guess, you know,

12                   dealing with the outcome of the events of

13                   2013/2014, those were, I think,

14                   considerations, although some of those were

15                   made later, but certainly it would be an

16                   asset on the Avalon. Having it on the

17                   Avalon would be highly desirable. There was

18                   discussion whether it should be actually

19                   inside the St. John’s loop, if you will, but

20                   that would be an environmental – it was

21                   concluded that would be a permitting issue,

22                   and so Holyrood was thought to be the next

23                   best location.

24       MR. O’BRIEN:

25           Q.    Okay.

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1       MR. HAYNES:

2            A.    So, you know, it was location and the

3                   overall capital budget made sure we covered

4                   off all the things required to get approval

5                   from the Board.

6       MR. O’BRIEN:

7            Q.    So in terms of the plan sort of operation,

8                   we understood from the last hearing that

9                   initially it was planned that the CT was

10                   really going to operate less than 500 hours

11                   a year. Were you aware of that?

12       MR. HAYNES:

13            A.    That was certainly the intent because that’s

14                   what the environmental permit was based

15                   upon.

16       MR. O’BRIEN:

17            Q.    Okay. What do you mean by that?

18       MR. HAYNES:

19            A.    Well, basically, if you – my recollection

20                   from the environmental regulations is that

21                   depending on your anticipated number of

22                   running hours, there would be a different

23                   environmental requirement from the point of

24                   view of emissions modelling, or the height

25                   of the stack, for instance, and things like

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1                                   that. You look at, you know, the ground

2                                   level dispersion of the exhaust gas to meet

3                                   the environmental requirements.

4       MR. O’BRIEN:

5            Q.    Okay. So was there a new permit then

6                   obtained as a result of a change in the plan

7                   of operation? How did that work?

8       MR. HAYNES:

9            A.    I’m not quite sure of the actual details,

10                   but Ms. Williams could actually delve into

11                   that.

12       MR. O’BRIEN:

13            Q.    And it’s fair to say that that Holyrood GT

14                   is operating in recent years well in excess

15                   of that 500 hours?

16       MR. HAYNES:

17            A.    It’s been operating – I don’t know off the

18                   top of my head the total number of hours.

19                   It was operated more than we would have

20                   anticipated because of some issues we’ve had

21                   with Holyrood, but from a future

22                   perspective, you know, with the DC line and

23                   TL-267, they will decrease.

24       MR. O’BRIEN:

25            Q.    Are there any maintenance or performance

Page 28

1                                   concerns with respect to the GT due to

2                                   increased operation?

3       MR. HAYNES:

4            A.    Other than the original equipment

5                   manufacturers recommendations on short term

6                   or long term overalls, depending on the

7                   number of starts and the operating hours,

8                   that’s all that I’m aware of.

9       MR. O’BRIEN:

10           Q.    I wonder if we could pull up NP-NLH-038,

11                   page 79, attachment 1, page 79. I just

12                   wanted to go back just in terms of a normal

13                   sequence of operating for the CT, I guess,

14                   for standing generation. So you determine

15                   the Avalon capability, you base your

16                   threshold on expected loads. “To position

17                   the Avalon power system to cover off the

18                   single largest contingency, perform the

19                   following”. So number 3 is ensure

20                   Newfoundland and Labrador Hydro static

21                   reactive resources are in service, and

22                   request Newfoundland Power to maximize

23                   Avalon hydro generation. Number 5 there,

24                   increase Holyrood real and reactive power up

25                   to maximum Holyrood capability, that falls

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1 in front of the start, load up, and standby  
 2 generations. Why would you do that first?  
 3 MR. HAYNES:  
 4 A. Well, you would load up Holyrood to what you  
 5 could actually get up to – sorry, you would  
 6 just increase the load on Holyrood to  
 7 accommodate the load on the Avalon as far as  
 8 you could go.  
 9 MR. O'BRIEN:  
 10 Q. Yeah.  
 11 MR. HAYNES:  
 12 A. And that is the cheapest way to provide  
 13 energy, obviously, would be – not the  
 14 cheapest, but certainly cheaper than gas  
 15 turbines, but the gas turbines are not so  
 16 much an energy consideration as a capacity  
 17 one.  
 18 MR. O'BRIEN:  
 19 Q. And in terms of – you get a more efficient  
 20 output then from the thermal generators when  
 21 they're up at a higher load?  
 22 MR. HAYNES:  
 23 A. Typically, the higher the load, the better  
 24 kilowatt hours per barrel of oil.  
 25 MR. O'BRIEN:

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1 Q. Okay, and that's certainly more efficient  
 2 than running the Holyrood generators at a  
 3 lower capacity and, say, putting the CT on  
 4 at 40 percent, is that fair?  
 5 MR. HAYNES:  
 6 A. Yes, but when you get to the point where you  
 7 have to turn on the gas turbine on the  
 8 Avalon to meet it, if you had everything  
 9 else exhausted and you needed 5 megawatts,  
 10 and that's all you had, then you turn on 40  
 11 megawatts.  
 12 MR. O'BRIEN:  
 13 Q. You put on 40 megawatts.  
 14 MR. HAYNES:  
 15 A. So, you know, you can have some – you're not  
 16 going to be spot on the 240, 24/7, 365.  
 17 It's going to move around a bit. There's  
 18 going to be a bit of jaggedness, if you  
 19 will, if you were to look at a plot or a  
 20 graph that would indicate that.  
 21 (9:30 A.M.)  
 22 MR. O'BRIEN:  
 23 Q. When you say you're not going to be spot on,  
 24 actually, that's the next point I wanted to  
 25 ask you about. The application for the

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1 disposal of those balances, talks about that  
 2 idea of not being spot on, there will be  
 3 times where the Holyrood GTs run when it's  
 4 not necessary to be run, in that it might in  
 5 retrospect be run for longer than necessary  
 6 or it might in retrospect not have been  
 7 needed at the time?  
 8 MR. HAYNES:  
 9 A. I wouldn't use the word "not necessary", but  
 10 if you initiate – if the folks initiate that  
 11 a gas turbine is required and the minimum  
 12 loading is 40 megawatts, then you may have  
 13 some, you know, megawatts in excess of that  
 14 for the Avalon from that perspective. The  
 15 other factor is that when the units are shut  
 16 down in the evening or whatever after peak  
 17 and there's a judgment call made by the  
 18 operators in the ECC as well, if the load  
 19 forecast is not falling off as sharply as  
 20 anticipated, they may delay that for any  
 21 hour or two or whatever, but, you know, I  
 22 would like to go back and say that, you  
 23 know, if you want to get into all those  
 24 different nuances, that Ms. Williams would  
 25 be the best one to actually go over all

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1 those different parameters that initiate the  
 2 gas turbine operating and what all the push  
 3 and takes are, if you will.  
 4 MR. O'BRIEN:  
 5 Q. Okay, I'll take that up with her. Are you  
 6 able to tell me whether or not there are any  
 7 procedures or measures that Hydro has in  
 8 place to ensure that standby generation is  
 9 not running longer than necessary, or times  
 10 when it's not necessary, apart from this –  
 11 MR. HAYNES:  
 12 A. At a high level, I know that there's a lot  
 13 of attention paid to that by Ms. Williams  
 14 group and others. They look at it and if  
 15 they see something that's a little bit  
 16 peculiar looking, they will go back and ask  
 17 questions to the ECC, you know, why wasn't  
 18 it shut down earlier, or why it was left on,  
 19 or whatever.  
 20 MR. O'BRIEN:  
 21 Q. Okay.  
 22 MR. HAYNES:  
 23 A. Again Ms. Williams actually has been – I  
 24 would say that she's been, for lack of a  
 25 better word, she's been all over that file,

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1 looking at the operating and rationalizing  
 2 if it's being operated properly.  
 3 MR. O'BRIEN:  
 4 Q. So have there been any sort of retrospective  
 5 studies of analyses done just to look at  
 6 that?  
 7 MR. HAYNES:  
 8 A. I don't think there's been to look at the  
 9 whole, but I think there's a fair review  
 10 done in the application to actually further  
 11 the recovery of those costs. I think the  
 12 last application has a lot more detail on  
 13 that, but again Ms. Williams would be the  
 14 best to delve into that aspect of it.  
 15 MR. O'BRIEN:  
 16 Q. And has there been any consideration to  
 17 modifying, spinning reserve criteria, or  
 18 anything like that?  
 19 MR. HAYNES:  
 20 A. Not at this point in time, but we're still  
 21 operating as largely an isolated island  
 22 system. We do have the Maritime Link, so we  
 23 have avoided some starts of the gas turbine  
 24 based on that, and that's a decision that's  
 25 made daily depending what the load forecast

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1 is, and they will continue, but from the  
 2 point of view of looking at the island  
 3 security, we have not. I think when the DC  
 4 line comes in from Labrador, particularly  
 5 long term, that there will be some other  
 6 thoughts given to that particular aspect  
 7 because there is a cost to running spinning  
 8 reserve.  
 9 MR. O'BRIEN:  
 10 Q. Right.  
 11 MR. HAYNES:  
 12 A. And what we felt, or what we feel is that  
 13 what we're doing right now is what is  
 14 anticipated and expected by the various  
 15 parties, and, you know, we haven't had any  
 16 significant pushback, if you will, on the  
 17 operating of that. Obviously, when the cost  
 18 came in, it was –  
 19 MR. O'BRIEN:  
 20 Q. Significant cost.  
 21 MR. HAYNES:  
 22 A. It was a significant cost, yes, but that is  
 23 – you know, if you want that level of  
 24 reliability on reserve, then there's a price  
 25 to pay regrettably, but that is the way it

Page 35

1 is.  
 2 MR. O'BRIEN:  
 3 Q. And when you say you've been operating this,  
 4 and I think you mentioned this earlier, sort  
 5 of in accordance with what Liberty has  
 6 indicated and what you understand  
 7 stakeholders to –  
 8 MR. HAYNES:  
 9 A. That's our understanding, yes.  
 10 MR. O'BRIEN:  
 11 Q. Have you done a survey of stakeholders on  
 12 this particular issue?  
 13 MR. HAYNES:  
 14 A. We haven't done a survey of stakeholders.  
 15 Basically, from the Liberty comments and  
 16 different things that come back, and no one  
 17 has pushed back until – of any consequence,  
 18 anyway, until now. However, we are open to  
 19 whatever is - the best balance of cost and  
 20 reliability is where we want to land.  
 21 MR. O'BRIEN:  
 22 Q. Have you looked at other options like  
 23 relying on non-spinning reserves versus –  
 24 MR. HAYNES:  
 25 A. We have arrangements with some industrial

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1 customers for interrupterable or that's  
 2 probably not the right word any more, but  
 3 curtailable load. We've looked at those.  
 4 We did go out and look for as much as we  
 5 could get of that. We did enter a new  
 6 contract with Corner Brook Pulp and Paper  
 7 last year to increase that amount, and that  
 8 doesn't – that doesn't help the Avalon part,  
 9 but it helps that. Certainly, you know,  
 10 from Vale, and Praxair, those do help, but  
 11 they're not always available from those  
 12 folks, but we do go for those.  
 13 MR. O'BRIEN:  
 14 Q. But like you say, that wouldn't help the  
 15 Avalon?  
 16 MR. HAYNES:  
 17 A. Yes, they would help the Avalon.  
 18 MR. O'BRIEN:  
 19 Q. Any other options you looked at for the  
 20 Avalon for maintaining, say, a non-spinning  
 21 reserve?  
 22 MR. HAYNES:  
 23 A. I don't have a level of detail. That there  
 24 again from a generation and planning point  
 25 of view, Ms. Williams would be the best to

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1 speak to that.

2 MR. O'BRIEN:

3 Q. I understand that a part of Hydro's

4 operational philosophy includes staffing the

5 ECC in advance as well?

6 MR. HAYNES:

7 A. What we have done in response to what we

8 perceive to be the expectations of our

9 customers, is that basically if we foresee

10 that we are, you know, close to a spinning

11 reserve issue or if there's a storm coming,

12 we will actually – rather than have an event

13 that requires an outage to a customer, we

14 will staff the gas turbines without starting

15 them, so that basically we don't have an

16 hour or an hour and a half response time, or

17 whatever the time is for them to get to the

18 site and start the gas turbines, so they're

19 ready to act. So if there was a bump, if

20 there was an event on N-1 and we lost the

21 generator and there was a under frequency

22 load shedding, or a shortfall on the Avalon,

23 then we would potentially have people at the

24 station to be proactive in getting the gas

25 turbines on, whether it's Hardwood's or

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1 Holyrood, or Stephenville for that matter.

2 MR. O'BRIEN:

3 Q. I take it that staffing process doesn't

4 affect the amount that's in the –

5 MR. HAYNES:

6 A. My understanding that the amount that's

7 there is fuel.

8 MR. O'BRIEN:

9 Q. It's fuel, right.

10 MR. HAYNES:

11 A. That's my understanding.

12 MR. O'BRIEN:

13 Q. But that staffing, is there additional cost

14 to that that's built into the –

15 MR. HAYNES:

16 A. Oh, there would be. Any staffing beyond 4

17 o'clock would be under our collective

18 agreement with IBEW. So there would be

19 overtime.

20 MR. O'BRIEN:

21 Q. There would be overtime cost?

22 MR. HAYNES:

23 A. If they're at the plant, or if they're at

24 Hardwood's or Stephenville waiting for a

25 call.

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1 MR. O'BRIEN:

2 Q. And do you have any knowledge of sort of how

3 much that OT would –

4 MR. HAYNES:

5 A. Not off the top of my head, but again Ms.

6 Williams, that's actually - those are

7 primarily folks in her shop.

8 MR. O'BRIEN:

9 Q. All right. Okay, I wonder if we could move

10 just – I have a few questions for you just

11 in terms of the reliability side of things.

12 If we could pull up page 3.8 of the

13 evidence. Reliable operations systems

14 performance, at line 20 here, "In 2016,

15 Hydro moved towards a more customer focused

16 reliability model, taking into account the

17 impact on the end user or end consumer of

18 electricity". Just kind of walk me through

19 that idea?

20 MR. HAYNES:

21 A. So what I would refer to that would be, for

22 lack of a technical term, a meter socket

23 view of the world, and, basically, the

24 customer, whether it's a Newfoundland Power

25 customer or a Newfoundland Hydro customer, I

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1 don't think they really care who caused the

2 outage. All they know is that they've been

3 out. You know, traditionally we have looked

4 at our reliability indices on transmissions,

5 you know, on transmission line basis. We've

6 looked at it on our distribution customers

7 for our service territory, whether isolated

8 or inter-connected, we've broken that down.

9 What we didn't do before, we didn't consider

10 from that metric point of view the impact on

11 Newfoundland Power customers. We would

12 obviously, you know, measure the number of

13 under frequency load shedding events that we

14 had. In our regular meetings with

15 Newfoundland Power, we would discuss our

16 performance, they would discuss their

17 performance, you know, and they would also

18 look at things that we caused them as a loss

19 of supply, which is perfectly normal. So we

20 thought that from an end customer – end

21 consumer point of view, we would look beyond

22 the company that actually caused the net

23 effect, and our view was these are the

24 things that Newfoundland Hydro contributed

25 to. They would not include, you know,

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1 Newfoundland Power events that were totally  
 2 under their control, but if we caused  
 3 Newfoundland Power grief in the sense of we  
 4 lost a line, a terminal station, or  
 5 transformer, or whatever, we would put that  
 6 in there and we would say this is how we  
 7 impact the customers overall. So it is a bit  
 8 of an unusual parameter in the sense of  
 9 recovering. It's not just we measure our  
 10 performance, but it's the collective  
 11 performance that we think that we've caused  
 12 any consumer.

13 MR. O'BRIEN:  
 14 Q. So is it fair to say that what you try to do  
 15 here with this measure is to back out any  
 16 issues that Newfoundland Power may have  
 17 caused and focused on your own, that's what  
 18 the -

19 MR. HAYNES:  
 20 A. That's my understanding, yes, that that  
 21 would be – you know, we would not include –  
 22 if you had outages that are planned or  
 23 unplanned in any of your areas that were  
 24 nothing to do with Hydro, they would not be  
 25 in that particular measure. These are the

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1 things that we felt that we inflicted on any  
 2 customer.

3 MR. O'BRIEN:  
 4 Q. And where did this type of measure come  
 5 from? Is this something that Hydro  
 6 developed or is it based on other  
 7 jurisdictions?

8 MR. HAYNES:  
 9 A. I don't know if using other jurisdictions.  
 10 I think it's something that we came up with.  
 11 I will say that before I retired, we always  
 12 talked about, you know – we're not  
 13 dialoguing with Newfoundland Power  
 14 customers, nor should we, but, basically, if  
 15 there are issues that we're causing, we do  
 16 have, you know, announcements, some PR  
 17 things, you know, from that perspective, and  
 18 we certainly take responsibility and  
 19 accountability for any outages that we've  
 20 caused. So I think it's a bit of a home  
 21 grown indices (phonetic) that looks at the  
 22 whole. It's not so different, I suppose,  
 23 than some CEA ones from across the country  
 24 when they add up everybody's particular  
 25 metric, but that would not be used by CEA.

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1 What CEA would do would be take your  
 2 performance statistics, they would take  
 3 ours, and they would come up with a  
 4 collective whole, but this is a bit unique  
 5 for our jurisdiction, but the fact that you  
 6 have, you know, 250/260,000 customers that  
 7 we contribute, we think it's appropriate  
 8 that we would actually look at that overall  
 9 performance for most customers.

10 MR. O'BRIEN:  
 11 Q. Are you able to tell me who sort of within  
 12 the organization developed this metric?

13 MR. HAYNES:  
 14 A. Actually, I don't, because that was done  
 15 when I was off, and I didn't go back to look  
 16 at it. I do look at it as being a reasonable  
 17 representation of what we caused Hydro as a  
 18 whole.

19 MR. O'BRIEN:  
 20 Q. And are you able to find out for me just  
 21 sort of when that was developed and who  
 22 developed it?

23 MR. HAYNES:  
 24 A. I can endeavour to find out. I suspect it  
 25 would be coming out of the transmission

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1 folks from the point of view – maybe it was  
 2 a collective decision. I certainly will  
 3 find out.

4 MR. O'BRIEN:  
 5 Q. Okay, thanks.

6 MS. GLYNN:  
 7 Q. We'll note that as an undertaking.  
 8 (UNDERTAKING)

9 MR. O'BRIEN:  
 10 Q. And can you tell me sort of how Hydro would  
 11 utilize the results from this index in its  
 12 decision making?

13 MR. HAYNES:  
 14 A. In Hydro's, you know, goals and objectives  
 15 for 2017, we actually put in the end user  
 16 customer performance as a high level goal.  
 17 That would be a deliverable that we would  
 18 have. We would actually generate the outage  
 19 based on – we would generate the target  
 20 number based on historical performance of  
 21 the last three to five years. We would  
 22 incorporate planned outages and an allowance  
 23 for unplanned outages, and then we would  
 24 arrive at a target number, and, basically,  
 25 the basis is for continuous improvement, to

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1 actually keep working that number down and  
 2 if there was a major storm event that was  
 3 excluded from Newfoundland Power, we would  
 4 typically exclude that if it was things  
 5 beyond a design criteria of the line, but  
 6 typically these are planned outages that are  
 7 incorporated. So even though the number may  
 8 move around, if we have a lot of planned  
 9 outages because we're doing a lot of re-  
 10 work, then that would be incorporated in  
 11 that target. So once all the work plans are  
 12 set, those numbers follow that analysis.

13 MR. O'BRIEN:  
 14 Q. And you use that in terms of corporate  
 15 targets?

16 MR. HAYNES:  
 17 A. It is a corporate target that's actually  
 18 embedded in the performance contract as  
 19 well. It's a very visible number in Hydro,  
 20 and basically a target that everybody is  
 21 aware of, or should be aware of. I'm sure  
 22 they are.

23 MR. O'BRIEN:  
 24 Q. And so, for the past few years, you must  
 25 have gone back and reformulated those

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1 figures based on that index?

2 MR. HAYNES:  
 3 A. Yes.

4 MR. O'BRIEN:  
 5 Q. Okay. So, just backed up.

6 MR. HAYNES:  
 7 A. There's a gentleman in the Reliability group  
 8 actually goes back and actually kind of - I  
 9 won't say owns that data, but he analyzes  
 10 that data pretty thoroughly to come up with  
 11 targets and he incorporates planned outages  
 12 and so on for setting targets on the go-  
 13 forward basis.

14 MR. O'BRIEN:  
 15 Q. And I wonder if we could pull up Information  
 16 No. 1, page 9, and this is just I want to  
 17 have a quick look at the actuals for 2017 on  
 18 that figure. That's Table 3.2, yeah, okay.  
 19 So, if we look at the end consumer  
 20 performance figures there. 2013-2014  
 21 include the larger storm areas, those  
 22 figures. Are you satisfied Hydro is back to  
 23 where it was prior to that now on this  
 24 figure, on this metric?

25 MR. HAYNES:

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1 A. We are improving.

2 MR. O'BRIEN:  
 3 Q. Okay.

4 MR. HAYNES:  
 5 A. You know, and if you were to look at trend  
 6 line, if you will, of the pre and post to  
 7 these periods, we are on an improvement  
 8 trajectory, if you will.

9 MR. O'BRIEN:  
 10 Q. And what steps is Hydro taking to get back  
 11 towards the prior 2013?

12 MR. HAYNES:  
 13 A. We're looking at our work processes. We're  
 14 looking at, you know, reinstating some live  
 15 line work, which we're doing very  
 16 cautiously, I might add, because it's  
 17 something that we haven't done for quite a  
 18 while. So, that's one of the things that  
 19 we're looking at doing. We have contracted  
 20 some of that, particularly in Labrador, and  
 21 have had some benefit to that. But again,  
 22 it's a process to get back there. A lot of  
 23 it is work planning and scheduling from that  
 24 perspective.

25 MR. O'BRIEN:

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1 Q. And you say the live line work, that's in  
 2 the transmission area?

3 MR. HAYNES:  
 4 A. Distribution, primarily distribution.

5 MR. O'BRIEN:  
 6 Q. Distribution as well, is it, okay.

7 MR. HAYNES:  
 8 A. To go back at that, but Mr. LeBlanc actually  
 9 would be involved in that discussion.

10 MR. O'BRIEN:  
 11 Q. And it's something that you're bringing back  
 12 slowly?

13 MR. HAYNES:  
 14 A. Slowly and cautiously. There's a  
 15 requirement of training. There's equipment  
 16 and so on. But a lot of utilities kind of  
 17 backed out of that over time and it does  
 18 take time to get back at that and it's not  
 19 without risk obviously and has to be done  
 20 right.

21 MR. O'BRIEN:  
 22 Q. Hydro did that before?

23 MR. HAYNES:  
 24 A. We used to do it before, yes. It's a safety  
 25 concern obviously, but it can be done.

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1 MR. O'BRIEN:  
 2 Q. Is there -  
 3 MR. HAYNES:  
 4 A. As long as it's done properly.  
 5 MR. O'BRIEN:  
 6 Q. Any additional cost or is that a cost  
 7 savings?  
 8 MR. HAYNES:  
 9 A. I think there may be some additional cost  
 10 because it's slower to do, but at the end of  
 11 the day, it does increase customer  
 12 reliability if there are less outages. You  
 13 know, it may be cheaper than bringing in  
 14 diesels. We can't bring in diesels  
 15 everywhere we operate, but where we can, we  
 16 will, if there's an extended outage.  
 17 MR. O'BRIEN:  
 18 Q. Has there been a cost benefit analysis  
 19 undertaken for that?  
 20 MR. HAYNES:  
 21 A. I don't think there's been a cost benefit  
 22 analysis that I'm aware of, but again, Mr.  
 23 LeBlanc could actually look at that.  
 24 MR. O'BRIEN:  
 25 Q. Okay.

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1 MR. HAYNES:  
 2 A. We're still trying to balance, obviously,  
 3 customer reliability and cost.  
 4 (9:45 a.m.)  
 5 MR. O'BRIEN:  
 6 Q. I wonder if we could go to the evidence,  
 7 Section 3.4. It's page 311, 3.11. That's  
 8 it, okay. If we can go up there to lines 15  
 9 to 16. The generation - Hydro - hydraulic  
 10 generation performance. We talked last time  
 11 about Bay D'Espoir station having some  
 12 issues just in terms of that leak that was -  
 13 MR. HAYNES:  
 14 A. On the Penstock, yes.  
 15 MR. O'BRIEN:  
 16 Q. The Penstock, yes. And there's an  
 17 indication here that that may have impacted  
 18 the DAFOR figures since 2014. Is that what  
 19 the focus might be?  
 20 MR. HAYNES:  
 21 A. It certainly would have had an impact on  
 22 DAFOR for that period of time.  
 23 MR. O'BRIEN:  
 24 Q. Is this impact - we see a bit of a dramatic  
 25 change going upwards there in 2016. Is that

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1 considered something you expect to continue?  
 2 MR. HAYNES:  
 3 A. No. The most significant driver for that  
 4 was the Penstock issue.  
 5 MR. O'BRIEN:  
 6 Q. Okay.  
 7 MR. HAYNES:  
 8 A. And you know, that would be - that was not  
 9 anticipated certainly accept that there. It  
 10 was a unique issue that we feel that we have  
 11 and we're addressing and we have had reports  
 12 done, but Ms. Williams, again, to speak to  
 13 that there.  
 14 MR. O'BRIEN:  
 15 Q. Okay.  
 16 MR. HAYNES:  
 17 A. But Penstock No. 1 was a contributor in 2016  
 18 and again in 2017 to some degree.  
 19 MR. O'BRIEN:  
 20 Q. And I do see, just in the actuals, to be  
 21 fair, 2017 figures come down to 2.29.  
 22 MR. HAYNES:  
 23 A. Yeah.  
 24 MR. O'BRIEN:  
 25 Q. So, do you expect that to be in that area or

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1 to improve?  
 2 MR. HAYNES:  
 3 A. I would expect that or better. Typically,  
 4 the - you know, we've always, you know, been  
 5 very good on DAFOR for hydraulic machines,  
 6 but that has been our past. We are working  
 7 to get that back. But the Penstock was the  
 8 biggest single driver for sure.  
 9 MR. O'BRIEN:  
 10 Q. Okay. So, in terms of getting back to where  
 11 you were back say in 2012-2013, what steps  
 12 is Hydro taking?  
 13 MR. HAYNES:  
 14 A. Again, on the long-term asset planning part,  
 15 you know, to provide timely intervention to  
 16 the machine, to the units, to get them ready  
 17 for winter operations so we don't have any  
 18 unplanned outages. That's the biggest  
 19 driver. Again, this would be in Ms.  
 20 Williams' shop and she's been driving that  
 21 and would keenly be involved in the Penstock  
 22 issue as well.  
 23 MR. O'BRIEN:  
 24 Q. Okay. Can we scroll down to the next page  
 25 there just in terms of thermal generation

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1 performance? There was some issues with  
 2 Unit 1 and Unit 2 in 2016. I guess that's  
 3 the reason for the increase there in DAFOR.  
 4 MR. HAYNES:  
 5 A. That's the furnace pressure and the  
 6 economizer fouling, those issues that we're  
 7 trying to address, those are, and you know,  
 8 they – that there basically is indicating  
 9 the amount of derating that we've had this  
 10 past winter, I'm sorry, over time. I'm  
 11 sorry. 2016 was probably the reheater tube  
 12 issue.  
 13 MR. O'BRIEN:  
 14 Q. Okay.  
 15 MR. HAYNES:  
 16 A. 2017 would have been the economizer and  
 17 furnace pressure.  
 18 MR. O'BRIEN:  
 19 Q. And do you expect that to continue along the  
 20 same lines until Holyrood is -  
 21 MR. HAYNES:  
 22 A. Our goal is to actually – we are looking at  
 23 the current fouling issues that we have on  
 24 the economizers and, you know, the air  
 25 heater baskets and so on. We are, you know,

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1 taking steps to actually mitigate some of  
 2 that. But, you know, it is an issue that  
 3 the economizer is a very congested area and  
 4 difficult to clean and we tried a couple of  
 5 different things to clean it and we will  
 6 continue. But we did go back, I think, last  
 7 year – I think we were up there starting off  
 8 at 160. The thermal units do derate over  
 9 the winter operating season. That's been  
 10 always the case, but I think, you know, in  
 11 the last – last year has been a little bit  
 12 more than we would have – more than I would  
 13 have anticipated anyway.  
 14 But we do have a group looking at the  
 15 various things that we can do to aid that.  
 16 You know, the air heater basket changing is  
 17 one. The fuel additive modifications is  
 18 another one. So, we are looking at two or  
 19 three things to address that and we do have  
 20 – we have engaged the OEMs on that or our  
 21 major contractors. It may not be the OEM  
 22 because they've changed hands so many times,  
 23 but Badcock and Wilcox of the world or us  
 24 and whoever to come back and look at these  
 25

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1 particular units with recommendations.  
 2 MR. O'BRIEN:  
 3 Q. What's Hydro's current plan for the  
 4 operation of Holyrood between say now and  
 5 when it converts to a synchronous condenser  
 6 operation?  
 7 MR. HAYNES:  
 8 A. Sorry, I didn't catch the first part.  
 9 MR. O'BRIEN:  
 10 Q. From now until when Holyrood converts to say  
 11 synchronous condenser operation, what's the  
 12 plan in terms of -  
 13 MR. HAYNES:  
 14 A. The plan is that basically we will still –  
 15 we still depend on Holyrood from the point  
 16 of view of backup and we will also run it as  
 17 required, but hopefully running at a lower  
 18 load with the Labrador Island Link in  
 19 service because we'll take whatever  
 20 megawatts and whatever energy we can get  
 21 over that reliably. But we have – we  
 22 obviously have to work around that  
 23 reliability. We can't shut down Holyrood  
 24 totally, in total, because we have the  
 25 Labrador Island Link, but you know, if we

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1 can shut down one machine early or two  
 2 machines early, we will compress that. So,  
 3 we hope to have less running hours over  
 4 time.  
 5 MR. O'BRIEN:  
 6 Q. And do you have -  
 7 MR. HAYNES:  
 8 A. Up to, you know, 2021 when you would cease  
 9 thermal operation.  
 10 MR. O'BRIEN:  
 11 Q. So, is there a plan in shutting down one at  
 12 a certain time or is it just -  
 13 MR. HAYNES:  
 14 A. There is a schedule every year of basically,  
 15 you know, what the production plans are for  
 16 Holyrood plant.  
 17 MR. O'BRIEN:  
 18 Q. Right.  
 19 MR. HAYNES:  
 20 A. And you know, that is a plan for the year.  
 21 As the year unfolds, things change. That'll  
 22 be adapted and modified as required, but  
 23 there is a plan. Basically, you know, that  
 24 feeds into our total operating hours, our  
 25 fuel forecast and so on.

