



NEWFOUNDLAND AND LABRADOR  
**BOARD OF COMMISSIONERS OF PUBLIC UTILITIES**

**ST. JOHN'S OFFICE**

120 Torbay Road  
P.O. Box 21040  
St. John's, Newfoundland and Labrador  
Canada, A1A 5B2  
Fax: (709) 726-9604

**GRAND FALLS-WINDSOR OFFICE**

18 High Street  
Grand Falls-Windsor  
Newfoundland and Labrador  
Canada, A2A 1C6  
Fax: (866)-489-8879

E-mail: [gyoung@nlh.nl.ca](mailto:gyoung@nlh.nl.ca)

2011 09 14

Mr. Geoffrey P. Young  
Senior Legal Counsel  
Nalcor Energy  
P. O. Box 12800  
Hydro Place, 500 Columbus Drive  
St. John's, NL  
A1B 4K7

Dear Mr. Young:

**RE: Reference from the Lieutenant-Governor in Council on the Muskrat  
Falls Project (the "Review")**

This letter is to formally advise that the Board is concerned about the schedule for the Review given the level of information that has been filed to date. In particular, Nalcor has not yet filed its Submission as required by the Terms of Reference. Nalcor's Submission would properly have been filed at the beginning of the Review given that the Terms of Reference specifically states that the two options to be reviewed by the Board would be further outlined in Nalcor's Submission. Initially Nalcor advised the Board that it would file the Submission by the end of July. On August 2, 2011 Nalcor advised that the Submission would not be filed until mid to late August. On August 26, 2011 Nalcor advised that the date for the filing of its Submission was under review. It has now been three months since the start of the review and Nalcor has not yet filed its Submission and has not advised as to when it will be filed. In addition, there are a significant number of outstanding and incomplete answers to requests for information.

Given the uncertainty surrounding the dates for receipt of the information from Nalcor required for the Review, the Board requested a meeting on September 12, 2011 to fully discuss the implications of the status of the documentation for the schedule. Fixing the dates for the filing of Nalcor's Submission and responses to requests for information is critical for the Board to be able to re-assess the schedule for the Review and whether it will be possible

for the Board to conduct public consultations and to file a report with Government by the December 30, 2011 deadline as required by the Terms of Reference.

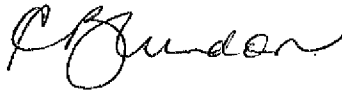
At the September 12<sup>th</sup> meeting Nalcor agreed to advise as to the dates that the Board could expect to receive Nalcor's Submission and responses to all outstanding requests for information, including those issued on September 9, 2011. Nalcor was unable, at that time, to confirm when it would be in a position to respond on this critical information. Nalcor's response on this information is required by September 16, 2011.

Nalcor also agreed at the September 12<sup>th</sup> meeting to provide a list of all Exhibits and responses to requests for information that are deemed by Nalcor to be commercially sensitive or confidential and to provide a date by which the screening process will be completed to confirm what documentation is to be treated as confidential. This list will be distributed to the Consumer Advocate and other parties if required. This list as well as the date for the completion of the screening process must be provided by September 19, 2011.

We reiterate that the requested information is critical to allow a review of the proposed schedule for the Review.

If you have any questions or require any clarification please do not hesitate to contact the undersigned or the Board's Legal Counsel, Ms. Maureen Greene, Q.C.

Yours truly,



Cheryl Blundon  
Board Secretary

c.c. Thomas Johnson, Consumer Advocate – E-mail: [tjohnson@odeaearle.nf.ca](mailto:tjohnson@odeaearle.nf.ca)  
Randell Earle, Q.C., - E-mail: [rearle@odeaearle.nf.ca](mailto:rearle@odeaearle.nf.ca)