

1 **Q. Please determine whether Ms. McShane signed a confidentiality agreement in**
2 **relation to a report from Mercer Canada Limited filed in the BCUC cost of capital**
3 **proceeding in 2012.**
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5 A. The report from Mercer Limited (the “Report”) was filed with the British Columbia
6 Utilities Commission (the “BCUC”) by FortisBC Utilities (including FortisBC Energy
7 Inc., FortisBC Energy (Vancouver Island) Inc., FortisBC Energy (Whistler) Inc. and
8 FortisBC Inc.) in compliance with the BCUC’s Minimum Filing Requirements for
9 Affected Utilities. The Report contained proprietary information of Mercer Limited and,
10 accordingly, the BCUC treated the Report confidentially.
11

12 No parties other than FortisBC Utilities (and its advisors and consultants) were permitted
13 to receive or review the Report, or attend the *in camera* proceedings in respect of it,
14 without first executing a confidentiality undertaking in accordance with the BCUC’s
15 *Practice Directive on Confidential Filings*. Dr. Booth, who participated in the
16 proceedings as witness for the intervener the Association of Major Power Consumers of
17 BC, signed a confidentiality undertaking.
18

19 Ms. McShane did not sign a confidentiality undertaking in relation to the Report, as she
20 was retained as an expert for FortisBC Utilities in the BCUC Cost of Capital
21 Proceedings. Due to the proprietary nature of its contents and the confidential treatment
22 of the Report by the BCUC, Ms. McShane reviewed and testified to the Report but did
23 not retain a copy of the Report. The examination regarding the Report was conducted *in*
24 *camera*.
25

26 Newfoundland Power does not have, and never did have, a copy of the Report in its
27 possession or control.