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1 MR. O'BRIEN:  
 2 Q. And your current view of the timing of  
 3 conversion to synchronous condenser would  
 4 still be 2021?  
 5 MR. HAYNES:  
 6 A. 2021 is still the date that we're working  
 7 with and still the one that the folks at  
 8 Nalcor are working towards. The first power  
 9 in 2019 and basically, you know, the Muskrat  
 10 Falls plant completed by – and you know,  
 11 we've also said that 2021 would be – we  
 12 would also maintain the plant for a little  
 13 bit thereafter, but basically, we're – I  
 14 think April 2021 is when we would be  
 15 finished, if you would, on the thermal  
 16 production side is the plan.  
 17 MR. O'BRIEN:  
 18 Q. And where will you be at that point? You'll  
 19 just have – will you have one unit as a  
 20 synchronous condenser or what's the -  
 21 MR. HAYNES:  
 22 A. Well, the intention right now was that No. 3  
 23 already has the capability to operate as a  
 24 synchronous condenser.  
 25 MR. O'BRIEN:

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1 Q. Right.  
 2 MR. HAYNES:  
 3 A. That will be retained. Unit No. 1 and 2  
 4 will be shut down.  
 5 MR. O'BRIEN:  
 6 Q. Okay. Those are all my questions, Madam  
 7 Chair.  
 8 CHAIR:  
 9 Q. Thank you, Mr. O'Brien. Mr. Browne, are you  
 10 ready to proceed?  
 11 MR. JAMES HAYNES, CROSS-EXAMINATION BY DENNIS BROWNE,  
 12 Q.C.  
 13 BROWNE, Q.C.:  
 14 Q. Thank you, Commissioner. Mr. Haynes, what  
 15 year was it you came back to Hydro?  
 16 MR. HAYNES:  
 17 A. I came back in late June 2016.  
 18 BROWNE, Q.C.:  
 19 Q. And when did you leave?  
 20 MR. HAYNES:  
 21 A. I think it was April of 2013, March or  
 22 April.  
 23 BROWNE, Q.C.:  
 24 Q. And what were your duties when you left?  
 25 MR. HAYNES:

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1 A. When I left, I was the Vice-President of  
 2 Regulated Operations which basically was  
 3 responsible for the wire side of the  
 4 business, the control – ECC or the Energy  
 5 Control Centre, and the hydro, thermal and  
 6 gas turbine generation.  
 7 BROWNE, Q.C.:  
 8 Q. Now, in 2013 when you left, the 2011, 2012,  
 9 2013 period, these were sort of critical  
 10 years for the Muskrat Falls Project. What  
 11 involvement did you have or did Hydro have  
 12 in creating the Project?  
 13 MR. HAYNES:  
 14 A. From a Hydro perspective, from my  
 15 perspective, I was responsible for the day-  
 16 to-day operations of most of the assets, if  
 17 you will, you know, outside Hydro Place.  
 18 So, from the point of view, the Planning  
 19 department reported to Engineering at the  
 20 time, which was not under Hydro. It was  
 21 basically the Engineering was a Nalcor  
 22 department. I think some of the people may  
 23 have been in Hydro, but basically it was not  
 24 in the Regulated Operations area.  
 25 BROWNE, Q.C.:

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1 Q. So, what does that mean? Does that mean  
 2 Hydro had no involvement or some involvement  
 3 or can you expand upon that?  
 4 MR. HAYNES:  
 5 A. Well, I don't have a lot to add from the  
 6 point of view of the expansion. My  
 7 involvement was very little. I mean, I was  
 8 aware it was there. My concern was that we  
 9 would have to do something with Holyrood if  
 10 we did not replace Holyrood or to come up  
 11 with something else from that perspective,  
 12 but the overall, you know, review of the  
 13 Project was done by Planning and they did  
 14 the studies, if you will, on what the next  
 15 potential source would be.  
 16 BROWNE, Q.C.:  
 17 Q. So, that was Hydro Planning?  
 18 MR. HAYNES:  
 19 A. Planning, I think – I don't actually  
 20 remember if they were actually Nalcor. I  
 21 suspect they probably worked for Hydro, but  
 22 they reported up to Engineering Department,  
 23 the Vice-President of Engineering, which  
 24 basically was who looked after Engineering  
 25 for all of Nalcor.

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1 BROWNE, Q.C.:

2 Q. So, was Hydro doing work for Nalcor as the

3 Project was conceived and was progressing

4 along or was Hydro left to do its own work

5 on the Island and in Labrador?

6 MR. HAYNES:

7 A. We were doing our own work with respect to –

8 from an operations point of view, which I

9 was responsible for. We do not – I don’t

10 recall the exact, you know, details of the

11 other part of that question that you have.

12 I mean, the review was done of what our

13 options were. The Engineering Department

14 provided estimates and there was analysis

15 done and then there was a lot of other work

16 done by, I suspect, some Hydro and Nalcor

17 people as a whole. But I can’t speak to the

18 details of that. I don’t know the – I was

19 not involved in detailed analysis anyway.

20 BROWNE, Q.C.:

21 Q. So, your duties didn’t take you into the

22 work of planning or assisting to plan

23 Muskrat Falls?

24 MR. HAYNES:

25 A. Other than the fact that, you know, if there

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1 were things that we needed to do. If we

2 needed to build transmission lines, we’d be

3 doing all that from a planning point of

4 view, but when it came down to the option

5 for the next source of power to fulfil our

6 obligations to serve, if you will, that was

7 done by the Planning Department which

8 reported to Engineering.

9 BROWNE, Q.C.:

10 Q. And you said that your concern was Holyrood?

11 MR. HAYNES:

12 A. My concern was that we are – we would have

13 to eventually address what the long-term

14 replacement, if you will, of Holyrood

15 because Holyrood is basically – it was 40

16 odd years old and it was getting more

17 pressure to operate. It was an aging asset

18 and we would have to, somewhere along the

19 way, have taken some pretty significant cost

20 increases, if you will, to replace that

21 asset. It was not conceivable that we would

22 run that for another 20 or 25 years.

23 BROWNE, Q.C.:

24 Q. But there were alternatives other than

25 Muskrat Falls?

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1 MR. HAYNES:

2 A. But they would have been looked at by the

3 Planning. The Planning folks would have

4 looked at that on generation planning, the

5 alternatives that they were looking at, and

6 I do not – I don’t have any of that.

7 BROWNE, Q.C.:

8 Q. You weren’t party to that?

9 MR. HAYNES:

10 A. I wasn’t party in the sense of actually, you

11 know, vetting what was good, what was bad,

12 what was indifferent. I mean, I may have –

13 I may have, and I do not recall, you know,

14 have a general understanding of what was

15 there, what was looked at, but you know,

16 that is – even though – you know, those

17 particular planning studies are done

18 routinely and doing often. We’re

19 undertaking one now from the point of view

20 of what our long-term thoughts are, but it’s

21 – you know, it’s a stand-alone job that was

22 done. Depending what you look at, there

23 were lots of options looked at and there

24 were options that were maybe not looked at

25 could have been looked at. But that’s water

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1 under the bridge from that perspective.

2 BROWNE, Q.C.:

3 Q. Yeah, and we have an Inquiry looking at

4 that.

5 MR. HAYNES:

6 A. Yes, exactly.

7 BROWNE, Q.C.:

8 Q. And this is not that Inquiry, but I’m just

9 trying to get a focus on what, if any,

10 involvement you had in reference to that and

11 can speak to, because your evidence has

12 Muskrat Falls all over it.

13 MR. HAYNES:

14 A. Yeah, but my primary role was as Vice-

15 President of Regulated Operations that I

16 would look after the daily operations of

17 Hydro and basically was on the operations

18 context.

19 BROWNE, Q.C.:

20 Q. And were you – is it fair to say you were a

21 proponent of Muskrat Falls or had you taken

22 a position on it or what was your position?

23 MR. HAYNES:

24 A. My personal position?

25 BROWNE, Q.C.:

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1 Q. Yes.

2 MR. HAYNES:

3 A. My personal position was that basically

4 based on the estimates that were there at

5 that time and the cost estimates and the

6 schedule that it didn't seem like a bad

7 idea. I don't think that thermal future is

8 a sustainable future personally and I think

9 that I would be – I personally would have a

10 hard time saying that a hydro project would

11 not beat, if you will, from an overall point

12 of view, a thermal plant, continued thermal

13 operation. But the estimates that were

14 available at the time, the cost increases,

15 the cost to continue with Holyrood, they

16 didn't – you know, they were tough. They

17 would increase, but they didn't seem to be –

18 you know, under the assumptions at the time,

19 where Holyrood was going to go, they didn't

20 seem to be outrageous. It seems to be, you

21 know, at the time, a reasonable course of

22 action. But it was a huge cost and the cost

23 overruns and the delay in schedules are the

24 biggest thing that are impacting where we

25

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1 are today.

2 (10:00 a.m.)

3 BROWNE, Q.C.:

4 Q. And looking back, if you knew now – if you

5 have this knowledge when you were putting it

6 together, would you have been a proponent?

7 MR. HAYNES:

8 A. Hindsight is 20/20. I don't know.

9 BROWNE, Q.C.:

10 Q. Your CEO, the CEO of Nalcor says the Muskrat

11 Falls Project was a mistake. Do you share

12 that point of view?

13 MR. HAYNES:

14 A. At the time, the Muskrat Falls Project was

15 extremely expensive. It was more than we

16 needed, but I've also looked at the fact

17 that we looked at Holyrood as being a – we

18 had counted in our production planning at

19 about 3,000 gigawatt hours a year from

20 Holyrood and so, also was 465 megawatts net

21 to the system. What Muskrat Falls was going

22 to bring was about 4900 gigawatt hours, so

23 it's more than we would, just need to

24 replace Holyrood, and about 800 megawatts or

25 700 something delivered. So, it was a bit

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1 more than we needed, but you know, there

2 were plans to sell the excess in the

3 external market and so on.

4 So, you know, that's a tough question,

5 Mr. Browne. I actually don't know. I'm not

6 sure. I mean, it would be – I said to

7 somebody else once before that I would find

8 it difficult not to want to go to a hydro

9 route because of its inherent reliability

10 and, you know, its environmental attributes,

11 but it's a – I don't have an answer. I've

12 thought about it many times, but I do not

13 have an answer.

14 BROWNE, Q.C.:

15 Q. At the time when Holyrood was under

16 discussion and Dr. Stephen Bruneau from the

17 University had a proposal to replace

18 Holyrood with gas, the LNG from the offshore

19 and bring it onshore to Holyrood to replace

20 the facility in that fashion. Were you

21 familiar with that idea?

22 MR. HAYNES:

23 A. I read an article, but I'm not familiar with

24 any depth to that. You know, I do read

25 trade articles and I know it's always

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1 potential but I also know it's not cheap.

2 That's all I know. I didn't dive into that

3 particular – and I wasn't familiar if that

4 was looked at or not. I have no idea.

5 BROWNE, Q.C.:

6 Q. Okay. Just if we can go now to see – we

7 look at rates. I'm very interested in

8 rates. If we can go to the document that

9 Mr. O'Brien made reference to, it's IC-NLH-

10 122, page 20 of 26. There you go; that's

11 it. Okay.

12 We have the Island Interconnected

13 domestic rate projections and you see these

14 projections, they escalate from 2021 when

15 the projection is 22.89 cents a kilowatt and

16 they go to 2030 when it goes to 25 cents a

17 kilowatt and then 2040, it goes to 32 cents

18 a kilowatt. So, the projection is upward

19 and constant. Now, these projections that

20 you have there, do these include the HST?

21 MR. HAYNES:

22 A. Well, it says on the bottom they exclude

23 HST>

24 BROWNE, Q.C.:

25 Q. They exclude HST?

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1 MR. HAYNES:  
 2 A. Yes.  
 3 BROWNE, Q.C.:  
 4 Q. Yeah, that's the answer.  
 5 MR. HAYNES:  
 6 A. It's on the bottom of the graph.  
 7 BROWNE, Q.C.:  
 8 Q. That's correct, according to the bottom, and  
 9 I – so, with HST, we can anticipate another  
 10 15 percent on all of these rates?  
 11 MR. HAYNES:  
 12 A. Or whatever the HST rate is, yes.  
 13 BROWNE, Q.C.:  
 14 Q. It's 15 percent.  
 15 MR. HAYNES:  
 16 A. Currently, yes.  
 17 BROWNE, Q.C.:  
 18 Q. Okay. And these projections, do they  
 19 include Newfoundland Power's rate of return  
 20 and if that rate of return should escalate  
 21 or should Newfoundland Power seek increases  
 22 from time to time? Is there anything built  
 23 into this projection to deal with that  
 24 concern?  
 25 MR. HAYNES:

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1 A. I'm not sure. Newfoundland Power costs  
 2 actually do increase over time, but whether  
 3 that is in here and the applications they've  
 4 made or an assumption of escalation, I have  
 5 no idea.  
 6 BROWNE, Q.C.:  
 7 Q. So, granted you haven't created this  
 8 document and you see it the way it is, the  
 9 way I do. So, what – if we can look to,  
 10 just for a few moments, if we can go to the  
 11 overall factors impacting rates, if we go to  
 12 IC-NLH-122, page 18 of 26. And there, Hydro  
 13 has given a document to the Industrial  
 14 Customers, overall factors impacting rates,  
 15 the forecast of load and changes in  
 16 regulated rates not related to Muskrat  
 17 Falls, updated capital costs, updated  
 18 operating and maintenance costs, updated  
 19 financing costs. So, are these factors  
 20 included in the projections or are they  
 21 outside the projections that we just saw in  
 22 the chart, the rate chart?  
 23 MR. HAYNES:  
 24 A. I would expect that they are, but I can't  
 25 speak in detail to that particular analysis

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1 that was done. It was done by Investment  
 2 Evaluation of Nalcor. The 22.89 basically,  
 3 I think, you know, those are consistent with  
 4 what the projections would be. The model  
 5 that they actually use, I would – I can't  
 6 imagine it does not include that there. It  
 7 would not include any unknown capital costs.  
 8 For instance, if we were to – if we, at the  
 9 end of our review of adequacies, you know,  
 10 felt and the Board agreed that we actually  
 11 needed to add additional generation for, you  
 12 know, Island security, if you will, that  
 13 would be a driver. But basically, our  
 14 capital program is out there projected and  
 15 there would be assumptions made. They would  
 16 all be normally included, yes.  
 17 BROWNE, Q.C.:  
 18 Q. But these factors can always change, right?  
 19 The load factor can change.  
 20 MR. HAYNES:  
 21 A. Yes.  
 22 BROWNE, Q.C.:  
 23 Q. The capital cost may change. These are  
 24 variables?  
 25 MR. HAYNES:

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1 A. They are variables, yes.  
 2 BROWNE, Q.C.:  
 3 Q. So, if something happens and you need a  
 4 project, ratepayers are still going to have  
 5 to pay for that?  
 6 MR. HAYNES:  
 7 A. If the Board approved – if the Board agrees  
 8 that we need to invest more capital and in  
 9 that sense, if something happens, yes, that  
 10 would drive rates. But based on what was  
 11 known at the time and the forecast there for  
 12 load, et cetera, those are the numbers that  
 13 are there and the load forecast as well.  
 14 BROWNE, Q.C.:  
 15 Q. Could you undertake to give us the name of  
 16 the person who put this projection and put  
 17 this chart together and came up with this  
 18 chart; we saw a reference to rates, so, we  
 19 can find if that person is being called as a  
 20 witness in this proceeding? (UNDERTAKING)  
 21 MR. HAYNES:  
 22 A. I can undertake to – yes, I can see what I  
 23 can do.  
 24 BROWNE, Q.C.:  
 25 Q. Sure.

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1 MR. HAYNES:  
 2 A. I would suggest that from the point of view  
 3 of the overall rates model that Mr. Fagan  
 4 would be the best one, from a Hydro point of  
 5 view, to get into that, at least a  
 6 connection to that there. But, I don't  
 7 think he can speak to the long-term model  
 8 that was on that particular slide.  
 9 BROWNE, Q.C.:  
 10 Q. Now, in reference to rates -  
 11 MS. GLYNN:  
 12 Q. Excuse me, Mr. -  
 13 BROWNE, Q.C.:  
 14 Q. - we know now -  
 15 MS. GLYNN:  
 16 Q. Mr. Browne, excuse me. I just want to note  
 17 that as the undertaking, please.  
 18 BROWNE, Q.C.:  
 19 Q. Pardon?  
 20 MS. GLYNN:  
 21 Q. I just wanted to note that there was an  
 22 undertaking provided.  
 23 BROWNE, Q.C.:  
 24 Q. Okay, thank you.  
 25 MS. GLYNN:

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1 Q. Thank you.  
 2 MR. YOUNG:  
 3 Q. Yeah, I'm not sure exactly what the  
 4 undertaking is. I understand - I think I  
 5 understood the question, but I'm not sure  
 6 what it is we're -  
 7 BROWNE, Q.C.:  
 8 Q. You're undertaking to provide the name of  
 9 who came up with the chart, who developed  
 10 this chart.  
 11 MR. YOUNG:  
 12 Q. Okay.  
 13 BROWNE, Q.C.:  
 14 Q. I want to know who developed this chart, so  
 15 we can find out how they came up with these  
 16 numbers.  
 17 MR. YOUNG:  
 18 Q. Okay. And the only reason I - Mr. Browne,  
 19 the only reason I'm interjecting here is  
 20 then you said and whether or not he or she  
 21 would be called, and I think the answer is -  
 22 I don't know if this satisfies the  
 23 undertaking, but the answer is Mr. Fagan  
 24 will be called. He can testify, but he  
 25 didn't do this chart. So, you're still

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1 looking for the name of somebody who can do  
 2 this?  
 3 BROWNE, Q.C.:  
 4 Q. Yes, it would be helpful. If Mr. Fagan  
 5 developed the chart and he's been called as  
 6 a witness, good. But if someone outside  
 7 developed the chart and Mr. Fagan is  
 8 speaking to it, that's certainly another  
 9 matter. But, I think it would be  
 10 interesting to know who developed the chart.  
 11 So, that would be the undertaking.  
 12 MR. YOUNG:  
 13 Q. We can look into that. It's most likely not  
 14 a Hydro person, but we can definitely look  
 15 into that. When I say not a Hydro person,  
 16 it's probably a Nalcor person.  
 17 BROWNE, Q.C.:  
 18 Q. Okay.  
 19 MS. GLYNN:  
 20 Q. So, the undertaking is to provide the name  
 21 of the person who developed the chart?  
 22 BROWNE, Q.C.:  
 23 Q. Yes.  
 24 CHAIR:  
 25 Q. All clear?

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1 MS. GLYNN:  
 2 Q. Yes.  
 3 BROWNE, Q.C.:  
 4 Q. In IC-NLH-122, Attachment 1, page 22 of 26,  
 5 there's an electricity rate comparison and  
 6 we have it there. We have various provinces  
 7 and we're here in 2018, the Province of  
 8 Newfoundland and Labrador is not mentioned  
 9 there. We're looking at rate comparisons.  
 10 But, you would agree with me today that the  
 11 rate for domestic consumers on the  
 12 Interconnected system right now is 10.64  
 13 cents in the Province of Newfoundland and  
 14 Labrador, subject to check?  
 15 MR. HAYNES:  
 16 A. Yes. The last note there says 11.7  
 17 actually, but subject to check.  
 18 BROWNE, Q.C.:  
 19 Q. It does say 11.7 and - but that was July 1,  
 20 2017. We probably had an adjustment  
 21 downward. I'd just note in my last - in my  
 22 own last statement, it was 10.64 cents, but  
 23 maybe we can get that clarified, if you can  
 24 undertake why you're saying 11.7 cents in  
 25 this particular chart, but today, it is

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1 actually 10.64 cents? Can someone undertake  
 2 to do that? (UNDERTAKING)  
 3 MR. YOUNG:  
 4 Q. Is the undertaking to confirm today's rate?  
 5 BROWNE, Q.C.:  
 6 Q. Yes, today's rates.  
 7 MR. YOUNG:  
 8 Q. Okay.  
 9 BROWNE, Q.C.:  
 10 Q. And so there's no confusion.  
 11 MR. YOUNG:  
 12 Q. Yes, yeah.  
 13 BROWNE, Q.C.:  
 14 Q. So, be that as it may, we'll say it's 10.64  
 15 cents because I have evidence to that. The  
 16 rate we have here today is cheaper than all  
 17 these other jurisdictions, save Manitoba and  
 18 British Columbia. You would agree?  
 19 MR. HAYNES:  
 20 A. Yes.  
 21 BROWNE, Q.C.:  
 22 Q. And the average rate you have there for 2020  
 23 is 14.6 cents, based on projections. Who –  
 24 once again, how were these projections  
 25 realized? How did they come up with these

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1 numbers? Can Mr. Fagan, if Mr. Fagan is  
 2 giving evidence, undertake to speak to that?  
 3 MR. HAYNES:  
 4 A. Yes, he could. They would do a survey, have  
 5 to go back and look. There's obviously a  
 6 lot of assumptions made in those things, but  
 7 that would be the source of most of the  
 8 information, I would suspect. Can I see the  
 9 title of that actual presentation, if you go  
 10 back to page 1?  
 11 BROWNE, Q.C.:  
 12 Q. It was the update.  
 13 MR. HAYNES:  
 14 A. Okay, fine.  
 15 BROWNE, Q.C.:  
 16 Q. Okay. So, it's the update of June 23, 2017.  
 17 MR. HAYNES:  
 18 A. Fine, thank you.  
 19 BROWNE, Q.C.:  
 20 Q. So, I guess we'll be getting another update  
 21 at some point soon, because that's about a  
 22 year ago. Anyway, we can go back to where I  
 23 was, thank you. Okay. Now, that particular  
 24 chart selects certain provinces. It doesn't  
 25 have the Province of Quebec in there.

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1 MR. HAYNES:  
 2 A. No.  
 3 BROWNE, Q.C.:  
 4 Q. Is there any particular reason why Quebec  
 5 was omitted and Manitoba and British  
 6 Columbia were included?  
 7 MR. HAYNES:  
 8 A. I'm not aware of why they would be excluded.  
 9 I know Hydro Quebec is largely hydro based.  
 10 Traditionally, we've always looked at  
 11 Atlantic Canada as being comparative to  
 12 where we are because that's who we're  
 13 competing with, but you know, from the point  
 14 of view of an industrial development of  
 15 whatever. But Atlantic Canada has been a  
 16 typical comparator. So, Nova Scotia, Prince  
 17 Edward Island and New Brunswick, it would be  
 18 common for us to compare to.  
 19 BROWNE, Q.C.:  
 20 Q. Yeah, but Ontario, Manitoba and British  
 21 Columbia are also included.  
 22 MR. HAYNES:  
 23 A. They're examples, yes.  
 24 BROWNE, Q.C.:  
 25 Q. Yeah. Do you know what the rate of

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1 electricity – what ratepayers are paying in  
 2 Quebec today, domestic ratepayers?  
 3 MR. HAYNES:  
 4 A. No, I do not.  
 5 BROWNE, Q.C.:  
 6 Q. Do you have any idea?  
 7 MR. HAYNES:  
 8 A. Not off the top of my head, no.  
 9 BROWNE, Q.C.:  
 10 Q. Can you undertake to provide that to us?  
 11 (UNDERTAKING)  
 12 MR. HAYNES:  
 13 A. I'm sure that's a matter of public record,  
 14 yes.  
 15 BROWNE, Q.C.:  
 16 Q. Okay.  
 17 MS. GLYNN:  
 18 Q. Noted on the record.  
 19 BROWNE, Q.C.:  
 20 Q. If the record would show that that was in  
 21 the six cent range, would you dispute that,  
 22 Mr. Haynes?  
 23 MR. HAYNES:  
 24 A. I wouldn't dispute it because I don't know.  
 25 I haven't looked what the Hydro Quebec rates

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1 are.

2 BROWNE, Q.C.:

3 Q. And we have no reason to not have included

4 Quebec there, since it's closer to us, in

5 fact it borders with us, as opposed to

6 Ontario, Manitoba and British Columbia?

7 MR. HAYNES:

8 A. Certainly.

9 (10:15 a.m.)

10 BROWNE, Q.C.:

11 Q. In terms of these rate projections and where

12 rates are headed, can we just go for a

13 moment to IC-NLH-122, page 23 of 26? And

14 here we have rate mitigation measures. One,

15 transmission infeed in advance of generation

16 and two, long-term contracts versus market

17 sales. Can you speak to the second one?

18 What long-term contracts are there in place

19 today in terms of selling Muskrat Falls'

20 power?

21 MR. HAYNES:

22 A. My understanding of that particular at the

23 time was that Nalcor had entered into, you

24 know, prospective sales. For instance, one

25 that was in the news a while ago was the

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1 Atlantic Link whereby they made a proposal

2 to Massachusetts. There was an RFP called

3 for generation and they made a proposal

4 there to try to look at if they could

5 actually contract sales of excess Muskrat

6 Falls' power outside the province on a

7 longer term basis, as opposed to just

8 selling it on the market day to day.

9 BROWNE, Q.C.:

10 Q. Who made the overture?

11 MR. HAYNES:

12 A. That would have been Nalcor.

13 BROWNE, Q.C.:

14 Q. Nalcor through Emera or Nalcor solo?

15 MR. HAYNES:

16 A. No, that would have been Nalcor directly to

17 the Massachusetts call for an RFP, which I

18 think -

19 BROWNE, Q.C.:

20 Q. And how did that go?

21 MR. HAYNES:

22 A. At the end of the day, they were to Hydro

23 Quebec and a consortium of transmission

24 lines, some transmission group in the US is

25 where - and the first one actually is

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1 changed too. There's another company

2 looking at it now, still with Hydro Quebec,

3 but a different route.

4 BROWNE, Q.C.:

5 Q. So, Nalcor wasn't successful there?

6 MR. HAYNES:

7 A. They weren't successful on that one, no.

8 BROWNE, Q.C.:

9 Q. What long-term contracts have they been

10 successful on?

11 MR. HAYNES:

12 A. I'm not aware of any long-term contracts for

13 selling excess Muskrat Falls' power that

14 they have right now, but that's also the

15 excess Muskrat Falls' power, obviously, is

16 post Muskrat Falls. They've been selling

17 the recall in the external markets where

18 they can actually get access to market.

19 That's what they've been doing for the -

20 BROWNE, Q.C.:

21 Q. So, it says long-term -

22 MR. HAYNES:

23 A. But some of these are longer term views in

24 the sense of post Muskrat Falls when the

25 crunch comes down to cost, obviously.

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1 BROWNE, Q.C.:

2 Q. But it's fair to say today they have no

3 long-term contracts?

4 MR. HAYNES:

5 A. Not that I'm aware of. I don't think they

6 have any long-term contracts at this point

7 in time for selling excess Muskrat Falls'

8 energy.

9 BROWNE, Q.C.:

10 Q. And they have one long-term contract and

11 that's with the people of the Province, the

12 ratepayers of the Province. That's probably

13 true to say as well. Is that a fair

14 comment?

15 MR. HAYNES:

16 A. Newfoundland Hydro has an obligation to pay

17 for the cost of Muskrat Falls, yes.

18 BROWNE, Q.C.:

19 Q. Now, you say transmission infeed in advance

20 of generation. Can you tell us about that,

21 how that works?

