

1 Q. Did Hydro specifically inform the Provincial Government, prior to issuance of the  
2 Orders-in-Council, that Island Industrial Customers rates were not made interim  
3 until January 1, 2008, and that IIC rates for the period January 1, 2007 to December  
4 31, 2007 were final rates? If Hydro's response to the foregoing question is "yes",  
5 please provide a copy of Hydro's communication specifically informing the  
6 Provincial Government of this fact.

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9 A. In Hydro's opinion, providing a "yes" or "no" response to this question would not be  
10 sufficient to provide a full understanding of the issue raised.

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12 Hydro's provided information in this regard in a document that was intended for  
13 consideration for a policy decision to be made by Cabinet. This information is not  
14 required to be disclosed in accordance with the *Access to Information and*  
15 *Protection of Privacy Act* and Hydro submits that it should not be produced in the  
16 present proceeding. However, the Provincial Government also had access to other  
17 sources of information including the decision of the Newfoundland and Labrador  
18 Court of Appeal decision in the matter (*Newfoundland and Labrador Hydro v.*  
19 *Newfoundland and Labrador (Board of Commissioners of Public Utilities)*, 2012 NLCA  
20 38), dated June 19, 2012, which discusses this issue in paragraphs 67 and 68.