



GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR

Department of Justice
Office of the Deputy Minister
and Deputy Attorney General

February 18, 2010

Ms. Cheryl Blundon
Board of Commissioners of Public Utilities
Director of Corporate Services and Board Secretary
120 Torbay Road
P.O. Box 21040
St. John's, NL
A1A 5B2

Dear Ms. Blundon:

I am writing on behalf of the Attorney General to acknowledge receipt of your 15 February 2010 letter and the motion filed by the Conseil des Innus de Ekuanitshit.

Having reviewed the motion and record before the Board I can advise that the Attorney General will not be participating in these proceedings at the present time.

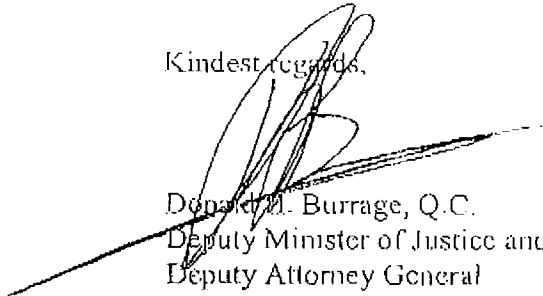
The Attorney General is of the view that the motion as filed by the Conseil des Innus de Ekuanitshit does not engage section 57 of the Judicature Act, as it does not call into question the constitutional validity of an Act or regulation of the Parliament of Canada or of the legislature.

Further, that water management is in essence a commercial arrangement between CF(L)Co) and Nalcor Energy which will come into operational effect only after release of the Lower Churchill Project from environmental assessment and the subsequent construction of this Project. Water management, then, has no impact on the asserted aboriginal rights of the Intervenor, adverse or otherwise.

That said, we are confident that the arguments to be advanced in response to the motion will be thoroughly canvassed by Nalcor Energy, and the other parties before the Board. The Attorney General would have nothing material to add to these arguments.

In closing, thank you for bringing this matter to the attention of the Attorney General. We, of course, reserve our right to seek participation at some future juncture should circumstances warrant.

Kindest regards,



Donald M. Burrage, Q.C.
Deputy Minister of Justice and
Deputy Attorney General