22 MR. HAYNES:

23 A. So, in the initial proposal for Muskrat

24 Falls as a whole, the Labrador transmission

25 assets, the Labrador Island Link and the

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1 Muskrat Falls Plant were expected to come  
 2 online about the same time. What's happened  
 3 over time, because of delays with vendors or  
 4 whatever, is that the plant has fallen  
 5 behind the Labrador Island Link and the  
 6 Labrador transmission asset, so if the  
 7 transmission line from Labrador to the  
 8 Island can be put in service, then basically  
 9 we have the opportunity from the point of  
 10 view of getting recall power to the Province  
 11 in advance of Muskrat Falls, which is  
 12 obviously at .2 cents, which is a plus. So,  
 13 we see that as being a form of rate  
 14 mitigation in the sense of our proposal for  
 15 an off-island deferral account to assume  
 16 that we're going kind of a business-as-usual  
 17 case where we're continuing to burn oil at  
 18 Holyrood and that we would put the proceeds  
 19 of that savings into an account that the  
 20 Public Utilities Board have full control  
 21 over and the eventual how they would  
 22 actually provide those monies back to the  
 23 customers to effect a smoother transition to  
 24 Muskrat Falls – post Muskrat Falls' rates.  
 25 BROWNE, Q.C.:

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1 A. Generally speaking, but I think, you know,  
 2 the fact that it is coming in advance has,  
 3 you know, opportunities for us to avail of  
 4 from the point of view of saving some money,  
 5 which we need to jump on. I would also add  
 6 that there's also a few other benefits in  
 7 the sense that the transmission lines, a lot  
 8 of the wires would be up in the air for  
 9 three, if not four years prior to. So, any  
 10 particular issue with respect to  
 11 construction would have been, you know,  
 12 weened out at that particular time before we  
 13 would have construction of a major infeed.  
 14 The controls for the Lower Churchill – I'm  
 15 sorry, for the LIL would be advanced and  
 16 operational. There are some intangibles, if  
 17 you will, in the sense of getting comfort  
 18 that the assets that have been built are  
 19 built, you know, first class; they're  
 20 reliable, and I don't think we should  
 21 undermine the benefit of that either. But  
 22 the biggest thing, from a cost point of  
 23 view, is the opportunity to avail of .2 cent  
 24 energy versus 10.4 -  
 25 BROWNE, Q.C.:

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1 Q. Now, that proposal says transmission infeed  
 2 in advance of generation. Once Muskrat  
 3 Falls comes on stream and there is  
 4 generation and it's up and working and hand  
 5 to glove with all the systems that would  
 6 stop; that deferral account would stop at  
 7 that point?  
 8 MR. HAYNES:  
 9 A. The deferral account would – once, you know,  
 10 -- yes, there's a different mechanism to pay  
 11 for Muskrat Falls at the time. But the  
 12 deferral account, you know, you wouldn't be  
 13 accruing revenue or net gains in that  
 14 account anymore. It would be eventually how  
 15 you actually provide that back to the  
 16 consumer to effect, you know, a smoother  
 17 transition to post Muskrat Falls' rates.  
 18 BROWNE, Q.C.:  
 19 Q. So, the only reason we're dealing with a  
 20 deferral account is because the Project –  
 21 the generation project is behind the other  
 22 parts, the Maritime Transmission Link is up  
 23 and ready whereas the rest of it isn't? Is  
 24 that a fair comment?  
 25 MR. HAYNES:

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1 Q. .2 cent energy, you're referring to recall  
 2 energy from Labrador when you say .2 cent  
 3 energy?  
 4 MR. HAYNES:  
 5 A. Yes.  
 6 BROWNE, Q.C.:  
 7 Q. Okay. You're not referring to what you've  
 8 just purchased over the Maritime Link?  
 9 MR. HAYNES:  
 10 A. No.  
 11 BROWNE, Q.C.:  
 12 Q. That is not 2 cent electricity?  
 13 MR. HAYNES:  
 14 A. No, it's not .2 cents.  
 15 BROWNE, Q.C.:  
 16 Q. What percent is that? What have we paid for  
 17 that?  
 18 MR. HAYNES:  
 19 A. I think, you know, there's a request to the  
 20 Board to have some of that stuff discussed  
 21 in confidence or in – and I would suspect  
 22 that that would be the best approach for  
 23 that there.  
 24 BROWNE, Q.C.:  
 25 Q. Why would it be discussed in confidence?

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1 Why aren't ratepayers able to access that  
 2 information?  
 3 MR. YOUNG:  
 4 Q. Madam Chair, there's a motion before the  
 5 Board on this. Now, I think it's best to be  
 6 dealt with in legal argument. I don't know  
 7 if Mr. Haynes should be put to an answer on  
 8 that point, given the sensitive nature of it  
 9 and the fact it is a matter of legal  
 10 argument.  
 11 BROWNE, Q.C.:  
 12 Q. Yes, we agree there's a motion before the  
 13 Board which we request to be put in because  
 14 we don't see it as confidential, but there  
 15 is a procedure in place and it could very  
 16 well end up in Donovan Molloy shop up there.  
 17 So, we recognize that. But at the same  
 18 time, I'm just looking for general  
 19 information here and –  
 20 CHAIR:  
 21 Q. I'm sorry, Mr. Browne.  
 22 BROWNE, Q.C.:  
 23 Q. - I just wanted to make the distinction –  
 24 sorry.  
 25 CHAIR:

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1 Q. I was going to say, your question sounded  
 2 very specific though, so, to Mr. Young's  
 3 point. I think if you're going to keep it  
 4 on generalities, we'll let it go.  
 5 BROWNE, Q.C.:  
 6 Q. Mr. Haynes, where – what period of time have  
 7 you gotten electricity over the Maritime  
 8 Link thus far?  
 9 MR. HAYNES:  
 10 A. The line came in service, I think, you know,  
 11 kind of commercially operable in February  
 12 sometime and we took – I think the total  
 13 right now is only about 20 or – less than 25  
 14 gigawatt hours. We do it on a – you know,  
 15 we – I'll say we missed the opportunity in  
 16 January and February to bring in more  
 17 significant quantities of that particular  
 18 energy over the Maritime Link. We have used  
 19 it within the last two weeks to avoid  
 20 starting the Holyrood gas turbine, for  
 21 instance, and we do that on a daily – that's  
 22 looked at. Whenever we can avail of it, we  
 23 do it right now. But we're not – we don't  
 24 have long-term supplies of energy that we've  
 25 – we're not doing it every day. We still

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1 have to run Holyrood at minimum load, if  
 2 require two machines on, for instance, under  
 3 70 megawatts and we will try to stay there.  
 4 BROWNE, Q.C.:  
 5 Q. And it's a matter of record that you're  
 6 getting this power from Nova Scotia?  
 7 MR. HAYNES:  
 8 A. It's coming in over Maritime Link, yes.  
 9 BROWNE, Q.C.:  
 10 Q. Are you purchasing it from Nova Scotia?  
 11 MR. HAYNES:  
 12 A. It's being provided – to Hydro, it's being  
 13 provided through Nalcor Energy Marketing. I  
 14 think it's – it is coming via Nova Scotia,  
 15 but I don't know what particular plant or  
 16 anything like that. It's energy that we're  
 17 buying.  
 18 BROWNE, Q.C.:  
 19 Q. Is it coming from Cape Breton?  
 20 MR. HAYNES:  
 21 A. I'm not sure.  
 22 MR. YOUNG:  
 23 Q. Madam Chair, again, this is the very subject  
 24 matter of the confidential motion or the  
 25 motion about the confidentiality. You know,

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1 we're getting perilously close to  
 2 identifying suppliers and next it might be  
 3 prices or specific plants. That information  
 4 very well is likely to be confidential. I  
 5 think it's outside the scope of the cross-  
 6 examination of Mr. Haynes until this matter  
 7 is resolved.  
 8 BROWNE, Q.C.:  
 9 Q. I think it's a matter of public record that  
 10 it was coming through Nova Scotia. It's  
 11 coming from Nova Scotia and it's a matter of  
 12 public record that there's a confidentiality  
 13 agreement filed by Nova Scotia Power or  
 14 Emera, slash Emera, before the Nova Scotia  
 15 Public Utilities Board. Is that correct?  
 16 MR. HAYNES:  
 17 A. My understanding is the Nova Scotia Public  
 18 Utilities Board have a process for reviewing  
 19 those particular, you know, transactions  
 20 between Nova Scotia and others, but that's  
 21 my familiarity with it, that they do have a  
 22 process before the Board to ensure  
 23 confidentiality and that's –  
 24 BROWNE, Q.C.:  
 25 Q. And if it were, say hypothetically, if it

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1 were coming from Nova Scotia Power/Emera,  
 2 Nova Scotia Power/Emera is a business  
 3 partner with some of the Nalcor affiliates  
 4 on the island, is it not?  
 5 MR. HAYNES:  
 6 A. It is, yes.  
 7 BROWNE, Q.C.:  
 8 Q. Okay. So, hypothetically you could be  
 9 buying this from your partner? Is that  
 10 possible?  
 11 MR. HAYNES:  
 12 A. It's not Hydro's partner, but it could be  
 13 bought from, you know, an Emera subsidiary.  
 14 BROWNE, Q.C.:  
 15 Q. Sure.  
 16 MR. HAYNES:  
 17 A. Sure.  
 18 BROWNE, Q.C.:  
 19 Q. Can we go to CA-NLH-54, page 1 of 1, and  
 20 there the question was posed, "Would it be  
 21 more cost effective for Hydro to directly  
 22 solicit opportunities for energy purchases  
 23 from other jurisdictions rather than  
 24 contract with Nalcor Energy Marketing to do  
 25 so?" Then we ask, "Is Hydro paying any of

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1 the costs associated with Nalcor Energy  
 2 Marketing?" Then was asked, "What's  
 3 jurisdictions has Nalcor Energy Marketing  
 4 approach to solicit opportunities and with  
 5 what results?" And the answer, "It will be  
 6 more cost effective for Hydro to direct  
 7 solicit opportunities for energy purchases  
 8 from"--"It would not be more cost  
 9 effective," sorry, "for Hydro to directly  
 10 solicit opportunities for energy purchases  
 11 from other jurisdictions. Hydro does not  
 12 currently have in place the necessary tools  
 13 and expertise to allow," and so on. So, the  
 14 only avenue you have to get power from other  
 15 jurisdictions, because admittedly here you  
 16 don't have anything in place yourself inside  
 17 Hydro, is through Nalcor Energy Marketing,  
 18 is that correct?  
 19 MR. HAYNES:  
 20 A. That's correct, but Nalcor Energy Marketing  
 21 was created at the time to sell the excess,  
 22 you know, the excess energy that Nalcor has  
 23 from the Muskrat Falls Generating Station.  
 24 They were also selling re-call on the market  
 25 and it was set up that way. They had been—

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1 they have a small group there. They are  
 2 technically proficient. It's—they have the  
 3 skillset. They have some rights, Nalcor had  
 4 some rights, I guess on transmission and so  
 5 that Hydro does not have. So, it would be a  
 6 duplication of effort to do it. And I don't  
 7 think that if we were competing against  
 8 Nalcor, I think you know, the—I think the  
 9 proposal to use NEM is sound and solid. I  
 10 don't think it would be cost effective to  
 11 have two marketing groups from that  
 12 perspective, one for Nalcor and one for  
 13 Hydro doing that. And I think what—well, I  
 14 think what's purposed is reasonable.  
 15 BROWNE, Q.C.:  
 16 Q. It says, the last sentence, "Hydro is not  
 17 currently paying for Nalcor Energy  
 18 Marketing's internal cost of providing  
 19 service." I note the operative words,  
 20 "Hydro is not 'currently' paying."  
 21 MR. HAYNES:  
 22 A. Um-hm.  
 23 BROWNE, Q.C.:  
 24 Q. Are there plans that Hydro would be paying  
 25 Nalcor Energy Marketing's internal cost?

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1 MR. HAYNES:  
 2 A. Obviously, Nalcor Energy Marketing does have  
 3 an internal cost from the point of view of,  
 4 you know, salaries and expenses. They have  
 5 to pay transmission access fees and other  
 6 places and so on. The—at the moment, the  
 7 opportunity to sell recapture is being  
 8 undertaken by them at no cost. And from a  
 9 longer-term point of view, there are  
 10 discussions ongoing with respect to, you  
 11 know, the—for instance, in the short and  
 12 longer term, how they're going to market  
 13 power on behalf of Hydro. There's a bunch  
 14 of things to be worked out. So, I wouldn't  
 15 want to presuppose that they—that we would—  
 16 that they would pay for it, but obviously,  
 17 there is a cost at hand which has to be paid  
 18 for by somebody. So –  
 19 BROWNE, Q.C.:  
 20 Q. Yes. And in fairness someone wrote that  
 21 answer, "Hydro is not currently paying" –  
 22 MR. HAYNES:  
 23 A. No, we're not currently paying.  
 24 BROWNE, Q.C.:  
 25 Q. So, it could be –

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1 MR. HAYNES:  
 2 A. It's possible the outcome of the discussions  
 3 and dialogue between Hydro, and Nalcor and  
 4 Nalcor Energy Marketing –  
 5 BROWNE, Q.C.:  
 6 Q. Yes. And down below, at line 15 it says,  
 7 "Given the confidential nature of  
 8 negotiations with the exception of Nova  
 9 Scotia Power which has disclosed that  
 10 commercial discussions with Nalcor are  
 11 ongoing to the Nova Scotia Utility and  
 12 Review Board, Hydro is unable to provide  
 13 details regarding market participants by  
 14 Nalcor Energy Marketing."  
 15 MR. HAYNES:  
 16 A. That's correct.  
 17 BROWNE, Q.C.:  
 18 Q. And of course, that led to our previous  
 19 discussion which would lead one to probably  
 20 conclude reasonably that Hydro's purchase  
 21 was through an entity under the jurisdiction  
 22 of the Nova Scotia Public Utility Board.  
 23 That would be a fair comment?  
 24 MR. HAYNES:  
 25 A. That's a fair comment, yes, on that, yes.

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1 BROWNE, Q.C.:  
 2 Q. And just taking that a little bit further,  
 3 Nova Scotia is—if we can put it, it has not  
 4 a lot of hydrology. Nova Scotia is into  
 5 coal-burning generation still through Cape  
 6 Breton Island, that's correct I think? Is  
 7 that fair to say?  
 8 (10:30 a.m.)  
 9 MR. HAYNES:  
 10 A. They still burn coal, but I'm not sure—I  
 11 don't know if it's Cape Breton coal, but  
 12 they still burn—they still have thermal  
 13 generation, obviously, and wind, and they  
 14 have some hydro, but I'm not sure of the  
 15 extent.  
 16 BROWNE, Q.C.:  
 17 Q. So, it's not inconceivable that the energy  
 18 you're getting through the Maritime Link  
 19 comes from coal-burning generation?  
 20 MR. HAYNES:  
 21 A. It's possible, but I'm not quite –  
 22 BROWNE, Q.C.:  
 23 Q. Yes.  
 24 MR. HAYNES:  
 25 A. You know, whether it's coal or oil, I'm not

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1 sure what—if that's a significant factor.  
 2 BROWNE, Q.C.:  
 3 Q. I'd like to move on to the deferral account,  
 4 what you call a deferral account. And it  
 5 seems to be sort of a general description of  
 6 this deferral account at its genesis.  
 7 You're bringing electricity in right now  
 8 through the Maritime Link, presumably  
 9 because it's cheaper than burning oil at  
 10 Holyrood, and therefore, there is a saving  
 11 there. We're not using Holyrood as much.  
 12 Is that generally the concept?  
 13 MR. HAYNES:  
 14 A. The concept is, yes, that basically we have  
 15 an opportunity to bring in power, you know,  
 16 primarily over the Labrador Island Link.  
 17 It's much cheaper, obviously, than our  
 18 avoided costs at Holyrood. And the proposal  
 19 is to isolate those savings on, you know, on  
 20 that versus kind of business as usual as if  
 21 the line wasn't there, to put it in a  
 22 deferral account that the Public Utilities  
 23 Board would have full, you know, means to  
 24 disburse it there, what they see best fit to  
 25 smooth the way to post-Muskrat Falls rates.

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1 BROWNE, Q.C.:  
 2 Q. Yes, but what's new there? Because here, we  
 3 have the rates stabilization plan. If Hydro  
 4 is not utilizing Holyrood, say, because it's  
 5 warmer winter, say for other factors, and  
 6 the amount of oil is not being in use, that  
 7 would go to the Rate Stabilization Plan,  
 8 would it not?  
 9 MR. HAYNES:  
 10 A. If we didn't burn the oil, it would go  
 11 through the rates stabilization plan and  
 12 eventually result in--likely a potential  
 13 reduction in the rates in the short term,  
 14 yes.  
 15 BROWNE, Q.C.:  
 16 Q. So –  
 17 MR. HAYNES:  
 18 A. But basically, you're avoiding—we're not  
 19 looking—we have to look four or five years  
 20 down the road to see where the rates are  
 21 going to go. And how do we transition to  
 22 that rate? And you know, rate smoothing is  
 23 a perfectly--you know, a method to actually  
 24 ease that transition for the customers. And  
 25 we're not -

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1 BROWNE, Q.C.:

2 Q. But this Board –

3 MR. HAYNES:

4 A. And Hydro doesn't keep the money. The money

5 still goes back to the customer.

6 BROWNE, Q.C.:

7 Q. Oh no, granted Hydro doesn't keep the money.

8 It's not Hydro's money to begin with, but it

9 goes into the Rate Stabilization Plan.

10 Would it not be there? Wouldn't that be—if

11 you haven't burned sufficient fuel at

12 Holyrood according to your projections,

13 consumers could anticipate that they would

14 get a rebate out of the Rate Stabilization

15 Plan in ordinary times, but because you're

16 bringing it in through the Maritime Link,

17 and displacing fuel that way, you're saying

18 that's not the same thing. I –

19 MR. HAYNES:

20 A. We have proposed –

21 BROWNE, Q.C.:

22 Q. Please correct me. It sounds the same to

23 me.

24 MR. HAYNES:

25 A. We have proposed to isolate the savings from

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1 the point of view of recapture versus oil

2 into a separate account that we use for rate

3 smoothing. Your Rate Stabilization Plan

4 would be, you know, relooked at every July

5 if you will, or you know, in the spring, to

6 look at what the rates are going to be on

7 the following year based on whether there's

8 a balance or deficit in that particular

9 account. There are two different accounts

10 with two different reasons. I would add as

11 well that on the, you know, the current

12 proposal we did factor down the amount of

13 oil that we expected to burn in Holyrood to

14 not build up a fictitious amount or, you

15 know, a huge surplus in the Rate

16 Stabilization Plan. So, we have factored

17 that out. We think that this is an

18 appropriate way to go to help smooth the

19 rates for the customers and to avoid, you

20 know to a degree that we can, as much rate

21 shock that's going to happen post-Muskrat

22 Falls.

23 BROWNE, Q.C.:

24 Q. But you would agree with me that if this

25 fuel, this electricity you're bringing

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1 through the Maritime Link, is used to

2 displace the cost of fuel at Holyrood, that

3 is a rate stabilization issue? That is why

4 we have the Rate Stabilization Plan.

5 MR. HAYNES:

6 A. The Rate Stabilization Plan primarily looks

7 at the utilization of fuel in Holyrood, but

8 there's—I think what we're proposing is

9 something different. We're proposing to,

10 assume that we are burning oil from the

11 point of view of our projections to take

12 advantage of recapture primarily, because

13 that the biggest difference in cost, to

14 accumulate those monies in an account for

15 two or three years, and then, to, with the

16 Board's direction, to actually disburse

17 those back to the customer to smooth their

18 transition to post-Muskrat Falls as opposed

19 to making a step change even bigger. If all

20 those savings, you know, on the—what's

21 termed as the expected, I think, scenario,

22 that would, you know, that would likely

23 impact where the rates would actually go

24 down, and the step change to post-Muskrat

25 Falls would be even steeper. And it is a

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1 large bough-wave that we're—that's coming

2 towards us. So, we do need to plan for that

3 more than a year ahead. We need to plan

4 for, you know, post-Muskrat Falls and what

5 we can do to mitigate the rates.

6 BROWNE, Q.C.:

7 Q. So, there would be nothing preventing under

8 the jurisdiction of the current regulator

9 that this displacement of fuel is just

10 something else that they have to factor in

11 when considering the Rate Stabilization Plan

12 and then it would be up to the Board to

13 decide in terms of what—where those actual

14 funds should go, should they go to the next

15 Rate Stabilization Plan or where they should

16 go?

17 MR. HAYNES:

18 A. It's certainly under the Board's purview and

19 we're open to anything that would actually

20 effect a smoother transition of post-Muskrat

21 Falls. We think that it's in the best

22 interest of people to avoid as large a step-

23 change as we can, to try to keep that

24 smaller, you know, and what we put forward,

25 we think is a reasonable way to do that with

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1 the tools that we have.

2 BROWNE, Q.C.:

3 Q. You mentioned the word “rate shock” a few

4 times now. Just what’s your definition of

5 rate shock? What percentage would there

6 need to be to cause rate shock, and what do

7 you feel the implications of rate shock

8 would be?

9 MR. HAYNES:

10 A. I don’t have any specific numbers for rate

11 shock, but I do know that we’re going to—we

12 are going to have a significant increase in

13 rates post-Muskrat Falls without doing

14 something. You know, I think rate shock

15 will depend on the person’s ability to pay.

16 I mean, I know that, you know, ten percent

17 is a number that people use, but basically

18 post-Muskrat Falls, we’re talking about a

19 much bigger number than that. So, we have

20 to adapt to that in my opinion. And all

21 we’re saying here is that as opposed to

22 reducing rates or letting the rates, you

23 know, actual decrease, that step-change is

24 going to be bigger. This is a way to

25 actually, you know, walk up those steps in a

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1 little bit better way. Ideal? No, but

2 it’s—basically, it’s what we do have to—what

3 we think is a reasonable way to approach it

4 from this perspective.

5 BROWNE, Q.C.:

6 Q. So, you came before this Board suggesting a

7 rate increase of over, I think it was an 18-

8 month period, it might even be lesser than

9 that, of 23 percent.

10 MR. HAYNES:

11 A. I don’t think –

12 BROWNE, Q.C.:

13 Q. Would that cause rate shock?

14 MR. HAYNES:

15 A. I don’t think we ever asked for 23 percent.

16 What we actually filed now is 7 1/2 percent

17 for 2018, and I think it was 9.4 then to the

18 end consumer for 2019. That’s what’s, you

19 know, before the Board now.

20 BROWNE, Q.C.:

21 Q. So, the 23 percent is no longer before the

22 Board?

23 MR. HAYNES:

24 A. I don’t know if we’ve ever asked for 23

25 percent as such. I don’t think we did. I

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1 think, you know, there may have been any

2 assumptions made under the Rate

3 Stabilization Plan, but we don’t control the

4 cost of fuel obviously, and it is going up,

5 right, these days as well. So –

6 BROWNE, Q.C.:

7 Q. Yes, but to the –

8 MR. HAYNES:

9 A. What we put forward right now is 7½ percent

10 for 2018 and 9.4 I believe for 2019.

11 BROWNE, Q.C.:

12 Q. But to the end consumer, the person paying

13 out there, the consumer really makes no

14 distinction of where the money is going.

15 They’re just looking at 23 percent. Is that

16 a fair comment?

17 MR. HAYNES:

18 A. I think if you want to do down to the

19 mechanics of the numbers, it’s best to have

20 that discussion with Mr. Fagan, but I don’t

21 think 23 percent was ever, you know—there’s

22 a whole bunch of things that affect the

23 rates. Rate Stabilization Plan would be

24 one, as you already mentioned, if it goes up

25 or down. There are lots of drivers for

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1 that. The cost of fuel obviously is a big

2 factor. So, there are a bunch of mechanisms

3 there to do that, but –

4 BROWNE, Q.C.:

5 Q. In terms of –

6 MR. HAYNES:

7 A. - the current proposal is 7½.

8 BROWNE, Q.C.:

9 Q. In terms of rate shock and Muskrat Falls and

10 the projections we saw earlier which are all

11 upward bound, and I agree with you, will

12 certainly cause rate shock and all its

13 implications. Has Hydro undertaken with

14 economists, elasticity studies to make any

15 determination of if the rates to a certain

16 point, will people leave the system, the

17 electric space heating customers? Have you

18 had studies undertaken showing that?

19 MR. HAYNES:

20 A. I wouldn’t be—I wouldn’t say that we’ve had

21 studies. We have looked at from the point

22 of view what the load forecast implications

23 are. The thought is, based on the

24 discussions, is that basically around the

25 18-cent range would be—there would be—people

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1 will always take action. Typically, they go  
 2 down, then they come back up a little bit.  
 3 And 18 cents was thought to be a number  
 4 whereby it would be—there’s obviously some  
 5 loss of load for that, but it would recover.  
 6 That is the assumption that is used, that  
 7 the 18 cents--17 or 18 cents would be a  
 8 reasonable number to mitigate any major loss  
 9 of load, but there will be, I’m sure, a  
 10 short-term loss of load, but people tend to,  
 11 you know, take action. There’s a lot of  
 12 fearmongering on the go now with the rates,  
 13 and some of that is valid, but people are--  
 14 you know, the load forecast right now is not  
 15 what it was, but for—certainly not what it  
 16 was for sanction. The more energy we sell  
 17 on the island, the better, obviously, or you  
 18 know, within the province, the better from  
 19 that perspective as opposed to selling it in  
 20 the external markets or market rates.  
 21 BROWNE, Q.C.:  
 22 Q. And some economists would say you’re going  
 23 in the wrong direction. Some economists  
 24 might even say if you kept rates the way  
 25 they are and tried to sell more electricity

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1 to the base you have, that the results  
 2 ultimately might be productive for everyone.  
 3 MR. HAYNES:  
 4 A. They might be. We certainly would welcome  
 5 any increase in loads from that perspective  
 6 because basically they would—and the  
 7 prevailing rates that we have and that would  
 8 be beneficial. You know, so there are—I  
 9 mean, there are considerations on the go  
 10 with respect to an increase in the load from  
 11 some of those things, converting facilities  
 12 or whatever, but those are being looked at  
 13 by the provincial government as well, yes.  
 14 We haven’t gone out and—we haven’t gone out  
 15 looking for a huge increase in electric  
 16 utilization. We are concerned about people  
 17 moving away from electric heat, certainly,  
 18 because you know, it means that there’d be  
 19 less energy used here and more for the  
 20 export which is not going to recover as much  
 21 money from the—which does not recover as  
 22 much from the point of view of what was  
 23 required to pay for Muskrat Falls.  
 24 BROWNE, Q.C.:  
 25 Q. Consumers are generally savvy. They would

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1 be conscious of an electricity bill coming  
 2 in where you’re selling electricity at 18  
 3 cents a kilowatt, plus HST. And when you  
 4 look at—I think I saw a statistic recently  
 5 saying the average household income in the  
 6 province, two people working in one house  
 7 is—will be \$79,000, and people’s debt load  
 8 is always factored in. So, if electricity  
 9 were to—their electricity rates were to  
 10 double, as would be envisaged according to  
 11 some of the numbers we’re seen here, in  
 12 fact, they would—they could triple according  
 13 to some of the numbers from what we have  
 14 here. From what we have right now,  
 15 according to the number that you presented  
 16 on the chart previously, consumers, it’s  
 17 fair to say, consumers will leave the  
 18 system. They will go and get other forms of  
 19 space heating than what—they will find  
 20 cheaper sources. And the oil companies  
 21 might be all too willing to oblige, right?  
 22 MR. HAYNES:  
 23 A. They may, but I mean oil right now is on the  
 24 three-year high. So, I mean, that is a bit  
 25 of, you know, predicting chaos as well.

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1 Obviously, the choice of consumers will take  
 2 to move away from electricity would depend  
 3 on what their alternatives are, whether it’s  
 4 wood heat or exchange from a mechanism or  
 5 converting to oil. Those are all decisions  
 6 that people will make obviously.  
 7 BROWNE, Q.C.:  
 8 Q. It seems to me this is a pretty closed  
 9 process. Someone says--you said, “If it  
 10 goes to 18 cents, people might leave the  
 11 system.”  
 12 MR. HAYNES:  
 13 A. Um-hm.  
 14 BROWNE, Q.C.:  
 15 Q. Well, who says that? Is there a committee  
 16 in place? How—can you tell us what’s going  
 17 on here?  
 18 MR. HAYNES:  
 19 A. I’m sorry. I don’t understand your  
 20 question.  
 21 BROWNE, Q.C.:  
 22 Q. Eighteen cents. You mentioned before that  
 23 at 18 cents people would leave the system.  
 24 Who is saying that, that at 18 cents people  
 25 would leave the system?

