

# Appendix R

Letter to NCC - April 28, 2023





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President and  
Chief Executive Officer

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28 April 2023

President Todd Russell  
NunatuKavut Community Council  
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Via email: [trussell@nunatukavut.ca](mailto:trussell@nunatukavut.ca)  
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RE: Long Term Supply for Southern Labrador, Phase 1 Update

Dear President Russell,

On March 31, 2023,<sup>1</sup> Newfoundland and Labrador Hydro ("Hydro") provided correspondence to the Board of Commissioners of Public Utilities ("Board") with respect to the outcome of the analysis by Midgard Consulting Inc. ("Midgard") of Hydro's long-term supply plan for southern Labrador.<sup>2</sup> In its correspondence, Hydro stated that it expected to file an update with the Board before the end of April 2023, detailing any revisions in cost, schedule, or scope resulting from consideration of Midgard's recommendations and the passage of time since the original application in 2021.

Hydro is conscious of the time that is necessary to obtain regulatory approval by the Board, as well as the other lengthy approvals required, such as environmental assessment, to proceed with the implementation of capital projects, especially larger projects such as the long-term supply for southern Labrador. It is also incumbent on Hydro to work expeditiously to ensure that the issues surrounding the provision of service to Charlottetown and Pinsent's Arm can be addressed, and a long-term, safe and reliable supply solution put in place for those communities and for the region. Therefore, Hydro intends to file with the Board, an updated application reflecting the recommendations in Midgard's report. Hydro has sent correspondence to the Board, on today's date, advising that while Hydro requires some additional time to engage its stakeholders to ensure that all parties are informed of Hydro's intended filing, Hydro will file the updated application with the Board in May. Hydro must move forward with providing this update to enable the Board to expeditiously establish a schedule and

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<sup>1</sup> "Long-Term Supply for Southern Labrador – Phase 1 – Midgard Consulting Inc. Report," Newfoundland and Labrador Hydro, March 31, 2023.

<sup>2</sup> "Long-Term Supply for Southern Labrador – Phase 1," Newfoundland and Labrador Hydro, July 16, 2021.

process for the continued regulatory review, to work toward decisions and implementation of a long-term, safe, and reliable supply solution for Charlottetown and Pinsent's Arm.

Hydro believes it would be of great benefit to the NunatuKavut Community Council ("NCC"), Hydro, the Board and intervening parties, if the NCC were to apply to become an intervener in the proceeding before the Board. This would allow the NCC to have the opportunity to examine all of the proposals and evidence filed with the regulator in support of Hydro's application, as well as formally ask questions and make submissions. Hydro would support NCC's application to intervene in the process and with the process surrounding the project about to begin again with a revised application, the opportunity exists. Hydro would be pleased to discuss the process to become an intervener with your legal counsel, should you wish.

Further to this, Hydro acknowledges the statements made during the April 3, 2023 meeting between representatives of Hydro and the NCC, in which legal counsel for the NCC asserted that Hydro has a duty to consult with the NCC regarding this project. Hydro agrees that it has a duty to consult with NCC in this matter. As Hydro noted in its emails on April 3, 2023 and April 11, 2023, Hydro is available to meet with you to discuss the project and the Midgard report and answer any questions you may have. In addition, Hydro would appreciate the opportunity to meet to discuss and determine the steps necessary to address and meet the duty to consult. Hydro's legal counsel will also contact NCC's legal counsel to discuss. Additionally of course, Hydro is engaged in the ongoing discussions surrounding the opportunity for the renewal of the Community Development Agreement.

We look forward to hearing from you, and to further discussions regarding this matter and Hydro's goal of providing safe, reliable service to the communities in the southern Labrador region.

If you have any feedback or questions on the above, please do not hesitate to contact me directly.

Sincerely,



Jennifer Williams

