



NEWFOUNDLAND AND LABRADOR
BOARD OF COMMISSIONERS OF PUBLIC UTILITIES

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2010 02 15

The Attorney General of Canada
Director General of the Atlantic Regional Office
Department of Justice
Suite 1400, Duke Tower
5251 Duke Street
Halifax, Nova Scotia,
B3J 1P3

Dear Attorney General:

Re: **Application by Nalcor Energy pursuant to Section 5.5(1) of the *Electrical Power Control Act***

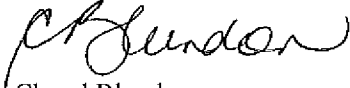
On November 11, 2009 the Board of Commissioners of Public Utilities (the "Board") provided Notice to the Province of Newfoundland and Labrador advising of Nalcor Energy's (Nalcor) application requesting that the Board make an order under section 5.5 of the *Electrical Power Control Act* establishing the terms of a water management agreement between Nalcor and Churchill Falls (Labrador) Corporation (CF(L)Co) concerning the use of the Churchill River for the production of power.

On Friday, February 12, 2010, the Conseil des Innus de Ekuanitshit, an Intervenor in the proceedings, filed a motion with the Board to suspend the proceedings currently before the Board and advised that they were filing a Notice to the Attorney General of Newfoundland and Labrador and the Attorney General of Canada to advise of their intention to raise constitutional issues in the motion to suspend, in particular, "*a question as to whether a constitutional duty to consult Aboriginal peoples pursuant to section 35 of the Constitution Act, 1982 is engaged and has been discharged in relation to an Application currently before the Board of Commissioners of Public Utilities ("Board").*"

The Board is considering the motion and will shortly make a decision of whether an oral hearing will be ordered. In its schedule, the Board has reserved February 24-26, 2010 as oral hearing days. The Board will advise of its process and filing timelines in relation to this motion.

Should you have any questions please do not hesitate to contact me at 726-8600.

Sincerely,



Cheryl Blundon

Board Secretary

E c.c. Messrs. Jamie M. Smith, Q.C and Mr. Peter Hickman, Counsel for CF(L)Co.
Messrs Ian K. Kelly, Q.C. and Geoffrey P. Young, Counsel for Nalcor
Mr. James R. Haynes, President, Twin Falls Power Corporation Limited
Mr. David Schulze, DIONNE SCHULZE, Counsel to the Conseil des Innus de Ekuanitshit
Mr. Gary Carot, O'Reilly & Associés, Advocat/ Lawyer for the Innu of Uashat Mak Mani-Utenam, the
Innu Takuaikan, Uashat Mak Mani-Utenam Band Council and certain traditional families of the Uashat
Mak Mani-Utenam Innu Nation
Mr. Dan Simmons, Legal Counsel