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1 MR. HAYNES:  
 2 A. I think you just said it from the point of  
 3 view of the economists and the elasticity of  
 4 load. Eighteen cents.  
 5 BROWNE, Q.C.:  
 6 Q. But you told us that you didn't have an  
 7 economist.  
 8 MR. HAYNES:  
 9 A. Eighteen cents was the number that we  
 10 thought that we could mitigate that was  
 11 thought—felt that we could mitigate to  
 12 before there would be a major loss of  
 13 customers, but now, I don't have an academic  
 14 paper or whatever saying that. I don't. I  
 15 don't have that. It was a number which was  
 16 better than 22.89 and it was obviously worse  
 17 than the 11 or 10.6 that you mentioned.  
 18 BROWNE, Q.C.:  
 19 Q. But how did you come up with the number?  
 20 Did—how was that contrived? Is it just  
 21 something—you say that you “felt.” Is it a  
 22 feeling? Is there –  
 23 MR. HAYNES:  
 24 A. No, I think it was –  
 25 BROWNE, Q.C.:

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1 Q. Or is there some science to this?  
 2 MR. HAYNES:  
 3 A. I don't think there's any science to that  
 4 there. I mean, there's lots of studies down  
 5 and basically the numbers are—the price of  
 6 elasticity has varying results depending on  
 7 who did the study. They're all over the  
 8 map. I won't say all over the map, but  
 9 they're variable. It depends on the  
 10 jurisdiction; it depends on what people's  
 11 options are.  
 12 BROWNE, Q.C.:  
 13 Q. So, you have elasticity studies?  
 14 MR. HAYNES:  
 15 A. I don't have elasticity study for 18 cents,  
 16 no. I'm not aware of one.  
 17 BROWNE, Q.C.:  
 18 Q. Do you have any elasticity studies?  
 19 MR. HAYNES:  
 20 A. I've read papers by various people who have  
 21 published them over time, but –  
 22 BROWNE, Q.C.:  
 23 Q. But you haven't commissioned any in  
 24 reference to this particular situation?  
 25 MR. HAYNES:

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1 A. No. No.  
 2 BROWNE, Q.C.:  
 3 Q. None?  
 4 (10:45 a.m.)  
 5 MR. HAYNES:  
 6 A. First of all, I would say that basically the  
 7 decision is made. Muskrat Falls is not  
 8 something we can avoid. It's going to  
 9 happen. So, it's a matter of how do we  
 10 mitigate rates down to the most reasonable  
 11 level we can? And Hydro cannot do it on its  
 12 own. We can do—we can bring—this is one  
 13 aspect to bring forward that we can control.  
 14 BROWNE, Q.C.:  
 15 Q. Yes, sure. And you said, you made reference  
 16 I think in your evidence yesterday to some  
 17 committee in which you are a part?  
 18 MR. HAYNES:  
 19 A. There's a Rate -  
 20 BROWNE, Q.C.:  
 21 Q. To study this.  
 22 MR. HAYNES:  
 23 A. There's a Rate Mitigation Committee chaired  
 24 by the provincial government which basically  
 25 comprises of the provincial government which

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1 basically comprises of provincial  
 2 government, people from Natural Resources,  
 3 Finance and Hydro and Nalcor, and I'm on  
 4 that committee from a Hydro perspective.  
 5 BROWNE, Q.C.:  
 6 Q. So, you're on the committee?  
 7 MR. HAYNES:  
 8 A. I sit on the committee, yes.  
 9 BROWNE, Q.C.:  
 10 Q. Who else is on the committee?  
 11 MR. HAYNES:  
 12 A. The other folks on the committee are  
 13 assistant deputy-minister of Natural  
 14 Resources, John Cowan; the deputy minister  
 15 of Finance, Craig Martin; and people from  
 16 Nalcor; and from the Investment Evaluation  
 17 folks of Dave Jones and Aborn Warren.  
 18 BROWNE, Q.C.:  
 19 Q. So, it's Nalcor and the government?  
 20 MR. HAYNES:  
 21 A. It's a government committee looking at rate  
 22 mitigation, and it's looking at the broader  
 23 aspects. So basically, Hydro is there, but  
 24 what can Hydro do? This particular proposal  
 25 on the deferral account is one thing that we

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1 thought could actually aid the mitigation at  
 2 least the smoothing part to get to the  
 3 transition. That’s what we have. We have  
 4 access. We have a contract with CF(L)Co.  
 5 for the recapture of power and we can bring  
 6 it to the table and you know utilize to the  
 7 best of our ability to help build an amount  
 8 of money to help the process of mitigating  
 9 rates to post-Muskrat Falls.  
 10 BROWNE, Q.C.:  
 11 Q. So, the committee consists of government and  
 12 Nalcor. That sounds all vaguely familiar.  
 13 Are there no—are our friends at Newfoundland  
 14 Power invited on the committee?  
 15 MR. HAYNES:  
 16 A. Not at –  
 17 BROWNE, Q.C.:  
 18 Q. They certainly would have an interest in  
 19 this.  
 20 MR. HAYNES:  
 21 A. Not at the moment, no, they’re not.  
 22 BROWNE, Q.C.:  
 23 Q. They’re not invited. Are the industrial  
 24 customers invited?  
 25 MR. HAYNES:

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1 A. Whether they made representations to the  
 2 government, I cannot speak to them, but  
 3 basically the committee is a government and  
 4 Nalcor, Hydro committee and this point in  
 5 time.  
 6 BROWNE, Q.C.:  
 7 Q. Have the consumers been requested to bring  
 8 representation on the committee?  
 9 MR. HAYNES:  
 10 A. Not at this point in time that I’m aware of.  
 11 It is what can Hydro do? What can Nalcor  
 12 do? What do the government do to actually  
 13 help mitigate rates down to the 17 and 18-  
 14 cent range?  
 15 BROWNE, Q.C.:  
 16 Q. But it’s inherently conflicting, is it not?  
 17 You need the rates to go to a certain amount  
 18 in order to pay for the bills I guess, and  
 19 the government is looking it from a tax  
 20 perspective, but there are other interests  
 21 here who—and there’s certainly a lot of  
 22 interest to—may have something to bring to a  
 23 process. Have you thought that through,  
 24 that committee, properly?  
 25 MR. HAYNES:

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1 A. As I said, the committee is a committee that  
 2 was set up by the provincial government  
 3 under their chairman and they chair the  
 4 meetings (phonetic).  
 5 REPORTER:  
 6 Q. Just a minute, please. Sorry, sir, with  
 7 that answer. His microphone is gone.  
 8 MR. HAYNES:  
 9 A. Yeah, I kicked it off. Sorry about that.  
 10 REPORTER:  
 11 Q. It’s working again, thank you.  
 12 MR. HAYNES:  
 13 A. Sorry.  
 14 BROWNE, Q.C.:  
 15 Q. The whole problem that we got ourselves into  
 16 or others got us into with Muskrat Falls had  
 17 to do with closed committees. There was no  
 18 open transparent process say in part for  
 19 what was brought to this Board by the  
 20 government of the day to concoct questions  
 21 that they were limited to answering, and  
 22 then according to their own evidence, didn’t  
 23 have enough information to answer. And now  
 24 it seems that—are we not back at it again?  
 25 We’ve got Nalcor and the government, and all

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1 the other parties here who have valid  
 2 interests are not at the table. Should  
 3 there not be—have you considered or can you  
 4 take the message back to the committee that  
 5 there could be an open transparent  
 6 accountable process where economists can  
 7 come forward, and people talk about  
 8 elasticity, and where recommendations can be  
 9 made, so everyone can get into it? Maybe  
 10 this Board should be the proper conduit.  
 11 They’re into regulating electricity, and  
 12 they have their own experts. Has that been  
 13 considered?  
 14 MR. HAYNES:  
 15 A. I mean, I can take the discussion back to  
 16 the committee, yes.  
 17 BROWNE, Q.C.:  
 18 Q. Sure.  
 19 MR. HAYNES:  
 20 A. I’ll certainly do that. I’m sure they’re  
 21 reading transcripts anyway, but from the  
 22 point of view of the immediate problem that  
 23 we have, it’s that, you know, the decision  
 24 on Muskrat Falls is made. There’s a cost  
 25 that we have incur. There are orders in

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1 council and things that kind of restrict  
 2 some of the things that we can do and can't  
 3 do. And basically, we have to make the best  
 4 of the situation that we're dealt with. And  
 5 from the point of view of rate mitigation,  
 6 there's only one way that you can do rate  
 7 mitigation, you increase the load or the  
 8 money has to come from somewhere to effect a  
 9 lower rate than what otherwise happens.

10 BROWNE, Q.C.:  
 11 Q. Now, is the committee considering what—your  
 12 focus seems to be on consumers and how much  
 13 consumers can pay, but have you considered  
 14 other options? Go to CA-NLH-007 please.  
 15 And the question there posed is, "Has Hydro  
 16 and its parent, Nalcor Energy, considered  
 17 altering the Muskrat Falls Power Purchase  
 18 Agreement as an alternate way to help future  
 19 ratepayers following any rate increases that  
 20 may be triggered by the commissioning of  
 21 Muskrat Falls?" And the answer is, "There  
 22 have been no discussions between Hydro and  
 23 Nalcor with regard to revising the Muskrat  
 24 Falls Power Purchase Agreement." Is that  
 25 something that should be considered in your

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1 view, Mr. Haynes?  
 2 MR. HAYNES:  
 3 A. From a rate mitigation point of view, you  
 4 know the Rate Mitigation Committee are  
 5 looking at various things, but I don't feel  
 6 that I'm privy to speak to any of those from  
 7 that perspective. What we propose to the  
 8 Public Utilities Board is the fact that we  
 9 think that we can avail to contribute some  
 10 rate mitigation aspects by using the  
 11 deferral account and the—and particularly  
 12 the recaptured energy to actually make that  
 13 happen. The overall Rate Mitigation  
 14 Committee and what they've looked at,  
 15 they've looked at a number of things and I'm  
 16 really not privy to speak to those.

17 BROWNE, Q.C.:  
 18 Q. In terms of your rate of return, you're  
 19 guaranteed a rate of return even though you  
 20 don't earn it. You're guaranteed a rate of  
 21 return of—to mimic Newfoundland Power's rate  
 22 of return, a private company with all the  
 23 efficiencies that come with that private  
 24 company. Has a consideration been given to  
 25 lower your rate of return or for a period to

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1 have no rate of return and just provide the  
 2 service? Has that been considered?  
 3 MR. HAYNES:  
 4 A. Right now, there's--a government direction  
 5 on that there, that would require a  
 6 government direction to change that and that  
 7 would be up to the government. And I would  
 8 not—I wouldn't suggest that any company  
 9 could have no rate of return. We still have  
 10 to borrow money. We have to do things in  
 11 the market, but that's a government—that's  
 12 the government's prerogative.

13 BROWNE, Q.C.:  
 14 Q. But is that something that you brought  
 15 forward to the committee as a possibility?  
 16 MR. HAYNES:  
 17 A. As I said, I do not want to speak to the  
 18 things that are before the committee. It's  
 19 not a committee of Hydro; it's a committee  
 20 of government. What we've brought forward  
 21 to the PUB, the Public Utilities Board, is  
 22 what we feel that we can contribute at this  
 23 point in time to effect some start with the  
 24 process of rate mitigation and rate  
 25 smoothing.

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1 BROWNE, Q.C.:  
 2 Q. What has Hydro done itself? You're looking  
 3 to the consumers to pay for all of this.  
 4 You're not looking at these two other  
 5 possibilities and there may be others, but  
 6 when we looked to Hydro, Hydro comes forward  
 7 with a budget for which they are seeking  
 8 approval on operating costs and fulltime  
 9 positions and loads of overtime, but we're  
 10 into a bit of a pickle here, aren't we? Why  
 11 hadn't Hydro come forward to show some real  
 12 cost-cutting measures? What is Hydro's  
 13 contribution to the dilemma in which  
 14 consumers are faced?  
 15 MR. HAYNES:  
 16 A. What we put forward is an operating budget  
 17 that we feel that we require to deliver the  
 18 service that we're expected to require. We  
 19 have, you know, as I think we mentioned the  
 20 other day, we have started some productivity  
 21 initiatives to save costs. We put forward a  
 22 budget that basically absorbs, you know, a  
 23 number of people that we had to—that we  
 24 needed to hire in the Energy Control Centre,  
 25 the NLSO. We've absorbed those. We've

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1 already in the Settlement Agreement, you  
 2 know, volunteered to reduce another 15 FTEs  
 3 in that particular process, but basically,  
 4 there's an amount of money required to  
 5 operate the system with the expectation of  
 6 reliable service. And what we put forward  
 7 is that we are looking at our budgets, we  
 8 are controlling those. We have gone back on  
 9 overtime. There's a lot more reporting  
 10 done. There's a lot more scrutiny of all  
 11 those things being done and we are making  
 12 progress, but they're—you know, some of  
 13 things take time, but we are at that. We're  
 14 looking at lots of things from the point of  
 15 view of the overall, you know, productivity  
 16 group that we're doing. And you know,  
 17 there's lots of stuff like that that's  
 18 happening. And I don't have that at the top  
 19 of my tongue, but we are generating a list  
 20 of possibilities. And you know, that  
 21 particular group is under Ms. Hutchens, but  
 22 from the over—from the point of view of  
 23 cost, we have, you know, we have gone back  
 24 and looked at cutting. We've trimmed  
 25 travel. We've trimmed lots of things. And

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1 from an overtime point of view I don't think  
 2 we have an epidemic of overtime overall from  
 3 the budget point of view. We have pockets  
 4 where there's a challenge, but some—a lot of  
 5 that is on the East Coast. There's a lot of  
 6 construction on the go the last couple of  
 7 years, particularly, and we are looking at,  
 8 you know, getting that back down to an even  
 9 better level.

10 BROWNE, Q.C.:  
 11 Q. Can you go to CA-NLH-136? And here we're  
 12 talking about bonuses. "What is the total  
 13 amount of Hydro's bonus payments in 2016?"  
 14 And the answer, "The total amount of Hydro's  
 15 payments for short-term incentives,  
 16 performance contracts, for Executive and  
 17 Senior Leadership for 2016, which was paid  
 18 in 2017, is \$640,000." Will there be  
 19 similar bonuses in 2018?"

20 MR. HAYNES:  
 21 A. Yes, there—we still have a short-term  
 22 incentive program which basically is  
 23 triggered off, you know, our financial  
 24 targets, our reliability targets. There are  
 25 a number of different components that are in

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1 there to incent people, if you will, to work  
 2 at that in a beyond-the-clock sort of a  
 3 timeframe.

4 BROWNE, Q.C.:  
 5 Q. And can you go to CA-NLH-134, please? And  
 6 here we're dealing with overtime and there's  
 7 a listing of all "Hydro employees 2016  
 8 overtime payment pf \$40,000 or greater."  
 9 And there's other requested matters.  
 10 Overtime, just when we looked at it and  
 11 looked at the figures you've given, and  
 12 there's no need to go into them all now and  
 13 the personalities. I'm—we're not stating  
 14 they haven't worked overtime, but it seems  
 15 between bonuses and overtime, and it seems  
 16 like we're just into business as usual at  
 17 Hydro at a time of crisis. What is Hydro  
 18 really doing to cuts its costs here?

19 MR. HAYNES:  
 20 A. We've done, in our application, we have put  
 21 in a one-million-dollar productivity  
 22 allowance we've imposed upon ourselves. We  
 23 have—we scrutinized travel, training. We've  
 24 gone back to all those things, and you know,  
 25 some of the things that were taken out in

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1 the 2016 timeframe were things that are  
 2 unsustainable. What we're looking for which  
 3 takes some time to generate is sustainable  
 4 savings over time. And we have, as I  
 5 mentioned, we have—we do have a team  
 6 structured to look at that there, and to  
 7 examine all those different aspects. We  
 8 have put forward, you know, the budget which  
 9 basically—I don't want to repeat myself too  
 10 much. We have absorbed a number of  
 11 positions that we had to increase in the  
 12 Energy Control Centre. We didn't look for  
 13 that. We actually traded that off other  
 14 vacant positions, wrote some out. We're  
 15 reviewing travel, we're reviewing training.  
 16 We put in a lot more overtime reporting, so  
 17 that people actually have the information.  
 18 And you know, an easier to go back and  
 19 challenge. They're all, those transferred  
 20 in costs, are being checked and challenged.  
 21 There's a whole host of things like that  
 22 that are being done to actually mitigate the  
 23 cost or to reduce and hold the cost.

24 BROWNE, Q.C.:  
 25 Q. But you haven't brought in an outside

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1 company, Deloitte's or these companies that  
 2 do these things, to examine Hydro,  
 3 department by department, and to see what  
 4 efficiencies could be brought in to your  
 5 operations. You haven't done that, have  
 6 you?  
 7 MR. HAYNES:  
 8 A. We have done that years gone by. We brought  
 9 in -  
 10 BROWNE, Q.C.:  
 11 Q. Years.  
 12 MR. HAYNES:  
 13 A. Yeah, in years. We have two or three times  
 14 over my career we brought in the folks to  
 15 actually do that. And from the point of  
 16 view of—and there's been some savings, but  
 17 they have not been demonstrable. I think  
 18 what we have right now is we have a group of  
 19 in-house people who we've trained up in Lean  
 20 Six Sigma to go back and look for all those  
 21 things. I think we'll deliver a better,  
 22 more sustainable product long term by doing  
 23 it internally. We know where the costs are,  
 24 and those folks will actually mine that  
 25 information and help us on a go-forward

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1 basis. I don't see—I see little value—there  
 2 have been people engaged by—for instance,  
 3 you know, looking at transferred in cost or  
 4 allocated costs in, that said, well, they're  
 5 reasonable the way we do it. But going back  
 6 and challenging and looking for all those  
 7 pieces of gold that are out there, that's  
 8 what we're doing. And I think the folks in  
 9 the shops in-house know that better than  
 10 anybody else. I don't think there's any  
 11 merit in spending hundreds of thousands of  
 12 dollars on an external consultant to come in  
 13 and help with that. I think it's a waste of  
 14 money, personally.  
 15 BROWNE, Q.C.:  
 16 Q. Maybe we'll break right here?  
 17 CHAIR:  
 18 Q. Okay.  
 19 BROWNE, Q.C.:  
 20 Q. It's that okay, Chair?  
 21 CHAIR:  
 22 Q. Thank you, Mr. Browne.  
 23 BROWNE, Q.C.:  
 24 Q. Thank you.  
 25 (BREAK – 11:00 a.m.)

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1 (RESUME – 11:31 a.m.)  
 2 CHAIR:  
 3 Q. Okay, Mr. Browne, back to you.  
 4 BROWNE, Q.C.:  
 5 Q. Thank you, Chair. Thank you, Mr. Haynes.  
 6 You mentioned previously that the more  
 7 electricity you can get, the better, because  
 8 you will be able to sell it into markets,  
 9 via the Maritime Link, has Hydro considered  
 10 embarking upon an intense conservation plan  
 11 whereby consumers will be encouraged to use  
 12 less electricity, or being encouraged to get  
 13 heat pumps or similar, to bring down their  
 14 own usage so that the end result will be  
 15 favourable to Hydro to sell more electricity  
 16 through consumer conservation into, across  
 17 the Maritime Link, has that been talked  
 18 about?  
 19 MR. HAYNES:  
 20 A. I don't think that I said—when I said, I'm  
 21 not sure what I said exactly right now, but  
 22 the context of what I said –  
 23 BROWNE, Q.C.:  
 24 Q. No, and I'm not either, I'm quoting you  
 25 generally, to be fair to you.

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1 MR. HAYNES:  
 2 A. No, no, I know, but you implied, at least to  
 3 what I just heard what you said was that I  
 4 implied or said that—I just lost track –  
 5 BROWNE, Q.C.:  
 6 Q. But you got the gist of the question.  
 7 MR. HAYNES:  
 8 A. Yes, I know, but what I had said was that  
 9 the more power that we sell within the  
 10 province, the better, because our rates are  
 11 obviously more than what the market prices  
 12 are. The way you put it was kind of the  
 13 other way around, that's the way I heard it.  
 14 You know, the government has a program to  
 15 help people buy heat pumps or mini splits or  
 16 whatever. We haven't embarked upon that as  
 17 a conservation demand thing, you know, the  
 18 conservation demand program was great for  
 19 curtailing, you know, load at a certain  
 20 period of time, and we obviously have a lot  
 21 more to benefit in the Isolated diesel  
 22 areas, but on the Interconnected system, the  
 23 more energy that we sell at our regulated  
 24 rate, would be more than we would anticipate  
 25 getting on the market, you know, if they're

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1 selling it to Nova Scotia or New England or  
 2 whatever. The rates, the market prices down  
 3 there are lower than what our rates are from  
 4 an energy point of view. So we haven't  
 5 embarked on any major conservation program  
 6 in the island. In fact, you know, there's  
 7 an air again to encouraging whatever  
 8 regional electric load that we can have on  
 9 the island, whether it's electric vehicles  
 10 or, you know, converting buildings to  
 11 electric heat, as long as there's a process  
 12 there and that would be actually  
 13 advantageous because our load would actually  
 14 increase.

15 BROWNE, Q.C.:  
 16 Q. And the public would be advantageous to  
 17 consumers in terms of listening to what is  
 18 happening here and elsewhere, in terms of  
 19 their fear of rising electricity rates,  
 20 there probably might be a way of addressing  
 21 some concerns so that you can retain your  
 22 customer who can conserve more, and it could  
 23 be a net benefit to both Hydro and the  
 24 customer.

25 MR. HAYNES:

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1 A. It could be. We obviously want to retain  
 2 the customers that we have, we'd like to  
 3 grow the customer base, in fact, but the  
 4 other things that the consumers that have to  
 5 look at when they actually convert is, you  
 6 know, what are the impacts of the carbon tax  
 7 and so on. So it's not a straight forward  
 8 decision from that perspective, but the  
 9 folks, I mean we were very concerned,  
 10 obviously, about the rates, we're very  
 11 concerned about the folks who would find it  
 12 very difficult to, you know, put in an  
 13 alternate heating system or whatever the  
 14 case was. They're the ones who are going to  
 15 be—I'm not concerned about me and quite  
 16 frankly, I'm not concerned about your  
 17 ability to pay, but I am concerned about the  
 18 ability of, you know, you talked about the  
 19 average income, well there are a lot of  
 20 people out there with less than that. They  
 21 are a concern.

22 BROWNE, Q.C.:  
 23 Q. Well it's average, right.

24 MR. HAYNES:  
 25 A. So we need to do whatever we can to mitigate

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1 the rates as best we can, but Hydro only has  
 2 control of so much.

3 BROWNE, Q.C.:  
 4 Q. Because it seems that this is something that  
 5 you've considered, but I don't know how you  
 6 came up with the answer. We can go to CA-  
 7 NLH-031, and the question posed "If improved  
 8 conservation reduced customer and demand by  
 9 5 percent in 2021, what would be the impact  
 10 of the expected customer rate in 2021, a  
 11 26.32 cents per kilowatt?" And, "The answer  
 12 to the question poses a scenario of a  
 13 hypothetical reduction in customer demand of  
 14 5 percent, Hydro has assumed that the  
 15 reduction and demand in this question refers  
 16 to reduced customer energy consumption in  
 17 the island Interconnected. Hydro also notes  
 18 that the 2021 rate of 26.32 cents a  
 19 kilowatt, cited in a question as the  
 20 forecast rate for island Residential  
 21 customers, inclusive of 15 percent tax."  
 22 And then it goes on to say, "A 5 percent  
 23 reduction in customer energy consumption  
 24 would reduce retail energy bills from  
 25 customers by approximately 5 percent" and it

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1 goes on to discuss that, but ends up saying  
 2 that it mightn't be overly helpful to Hydro  
 3 in the final analysis. How would this  
 4 hypothetical situation that was posed and  
 5 your answer to it, on what basis would that  
 6 answer be constructed? You're saying if  
 7 consumers reduce demand, presumably you  
 8 would have more electricity to sell, but yet  
 9 you're saying that it could end up costing  
 10 more to consumers?

11 MR. HAYNES:  
 12 A. I think the premise of that, Mr. Fagan's  
 13 department would have actually done that  
 14 analysis, but in a nutshell we have a  
 15 revenue requirement that, you know, from the  
 16 point of view of our O&M cost, we have a  
 17 revenue requirement that we expect from the  
 18 Lower Churchill Muskrat Falls Project as a  
 19 whole, and if you reduce our delivery to the  
 20 island at, you know, 10 or 12 or 14, 15, 20  
 21 cents, or in this case the 20 cents, we are  
 22 not going to sell the excess power on the  
 23 market for that price, so there would be an  
 24 incremental cost. So we still have a fixed  
 25 cost more or less that we have to recover.

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1 The less energy we sell to a consumer that  
 2 pays our prevailing rates at the time,  
 3 versus what's going to be on the export  
 4 market, I would think would rationalize that  
 5 answer, but again, Mr. Fagan would actually  
 6 be the mechanic behind the numbers, if you  
 7 will.  
 8 BROWNE, Q.C.:  
 9 Q. Because some prognosticators have stated and  
 10 written that electricity prices are not  
 11 expected to go much beyond two cents a  
 12 kilowatt and we're into a situation here  
 13 where more discoveries are being made all of  
 14 the time in terms of battery and wind power  
 15 and the combination of the two. So the  
 16 likelihood of selling a lot of electricity,  
 17 beyond two cents a kilowatt, isn't great.  
 18 Do you have any thoughts on any of that?  
 19 MR. HAYNES:  
 20 A. I did look at a while ago what the  
 21 projections are for next year, on the New  
 22 England market it was in the four, five cent  
 23 range and that's the energy only part, that  
 24 doesn't include, you know, delivery,  
 25 transmission cost, et cetera, et cetera.

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1 BROWNE, Q.C.:  
 2 Q. Sure.  
 3 MR. HAYNES:  
 4 A. And certainly technology is always a  
 5 challenge and the battery technology is  
 6 moving, it's not cheap and I don't know the  
 7 quantum of numbers but basically it's  
 8 expensive. So there are other factors  
 9 affecting that, you know, carbon tax and all  
 10 those things affect it as well, so there's a  
 11 lot of moving variables in that particular  
 12 analysis, but I don't think the two cents,  
 13 that's a very low, I haven't heard that  
 14 number, certainly in the projections, you  
 15 know, the four, five cent range on the New  
 16 England market now, for energy only, without  
 17 all the other things that have to get it to  
 18 customer.  
 19 (11:39 a.m.)  
 20 BROWNE, Q.C.:  
 21 Q. I'll undertake to provide the article to  
 22 yourself and to participants here.  
 23 (UNDERTAKING)  
 24 MR. HAYNES:  
 25 A. Thank you.

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1 MS. GLYNN:  
 2 Q. We note that on the record.  
 3 BROWNE, Q.C.:  
 4 Q. Okay, thank you. But I'd like to move to  
 5 Labrador, and I know we're discussing  
 6 Labrador issues later in this hearing, but I  
 7 would be remiss not to deal with Labrador at  
 8 all. Can we go to IC-NLH-122, page 3 of 26?  
 9 Okay, we have a map here to guide us and Mr.  
 10 Haynes, you will be familiar with this, no  
 11 doubt.  
 12 MR. HAYNES:  
 13 A. Yes.  
 14 BROWNE, Q.C.:  
 15 Q. In terms of the map itself, let's just go to  
 16 the components of that for a minute. The  
 17 Labrador Island Transmission Link, the LIL,  
 18 where does that begin and where does it end,  
 19 Mr. Haynes?  
 20 MR. HAYNES:  
 21 A. The LIL itself starts in Muskrat Falls and  
 22 it ends at Soldiers Pond for the Labrador  
 23 Island Link itself.  
 24 BROWNE, Q.C.:  
 25 Q. Okay, the Labrador Island Link, and it

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1 includes the underground tunnel, the  
 2 underground cable?  
 3 MR. HAYNES:  
 4 A. Yes, it does.  
 5 BROWNE, Q.C.:  
 6 Q. The undersea cable, I should say.  
 7 MR. HAYNES:  
 8 A. It would also include the converter stations  
 9 at Muskrat Falls and at Soldiers Pond.  
 10 BROWNE, Q.C.:  
 11 Q. Okay, so that's the Labrador Island  
 12 Transmission Link. Now, who owns the  
 13 Labrador island Transmission Link?  
 14 MR. HAYNES:  
 15 A. There is a—I do not remember all the  
 16 companies that were set up for this  
 17 particular thing, but basically it is Nalcor  
 18 and I think Emera has a share in that as  
 19 well.  
 20 BROWNE, Q.C.:  
 21 Q. When Muskrat Falls was first presented to  
 22 the public, as I recall, Emera would have a  
 23 29 percent interest in the Labrador Island  
 24 Transmission Link, does that hold true  
 25 today?

