

Ronald G. Penney
Chair
Muskrat Falls Concerned Citizens Coalition

March 13, 2019

Ms. Cheryl Blundon,
Board Secretary,
Board of Commissioners of Public Utilities
Box 21040, St. John's, NL, A1A5B2

Dear Ms. Blundon,

Re: Rate Mitigation Options and Impacts Reference - Request for Standing

I wish to respond to your letter of March 13, 2019 seeking clarification of our position with respect to costs.

I have reviewed section 28(1) of the Electrical Power Control Act and believe that the Board's interpretation of that section is far too narrow and will have the effect of restricting standing to organizations with deep pockets who can afford to take the risk of not having their costs covered, such as Nalcor, Newfoundland Power and the Industrial users, and the Consumer Advocate, whose costs and fees will be covered by the Provincial Government.

The section does not say that the Board cannot give a prior indication of their position on an award of costs and states explicitly that costs "may be fixed at a sum certain". I believe that the Board has the right to provide a budget to the Coalition which would allow us to retain legal counsel for the hearing phase only and we would be happy to provide an estimate to you.

The issue of rate mitigation arising out of the Muskrat Falls project is the most important public policy issue ever to face the Province and we believe that we can provide an important and informed contribution to the work of the Board.

We are prepared to continue to volunteer our time and expertise but it is unfair to ask us to shoulder the risks of the full burden of the costs of retaining legal counsel and ask that the Board reconsider its position.

In the event that the Board maintains its position we would still like to seek standing and to explore ways in which we can retain legal counsel so that we can be full participants in the hearing.

Yours sincerely,



Ronald G. Penney