

1 **IN THE MATTER OF**

2 the *Electrical Power Control Act*, RSNL 1994,  
3 Chapter E-5.1 (the "*EPCA*") and the  
4 *Public Utilities Act*, RSNL 1990,  
5 Chapter P-47 (the "*Act*"), as amended;  
6  
7

8 **AND**  
9  
10

11 **IN THE MATTER OF**

12 an application by Nalcor Energy (the "Application") for an Order:  
13 to establish the terms of a Water Management Agreement between  
14 Nalcor Energy ("Nalcor") and Churchill Falls (Labrador) Corporation Limited ("CF(L)Co")  
15 for the Churchill River, Labrador.

---

**PUBLIC UTILITIES BOARD  
REQUESTS FOR INFORMATION  
TO  
CONSEIL DES INNUS DE EKUANITSHIT (CIE)**

**PUB-CIE-14 to PUB-CIE-16**

**Issued: February 2, 2010**

---

**PUB-CIE-14**

Please detail the specific impact of the water management agreement and the management of water thereunder on the Conseil Des Innus De Ekuanitshit addressing the ongoing operations separate and apart from the design and construction of the project.

**PUB-CIE-15**

Please provide examples of specific issues and concerns that the Conseil Des Innus De Ekuanitshit would like to raise in any consultation process regarding the water management agreement.

**PUB-CIE-16**

Nalcor states in PUB-NE-23:

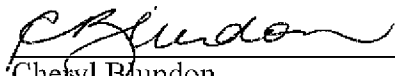
*"The Water Management Agreement may affect flows on an hourly basis. It is not possible to determine in advance what the flows will be at any particular hour in the future since they will depend upon the Suppliers' delivery requirements, reservoir conditions, projected inflow conditions and a number of other factors at that specific point in time. These hourly management adjustments are simply the type of adjustments that would occur by either Supplier in relation to its own facilities acting independently or by one Supplier if that Supplier owned and operated both the upper and lower Churchill facilities. It is not necessary to consult with the Aboriginal groups concerning these types of hourly operational adjustments. This level of consultation with respect to hourly operational adjustments is not what is contemplated or required in the duty to consult founded in the Crown's honour and the goal of reconciliation with Aboriginal peoples."*

Please provide facts and evidence which would contradict this statement and support a duty to consult in relation to the water management agreement or the management of water thereunder addressing the ongoing operations under the agreement, separate and apart from the design and construction of the project.

**DATED** at St. John's, Newfoundland this 2<sup>nd</sup> day of February 2010.

**BOARD OF COMMISSIONERS OF PUBLIC UTILITIES**

Per

  
Cheryl Blundon  
Board Secretary