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1 MR. HAYNES:  
 2 A. I don't think so, but I can't speak to the  
 3 specific numbers of what their share is.  
 4 (11:41 a.m.)  
 5 BROWNE, Q.C.:  
 6 Q. Can you undertake to provide us the number?  
 7 (UNDERTAKING)  
 8 MR. HAYNES:  
 9 A. I don't know if that's available to me or  
 10 not, to be quite frank with you.  
 11 MR. YOUNG:  
 12 Q. Not sure if it's relevant to the matter  
 13 either, for Mr. Haynes to provide that  
 14 information of the particular shareholdings  
 15 or ownership interest in that for the  
 16 inquiry. In fact, it's probably outside  
 17 because of the exemption order if the Board  
 18 wants to dig into it, and it may be a matter  
 19 of public record, I'm not sure, in which  
 20 case we would certainly provide it.  
 21 BROWNE, Q.C.:  
 22 Q. Anyway, do what you can there. I think it  
 23 is relevant for reasons which will become  
 24 apparent as our case develops.  
 25 MS. GLYNN:

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1 Q. So the undertaking is accepted?  
 2 MR. YOUNG:  
 3 Q. The undertaking is accepted as long as I  
 4 don't have to get that from a confidential  
 5 source, because in that case, I think we're  
 6 outside the realm of today's hearing. But  
 7 if it's a public matter that we can get  
 8 fairly quickly, we certainly will provide  
 9 it.  
 10 MS. GLYNN:  
 11 Q. Thank you.  
 12 BROWNE, Q.C.:  
 13 Q. I think in terms of the answer, I think it's  
 14 a matter of record publicly that Emera now  
 15 owns over 60 percent or upward to 60 percent  
 16 of the Labrador Island Transmission Link and  
 17 the Nalcor company is therefore in a  
 18 minority equity position; whereas we were  
 19 told at the outset there will be a majority.  
 20 The Labrador Island Transmission Link, is  
 21 that subject to the Public Utilities Board  
 22 jurisdiction, do you know that?  
 23 MR. HAYNES:  
 24 A. I think it's been exempted.  
 25 BROWNE, Q.C.:

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1 Q. It's been exempted.  
 2 MR. HAYNES:  
 3 A. Yes.  
 4 BROWNE, Q.C.:  
 5 Q. So this whole area from Muskrat Falls to  
 6 Soldiers Pond is outside the jurisdiction of  
 7 the Public Utilities Board?  
 8 MR. HAYNES:  
 9 A. It's been exempted, that would also include  
 10 the 315kV lines from Churchill Falls to  
 11 Muskrat Falls. That transmission link from  
 12 Churchill Falls basically to Soldiers Pond  
 13 at the end of the day is covered under the  
 14 order-in-council, from my understanding.  
 15 BROWNE, Q.C.:  
 16 Q. And the company that owns the Labrador  
 17 Island Transmission Link, is that company  
 18 entitled to a rate of return, do you know?  
 19 MR. HAYNES:  
 20 A. I would expect so, but I have not delved  
 21 into the contracts. I would imagine if  
 22 they've invested money, they expect a  
 23 return, but that's as far as I go. I have  
 24 not gotten into the weeds of those  
 25 contracts.

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1 BROWNE, Q.C.:  
 2 Q. And are you familiar with a term of the  
 3 contract which states the Labrador Island  
 4 Transmission Link, that Nalcor would use  
 5 best efforts to bring the link under the  
 6 jurisdiction of the Board?  
 7 MR. HAYNES:  
 8 A. Yes, I read that in what you've provided,  
 9 but I also understand it's exempted.  
 10 BROWNE, Q.C.:  
 11 Q. In terms of Muskrat Falls and Labrador  
 12 Island Transmission Link, can you tell us in  
 13 the winter what is it anticipated that the  
 14 Muskrat Falls Labrador Island Transmission  
 15 Link can bring to Soldiers Pond? What's the  
 16 winter transmission, do you think?  
 17 MR. HAYNES:  
 18 A. The plant has 824 megawatts, there's less  
 19 power available in the winter, it's in the  
 20 order of, I believe it's 700 but I'm not  
 21 specifically sure of the number itself, all  
 22 I know it's well in excess of what Holyrood,  
 23 that intends to replace.  
 24 BROWNE, Q.C.:  
 25 Q. Sure. And will there be transmission loss,

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1 when you say 700, does that include or  
 2 exclude transmission loss?  
 3 MR. HAYNES:  
 4 A. That would be some impacts of, you know, the  
 5 winter operating reservoir level and  
 6 transmission losses, like what's important  
 7 is what's deliverable to Soldiers Pond.  
 8 BROWNE, Q.C.:  
 9 Q. So your best estimate, including  
 10 transmission loss of what is deliverable to  
 11 Soldiers Pond would be what then?  
 12 MR. HAYNES:  
 13 A. I do not recall the number, but that number  
 14 is available, and I can undertake to that  
 15 that specific number.  
 16 (11:45 a.m)  
 17 BROWNE, Q.C.:  
 18 Q. Can you undertake to get it for us?  
 19 MR. HAYNES:  
 20 A. Yes, certainly.  
 21 MS. GLYNN:  
 22 Q. Noted on the record.  
 23 BROWNE, Q.C.:  
 24 Q. In terms of Muskrat Falls itself, we've sort  
 25 of lost sight of the Water Management

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1 Agreement and the issues surrounding the  
 2 Water Management Agreement, and I think the  
 3 last time I looked, that was tied up in some  
 4 court in Quebec. Has there been an  
 5 agreement between Hydro Quebec and Nalcor so  
 6 the water management issue is no longer in  
 7 play, or is it still in play, can you tell  
 8 us that?  
 9 MR. HAYNES:  
 10 A. I can't speak to that. There is a Water  
 11 Management Agreement that's been, you know,  
 12 between Muskrat Falls and Churchill Falls,  
 13 but the status of court challenges, I'm not  
 14 aware of the current standing.  
 15 BROWNE, Q.C.:  
 16 Q. So with all this on the go, you don't know  
 17 with certainty if that is or is not still an  
 18 issue?  
 19 MR. HAYNES:  
 20 A. One of the aspects of the Water Management  
 21 Agreement was to optimize that particular  
 22 river, you know, between the Churchill plant  
 23 and the Muskrat Falls plant. What I can  
 24 tell you is that any water that is stored in  
 25 Churchill Falls' reservoir will pass through

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1 the Muskrat Falls' plant. To optimize, we  
 2 basically say right now there's about 4900  
 3 gigawatt hours available at the Muskrat  
 4 Falls plant which we will bring to the  
 5 island and, you know, use what we need and  
 6 the rest will go on, or go west or south.  
 7 From the point of view of the capacity, I  
 8 don't think we will be in a position  
 9 anywhere that we cannot serve and replace  
 10 the 465 megawatts that we've taken out to  
 11 Holyrood, so—but the actual, the legal  
 12 situation of those agreements right now, any  
 13 court challenges, I'm not aware of where  
 14 they stand at the moment.  
 15 BROWNE, Q.C.:  
 16 Q. If for argument sake or hypothetically you  
 17 couldn't access the water in the reservoir,  
 18 what would that mean to the project?  
 19 MR. HAYNES:  
 20 A. I don't think it's conceivable that we would  
 21 not be able to access the water in the  
 22 project. What may happen is that the ability  
 23 to sell some export sales would be more of  
 24 an energy component than a megawatt  
 25 component, but you know, you obviously

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1 generate megawatts and kilowatt hours or  
 2 megawatt hours at the same time. In the  
 3 wintertime, Hydro Quebec has been,  
 4 typically, upon fairly high load to  
 5 Churchill Falls, the water has been  
 6 discharged. I wouldn't anticipate any  
 7 issues meeting our customer requirements  
 8 because of that. You may not optimize the—  
 9 Nalcor may not be able to optimize the total  
 10 value of the Muskrat Falls, Churchill Falls  
 11 reservoirs, but I don't think it's going to  
 12 have any impact, significant impact on  
 13 Hydro.  
 14 BROWNE, Q.C.:  
 15 Q. So you're saying they don't need the Water  
 16 Management Agreement?  
 17 MR. HAYNES:  
 18 A. I think the Water Management Agreement  
 19 allows—the Water Management Agreement will  
 20 allow Muskrat Falls, as a whole, to optimize  
 21 the production and I think from a social  
 22 point of view it would be, the intent is to  
 23 optimize the total water in that river to  
 24 maximize energy production and the Water  
 25 Management Agreement is critical to make

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1 that happen because there will be, you know,  
 2 gallons of water in the Churchill reservoir  
 3 that at times will be actually belonged to  
 4 Muskrat and vice versa. You just want to  
 5 optimize the plants. The same as we do now  
 6 on a regular basis at Bay D'Espoir, we  
 7 optimize the plants on that common river  
 8 system between Bay D'Espoir, Granite Canal  
 9 and Upper Salmon. We look at trying to  
 10 manage that river to get the most kilowatt  
 11 hours that we can out of that particular  
 12 facility, the same thing with—the Water  
 13 Management Agreement is intended along the  
 14 same lines in Labrador which is a bit  
 15 different because they're two different  
 16 entities. In Hydro's case, you know, we own  
 17 those assets from the Bay D'Espoir watershed  
 18 and we optimize them all the time. That's a  
 19 daily occurrence, they optimize overall  
 20 production from the reservoirs.  
 21 (11:50 a.m.)  
 22 BROWNE, Q.C.:  
 23 Q. Can you undertake to do your best efforts so  
 24 that the Board, as a regulator, can be  
 25 updated on that situation with the Water

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1 Management Agreement because it certainly  
 2 does have implications to what is  
 3 transpiring here?  
 4 (UNDERTAKING)  
 5 CHAIR:  
 6 Q. Mr. Browne, does it have implications for  
 7 the application that is before us?  
 8 BROWNE, Q.C.:  
 9 Q. I think it does. They're telling us they're  
 10 going to get a load of recall power from  
 11 Churchill and it has implications for  
 12 Labrador and so on. I think it is relevant,  
 13 but if the Commissioner thinks it's not  
 14 relevant, if the Water Management Agreement  
 15 is not relevant, that's fine, but I think it  
 16 can be. I think these are early days,  
 17 Commissioner.  
 18 CHAIR:  
 19 Q. Early days, but I just wanted you to explain  
 20 the relevance.  
 21 BROWNE, Q.C.:  
 22 Q. But I agree that your jurisdiction in terms  
 23 of that Muskrat Falls Labrador Island  
 24 Transmission Link, which comes from Muskrat  
 25 Falls to the Province, your jurisdiction

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1 right now is just not there, I would agree  
 2 with that.  
 3 MR. YOUNG:  
 4 Q. With respect, Mr. Browne, just to end up  
 5 where he left off there, he said there's no  
 6 jurisdiction, but this Board has established  
 7 the Water Management Agreement under the  
 8 Electrical Power Control Act, so there are  
 9 obviously exemptions with respect to the  
 10 Board's jurisdiction over some aspects of  
 11 that project; everyone understands that.  
 12 But with respect to the Water Management  
 13 Agreement, the Board has established it and  
 14 I'm not sure if I understand what the  
 15 undertaking is because the premise of the  
 16 question appeared to be, and I'll ask Mr.  
 17 Browne to correct me if I'm wrong here, that  
 18 there is some speculation about some  
 19 potential court challenges and I don't think  
 20 we have anything that we can address in an  
 21 undertaking to address that question.  
 22 (UNDERTAKING)  
 23 BROWNE, Q.C.:  
 24 Q. I guess you can undertake to give the Board  
 25 an update. I agree with you, the Water

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1 Management Agreement is really no agreement  
 2 at all because they couldn't get signatures  
 3 to it, so it is actually a Board order, it's  
 4 an order of this Board. It comes without  
 5 signatures, CF(L)Co could not sign on to it;  
 6 hence we are in the court over it all, so,  
 7 but it's critical, I think, to the project,  
 8 as some prognosticators would say it's  
 9 extremely critical to the project. I think  
 10 where we're into this situation, I think  
 11 it's an opportunity to update the Board as  
 12 to where it is. If the Board doesn't  
 13 consider it relevant or if Hydro doesn't  
 14 consider it relevant or important in  
 15 reference to this, well so be it.  
 16 MR. YOUNG:  
 17 Q. Well Madam Chair, if the Board's decision  
 18 had been challenged or the subject of  
 19 litigation, I think it would be relevant,  
 20 but there is no such litigation of the sort  
 21 Mr. Browne is referring to. The order of  
 22 the Board hasn't been appealed and to my  
 23 knowledge hasn't been challenged in any  
 24 direct way at all in any litigation. I'm  
 25 not sure what he's referring to. It's not

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1 that we're trying to be obtuse here, I just  
 2 don't know what the undertaking, what we can  
 3 do to satisfy the undertaking.  
 4 BROWNE, Q.C.:  
 5 Q. I'm just wondering if it's still an issue  
 6 out there, or if it is tied up in the Quebec  
 7 courts.  
 8 MR. YOUNG:  
 9 Q. I don't think the Quebec courts have any  
 10 jurisdiction over it with respect to that,  
 11 and to my knowledge we've never been joined  
 12 in any litigation with respect to the Water  
 13 Management Agreement, so –  
 14 BROWNE, Q.C.:  
 15 Q. So you're saying it's not into the Quebec  
 16 court at all, is that it?  
 17 MR. YOUNG:  
 18 Q. There has been things in the Quebec courts,  
 19 but not the Water Management Agreement, and  
 20 I'm, you know, I should hasten that I'm not  
 21 counsel at the present time for Nalcor with  
 22 respect to that, but I'm not privy to any  
 23 information with respect to that, I think I  
 24 would have heard if the Water Management  
 25 Agreement itself, which was established by

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1 this Board, if it had been challenged.  
 2 BROWNE, Q.C.:  
 3 Q. So you're providing the undertaking, or  
 4 aren't you?  
 5 CHAIR:  
 6 Q. I'm with Mr. Young on this, I'm still not  
 7 quite sure what it is you're looking for.  
 8 BROWNE, Q.C.:  
 9 Q. I'm looking for an update to see if the  
 10 Water Management Agreement is still an issue  
 11 or if it is subject to litigation or tied up  
 12 in Quebec courts directly or indirectly.  
 13 (UNDERTAKING)  
 14 MR. YOUNG:  
 15 Q. We can confirm essentially what I have just  
 16 confirmed, if that's what Mr. Browne is  
 17 looking for.  
 18 CHAIR:  
 19 Q. Okay, let's start with that. Can you find  
 20 out whether or not the Water Management  
 21 Agreement is the subject of some litigation,  
 22 please?  
 23 MR. YOUNG:  
 24 Q. Litigation in the Quebec courts. That can  
 25 be addressed and I don't think, to be

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1 honest, I would agree with Mr. Brown if that  
 2 was squarely out there and there was  
 3 something ongoing that was contentious, that  
 4 would be information I'm sure the Board  
 5 would want to know about.  
 6 CHAIR:  
 7 Q. Absolutely.  
 8 MR. YOUNG:  
 9 Q. Because it addresses the Board's order under  
 10 a different piece of legislation, but  
 11 nonetheless, I will confirm one way or the  
 12 other, absolutely.  
 13 CHAIR:  
 14 Q. And if it is, the nature of and the status?  
 15 MR. YOUNG:  
 16 Q. Yes, absolutely, and just, you know, to  
 17 finish off on that, it has been raised in  
 18 certain places in the media that there were  
 19 things going on in some litigation that in  
 20 some way could be affecting this and I think  
 21 some of those media reports, they may have  
 22 been inaccurate, but with respect to the  
 23 Water Management Agreement itself, it's not  
 24 been challenged and I will confirm that.  
 25 CHAIR:

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1 Q. Thank you, Mr. Young. Is that satisfactory,  
 2 Mr. Browne?  
 3 BROWNE, Q.C.:  
 4 Q. Yes, that's fine, thank you, we all look  
 5 forward to the answer. In terms of Labrador  
 6 itself, Labrador, according to the evidence,  
 7 has 300 recall and the Twinco block is 225,  
 8 so Labrador, is that correct, they have 525?  
 9 MR. HAYNES:  
 10 A. Yes, there is an adjustment on the recall to  
 11 reflect it back at a 230kV bust, so it's  
 12 probably, you know, I'm going to say 332 is  
 13 the number I have in my head because we've  
 14 taken advantage of the losses on the 735kV  
 15 line through the Quebec boarder.  
 16 BROWNE, Q.C.:  
 17 Q. Okay, so it's 332 and 225, so my math says  
 18 that's 557. Now, of the 557 –  
 19 MR. HAYNES:  
 20 A. Sorry, it's 307 plus 225.  
 21 BROWNE, Q.C.:  
 22 Q. It's 307 plus 225?  
 23 MR. HAYNES:  
 24 A. Yes. 300 megawatt recaps are at, sorry, at  
 25 90 percent load factor and the 7 megawatts

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1 is to reflect the savings in losses.  
 2 BROWNE, Q.C.:  
 3 Q. Okay, so your math tells you what, what is  
 4 it?  
 5 MR. HAYNES:  
 6 A. So it's 542—I'm sorry, 532.  
 7 BROWNE, Q.C.:  
 8 Q. 532, okay, great, 532.  
 9 MR. HAYNES:  
 10 A. My apologies, reluctantly doing math.  
 11 BROWNE, Q.C.:  
 12 Q. At 532 we know IOC, according to the  
 13 evidence, is using up to 260, is that  
 14 correct?  
 15 MR. HAYNES:  
 16 A. They have used that high.  
 17 BROWNE, Q.C.:  
 18 Q. So that's 260. We know the Interconnected  
 19 system, the townships in Labrador that are  
 20 part of the Interconnected system, they use  
 21 how much, Mr. —  
 22 MR. HAYNES:  
 23 A. I think the Goose Bay load is in the order  
 24 of 77 to 80 megawatts and the Labrador West,  
 25 I do not recall off the top of my head what

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1 the load is there right now, but I'm saying  
 2 in the order of about 70 to 75 megawatts, I  
 3 think, but I don't know the forecast off the  
 4 top of my head.  
 5 BROWNE, Q.C.:  
 6 Q. I think that's there in the evidence, we can  
 7 refer to that after.  
 8 MR. HAYNES:  
 9 A. It probably is.  
 10 BROWNE, Q.C.:  
 11 Q. In terms of Labrador itself, there is some  
 12 discussion that the mine is to reopen in  
 13 Wabush and they traditionally have used 45  
 14 megawatts.  
 15 MR. HAYNES:  
 16 A. 45 to 50 megawatts.  
 17 BROWNE, Q.C.:  
 18 Q. 45 to 50 megawatts. And the expansion that  
 19 IOC is undertaking there, are there any  
 20 figures on that, what they will require?  
 21 MR. HAYNES:  
 22 A. I'm not, I do not recall the numbers right  
 23 now. I think it's a fairly modest increase,  
 24 I don't think they're upping it very high.  
 25 BROWNE, Q.C.:

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1 Q. And in the winter, is it fair to say that  
 2 most of the recall and what is required in  
 3 terms of the Twinco block is used in  
 4 Labrador, there's not much available in the  
 5 winter or what is available in the winter?  
 6 MR. HAYNES:  
 7 A. Well in the winter what we have put forward  
 8 before was about 110 megawatts that's  
 9 available, basically, and that is the peak  
 10 load, that is the peak load of the day.  
 11 There in the evening, during the night,  
 12 there's a lot more energy, a lot more  
 13 megawatts available, so you have a peak  
 14 load, there's a lot of energy that can be  
 15 brought down to the island that we can  
 16 manage with the resources that we have to do  
 17 that.  
 18 BROWNE, Q.C.:  
 19 Q. And it's your plan to bring that 110 down to  
 20 the island in the winter?  
 21 MR. HAYNES:  
 22 A. To bring the 110 or whatever surplus  
 23 Labrador needs, we'll bring to the island in  
 24 the winter and in the off-peak day, during  
 25 the day, it will be even higher again

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1 because it's still energy that we can  
 2 displace fuel with.  
 3 BROWNE, Q.C.:  
 4 Q. And you mentioned as well that you could  
 5 have access, if necessary, to Hydro Quebec  
 6 power coming through Labrador, did you  
 7 mention that?  
 8 MR. HAYNES:  
 9 A. I think we have said that we would be  
 10 looking for any other power that we can get,  
 11 whether it's from Hydro Quebec or others  
 12 that is available to load that line up to  
 13 its ability, which is roughly 225 megawatts,  
 14 as long as we can still serve and meet our  
 15 reliability targets on the island. There  
 16 may be times that we can't load it up anyway  
 17 because other operating scenarios on the  
 18 system, but our intention is to, what we've  
 19 put forward in our proposal is what we know,  
 20 we know we have access to the recapture,  
 21 we've identified how much energy that we  
 22 think we can get down over that line during  
 23 those periods and there is still recapture  
 24 beyond that that we can't get there to the  
 25 island because of system configuration or

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1 whatever, so we're pretty comfortable that  
 2 we can get down in the short term in the  
 3 next couple of years a fair bit of energy to  
 4 actually displace fuel at Holyrood. And,  
 5 you know, depending on the price of oil,  
 6 that would be the avoided cost, if you will.  
 7 (12:00 a.m.)  
 8 BROWNE, Q.C.:  
 9 Q. And, of course, the whole Muskrat Falls  
 10 concept was to displace fuel at Holyrood  
 11 from an island perspective?  
 12 MR. HAYNES:  
 13 A. Yes, it was, yeah.  
 14 BROWNE, Q.C.:  
 15 Q. Is any Muskrat Falls power to be used in  
 16 Labrador?  
 17 MR. HAYNES:  
 18 A. The premise for the agreement says that  
 19 Muskrat Falls was built to displace, you  
 20 know, to offset the island purchase and I  
 21 think the contracts and so on basically is  
 22 more for, you know, use on the island, but  
 23 technically there is not a reason why it  
 24 can't be used in Labrador, but it would be  
 25 obviously a huge price increase over the .2

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1 cent energy that they're currently enjoying.  
 2 BROWNE, Q.C.:  
 3 Q. And also is there an economic caveat there  
 4 because it's the Island Interconnected  
 5 customers who are paying for Muskrat Falls?  
 6 MR. HAYNES:  
 7 A. Yes, that's under the order.  
 8 BROWNE, Q.C.:  
 9 Q. Within Labrador itself, there is evidence  
 10 that you are looking to build more  
 11 structures because of the growing demand in  
 12 Labrador for data centres. What would data  
 13 centres be paying for power up in Labrador?  
 14 MR. HAYNES:  
 15 A. The data centres are covered under the, the  
 16 ones that we've had to date, are covered  
 17 under a general service rate and I don't  
 18 remember the rate off the top of my head,  
 19 but Mr. Fagan could actually, you know,  
 20 provide those numbers, but it is a part of  
 21 the rate sheet, whatever the prevailing rate  
 22 is as a general service customer.  
 23 BROWNE, Q.C.:  
 24 Q. So it's two cents, that's the general  
 25 service rate.

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1 MR. HAYNES:  
 2 A. No, it's more than two cents, but it's not  
 3 seven cents. When you add in the other  
 4 affected things to provide service, I don't  
 5 recall a specific number, but probably in  
 6 the order of four cents or less.  
 7 BROWNE, Q.C.:  
 8 Q. What is the position of Hydro on data  
 9 centres, are you—there's evidence there of  
 10 expansion of data centres into Labrador. We  
 11 saw there's only 110 to bring down to the  
 12 island in the winter. Data centres  
 13 presumably need firm power year-round.  
 14 MR. HAYNES:  
 15 A. The data centres that we've had so far, the  
 16 request and there's a couple in service,  
 17 basically right now they are low megawatt  
 18 numbers, but we have had requests for higher  
 19 ones. The 110, I just want to go back to  
 20 the 110, the 110 megawatts is over peak. In  
 21 the off peak period there's a lot more than  
 22 110; in the middle of the night, there might  
 23 be 150 or 180 and, you know, there had been  
 24 some discussion with some of the proponents,  
 25 can they manage their load, can they

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1 actually curtail load during the peak period  
 2 and so that's an ongoing discussion. The  
 3 whole data centre question is an industry  
 4 issue right now, the fact that they're  
 5 looking for, you know, a huge amount of  
 6 power across the continent from that  
 7 perspective and it's a challenge. We're  
 8 exploring what our options are, we've  
 9 reviewed legislation. We have not taken the  
 10 position that we can say no to a data centre  
 11 question any more than we can for hooking up  
 12 another store, a corner store, whatever.  
 13 Depending on the size, there are studies  
 14 required, if you know, for a one megawatt in  
 15 a residential area on a side street or in an  
 16 old, not an old abandoned warehouse, but a  
 17 building there, we would have to go look at  
 18 what it would cost us to upgrade the  
 19 distribution system to do it. It may fall  
 20 back, depending on the total number of  
 21 megawatts required to fall back on the  
 22 transmission system, and eventually it may  
 23 fall back into the supply system, you know,  
 24 where do we get the next megawatt hour from.  
 25 So, you know, if there's a capital

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1 investment required by Hydro, you know, if  
 2 it's a larger one, even if it's a  
 3 contribution in aid of construction, we  
 4 would have to come back to the Public  
 5 Utilities Board to have that approved. If  
 6 it's one that would actually drive  
 7 transmission structures or, you know, or a  
 8 larger investment somewhere else in the  
 9 system and we had to buy transformers and  
 10 things like that, it would likely trigger  
 11 another capital application to the Public  
 12 Utilities Board for approval to actually  
 13 spend that, but we haven't, we are concerned  
 14 about what this does to recapture energy,  
 15 but we have not found a way to say no in  
 16 that sense, and we look at it basically, you  
 17 know, a customer comes, we put them in a  
 18 queue and we look at the load requirements  
 19 and we go back and this is what it takes,  
 20 what it requires to do it. It may generate  
 21 capital applications to the Board, depending  
 22 on the size, right. But it is a concern,  
 23 but I would add it's a concern for a whole  
 24 host of utilities right across the country.  
 25 There are a lot of requests for data

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1 centres.  
 2 BROWNE, Q.C.:  
 3 Q. And we will be discussing Labrador issues  
 4 later on and I don't want to steal IOC's  
 5 thunder or indeed, the Interconnected  
 6 solicitors who are acting for the  
 7 Interconnected systems and to raise  
 8 particular concerns on that issue. In terms  
 9 of when we look at this map here, it's an  
 10 interesting map, if you were to buy  
 11 electricity, if Nalcor Energy was to buy  
 12 electricity from the New England  
 13 marketplace, is it fair to say they will  
 14 have to pay wheeling costs through New  
 15 Brunswick and Nova Scotia and there would be  
 16 cost components?  
 17 MR. HAYNES:  
 18 A. I don't think they call it wheeling costs  
 19 anymore, but the effect is the same. If  
 20 Nalcor were to buy power from New England,  
 21 they would have to get it through all the  
 22 different transmission system operators to  
 23 actually get it to, you know, in our case to  
 24 Bottom Brook, so if it was brought in, you  
 25 know, New England would have to come through

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1 Maine, New Brunswick, Nova Scotia and it  
 2 would have to pay a transmission tariff  
 3 right through. If you wanted 100 megawatt  
 4 hours, you would have to buy more than that  
 5 because you'd have to account for losses  
 6 that are designated by each particular  
 7 transmission organization and they vary all  
 8 over the place, but probably 10 or 15  
 9 percent losses as well. You have the  
 10 exchange rate to look after, so even though  
 11 we mentioned before, if there was four or  
 12 five cents in New England, that's not what  
 13 our delivery price would be, it would be  
 14 considerably higher.  
 15 BROWNE, Q.C.:  
 16 Q. Yes, I appreciate it. I'm going to, my  
 17 colleague, Stephen Fitzgerald has some  
 18 questions in reference to these matters, so  
 19 I'll just give the mic over to him.  
 20 MR. FITZGERALD:  
 21 Q. Thank you, Mr. Haynes. I just have a couple  
 22 of issues. If we can go to your testimony  
 23 of April 17th, page 4, okay, down at line 14,  
 24 I believe it is, and you were asked by Mr.  
 25 O'Brien, "I wonder from an engineering

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1 perspective once the LIL is energized, would  
 2 you consider the project near  
 3 commissioning?" And what was your answer to  
 4 that?  
 5 MR. HAYNES:  
 6 A. Actually, I'm just looking for –  
 7 MR. FITZGERALD:  
 8 Q. Yeah, I know, it's hard to navigate through  
 9 the –  
 10 MR. HAYNES:  
 11 A. "I wonder from an engineering perspective  
 12 once LIL is energized, would you consider  
 13 the project near commissioning?" And I said  
 14 yes, basically the Labrador Island Project  
 15 or the whole Muskrat Falls thing really  
 16 comprises three major projects. There's the  
 17 Labrador Transmission Assets, then there's  
 18 the Labrador Island Link and there's a  
 19 Muskrat Falls Generating Station, so there  
 20 are three discreet components, they were  
 21 intended to come together the same time, but  
 22 that has obviously drifted off its schedule  
 23 and, you know, complications of construction  
 24 and whatever, but you know, that particular  
 25 Labrador Island Link will be commissioned

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1 for mono-pole operation mid year and  
 2 eventually walk its way to full bi-pole  
 3 operation and it will be used and useful to  
 4 Hydro to displace fuel. So I consider it to  
 5 be, you know, it is near commissioning, the  
 6 line itself.

7 MR. FITZGERALD:  
 8 Q. The line itself, but not the project?  
 9 MR. HAYNES:  
 10 A. Not the Muskrat Falls Plant, obviously but  
 11 LIL and the Labrador Transmission Assets,  
 12 you know, are no different that TO267 from  
 13 that perspective, it's in service, it's  
 14 providing value to the customers.

15 MR. FITZGERALD:  
 16 Q. Right, I guess though generally, we won't go  
 17 there right now, but we have been talking  
 18 about OC-2013-343 and we can go to it, but I  
 19 think generally we understand that that  
 20 order-in-council prohibits the recovery of  
 21 any costs related to the project until the  
 22 project is commissioned or near  
 23 commissioning, would you agree?  
 24 MR. HAYNES:  
 25 A. That's what it says, but you know, near

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1 commissioning is vague and there are three  
 2 specific projects within that particular  
 3 overall project, the LTA, the LIL and the  
 4 Muskrat Falls Plant.

5 MR. FITZGERALD:  
 6 Q. Okay, so you believe that even though I  
 7 think you said earlier that the Muskrat  
 8 Falls project is not nearing commissioning,  
 9 are you suggesting that there's an argument  
 10 that it could be near commissioning?  
 11 MR. HAYNES:  
 12 A. In a process of commissioning, the Labrador  
 13 Transmission Assets, if I can speak to that,  
 14 that's a fairly, I'm going to say, I won't  
 15 say routine because it's fairly large, but  
 16 it's fairly normal utility practice,  
 17 basically they put in a terminal station at  
 18 Churchill Falls, they put in a terminal  
 19 stations at Muskrat Falls, they've installed  
 20 lines, you know, AC breakers, et cetera and  
 21 that AC line, you know would be put in  
 22 service and used and useful. The Labrador  
 23 Transmission Assets, the line itself is  
 24 erected, it's not delivering service yet.  
 25 The AC portion in the Soldiers Pond Station

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1 is in service, the AC part we already avail  
 2 of, but the major part of the Labrador  
 3 Island Link basically is the line and the  
 4 converter stations, that is nearing  
 5 completion, but once we start to get  
 6 meaningful supply of power over that line,  
 7 from my perspective it is essentially, you  
 8 know, near commissioning, it's reasonable to  
 9 pay those costs in my opinion.

10 MR. FITZGERALD:  
 11 Q. Yes, but again I guess the issue is what is  
 12 near commissioning. I understand that, the  
 13 energize is done or the line is going to be  
 14 energized in July, but we understand that  
 15 the project itself is not going to be  
 16 finished until 2021, I think.

17 MR. HAYNES:  
 18 A. The overall project, including the Muskrat  
 19 Falls Plant won't be until 2021 when it's  
 20 finalized.

21 MR. FITZGERALD:  
 22 Q. But it's your position, correct me if I'm  
 23 wrong, that the fact that the LIL is nearing  
 24 commissioning, that entitles Hydro to  
 25 recover costs at this point?

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1 MR. HAYNES:  
 2 A. We have proposed to put those costs actually  
 3 in a deferral account to net that off  
 4 against the savings that we have against  
 5 Holyrood because the asset is used and  
 6 useful, the ratepayer will see benefit.  
 7 That's my perspective.

8 MR. FITZGERALD:  
 9 Q. Right. I understand. So, just – not to  
 10 belabour the point, but it isn't your  
 11 evidence that the commissioning of the LIL  
 12 means that the Project itself is nearing  
 13 commissioning?  
 14 MR. HAYNES:  
 15 A. Not the Muskrat Falls Plant.

16 MR. FITZGERALD:  
 17 Q. Okay. Maybe we should -  
 18 MR. HAYNES:  
 19 A. I look at those as three specific pieces of  
 20 work. They are three – you know, but I  
 21 mean, the transmission – LIL and LTA kind of  
 22 come together naturally because it's just  
 23 the breaking point happens in Muskrat Falls  
 24 Plant, but the generation components are  
 25 definitely separate, in my opinion, from the

1 water side to the –  
 2 MR. FITZGERALD:  
 3 Q. I understand. Can we go to OC-2013-334?  
 4 I'm sorry, I think that's – it's CA-NLH-35  
 5 is where we'd find that. Just scroll down  
 6 through the foot of that document, little  
 7 further. Okay, just back one, please.  
 8 Okay. So, and I'm sure you're familiar with  
 9 this and reading there at subparagraph 3, it  
 10 says "notwithstanding Sections 1 and 2, no  
 11 amounts paid by Newfoundland and Labrador  
 12 Hydro described in those sections shall be  
 13 included as costs" et cetera, et cetera, and  
 14 if we could scroll down to the foot of the  
 15 document now, and B. "In any event, in  
 16 respect of each of Muskrat Falls, the LTA or  
 17 the LIL, until such time as the Project is  
 18 commissioned or nearing commissioning". So,  
 19 I take that to mean that no costs are  
 20 recovered by Hydro until the Project, not  
 21 individual components thereof, but the  
 22 Project itself is nearing commissioning.  
 23 Would you agree?  
 24 MR. HAYNES:  
 25 A. That's your interpretation. I just feel

1 personally, and I'm not going to get into a  
 2 legal argument about words because I'm not  
 3 competent to that, but the LIL and the LTA  
 4 are used and useful for us to deliver power  
 5 and from my perspective, I think it's  
 6 rational and reasonable that we actually,  
 7 you know, pay for the operating costs of  
 8 those assets and then when Muskrat Falls is  
 9 finished and completed, they will roll into  
 10 the longer term cost recovery mechanics. I  
 11 mean, I want to take advantage of those  
 12 assets to save the customer money, which we  
 13 propose to put into the deferral account to  
 14 aid in rate mitigation and smoothing.  
 15 MR. FITZGERALD:  
 16 Q. No, I understand, I'm just wondering if  
 17 there's a legal impediment and it appears  
 18 that there may be.  
 19 MR. HAYNES:  
 20 A. I'm really not – I really can't speak to the  
 21 legal interpretation. I'm sure there's an  
 22 argument both ways, but that's –  
 23 MR. FITZGERALD:  
 24 Q. Well, we'd be interested in hearing that as  
 25

1 well, but the – you know, so I take it your  
 2 evidence is that because the LIL is used and  
 3 useful, Hydro is entitled to recover those  
 4 costs now?  
 5 MR. HAYNES:  
 6 A. We propose to put those costs in a deferral  
 7 account to net them against the savings that  
 8 we would build up based on avoiding oil at  
 9 Holyrood. So, it would go into the deferral  
 10 account and that would be – you know, it  
 11 would be recovered later on in that sense.  
 12 MR. FITZGERALD:  
 13 Q. So, in your – in Hydro's current  
 14 application, there's – I think it's an  
 15 amount of 52 million, I believe, or it's –  
 16 sorry, 27 million is being included in the  
 17 application for 2018 cost of the operational  
 18 maintenance costs for the LIL.  
 19 MR. HAYNES:  
 20 A. Yes, yeah.  
 21 MR. FITZGERALD:  
 22 Q. And it's 52 million next year. I'm  
 23 wondering what the logic is of isolating  
 24 just the O&M. Why is Hydro just taking that  
 25 portion? If the Project is nearing

1 commissioning, why wouldn't you try to  
 2 recover all of the costs at this point?  
 3 MR. HAYNES:  
 4 A. There's a – I do not understand all the  
 5 financial, you know, implication of how  
 6 that's done, but from the point of view of  
 7 the cost of operating and maintaining, which  
 8 would require us to do, you know, to – if  
 9 they don't do that, then we can't get  
 10 delivery of energy, take advantage of  
 11 Muskrat – of the, I'm sorry, the recapture  
 12 energy. So, I mean, that's a cost that they  
 13 will legitimately incur. I suppose one  
 14 could argue that, you know, the Order says  
 15 that all costs associated with Muskrat Falls  
 16 will be recovered somewhere. So, I mean,  
 17 maybe this is a little bit early. There's  
 18 still a cost to park it. So, it's – you  
 19 know, from my perspective, it's not  
 20 unreasonable for us to pay the O&M costs  
 21 that are required to actually facilitate  
 22 delivery of recapture energy to the Island.  
 23 (12:15 p.m.)  
 24 MR. FITZGERALD:  
 25

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1 Q. Yeah, no, I understand your evidence. You  
 2 would believe it's reasonable. I think most  
 3 people would agree it's reasonable, but it  
 4 doesn't appear to be borne out by what  
 5 you're permitted to do, and I know you've  
 6 already answered that. That's the legal  
 7 question.  
 8 MR. HAYNES:  
 9 A. Yeah.  
 10 MR. FITZGERALD:  
 11 Q. Okay, all right. At page – moving on from  
 12 that now, if we can go to page 196 of your  
 13 April 17th testimony, transcript. Yeah, and  
 14 I believe generally here, you may recall,  
 15 Mr. O'Brien was bringing you through costs  
 16 and one of the costs mentioned here is the  
 17 cost of TL267. You indicated, you know,  
 18 which needs to be maintained and I got the  
 19 impression from your answer, rightly or  
 20 wrongly, that the O&M costs for this new  
 21 asset were significant.  
 22 MR. HAYNES:  
 23 A. Well, it's a – you know, I think last year  
 24 we spent – I mean, the whole project is  
 25 roughly 300 million dollars. There's

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1 obviously interest and depreciation expense,  
 2 but from the point of view of the O&M, there  
 3 are incremental costs of actually, you know,  
 4 maintaining that asset. In the short term,  
 5 there'd be very little from a replacement  
 6 point of view, but there would be, you know,  
 7 surveillance and inspections and so on,  
 8 stuff like that. But we haven't increased  
 9 our budget from the point of view of Human  
 10 Resources to facilitate that. We'll do that  
 11 with the crews that we have.  
 12 MR. FITZGERALD:  
 13 Q. So, are those costs included in this  
 14 application?  
 15 MR. HAYNES:  
 16 A. Yes, the costs that are there to date I  
 17 think are included, but again, if you're  
 18 going to down there, I would prefer to have  
 19 that dialogue with Ms. Hutchens on the  
 20 financial side. But there is a recovery of  
 21 cost in there in our application for TL267,  
 22 the money that we've spent to date.  
 23 MR. FITZGERALD:  
 24 Q. Okay. Just moving quickly then to another  
 25 issue, the NLSO. And you may have already

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1 answered this and forgive me if you have,  
 2 but who in fact will own that operation?  
 3 MR. HAYNES:  
 4 A. NLSO is a department of Newfoundland and  
 5 Labrador Hydro. It's under the Transmission  
 6 Distribution, NLSO section, headed up by Mr.  
 7 LeBlanc. So, basically, I'll just go back  
 8 and explain a little bit. People may be  
 9 familiar with the term before of the Energy  
 10 Control Centre. Well, the NLSO is the  
 11 Energy Control Centre. It's got a few extra  
 12 bodies to facilitate the reliability and the  
 13 DC line, but basically it is pretty well  
 14 what was there before, but it's been  
 15 structured out to actually facilitate, you  
 16 know, that we have open access transmission  
 17 so that we can, you know, take part of the  
 18 benefits or people can use our system if  
 19 they so see fit and see a profit obviously.  
 20 So, it's not a major change in the sense of,  
 21 you know, creating a whole new division or  
 22 department. Basically it's kind of an  
 23 evolution of the Energy Control Centre to be  
 24 what other control centres in North America  
 25 have with respect to open access

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1 transmission. So, and we have added  
 2 approximately six – I think six people to  
 3 that there to look after the additional  
 4 scope of work with respect to the Labrador  
 5 system and the Labrador Island Link and so  
 6 on, and there's also a person there with  
 7 respect to reliability and commercial  
 8 things.  
 9 MR. FITZGERALD:  
 10 Q. And they will be Hydro employees?  
 11 MR. HAYNES:  
 12 A. They are all Hydro employees, yes.  
 13 MR. FITZGERALD:  
 14 Q. Is that – is there any contemplated change  
 15 there?  
 16 MR. HAYNES:  
 17 A. In the sense of moving it to different -  
 18 MR. FITZGERALD:  
 19 Q. Yes.  
 20 MR. HAYNES:  
 21 A. Not that I'm aware of, no. I think it's  
 22 quite appropriate where it is. I think, you  
 23 know, it works and basically, they are  
 24 performing the same operations they always  
 25 had for the Integrated System and even

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1           though it may not be part of the bulk  
 2           system, which is basically 230kV and above,  
 3           they still manage the 138kV lines, you know,  
 4           the Northern Peninsula and so on. They  
 5           still do all the things they did before, but  
 6           they've tacked on the open access component  
 7           of it, and you know, and the transmission  
 8           costs are tariff is basically based on the  
 9           bulk electrical system, which is basically  
 10          230kV and above.

11       MR. FITZGERALD:

12           Q.     Okay. Okay, thank you, Mr. Haynes. Thank  
 13           you.

14       BROWNE, Q.C.:

15           Q.     Thank you too, Mr. Haynes. I recognize you  
 16           came out of retirement and you didn't expect  
 17           to end up here, I'm sure. Thank you very  
 18           much and thank you for your efforts.

19       MR. HAYNES:

20           A.     Probably inevitable. Thank you.

21       CHAIR:

22           Q.     Thank you, Consumer Advocate. Industrial  
 23           Customers, are you ready to proceed?

24       MR. COXWORTHY:

25           Q.     We are, Madam Chair. Just a preliminary

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1           matter. I had filed, as of Friday  
 2           electronically and this morning hard copies,  
 3           some documents that I may put to the witness  
 4           for cross-examination today. I do want to  
 5           note that the copies I provided to my  
 6           colleagues had highlighting reproduced in  
 7           the photocopies. I hadn't realized until I  
 8           looked at them that my assistant had  
 9           photocopied in such a way, I guess, with  
 10          colour photocopying that the highlighting  
 11          was still there. So, I apologize for that.  
 12          That may be to their benefit or detriment, I  
 13          don't know. But I do want to say to them  
 14          that the copies I've filed with the Board,  
 15          once I realized that, I had new copies made  
 16          that don't have that highlighting there.  
 17          So, I just wanted to point that out before  
 18          we start.

19       CHAIR:

20           Q.     We can proceed, Mr. Coxworthy.

21       MR. JAMES HAYNES, CROSS-EXAMINATION BY MR. PAUL  
 22       COXWORTHY

23       MR. COXWORTHY:

24           Q.     Good afternoon, Mr. Haynes. I'm Counsel  
 25           Paul Coxworthy for the Island Industrial

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1           Customer Group, the three most significant  
 2           Industrial Customers on the island of Hydro.  
 3           First of all, I want to start with Hydro's  
 4           communication strategy, if I can call it  
 5           that, with its Industrial Customers and I  
 6           don't think there's any need to go to it,  
 7           but in Order P.U.49(2016) out of the last  
 8           GRA, Hydro was ordered to take certain steps  
 9           to implement what Hydro was referring to as  
 10          an account management framework. A report  
 11          was filed January 13th, 2017 further to that.  
 12          And what I do want to turn to is the  
 13          evidence of Hydro at page 2.5, Chapter 2.  
 14          And you'll see there, there's – and I'll  
 15          give you an opportunity perhaps, Mr. Haynes,  
 16          just to quickly scan through it. There's a  
 17          paragraph talking about the account  
 18          management framework. Are you familiar  
 19          yourself, as President of Hydro, with the  
 20          account management framework?

21       MR. HAYNES:

22           A.     Yes, we had established a position in the  
 23           Customer Service group called Key Account  
 24           Manager, who basically does a lot of contact  
 25           with all the Industrial Customers and

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1           including Newfoundland Power, I might add,  
 2           and from the point of view of meeting their  
 3           needs. I've had several meetings with the  
 4           gentleman and I've had a few meetings with  
 5           some Industrial Customers, some more than  
 6           others, not all at this point in time. But  
 7           from the point of view of the – the premise  
 8           was that basically he would look after, in  
 9           this case it's a he, he would look after  
 10          basically any interventions or any, you  
 11          know, requests for information from the –  
 12          not from a regulatory point of view, but any  
 13          communication with the customers in the  
 14          sense of, you know, discussing certain  
 15          things or customer outages or events that  
 16          we've had that may cause customers grief.  
 17          And my understanding is the feedback has  
 18          been very positive; that he has been doing a  
 19          good job of that there. But, he'll also,  
 20          you know, included in his discussions or  
 21          bringing that back to Hydro, who in Hydro  
 22          needs to be dealing with certain things,  
 23          whether it's, you know, a Planning  
 24          department or an Engineering department or,  
 25          you know, review of a protection outage that

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1 we had or any things like that there. He  
 2 would coordinate that from an internal Hydro  
 3 point of view to go back as kind of the – I  
 4 won't say necessarily the single point of  
 5 contact, but a key contact with respect to  
 6 that. They know who to call if there's an  
 7 issue.  
 8 MR. COXWORTHY:  
 9 Q. And what's the name of this individual?  
 10 MR. HAYNES:  
 11 A. Robert Coish is his name actually.  
 12 MR. COXWORTHY:  
 13 Q. And can you say how long he's been in that  
 14 position?  
 15 MR. HAYNES:  
 16 A. He was in that position when I came, so I'm  
 17 going to say heading towards a couple of  
 18 years anyway, but Ms. Dalley could answer  
 19 you specifically.  
 20 MR. COXWORTHY:  
 21 Q. I was going to say Ms. Dalley, I expect, can  
 22 provide some more detail around his  
 23 position.  
 24 MR. HAYNES:  
 25 A. Yes.

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1 MR. COXWORTHY:  
 2 Q. You did say though that he was a place of  
 3 contact. As I understood it, if an  
 4 Industrial Customer had an issue that the  
 5 Industrial Customer wanted to have answered  
 6 that could go to Mr. Coish and Mr. Coish  
 7 then could identify within the organization-  
 8 MR. HAYNES:  
 9 A. Yes, that's primarily – he does a lot,  
 10 obviously, independently, but basically he  
 11 would coordinate any internal ask or request  
 12 or discussion, assemble a meeting if  
 13 required, to how to refer this, how do we  
 14 respond to the Industrial Customer's ask.  
 15 MR. COXWORTHY:  
 16 Q. And what I was interested in is in the other  
 17 direction. When there's an issue within  
 18 Hydro that's arisen internally that could  
 19 have an impact on an Industrial Customer and  
 20 the Industrial Customer may not know  
 21 anything about it at that point. Do people  
 22 within Hydro know to go to Mr. Coish to say  
 23 "look" – to give a specific example, if  
 24 there's going to be a capital budget project  
 25 that is going to be proposed to be

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1 specifically assigned, the cost of it, to an  
 2 Industrial Customer, does that information  
 3 make its way to the Manager Key Accounts so  
 4 that the Manager Key Accounts can discuss  
 5 that or raise that with the Industrial  
 6 Customer?  
 7 MR. HAYNES:  
 8 A. It should. I would expect it does, but if  
 9 it doesn't, it will, because it is a two-way  
 10 communications obviously. It's not only us  
 11 to do it. But I mean, in the meantime, I  
 12 would say that I have attended meetings with  
 13 a couple of Industrial Customers with Mr.  
 14 Coish talking about things or issues that  
 15 they may have had and whether they were –  
 16 you know, is there another way to do it, and  
 17 some of it had been specifically assigned.  
 18 Some of the meetings had to do with  
 19 reliability or events that we had that  
 20 caused them grief and so on. So, I have  
 21 attended meetings like that. So, it is not  
 22 a one-way street. It certainly is bilateral  
 23 communications.  
 24 MR. COXWORTHY:  
 25 Q. I will reserve, I think, any further

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1 questions I might have down this line with  
 2 Ms. Dalley.  
 3 MR. HAYNES:  
 4 A. Okay.  
 5 MR. COXWORTHY:  
 6 Q. Thank you. I wanted to move on, and this is  
 7 with reference to the cross-examination  
 8 materials that were filed electronically on  
 9 Friday and hard copy today, to Item 5 which  
 10 is the understanding Muskrat Nalcor Energy,  
 11 February 15, 2018 document, and I would ask  
 12 that that be entered in as – I'm not sure  
 13 what Information number we're up to now –  
 14 and a copy perhaps provided to Mr. Haynes.  
 15 MS. GLYNN:  
 16 Q. And it will be entered as Information No. 6.  
 17 MR. COXWORTHY:  
 18 Q. Thank you. Mr. Haynes, I believe you have a  
 19 copy of Information No. 6?  
 20 MR. HAYNES:  
 21 A. I do, yes.  
 22 MR. COXWORTHY:  
 23 Q. Are you familiar with this presentation?  
 24 MR. HAYNES:  
 25 A. Yes, I've seen it before.

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1 MR. COXWORTHY:  
 2 Q. And earlier in the proceedings, I think  
 3 there was put to you – and a document has  
 4 been put to you several times now – the  
 5 Attachment 1 to IC-NLH-122, which is an  
 6 update what’s styled as a Muskrat Falls  
 7 Project Update that was done in June 23rd,  
 8 2017 by Nalcor. This document, Information  
 9 No. 6, is certainly not identical to the  
 10 Muskrat Falls Project Update, but there is  
 11 some similar information, updated of course,  
 12 provided in the Information No. 6 document,  
 13 and I just wanted to – and unfortunately, I  
 14 don’t think we can do split screen on the  
 15 screens we have here, but I wanted to walk  
 16 through these two documents and perhaps  
 17 highlight some of the differences as well as  
 18 some of the things that have not changed  
 19 from one document to the other as we go  
 20 through. The February 15th, 2018 document –  
 21 well, perhaps I’ll go through it before I  
 22 comment on it any further.  
 23 So, if we could turn to page 2 of  
 24 Information No. 6 and I wanted to compare  
 25 that to page 5 of 26 of the IC-NLH-122

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1 attachment. And these are pages, again  
 2 they’re not identical, but they both speak  
 3 to a percentage of construction completion.  
 4 Unsurprisingly and encouragingly, the  
 5 February document indicates 89 percent of  
 6 construction complete as opposed to 75  
 7 percent in June. There’s also, I think,  
 8 some other percentages that feed into this  
 9 89 percent, and perhaps I can take you  
 10 through those starting with in IC-NLH-122.  
 11 If we could turn to page 7 of 26, and you  
 12 will see – sorry, page 8, I apologize, of  
 13 26. And there are percentages ascribed  
 14 there, Mr. Haynes, you’ll see for the  
 15 completion of the LTA as of May 2017 and the  
 16 LIL as of May 2017 of 95 percent and 81  
 17 percent.  
 18 MR. HAYNES:  
 19 A. Yes.  
 20 MR. COXWORTHY:  
 21 Q. I just want to compare those, if you’ll bear  
 22 with me. In Information No. 6, if you would  
 23 turn to page 16 and 19, starting with 16,  
 24 sorry. And you’ll see now where as of  
 25 February 2018 or perhaps when this document

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1 was prepared, perhaps the information  
 2 predates February 2018, the LIL is shown as  
 3 99 percent completed. The LTA, at page 19,  
 4 99 percent completed. So, the last piece of  
 5 information in both then is the degree of  
 6 completion with respect to the Muskrat Falls  
 7 Project itself, the – when I say the Muskrat  
 8 Falls, the hydroelectric plant and dam. And  
 9 if you turn to page 9 of IC-NLH-122,  
 10 Attachment 1, it showed that that portion of  
 11 the project was 66 percent complete as of  
 12 May 2017 and then then, to compare again, in  
 13 Information No. 6 at page 6, the equivalent  
 14 figure appears to be, as of the February  
 15 2018 report, 78 percent construction  
 16 complete. I wanted to go through that and  
 17 perhaps go back then to the original  
 18 percentages I showed to you or brought to  
 19 your attention, Mr. Haynes, and this would  
 20 be at page 2 of Information No. 6, the 89  
 21 percent construction complete. Given the  
 22 fact that these three different components  
 23 of the project have different percentages of  
 24 completion attached to them, would it be  
 25 reasonable to assume that that 89 percent is

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1 an amalgam of those three percentages?  
 2 (12:30 p.m.)  
 3 MR. HAYNES:  
 4 A. That certainly seems to be the case.  
 5 MR. COXWORTHY:  
 6 Q. And so, you would accept that. I’d also  
 7 like to turn now to – in terms of these  
 8 percentages -- apologize, Madam Chair, I’ll  
 9 just be a moment – to Information No. 2, and  
 10 I believe this was a document, Mr. Haynes,  
 11 that’s also been put to you in your previous  
 12 testimony. And if we could turn to page 10  
 13 of the Liberty Report, and Liberty, at page  
 14 10, under Management’s Ability to Answer  
 15 Questions, in the second paragraph of the  
 16 summary, comments on, I guess what I’ll  
 17 characterize it as, the methodology that  
 18 they view the people they’ve spoken to --  
 19 and the way they refer to the people they  
 20 spoke to in the report is that they spoke to  
 21 Hydro/Nalcor leadership management. So, to  
 22 the extent to which they were speaking to  
 23 Nalcor versus Hydro people is not  
 24 delineated, but that’s how they’ve said it.  
 25 So, in that paragraph, the second

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1 paragraph under the summary on page 10, they  
 2 speak to – and this is about midway through  
 3 – “supervisors assigned to in-progress  
 4 activities weighting representing their  
 5 views of what portion of such activities has  
 6 been completed. Thus, for example, if 80  
 7 percent of a set of activities remain in  
 8 progress, if they are all 90 percent  
 9 complete, then the measure of completeness  
 10 is not 20 percent, but actually the sum of  
 11 20 percent completed plus 90 percent of  
 12 their remaining 80 percent.”  
 13 So, as I understand it, Liberty is  
 14 saying that what the supervisors who are  
 15 assigned to monitor the progress of  
 16 activities, in terms of what is left to be  
 17 done, use a formula of, to use their  
 18 example, the 20 percent completed plus they  
 19 will add to that a percentage that reflects  
 20 how much of the outstanding work, what  
 21 percentage of it is completed to arrive at a  
 22 higher percentage than 20 percent. Would  
 23 you agree that that’s what they’re  
 24 commenting on there?  
 25 MR. HAYNES:

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1 A. It seems to be. I’m not – I don’t have any  
 2 information on how they actually do it and  
 3 all their metrics, but there are a host of  
 4 metrics to measure a capital project,  
 5 whether it’s in our Human Resources expended  
 6 or capital expended or miles completed.  
 7 There are a host of different metrics. I  
 8 will say that you really need to go down in  
 9 the detail to understand the metrics of how  
 10 they’re doing that and I do not know that  
 11 detail, but I understand what’s there, that  
 12 you know, are you measuring to plan or are  
 13 you measuring to total project. But that’s  
 14 – I think that’s what they’re saying. If  
 15 you plan to have 80 percent of – or you  
 16 know, if you have planned to be at 80  
 17 percent of total project and you have 90  
 18 percent of all those milestones to get  
 19 there, to get to that 80 percent, yes,  
 20 there’s another factor beyond for total  
 21 project completion. So, it depends on what  
 22 they’re measuring, you know, schedule to  
 23 date or the end game when it’s actually  
 24 complete and online. And I’m not – I do not  
 25 have the detail of that, but I under – you

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1 know, but I certainly accept the fact.  
 2 MR. COXWORTHY:  
 3 Q. Sure. As a matter of good engineering  
 4 practice is either way an acceptable way of  
 5 measuring the percentage completion of a  
 6 project?  
 7 MR. HAYNES:  
 8 A. I think both are depending what the question  
 9 is. If the measure of project is when  
 10 you’re online delivering power, I think the  
 11 end game is it. But if you’re measuring –  
 12 if you have a plan and you have it all laid  
 13 out and they’re appropriately planned out in  
 14 the sense that the – and I’ll be a little  
 15 facetious, that you don’t have a one-day  
 16 exercise in there as being one component and  
 17 you have another component that takes three  
 18 months to get, they’re not comparable. So,  
 19 it needs to be done on that basis, right.  
 20 MR. COXWORTHY:  
 21 Q. So, the -  
 22 MR. HAYNES:  
 23 A. So, it depends on what you’re measuring.  
 24 MR. COXWORTHY:  
 25 Q. Sure.

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1 MR. HAYNES:  
 2 A. Whether it’s to date or final in-service  
 3 date.  
 4 MR. COXWORTHY:  
 5 Q. And your first example then was, you know,  
 6 if you’re driving towards a certain date,  
 7 for instance, for first Muskrat Falls’ power  
 8 to be brought on the Island, and then that’s  
 9 in the last quarter, I believe, of 2019.  
 10 MR. HAYNES:  
 11 A. Yes.  
 12 MR. COXWORTHY:  
 13 Q. Let’s say that’s the date, a date that we’re  
 14 driving for. Is the better methodology then  
 15 the one where you say look, the more  
 16 conservative one, it’s to use the example  
 17 that’s used by Liberty here, it’s only 20  
 18 percent complete and we have 80 percent left  
 19 to go?  
 20 MR. HAYNES:  
 21 A. Personally, my personal opinion, I would  
 22 look at the overall project from that  
 23 perspective, but I think, you know, you need  
 24 to be clear on what you’re saying in the  
 25 sense that if it is 89 percent of our

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1 current schedule, that's very valid if  
 2 that's the schedule. If it's 89 percent of  
 3 total overall project, it's probably a  
 4 different number. I think you need to  
 5 qualify percentage with what the basis is.  
 6 MR. COXWORTHY:  
 7 Q. Would it be fair to say when that 89 percent  
 8 figure appears in the Nalcor presentation of  
 9 February 2018, you don't know what  
 10 methodology was being used for that?  
 11 MR. HAYNES:  
 12 A. I don't know, but what I go by is assurances  
 13 that the project, based on the schedule, is  
 14 still on schedule; that we'll have the  
 15 Labrador Island Link in service by mid – you  
 16 know, mid-2018, we'll have it to the  
 17 capability that we can get over that line  
 18 and that the plant is still on – the first  
 19 is still on schedule for the fall of 2019.  
 20 Those are the key dates that I look at and  
 21 I've been assured that they're there. I've  
 22 read the reports. I am involved in a couple  
 23 of meetings occasionally updating where  
 24 those things are and they are at that with a  
 25 vengeance trying to make sure that they

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1 actually deliver on those dates. They're  
 2 very focused on delivering those dates.  
 3 MR. COXWORTHY:  
 4 Q. Is there anyone who'll be called as a  
 5 witness subsequent to yourself in this  
 6 proceeding, Mr. Haynes, that would have more  
 7 detailed information about the methodologies  
 8 that are being utilized to arrive at dates  
 9 and timelines for completion of the project?  
 10 MR. HAYNES:  
 11 A. Not on the project, no, but from the point  
 12 of view of the way we do projects and the  
 13 way we do measurements. Mr. Gardiner  
 14 actually tracks our projects on – they have  
 15 a plan. They do track their performance on,  
 16 you know, the safety, cost, schedule date.  
 17 MR. COXWORTHY:  
 18 Q. So, he could speak to what – if this was a  
 19 Hydro project -  
 20 MR. HAYNES:  
 21 A. On principles, yes. On Hydro projects, he  
 22 could speak, but I'll be honest with you,  
 23 that I've still challenged him as well that  
 24 when you look at an S-card, you need to look  
 25 at the mechanics of that kind of thing, you

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1 know, what is it? Because I am concerned  
 2 that a one-day effort, you know, and a  
 3 three-week effort are being weighed the same  
 4 and they're not. If they're all nice pieces  
 5 and chunks, it makes it comparable. So, you  
 6 have to look at it in a little bit of  
 7 details sometimes to understand where it is.  
 8 MR. COXWORTHY:  
 9 Q. And to be clear or to understand your  
 10 answer, Mr. Gardiner though is not  
 11 interfacing with the Nalcor people who are  
 12 coming up with these percentages?  
 13 MR. HAYNES:  
 14 A. Not directly on those particular  
 15 presentations and updates, no. That would  
 16 be the Lower Churchill Project itself.  
 17 MR. COXWORTHY:  
 18 Q. IF there are no other witnesses that are  
 19 going to be called from Hydro that interface  
 20 with Nalcor with respect to methodologies  
 21 for these percentages, is there anyone  
 22 within Hydro who would be doing that, do you  
 23 know?  
 24 MR. HAYNES:  
 25 A. Well, the only one – you mean on the Lower

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1 Churchill Project?  
 2 MR. COXWORTHY:  
 3 Q. Yes.  
 4 MR. HAYNES:  
 5 A. No, other than the fact that it's  
 6 information we receive and, you know, we've  
 7 met with them and we ask a question  
 8 occasionally, but basically, it's their  
 9 project to deliver. The focus mostly is the  
 10 end date.  
 11 MR. COXWORTHY:  
 12 Q. So, Hydro's information, for instance, as to  
 13 whether the project should be considered to  
 14 be 89 percent complete – I believe that's  
 15 the – on the February – yes, I'm sorry, in  
 16 the Information No. 6, Hydro has no better  
 17 information than that?  
 18 MR. HAYNES:  
 19 A. No, but I do know there's a lot of effort in  
 20 generating those numbers by the folks over  
 21 there. There's a lot of scrutiny and a lot  
 22 of questions, but that's as far as I go.  
 23 MR. COXWORTHY:  
 24 Q. You're relying – I understand. You're  
 25 relying on the people at Nalcor to be

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1 providing you with accurate information, but  
 2 you don't have any independent oversight?  
 3 MR. HAYNES:  
 4 A. No, but I do take a fair bit of comfort that  
 5 the project, from the point of view of when  
 6 this was presented and the delivery date of  
 7 mid-year 2018 for the LIL and the project  
 8 2019 which was predicted last year, my  
 9 understanding, that has not changed, which I  
 10 think is basically the fact that they've  
 11 actually made a lot of progress that they  
 12 weren't making otherwise. So, they have  
 13 picked up that and sticking to schedule, if  
 14 you will.  
 15 MR. COXWORTHY:  
 16 Q. If we could turn now, this is in Information  
 17 No. 6, to page 5, and I wanted to refer to  
 18 the projected in-service dates there, Mr.  
 19 Haynes, as of June 2017. So, it appears  
 20 that this February 2018 presentation, at  
 21 least in some respects, is still relying on  
 22 the information that Nalcor had as of June  
 23 2017 and presumably was found in IC-NLH-122.  
 24 But that information, even as of February  
 25 2018, is still first power in the last

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1 quarter 2019, full power in the third  
 2 quarter of 2020.  
 3 MR. HAYNES:  
 4 A. Correct.  
 5 MR. COXWORTHY:  
 6 Q. And as the recipient of this power, Hydro,  
 7 what is your understanding of first power in  
 8 terms of the amount of power that will be  
 9 deliverable in Q4 2019?  
 10 MR. HAYNES:  
 11 A. Depending on when it comes in, basically 200  
 12 megawatt will be available and they'll have  
 13 all the water, so it should be – as long as  
 14 it's commissioned, there are no operational  
 15 issues or teething issues, we should be able  
 16 to get a fairly high amount of energy from  
 17 that particular unit.  
 18 MR. COXWORTHY:  
 19 Q. 200 megawatts or up to 200 megawatts?  
 20 MR. HAYNES:  
 21 A. Up to 200 megawatts, but at a fairly high  
 22 load factor because basically there should  
 23 be ample water to run that plant, right.  
 24 That'll come down as you get four machines  
 25 because of water issues, but basically

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1 you'll have a four-unit plant operating with  
 2 one unit, you should be at a very high load  
 3 factor, you know, energy throughput.  
 4 MR. COXWORTHY:  
 5 Q. And then full power in the third quarter of  
 6 2020, that is, I guess, the – I'm not sure  
 7 if nameplate is the right terminology to  
 8 use, but the 800 plus megawatt figure in the  
 9 winter and 700 plus – perhaps I have them  
 10 reversed now.  
 11 MR. HAYNES:  
 12 A. Reversed, yeah.  
 13 MR. COXWORTHY:  
 14 Q. Thank you.  
 15 MR. HAYNES:  
 16 A. It would be nameplate.  
 17 MR. COXWORTHY:  
 18 Q. 700 plus megawatt figure, and that would be  
 19 considered to be full power?  
 20 MR. HAYNES:  
 21 A. Full commissioned plant, yes.  
 22 MR. COXWORTHY:  
 23 Q. And is your information any different than  
 24 this today, in terms of both the amount of  
 25 power deliverable by those dates and those

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1 dates or those time periods?  
 2 MR. HAYNES:  
 3 A. My understanding is that the scheduled date  
 4 put forward last year they're working  
 5 towards and it's retained. I don't have any  
 6 information – and matter of fact, at the AGM  
 7 the other day, it was kind of the schedule  
 8 is still what we had last year, so, which is  
 9 encouraging.  
 10 MR. COXWORTHY:  
 11 Q. Do you know, as President of Hydro, whether  
 12 there's another update scheduled at least  
 13 internally to Hydro of these percentages  
 14 completion, these timelines for completion  
 15 and first power and full power?  
 16 MR. HAYNES:  
 17 A. I'm not sure if there's a session scheduled  
 18 from the point of view of the update or if  
 19 it's just basically the last update it was  
 20 fine. I do not have that answer at  
 21 particular time.  
 22 MR. COXWORTHY:  
 23 Q. You don't know. So, it's not as if you've  
 24 been told "from here on out every three  
 25 months we're going to update the figures for

Page 205

1                   you, Hydro, so you can plan”?

2   MR. HAYNES:

3       A.    No. I mean, what I take encouragement from

4            is the fact that basically everything is

5            still on track looking to it, and so, you

6            know, these are the dates that we’re working

7            towards and we expect to have those things

8            in service.

9   MR. COXWORTHY:

10       Q.   So, unless you hear otherwise, you’ll assume

11            that means that those dates – there has been

12            no slippage?

13   MR. HAYNES:

14       A.    Yeah, I would assume that and I know there’s

15            a lot of focus by Nalcor folks on the

16            schedule.

17   MR. COXWORTHY:

18       Q.    And is there, even at an informal level, any

19            sort of follow up by Hydro with Nalcor to

20            ensure that, you know, “can we still rely on

21            these numbers?”

22   MR. HAYNES:

23       A.    There are informal updates, yes. There’s

24            sessions here and there with respect to the

25            Transition to Operations folks of where

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1            things are going and so on, and you know, at

2            the meetings with the CEO, which are

3            monthly, there’s usually a very brief things

4            are on tap, if there’s any major issue

5            coming forward and so on, but I don’t have

6            any understanding at this point in time that

7            there’s any significant change in the

8            schedule, of any slippage certainly.

9   MR. COXWORTHY:

10       Q.    And no expectation of a specific update on

11            the progress?

12   MR. HAYNES:

13       A.    Not off the top of my head, no.

14   (12:45 a.m.)

15   MR. COXWORTHY:

16       Q.    If we could turn to page 25 of Information

17            No. 6 and the equivalent page in IC-NLH-122

18            I believe is page 19 of 26. I do want to

19            note before asking any questions about this

20            that there are some differences between the

21            two. Some of them are obvious obviously.

22            The lines that are plotted on obviously have

23            a slightly different configuration. But if

24            you look at the note at the bottom, the note

25            at the bottom of Information No. 6 is based

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1                   on a May 2017 load forecast whereas the one

2                   that was filed with IC-NLH-122 is May 2016.

3   MR. HAYNES:

4       A.    Um-hm.

5   MR. COXWORTHY:

6       Q.    The Information No. 6 is based on a targeted

7            rate of 18 cents per kilowatt in 2020 and of

8            course that’s a rate increase, or I’m sorry,

9            a rate that you’ve referred to previously in

10           your testimony as being perhaps a target

11           rate?

12   MR. HAYNES:

13       A.    A mitigated rate, yes.

14   MR. COXWORTHY:

15       Q.    Mitigated rate in 2020. And a year ago, in

16            June of 2017, that was at 15.4 cents per

17            kilowatt hour. So, that is one example of

18            this particular Information 6 updating

19            information from the situation in June of

20            2017. Would you agree?

21   MR. HAYNES:

22       A.    Yes, from that perspective, but the thing

23            that I’m most interested in obviously is the

24            delivery dates, when we can have power, when

25            we can park Holyrood, if you will, as a

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1                   thermal plant and take delivery of

2                   recapture. But, I mean, you know, the load

3                   forecast changes and cost would obviously

4                   affect all that as well. But that’s the

5                   load forecast, so that’s an update there.

6   MR. COXWORTHY:

7       Q.    So, the difference between 15.4 cents per

8            kilowatt hour in the June 2017 document

9            versus 18 cents per kilowatt hour in the

10           Information No. 6, do you attribute that to

11           change in load forecast?

12   MR. HAYNES:

13       A.    I’m not sure of the details. I would – I

14            think probably the better person to answer

15            that would be Kevin with respect to that

16            there, from the point of view -

17   MR. COXWORTHY:

18       Q.    Kevin Fagan?

19   MR. HAYNES:

20       A.    - of what the cost of service is based on

21            and so on, but I’m thinking that, yes.

22   MR. COXWORTHY:

23       Q.    It’s reasonable to assume that this

24            information, unlike some of the other

25            information’s presentation, would have come

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1 from Hydro?

2 MR. HAYNES:

3 A. The load forecast would. We take input from

4 Newfoundland Power and the Industrial

5 Customers and we generate a load forecast on

6 that basis, yes.

7 MR. COXWORTHY:

8 Q. Is there any aspect of what we're looking at

9 at page 25 of Information No. 6 or page 19

10 of 26 in IC-NLH-122, is there any of that

11 that wouldn't be Hydro input?

12 MR. HAYNES:

13 A. I'd have to go back and look at the page

14 again, the other page you referenced.

15 MR. COXWORTHY:

16 Q. Sure, and I'm sorry, I have them both in

17 front of me all the time and you don't, and

18 please remind me of that. If you could,

19 yes, compare both of them, and is there

20 anything in either one of them that doesn't

21 represent Hydro input, as opposed to Nalcor

22 or some other input?

23 MR. HAYNES:

24 A. No, I mean, the Island Interconnected sales

25 or the load forecast is generated by Hydro

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1 people in Mr. LeBlanc's shop actually by the

2 gentlemen down there who coordinates all the

3 load forecast and puts – and generates that

4 particular supply forecast or load forecast,

5 I should say.

6 MR. COXWORTHY:

7 Q. And Mr. Fagan, you believe, would be the

8 best person to speak to?

9 MR. HAYNES:

10 A. On the rates part. On the actual generation

11 of the load forecast itself, Mr. LeBlanc's

12 department actually does that and provides

13 that information and has an input to all the

14 other things that happen.

15 MR. COXWORTHY:

16 Q. Thank you. The other difference between

17 these two documents, and again I'll give you

18 a moment if you don't have them both in

19 front of you, is in the Information No. 6,

20 the targeted rate, as I understand it, is

21 escalating at 2.2 percent thereafter whereas

22 in the IC-NLH-122, the June 2017 document,

23 it's shown as escalating at two percent

24 thereafter. I'll confess I'm not quite sure

25 whether that escalation is in the rate or

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1 it's meant to refer to something else.

2 Perhaps you know or think – or if you don't,

3 certainly we can leave that to perhaps Mr.

4 Fagan.

5 MR. HAYNES:

6 A. I do not know why there's a .2 percent

7 difference in the load forecast.

8 MR. COXWORTHY:

9 Q. I'd like to move on in Information No. 6 to

10 page 28 and the equivalent page in IC-NLH-

11 122 is page 20 of 26. I've looked at these

12 two several times now and although I stand

13 to be corrected, I think they're identical.

14 MR. HAYNES:

15 A. Just scanning the document, yes, they

16 certainly seem to be the same.

17 MR. COXWORTHY:

18 Q. My first question is when we go back to what

19 we were just looking at, which was the NL

20 Hydro Island Interconnected sales, it

21 appears that there's been some change in the

22 projected sales from June 2017 to what's

23 reported in the February 2018 document.

24 Given the nature of the table or the graph,

25 I'm not sure I'm going to try and estimate

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1 or guesstimate or speculate on the nature of

2 that change or the extent of it, but there

3 does appear to be some change. Would you

4 agree?

5 MR. HAYNES:

6 A. From a load forecast point of view, there

7 seems to be some change.

8 MR. COXWORTHY:

9 Q. And am I wrong in thinking that that might

10 be expected to have impact on the island

11 interconnected domestic rate projections?

12 MR. HAYNES:

13 A. It could, depending on the total amount, but

14 I'm not sure what the underlying analysis

15 provided here, but there may have been a

16 small change that may have been considered

17 to be immaterial from that point of view, I

18 don't know, but from the point of view of

19 the 22.89 and the interaction with Mr.

20 Fagan's department on the numbers we

21 provided and where investment evaluation has

22 to make their projections, there's a slight

23 difference in the modelling. They have a

24 less specific model longer term than – and

25 we don't run the cost of service out that

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1 many years. From that perspective, a  
 2 slightly different purpose, so there are  
 3 assumptions made. I do not know the basis  
 4 of the assumptions.  
 5 MR. COXWORTHY:  
 6 Q. And when you say the assumptions underlying  
 7 what we're looking at at page 28 of  
 8 Information #6, the island interconnected  
 9 domestic rate projections, you don't –  
 10 MR. HAYNES:  
 11 A. I don't know, but –  
 12 MR. COXWORTHY:  
 13 Q. You don't have access to all the  
 14 assumptions?  
 15 MR. HAYNES:  
 16 A. I wouldn't say I couldn't get it if I went  
 17 looking for it, but I don't have it and I  
 18 haven't reviewed that, but I would suggest,  
 19 though, and I'll just repeat something I  
 20 said the other day, that the quantum of the  
 21 Muskrat Falls impact, whether it's 22.89 or  
 22 23 or 21, is a problem, and, you know, to  
 23 spend a lot of time, not that it's not  
 24 warranted to actually go back and understand  
 25 the mechanics, but at the end of the day the

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1 magnitude of the problem is so substantial  
 2 and so big that what we put forward on the  
 3 deferral account is what we can do, utilize  
 4 the recapture energy to actually help that  
 5 is what we're proposing, but, you know, it  
 6 won't, I don't think, materially change the  
 7 impacts on those proposals that we put  
 8 forward to help that process.  
 9 MR. COXWORTHY:  
 10 Q. Having said that, and I understand, Mr.  
 11 Haynes, and I certainly agree that  
 12 regardless, we have a problem here that  
 13 hopefully can be mitigated, but does it  
 14 stand to reason that the island inter-  
 15 connected domestic rate projections from  
 16 June, 2017, that that is information that  
 17 will need to be updated, that information  
 18 may no longer be accurate as of today?  
 19 MR. HAYNES:  
 20 A. The proposal that we put forward from the  
 21 point of view of the cost of service model,  
 22 I would really – I would really urge you to  
 23 take that line of questioning up with Mr.  
 24 Fagan, who is actually intimately familiar  
 25 with what's in the forecast and how it

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1 generates and gets to the actual rates.  
 2 MR. COXWORTHY:  
 3 Q. Fair enough, thank you, Mr. Haynes. Before  
 4 we leave these two pages, though, the middle  
 5 band is NLH Other in the island-  
 6 interconnected domestic rate projections.  
 7 The middle band, if I can call it that, is  
 8 the NLH Other band in terms of the  
 9 components that will go into projected  
 10 rates?  
 11 MR. HAYNES:  
 12 A. Yeah.  
 13 MR. COXWORTHY:  
 14 Q. There's the MF purchase cost band, which  
 15 I'll call sort of the bottom band, and  
 16 there's the middle band of NLH Other, and  
 17 then the top band is Newfoundland Power  
 18 cost?  
 19 MR. HAYNES:  
 20 A. Yes.  
 21 MR. COXWORTHY:  
 22 Q. Now again I don't know with this type of  
 23 graph to what degree of precision small  
 24 changes in the bands, what they reflect.  
 25 Certainly there's an attempt to reflect

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1 cents per kilowatt hour in the left hand  
 2 axis. So presumably there's some numbers  
 3 that someone could pull out of this, but  
 4 would you agree that of these three bands,  
 5 the NLH Other ones, the only one that Hydro  
 6 has any control over in terms of keeping  
 7 cost to a minimum, mitigating rate  
 8 increases?  
 9 MR. HAYNES:  
 10 A. That is the biggest one that we have,  
 11 basically, which is our own cost, so  
 12 actually, you know, what Hydro imposed at  
 13 the end of the day on the customer is the  
 14 one that we do control.  
 15 MR. COXWORTHY:  
 16 Q. Hydro can't impact the Muskrat Falls  
 17 purchase power cost? If there's a way of  
 18 changing that, it's not within Hydro's  
 19 control?  
 20 MR. HAYNES:  
 21 A. Not solely, no.  
 22 MR. COXWORTHY:  
 23 Q. And Newfoundland Power, I guess, other than  
 24 to the extent you could intervene in their  
 25 rate proceedings and might influence, you

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1 don't have direct control over that band  
 2 either?  
 3 MR. HAYNES:  
 4 A. No.  
 5 MR. COXWORTHY:  
 6 Q. But the NLH Other – so would it stand to  
 7 reason that the information in that band,  
 8 the NLH Other, came from Hydro?  
 9 MR. HAYNES:  
 10 A. That would be a part of our operating budget  
 11 and any proceeds we get from, you know,  
 12 sales that we – that would be our operating  
 13 budget and the things that we control, yes,  
 14 that would be our input. That would be  
 15 normal.  
 16 MR. COXWORTHY:  
 17 Q. Could I have an undertaking to have filed  
 18 the information that was provided to  
 19 generate that middle band? I can restate  
 20 that if that's not clear enough.  
 21 MR. HAYNES:  
 22 A. I don't know what it takes to produce it,  
 23 but we'll certainly look for it.  
 24 MR. COXWORTHY:  
 25 Q. Well, obviously, some information was

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1 provided to the maker of this graph, you  
 2 know, whoever that was.  
 3 MR. HAYNES:  
 4 A. Yeah.  
 5 MR. COXWORTHY:  
 6 Q. I'm not interested in who it is – or this  
 7 table, but what information was provided.  
 8 MR. HAYNES:  
 9 A. Okay.  
 10 MS. GLYNN:  
 11 Q. The undertaking is accepted and noted.  
 12 (UNDERTAKING)  
 13 (12:55 P.M.)  
 14 MR. COXWORTHY:  
 15 Q. Thank you. Before we leave Information #6 –  
 16 I'm sorry, it wasn't in Information #6. It's  
 17 IC-NLH-122, Attachment 1, Page 22, and the  
 18 consumer advocate, I think, has already  
 19 referred you to this particular chart. This  
 20 is information as of June, 2017. Are you  
 21 aware of whether there's been any update  
 22 provided to Hydro or performed by Hydro  
 23 forecasting these electricity rates for this  
 24 time period?  
 25 MR. HAYNES:

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1 A. No, I'm not aware of any updates.  
 2 MR. COXWORTHY:  
 3 Q. Is that something Hydro would customarily do  
 4 from time to time, compare its forecast  
 5 rates to other jurisdictions, such as the  
 6 jurisdictions in this table?  
 7 MR. HAYNES:  
 8 A. They are done from time to time. I wouldn't  
 9 say they're done on a regular basis, but  
 10 they are looked at from the point of view of  
 11 where we sit and how we compare it from that  
 12 perspective, but, basically, oftentimes  
 13 you'll see that information in trade  
 14 magazine where somebody does a cross country  
 15 or cross continent profile of where rates  
 16 are. You know, we all tend to look at that  
 17 and see where we sit, if you will.  
 18 MR. COXWORTHY:  
 19 Q. The 18 cent target rate or mitigation rate  
 20 that you testified to earlier, in arriving  
 21 at that you were asked whether there were  
 22 any elasticity reports or other sort of  
 23 expert reports that were commissioned to  
 24 arrive at that rate, and my understanding is  
 25 there weren't?

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1 MR. HAYNES:  
 2 A. I'm not aware of any specific study that  
 3 said that's the tipping point, no.  
 4 MR. COXWORTHY:  
 5 Q. Was the 18 cents, I'll suggest or speculate,  
 6 perhaps chosen as a rate that is close to,  
 7 although still in excess of, the projected  
 8 rates in 2019/2020 for Nova Scotia and  
 9 Prince Edward Island?  
 10 MR. HAYNES:  
 11 A. Certainly it's lining up with that Atlantic  
 12 Canada look, yes, excluding New Brunswick,  
 13 which are a bit lower.  
 14 MR. COXWORTHY:  
 15 Q. You don't specifically recall that being a  
 16 factor in arriving at the 18 cents?  
 17 MR. HAYNES:  
 18 A. No. The intention, you know, even years ago  
 19 Hydro always looked at what the rates were  
 20 in Atlantic Canada compared to where we  
 21 were. We wanted to be competitive,  
 22 obviously. You know, Muskrat Falls puts us  
 23 ahead of that a bit, but we certainly look  
 24 at those rates.  
 25 MR. COXWORTHY:

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1 Q. So the extent to which mitigation achieves  
 2 whatever mitigation plans or measures are  
 3 implemented, and one of them, of course, is  
 4 being proposed in this GRA, the offshore  
 5 purchase deferral – off-island, sorry,  
 6 purchase deferral account, but whatever  
 7 mitigation measures are implemented, that,  
 8 others, is the measure of the success of  
 9 those whether they achieve the 18 cents?  
 10 MR. HAYNES:  
 11 A. I think that would be the target that we  
 12 have is the 18 cent range, and that  
 13 basically was, you know, the provincial  
 14 government through various – there was talks  
 15 given by various people actually talking  
 16 about the 17/18 cent range as being a number  
 17 that was desirable to get there. The  
 18 mechanics of getting there are yet to be  
 19 determined because there’s a lot of input  
 20 required from Nalcor and maybe the  
 21 provincial government as well. I’m just  
 22 going back and repeating myself, what Hydro  
 23 has brought forward is what we think we have  
 24 the ability to control and contribute, but  
 25 that alone does not mitigate the rates to 18

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1 cents.  
 2 MR. COXWORTHY:  
 3 Q. Is it fair for me to suggest that the  
 4 offshore – off-island purchase deferral  
 5 account by itself, even if it operates as  
 6 forecast by Hydro in the GRA, that that  
 7 won’t get us to the 18 cents by itself?  
 8 MR. HAYNES:  
 9 A. It will not.  
 10 MR. COXWORTHY:  
 11 Q. Mr. Haynes, I want to move on to a somewhat  
 12 different topic. The operations and  
 13 maintenance costs that Hydro will be paying  
 14 for use of the LIL, LTA assets in the 2018,  
 15 2019 period, and in your previous evidence  
 16 you spoke about how there are still some  
 17 intercompany costs between Hydro and Nalcor  
 18 and Nalcor subsidiaries. I’ve jotted down  
 19 some notes here, you referred to things like  
 20 supplies, payroll, supply chain, which may  
 21 be the same as supplies or an adjunctive of  
 22 that. Does Hydro provide any services in  
 23 relation to the LIL, LTA operations and  
 24 maintenance?  
 25 MR. HAYNES:

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1 A. During the construction timeframe, that  
 2 basically supply chain was not utilized to  
 3 actually support the construction, but over  
 4 time we will move from an operational  
 5 maintenance point of view, the intent is  
 6 that our supply chain folks will actually do  
 7 purchasing on behalf of all Nalcor, in fact,  
 8 not only LIL and LTA, but others. That  
 9 department is a single department that looks  
 10 after all purchases for Nalcor.  
 11 MR. COXWORTHY:  
 12 Q. And, Mr. Haynes, thank you for the broader  
 13 context, but I want to focus on 2018 and  
 14 2019 and certainly I don’t want to limit  
 15 your answers to that, but I do want to focus  
 16 on 2018, 2019. In 2018, 2019, will Hydro be  
 17 providing O&M services in respect of the LIL  
 18 and LTA? Hydro personnel or Hydro  
 19 resources?  
 20 MR. HAYNES:  
 21 A. Okay, so not supply chain, O&M services.  
 22 Okay, we are open to discussion on some of  
 23 that there. We have done some O&M with  
 24 respect to the assets that they do have.  
 25 They are reviving an organization whereby

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1 they plan to be self-supporting in that  
 2 sense, but we are continuing to do that as  
 3 required, but basically the intention is  
 4 that by and large, for the most part, they  
 5 will actually supply their own resources.  
 6 There may be pockets, for instance, you know  
 7 where there is not enough justification for  
 8 a fulltime person that they may use our  
 9 resources. You know, maybe the Strait of  
 10 Bell Isle because they don’t have bodies up  
 11 there from that perspective. They may or  
 12 may not at the end of the day, but from the  
 13 point of view of the regular O&M stuff, we  
 14 have some technicians who are involved, but  
 15 basically they have hired their own people,  
 16 they’re training people and when they get up  
 17 to speed, we won’t be doing very much of  
 18 that as it stands right now. And on the DC  
 19 assets, I’ll go a little bit further, on the  
 20 DC lines where we don’t have any expertise  
 21 or experience, that they basically were  
 22 self-sufficient from the get-go and they  
 23 will have contractors in place while they’re  
 24 getting up to speed, if you will.  
 25 MR. COXWORTHY:

1 Q. Will they still be getting up to speed  
 2 through the 2018, 2019 period?  
 3 MR. HAYNES:  
 4 A. Well they're still commissioning, you know,  
 5 they're still in the process of actually  
 6 moving the LIL and the DC controls up to a  
 7 full fledged bi-pole system that brings all  
 8 the controls that it can, so I'd say there's  
 9 probably a bit of both, but I do not know  
 10 the specifics.  
 11 MR. COXWORTHY:  
 12 Q. So the LIL, LTA won't be considered to be  
 13 fully commissioned during the 2018, 2019  
 14 period?  
 15 MR. HAYNES:  
 16 A. No, not fully commissioned, no, because  
 17 basically it will not be at the bi-polar—  
 18 they won't be up operating as a bi-pole  
 19 which gives us the best benefits from the  
 20 point of view of reliability and redundancy.  
 21 MR. COXWORTHY:  
 22 Q. And to the extent that Hydro is providing  
 23 some personnel, some assistance on O&M on  
 24 the LIL and LTA during the 2018, 2019  
 25 period, will that be charged then as an

1 MR. HAYNES:  
 2 A. Yeah.  
 3 MR. COXWORTHY:  
 4 Q. And are you going to have the ability to  
 5 track that, what goes in, what's  
 6 attributable to capital, what isn't, and  
 7 what comes back to you?  
 8 MR. HAYNES:  
 9 A. We are tracking basically all costs that  
 10 come into Hydro from another, you know,  
 11 Nalcor entities, we are tracking all of that  
 12 and they are questioned on those costs and  
 13 they have to back them up and they have to  
 14 validate them. So they should be fully  
 15 visible of what they are or we'll go back  
 16 and ask for justification.  
 17 MR. COXWORTHY:  
 18 Q. Is the O&M costs that Hydro is going to be  
 19 paying in 2018, 2019 and that are going to  
 20 be put in as a line item in the off-island  
 21 purchase deferral account, to be as specific  
 22 as I can, who is Hydro paying that to?  
 23 MR. HAYNES:  
 24 A. We are paying that to Nalcor, to what we  
 25 call a, considered a power supply group,

1 intercompany charge by Hydro to Nalcor or an  
 2 Nalcor entity?  
 3 MR. HAYNES:  
 4 A. All costs are Hydro sends to any Nalcor  
 5 entity is fully recovered and vice versa,  
 6 you know, the intention is that all  
 7 intercompany charges are all, you know,  
 8 cause altered, they are what they are and  
 9 are billed.  
 10 MR. COXWORTHY:  
 11 Q. And then to follow through, I think  
 12 logically, although you may perhaps say I'm  
 13 not following the logic of it, what you  
 14 charge to Nalcor and a Nalcor entity for the  
 15 services that Hydro provides to assist with  
 16 O&M and LTA, will that just be charged then,  
 17 back to Hydro and the O&M costs?  
 18 MR. HAYNES:  
 19 A. If it's a capital, it won't. If it's a  
 20 capital, it will go into the finalized  
 21 capital costs of the project. If it's an  
 22 operating assistance, it would likely come  
 23 back, yes.  
 24 MR. COXWORTHY:  
 25 Q. Some of it will.

1 it's basically to look after the operation  
 2 of maintenance of LIL and those LTA assets  
 3 and eventually the Muskrat Falls assets.  
 4 MR. COXWORTHY:  
 5 Q. So all those amounts are paid to Nalcor?  
 6 MR. HAYNES:  
 7 A. That would be, yes.  
 8 MR. COXWORTHY:  
 9 Q. Will be starting –  
 10 MR. HAYNES:  
 11 A. Yeah, once it's accepted for, you know,  
 12 operation at the limited amount of power  
 13 that we can get over LIL in the short term.  
 14 Once it's accepted that it's not a July 1st  
 15 hard date, it is when it basically, when  
 16 it's commissioned to the fact that we can  
 17 get some reliable supply over that line and  
 18 it's deemed to be, you know, available for  
 19 commercial service, we will start paying off  
 20 best cost.  
 21 MR. COXWORTHY:  
 22 Q. So it doesn't necessarily start on July,  
 23 2018?  
 24 MR. HAYNES:  
 25 A. If the line is energized, for instance on

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1 July 1st and it takes them two weeks, three  
 2 weeks or a month to commission it to the  
 3 point of view that, okay, now we can take,  
 4 you know, 100 megawatts for two months or  
 5 three months, yes, okay, it's available, but  
 6 they have to get up to that particular, you  
 7 know, reliability, sustainability point.  
 8 MR. COXWORTHY:  
 9 Q. And I was going to ask you this later but  
 10 perhaps now is a good time to get into this,  
 11 when you say "energized" in your earlier  
 12 testimony, does that mean that it's at the  
 13 point where you could transport any amount  
 14 of power over the LIL LTA and get it down to  
 15 Soldiers Pond?  
 16 MR. HAYNES:  
 17 A. There are some restrictions on the amount of  
 18 power that we can get over LIL in the short  
 19 term, basically the studies that have been  
 20 done by the transmission planning folks  
 21 basically said that we can get about 225  
 22 megawatts, 200 to 225 megawatts, depending  
 23 on system conditions. The line is designed  
 24 for 8 or 900 megawatts. We won't be able to  
 25 deliver that kind of power until you get a

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1 number of machines commissioned at Muskrat  
 2 Falls because you can't see the converters,  
 3 you can't –  
 4 MR. COXWORTHY:  
 5 Q. But the focus perhaps in July 2018 and  
 6 perhaps the first six months of 2018, I  
 7 understand the maximum before Muskrat Falls  
 8 comes on line that you can bring over the  
 9 LIL LTA is 220, 225 megawatts.  
 10 MR. HAYNES:  
 11 A. Yes, yeah.  
 12 MR. COXWORTHY:  
 13 Q. So that's a given, but in the first six  
 14 months of 2018, are there other constraints  
 15 that you're aware of on how much power can  
 16 be brought in over the LIL LTA? Let's  
 17 assume it's available in Labrador, that  
 18 there is 225 megawatts there, just for  
 19 assumption say, is there any other  
 20 constraints in getting that over the line in  
 21 the first six months?  
 22 MR. HAYNES:  
 23 A. Well we would look at the reserve and how it  
 24 affects the reserve because if 225 megawatts  
 25 is over a bi-pole, then basically the, when

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1 we talked about the 240 megawatt reserve,  
 2 that all of a sudden becomes our N minus 1  
 3 situation where we can lose a lot more power  
 4 in that sense, you know, and if you adopt  
 5 the same principle, then the reserve may  
 6 have the increase in the short period of  
 7 time, or we may even make a conscious  
 8 decision we don't run it any more than 170.  
 9 What we want is the energy out of it. The  
 10 other constraints would be from the point of  
 11 view of assuming that there are no, you  
 12 know, physical issues with the line, there's  
 13 no trips or whatever the case was, there is  
 14 a transition period to get from simple  
 15 controls, which is what is going in, to our  
 16 sophisticated controls which is slated for  
 17 the fall, and I would not want to be taking  
 18 a chance on doing, you know, complex  
 19 commissioning or changing a forelle  
 20 (phonetic) system when we're delivering 150  
 21 megawatts, I would want it back down to a  
 22 lower load that we would actually survive an  
 23 under frequency (unintelligible) event, for  
 24 instance. But those were planned events,  
 25 but I'm not aware of any other technical

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1 constraint once it's there. The 200, 225  
 2 megawatts is a number that we can deliver,  
 3 depending on, you know, other resources that  
 4 are available for frequency mitigation in  
 5 the sense of other frequency loads.  
 6 MR. COXWORTHY:  
 7 Q. And if you allow me to put it this way, Mr.  
 8 Haynes, so if on July 1st, 2018 for argument  
 9 sake, the line, LIA LTA is considered to be  
 10 energized and there just happened to be 225  
 11 megawatts in Labrador, you wouldn't just  
 12 fire that over the line, all 225 megawatts  
 13 and sort of keep your fingers crossed that –  
 14 MR. HAYNES:  
 15 A. No. We would look at, Ms. Williams' group  
 16 would look at where that sits on our  
 17 available generation, where's our water  
 18 situation to, do we need it? If we don't  
 19 need it, can it be actually sold down south,  
 20 that's another situation later on, from that  
 21 perspective, so –  
 22 MR. COXWORTHY:  
 23 Q. And apart from need, though, aren't there  
 24 some technical considerations to be taken  
 25 into account in terms of whether it's

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1 prudent to send over 225 megawatts over the  
 2 LIL LTA?  
 3 MR. HAYNES:  
 4 A. In the sense of?  
 5 MR. COXWORTHY:  
 6 Q. In the sense of the systems, the Island  
 7 system's capacity to receive that power, I  
 8 mean, there's certain constraints you've  
 9 talked about, for instance Holyrood and you  
 10 have to run at a certain minimum.  
 11 MR. HAYNES:  
 12 A. That's possible.  
 13 MR. COXWORTHY:  
 14 Q. If the Maritime Link frequency converter is  
 15 in place or not, you know, so quite apart  
 16 from whether the Island customers can use  
 17 that power –  
 18 MR. HAYNES:  
 19 A. No, it's not just math, it's what we can  
 20 absorb in the system, given our constraints,  
 21 given our generation availability, our  
 22 outage plans, maintenance plans, all that  
 23 comes into play.  
 24 MR. COXWORTHY:  
 25 Q. And does that have to be tested, I mean in

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1 terms of different scenarios. What happens  
 2 when we bring 50 megawatts over, you know,  
 3 what does that mean for Holyrood, how  
 4 quickly can we shut down one unit when that  
 5 happens?  
 6 MR. HAYNES:  
 7 A. But from the point of view of the planning  
 8 folks, the transmission planning folks who  
 9 look at what it means from the point of view  
 10 of losing a certain load or what the  
 11 implications are, they generally look at  
 12 that and they're given a, you know, it's  
 13 looked at from an integrated point of view  
 14 between generation planning and transmission  
 15 planning to what they can safely and  
 16 reliably absorb into the system. You know,  
 17 we haven't put in that, you know, ideally if  
 18 you're only just looking strictly at fuel  
 19 displacement and you had 225, you'd load it  
 20 up, but in the summertime, our load is very  
 21 low, we can't absorb all that. Now we can  
 22 park it in the water in the reservoir for  
 23 later on, depending on what the reservoir  
 24 levels are, but if we were, you know, near  
 25 full, that wouldn't necessarily make sense

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1 because we'd probably be spilling where we  
 2 didn't need to spill. So you have to look  
 3 at the whole picture and it is being looked  
 4 at from that whole coordination point of  
 5 view.  
 6 MR. COXWORTHY:  
 7 Q. I'm sorry, when you say it's being looked  
 8 at, Mr. Haynes, who within Hydro has that  
 9 responsibility?  
 10 MR. HAYNES:  
 11 A. Ms. Williams would look at, from the point  
 12 of view what a production profile is and so  
 13 on, that's typically what she would look at.  
 14 MR. COXWORTHY:  
 15 Q. So, the types of questions I'm asking you  
 16 here now it would be –  
 17 MR. HAYNES:  
 18 A. Yes, they look at –  
 19 MR. COXWORTHY:  
 20 Q. I don't want to say more productive, but it  
 21 would be productive for me to ask, refer as  
 22 well.  
 23 MR. HAYNES:  
 24 A. Exactly. They would look at, you know,  
 25 generation requirements, gas turbine

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1 requirements, how do we actually serve the  
 2 load that we expect for that day, that week.  
 3 MR. COXWORTHY:  
 4 Q. Thank you, Mr. Haynes. If we could turn to—  
 5 as that sort of went a little bit off on a  
 6 by-way that wasn't intended to get into, but  
 7 we've gone there now—PUB-NL-18, if we could  
 8 have that brought up. So, Mr. Haynes, I  
 9 assume you're familiar with this table.  
 10 MR. HAYNES:  
 11 A. Yes, I've seen this, yes.  
 12 MR. COXWORTHY:  
 13 Q. And this would have been information that  
 14 would have been filed some time ago.  
 15 MR. HAYNES:  
 16 A. Yes.  
 17 MR. COXWORTHY:  
 18 Q. In the initial round of the RFIs. I don't  
 19 believe it's been updated since.  
 20 MR. HAYNES:  
 21 A. Not that I'm aware of.  
 22 MR. COXWORTHY:  
 23 Q. Would you have any reason to think that the  
 24 information here might need to be updated,  
 25 if not now, at some point in the course of

1 the GRA?  
 2 MR. HAYNES:  
 3 A. If it's available during the course of the  
 4 GRA, but I would offer that the figures of  
 5 27.3 and 52.9 in particular, they are being  
 6 scrutinized by Hydro as to what those costs  
 7 are. They are being questioned and so on.  
 8 And at the end of the day, the numbers that  
 9 are there—it's not a lump sum amount.  
 10 Basically it will be—on a cost incurred  
 11 basis, there's probably a true up period  
 12 there which I understand will be done every  
 13 quarter or so. So, it will be the actuals.  
 14 And when those numbers were generated, they  
 15 were early numbers obviously based on the  
 16 information they had. They are refining  
 17 that and there are some things in there  
 18 which may not happen which will reduce the  
 19 cost. And I'm pretty positive there's  
 20 nothing there to push up the cost.  
 21 Hopefully, it's going to go the other way,  
 22 but that's a work in progress.  
 23 MR. COXWORTHY:  
 24 Q. Is there a Hydro witness that will be called  
 25 to be able to speak to that in greater

1 MR. HAYNES:  
 2 A. Absolutely, well, we think it's our  
 3 obligation to challenge the numbers. We  
 4 have to comfortable that the numbers are  
 5 reasonable from the point of view of the  
 6 service that we want, but at the end of the  
 7 day, in the longer term, we don't have a lot  
 8 of control over what goes in there, but it  
 9 doesn't mean that we won't be looking for  
 10 validation, rationalization of why we're  
 11 doing things this way or whatever.  
 12 MR. COXWORTHY:  
 13 Q. Well, you have some control to the extent  
 14 that you are providing some of your own  
 15 forces.  
 16 MR. HAYNES:  
 17 A. Yes, but that's on a cost recovery basis,  
 18 whatever that cost is -  
 19 MR. COXWORTHY:  
 20 Q. To the extent that there could be economies  
 21 achieved there, would Hydro try and achieve  
 22 that?  
 23 MR. HAYNES:  
 24 A. In a sense like on supply chain we are  
 25 achieving those economies. We don't have

1 detail, to the table and the components of  
 2 this detail and whether it needs to be  
 3 updated?  
 4 MR. HAYNES:  
 5 A. Well, I think the financial folks are  
 6 actually going down through, looking at,  
 7 trying to dig under the covers, if you will,  
 8 as to what constitutes all those perspective  
 9 costs.  
 10 MR. COXWORTHY:  
 11 Q. Ms. Hutchens or -  
 12 MR. HAYNES:  
 13 A. Ms. Hutchens, yes, primarily, yes, but  
 14 obviously there's a lot of input and  
 15 dialogue with the Nalcor folks of what  
 16 comprises those costs. Are they valid, you  
 17 know, do we really need to be doing all  
 18 those things and they are being challenged  
 19 on that.  
 20 (1:15 p.m.)  
 21 MR. COXWORTHY:  
 22 Q. You've said that these are being scrutinized  
 23 and will continue to be scrutinized. You've  
 24 used the term that you're going to challenge  
 25 Nalcor on these numbers.

1 two supply groups. If there are  
 2 opportunities where we can provide service  
 3 to them and do it at a lower cost, we are  
 4 open to that discussion any day.  
 5 MR. COXWORTHY:  
 6 Q. Because you've mentioned as well that  
 7 they're using contractors. Now, that may be  
 8 more for the DC piece.  
 9 MR. HAYNES:  
 10 A. Yes, and more of an evolution to get to a  
 11 comfort place where it's all new technology  
 12 to get there and that's not uncommon, to  
 13 actually use contractors to, you know, get a  
 14 little bit of experience with respect to the  
 15 folks and make sure they're in -  
 16 MR. COXWORTHY:  
 17 Q. So, Hydro is not providing any of the labour  
 18 or the expertise in relation to the DC and  
 19 O&M that could be attributed to the DC  
 20 component.  
 21 MR. HAYNES:  
 22 A. No, not that I'm aware of. I mean, our  
 23 transmission planning folks, they have the  
 24 models for the DC, but that's just all  
 25 technical studies primarily.

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1 MR. COXWORTHY:  
 2 Q. Can you give us any perspective on this  
 3 table here, there's an entry for operating  
 4 labour and salaries and then there's one for  
 5 labour and salaries. Do you know why  
 6 there's a distinction?  
 7 MR. HAYNES:  
 8 A. No, I don't, but that line is blank though,  
 9 isn't it?  
 10 MR. COXWORTHY:  
 11 Q. Yes, the labour and salaries line is blank.  
 12 MR. HAYNES:  
 13 A. So, I'm not –  
 14 MR. COXWORTHY:  
 15 Q. Makes you wonder why it's there at all, of  
 16 course.  
 17 MR. HAYNES:  
 18 A. That I don't know.  
 19 MR. COXWORTHY:  
 20 Q. Okay, and again perhaps Mr. Hutchens may be  
 21 able to provide some more insight on this.  
 22 MR. HAYNES:  
 23 A. Yes.  
 24 MR. COXWORTHY:  
 25 Q. Thank you, Mr. Haynes. We'll move onto, I

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1 think, a different area here now. If you  
 2 could turn to Information No. 1, Table 317.  
 3 I'm sorry I don't have a page number  
 4 reference for that, I apologize, page 23.  
 5 Thank you, Mr. O'Brien. They Hydro  
 6 operating costs there that are showed for  
 7 2018/2019, I just want to turn back to page  
 8 20 of IC-NLH-122. The NLH other band is not  
 9 just—and of course, that only goes up to  
 10 2019 and NLH-122 starts at 2021, but the  
 11 middle NLH other band in domestic rate, that  
 12 is—operating costs are a part of that.  
 13 MR. HAYNES:  
 14 A. Yes, they would be.  
 15 MR. COXWORTHY:  
 16 Q. But you would expect that there's other  
 17 things in there as well.  
 18 MR. HAYNES:  
 19 A. Yes.  
 20 MR. COXWORTHY:  
 21 Q. Capital—recovery of your capital cost, rate  
 22 of return, all of that.  
 23 MR. HAYNES:  
 24 A. I would imagine, yes.  
 25 MR. COXWORTHY:

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1 Q. Mr. Haynes, in response to a question from  
 2 Mr. O'Brien, you were asked how you could  
 3 know, how Hydro could know whether power  
 4 purchased by Nalcor marking for Hydro—so  
 5 thing would be over the Maritime Link, I  
 6 presume, although I guess there's potential  
 7 for it over the LIL if they purchase from  
 8 Hydro Quebec, is that right?  
 9 MR. HAYNES:  
 10 A. Or they purchase from others west, Hydro  
 11 Quebec or west, yes, they could load up the  
 12 link.  
 13 MR. COXWORTHY:  
 14 Q. How would Hydro determine whether that was  
 15 the lowest cost? And I guess this is  
 16 relevant over, well perhaps primarily for  
 17 2018/2019 at least for the purposes of my  
 18 questions. So, let's focus on that. And  
 19 your response is that that was a quite  
 20 technical thing to determine, whether it was  
 21 lowest cost. Who is responsible within  
 22 Hydro for determining that?  
 23 MR. HAYNES:  
 24 A. The lowest cost—basically there's a—I mean,  
 25 power purchases basically come under Ms.

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1 Hutchens, I'm sorry, my apologies, Ms.  
 2 Williams, as a supply cost. Any decisions  
 3 made by them are basically, you know,  
 4 sanctioned by Hydro from the point of view  
 5 of buying, currently over the Maritime Link.  
 6 You're also buying in the market, you know,  
 7 there may be potential for contacts later  
 8 one. It's still involvement from that  
 9 perspective, but it's, you know, the  
 10 decisions that are made are nothing would be  
 11 more expensive that what we are currently  
 12 doing and strive obviously for least cost or  
 13 cost sharing arrangements if you have a  
 14 longer term contract with folks. Those are  
 15 all things that could be considered, but you  
 16 know, if you're buying off of the market,  
 17 first of all, it's variable from that  
 18 perspective. In the short term, obviously,  
 19 there's a few years where we're going to be  
 20 buying whatever we can, post Muskrat Falls,  
 21 maybe just for backup and other things.  
 22 That may be a different contract all  
 23 together, but it does come under production  
 24 costing under Ms. Williams from that  
 25 perspective.

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1 MR. COXWORTHY:  
 2 Q. It seems to me there are quite a lot of  
 3 variables or will be in 2018/19 period as to  
 4 how much to buy and whether it makes sense.  
 5 MR. HAYNES:  
 6 A. Yes, correct and basically from the point of  
 7 view of what we've asked from a confidential  
 8 basis, you know, we asked under the Act,  
 9 request to the Board to actually look at  
 10 that and provide some of those answers under  
 11 that particular process, if you will.  
 12 MR. COXWORTHY:  
 13 Q. And once Ms. Williams or her group  
 14 identifies an opportunity that they think is  
 15 one that is there, does that go back to you  
 16 then for approval?  
 17 MR. HAYNES:  
 18 A. Not unless it's something that's completely  
 19 different or whatever.  
 20 MR. COXWORTHY:  
 21 Q. So, they're given certain parameters to work  
 22 with.  
 23 MR. HAYNES:  
 24 A. They are given certain parameters, in that  
 25 sense there, basically, it's obvious we beat

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1 our costs that we have right, and we go as  
 2 low as we can from the point of view of  
 3 wherever we buy it, but basically a lot of  
 4 the folks out there selling power will be  
 5 looking out there and the more they know  
 6 about us, the know what our voiding cost is,  
 7 so obviously they're going to want to stack  
 8 it up as high as they kind. There's a lot  
 9 of merit—there's a merit in the not having a  
 10 lot of shared information from that  
 11 perspective, but it's a challenge.  
 12 MR. COXWORTHY:  
 13 Q. It seems—you want to be somewhat nimble in  
 14 terms of taking up the opportunities and  
 15 reacting to system conditions that –  
 16 MR. HAYNES:  
 17 A. If people are, for instance, you know if  
 18 utilities are spilling water because they  
 19 can't turbine it or they have no load for it  
 20 and we can buy it for a cent or two cents,  
 21 then we'd like to, pardon my pun, fill our  
 22 boots.  
 23 MR. COXWORTHY:  
 24 Q. And are you confident, given the need to be  
 25 that nimble and the need to react to those

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1 different complexities, is there going to be  
 2 much opportunity to bring lower costs –  
 3 MR. HAYNES:  
 4 A. I think there's –  
 5 MR. COXWORTHY:  
 6 Q. - power—purchase—I should say from Nalcor  
 7 marketing.  
 8 MR. HAYNES:  
 9 A. I think there is, yes. I think to recapture  
 10 one—but there are other opportunities out  
 11 there which they've been looking at which  
 12 may bring value to us, which if they do  
 13 bring value, we want to participate.  
 14 MR. COXWORTHY:  
 15 Q. Mr. Haynes, I'm sort of jumping around a bit  
 16 here, but that's perhaps and I do think I'll  
 17 be asking a few more questions tomorrow.  
 18 I'll try and be a bit more organized, but  
 19 I'm just going on my notes in terms of  
 20 questions that were asked by others of you  
 21 today. You mentioned that there was a  
 22 Holyrood production plan that's prepared, I  
 23 think, annually?  
 24 MR. HAYNES:  
 25 A. It's prepared annually for budget purposes.

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1 They said we look at where our hydrology is,  
 2 what our average in flows are, what we can  
 3 do and look at the total system  
 4 requirements, roughly, I think about 7 ½  
 5 kilowatt hours on the Island, we will do  
 6 what we call a hydrothermal split. We look  
 7 at what we can do with our hydro resources  
 8 based on reservoirs in flows. And then we  
 9 look at our expected production from  
 10 Holyrood is, and obviously, if we get a lot  
 11 of rain, that goes down; if we don't get a  
 12 lot of rain, it goes up. It's a fairly tall  
 13 number from Holyrood and that RSP takes care  
 14 of that variation, yes.  
 15 MR. COXWORTHY:  
 16 Q. And has that been filed for 2018?  
 17 MR. HAYNES:  
 18 A. I don't know if the production plan has been  
 19 filed, certainly it would an integral part  
 20 of our actual test year budget because that  
 21 hydrothermal split would be key. And what I  
 22 did say was that the projections for the oil  
 23 that we would burn had been modified to, in  
 24 a subsequent filing, to, you know, assuming  
 25 that the ..... on a deferral account would be

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1 approved and then we can actually take  
 2 advantage, more so take advantage of the  
 3 recapture, we would not burn as much oil.  
 4 So, rather than build up a—collect money  
 5 from the customer right now based on  
 6 expected production of 1.6 terawatt hours  
 7 out of Holyrood or 1600 gigawatt hours out  
 8 of Holyrood, we toned that back a bit to not  
 9 build up an imaginary amount of money that  
 10 would be returned.

11 MR. COXWORTHY:  
 12 Q. So, this plan, is it used operationally by  
 13 the people at Holyrood or is it really just  
 14 a budgeting exercise for Hydro?

15 MR. HAYNES:  
 16 A. It's a budgeting exercise, but it's revised  
 17 occasionally from the point of view of the  
 18 system changes and so on, provide forecasts,  
 19 yes.

20 MR. COXWORTHY:  
 21 Q. I would think the operations people would  
 22 need to know at least, look, how much fuel  
 23 do we need to have on hand, for instance.

24 MR. HAYNES:  
 25 A. Yes, well, they look at the load forecast.

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1 They look at the expected utilization. We  
 2 have a 28 day delivery time for delivering  
 3 bunker C to Holyrood, so that's all part of  
 4 that. You always have to look at the load  
 5 forecast and expected production.

6 MR. COXWORTHY:  
 7 Q. So, is the plan more of sort of a living  
 8 document as opposed to a one time only here  
 9 that's filed in January and –

10 MR. HAYNES:  
 11 A. I think from a point of view of the RSP,  
 12 it's kind of reviewed annually from that  
 13 perspective, but on an ongoing basis, I  
 14 can't tell you exactly how often it is, but  
 15 it is done on a regular basis. You know,  
 16 they hydrothermal split, there a re-forecast  
 17 done on a monthly basis with respect to, you  
 18 know, this is how much we delivered, this is  
 19 what our load—if there's a decrease in our  
 20 expected total demand, say, from  
 21 Newfoundland Power and Industrial Customers,  
 22 that is reflected on a—there is a monthly  
 23 forecast sheet. If it's not a large change,  
 24 it won't be adjusted, but if there's a  
 25 significant change, it will be tweaked.

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1 MR. COXWORTHY:  
 2 Q. This is a little different, perhaps it's  
 3 note related to the Holyrood production  
 4 plan, but is there a protocol in place or,  
 5 perhaps will be in place after July 2018 so  
 6 that the operators who are responsible for  
 7 deciding how many units should be on at  
 8 Holyrood at any particular time and at what  
 9 rating, when they could decide to take a  
 10 unit down due to the availability of  
 11 recalled power, a certain amount of recalled  
 12 power over the LIL, LTA? Is there going to  
 13 be a detailed written protocol that outlines  
 14 this is when it's safe or prudent or  
 15 reasonable to take down one of the units.

16 MR. HAYNES:  
 17 A. The current thing would probably be revised  
 18 to include the imports from Maritime link or  
 19 LIL from that perspective.

20 MR. COXWORTHY:  
 21 Q. That hasn't been done yet?

22 MR. HAYNES:  
 23 A. Not to my knowledge, but it would certainly  
 24 be a thing that would have to be done  
 25 because basically need the operating

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1 guidelines, but the decisions on a daily  
 2 basis with respect to purchases and stuff  
 3 like that, they're made on a daily basis by  
 4 involvement of the folks in hydro generation  
 5 and thermal generation.

6 MR. COXWORTHY:  
 7 Q. I'm not sure whether the current operating  
 8 guideline for Holyrood in this respect are  
 9 on the record. If they're not, can I have  
 10 an undertaking to have them produced?  
 11 (UNDERTAKING)

12 MR. HAYNES:  
 13 A. The Holyrood guidelines or how we dispatch  
 14 generation –

15 MR. COXWORTHY:  
 16 Q. Oh yes, thank you for that, you're right.  
 17 It's not just Holyrood, although that's my  
 18 focus, but overall, yes, the whole Island  
 19 system. What changes would you make to the  
 20 Island system? What instructions would you  
 21 send out to the various operators if you're  
 22 going to bring in 100 megawatts over the  
 23 recall, you know, what other things have to  
 24 stand down and be modified? What's the  
 25 protocol or guidelines for that? If we

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1                    could have the current—for the Island  
 2                    system. Thank you, Mr. Haynes for pointing  
 3                    that out. I’m not going to suggest, Madam  
 4                    Chair—I’m sorry.  
 5                    (1:27 P.M.)  
 6                    GLYNN, Q.C.:  
 7                    Q.     I’m just looking to Mr. Young because he has  
 8                    a bit of question on his face.  
 9                    MR. YOUNG:  
 10                  Q.     I take some comfort in the fact that Mr.  
 11                  Haynes just wrote that down because I was  
 12                  wondering exactly what that is, but he’d  
 13                  know better than me. So, as far as I know  
 14                  we can provide that. If that’s not correct,  
 15                  I’ll confirm otherwise.  
 16                  GLYNN, Q.C.:  
 17                  Q.     Okay, so the undertaking is noted.  
 18                  MR. COXWORTHY:  
 19                  Q.     I’m not asking for something to be  
 20                  manufactured. If it exists; it exists.  
 21                  MR. HAYNES:  
 22                  A.     It’s basically the current guidelines for  
 23                  actually dispatching of generators and –  
 24                  MR. YOUNG:  
 25                  Q.     Right, the operating instructions.

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CERTIFICATE

I, Judy Moss, do hereby certify that the foregoing is a true and correct transcript of a hearing in the matter of the 2017 General Rate Application by Newfoundland Hydro heard on the 23rd day of April, 2018 at the Public Utilities Commission office, St. John’s, Newfoundland and Labrador and was transcribed by me to the best of my ability by means of a sound apparatus from audio that was not recorded by Discoveries Unlimited Inc..

Dated at St. John’s, NL this  
 23rd day of April, 2018

Judy Moss  
 Discoveries Unlimited Inc.

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1                    MR. HAYNES:  
 2                    A.     Operating instructions, yes.  
 3                    MR. COXWORTHY:  
 4                    Q.     Sure, thank you. Madam Chair, I’m going to  
 5                    suggest now is a time to break.  
 6                    CHAIR:  
 7                    Q.     We’ll come back to you in the morning.  
 8                    Upon conclusion at 1:29 p.m.  
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