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<p>1 February 5, 2014</p> <p>2 (10:19 a.m.)</p> <p>3 CHAIRMAN:</p> <p>4 Q. Good morning, everybody. I'll call this</p> <p>5 opening session of our inquiry to order, and I</p> <p>6 have a few brief introductory remarks to make.</p> <p>7 For the record, my name is Andy Wells, I'm the</p> <p>8 Chairman of this organization. On my left is</p> <p>9 our Vice-Chairman Whalen, Darlene Whalen, and</p> <p>10 on my immediate right, James Oxford, and</p> <p>11 Dwanda Newman, the other two Commissioners</p> <p>12 sitting for these hearings. Jacqui Glynn is</p> <p>13 our Board Counsel. Cheryl Blundon is our</p> <p>14 Board Secretary. I think you probably already</p> <p>15 have encountered her, and, of course, Maureen</p> <p>16 Greene is our hearing counsel. Glenda Gibbons</p> <p>17 is here, I believe, of Discoveries Unlimited,</p> <p>18 and that company will produce a transcription</p> <p>19 for these events.</p> <p>20 Today's proceedings will be made</p> <p>21 available tomorrow, and will be posted on the</p> <p>22 Board's web page. We are maintaining for</p> <p>23 these matters a comprehensive web page where</p> <p>24 all information that we garner will be</p> <p>25 publicly available. The Board will use no</p>	<p>1 weeks has been actively gathering critical</p> <p>2 information from both Newfoundland and</p> <p>3 Labrador Hydro and Newfoundland Power. In</p> <p>4 particular, I note in the days that followed</p> <p>5 these events, both utilities attended the</p> <p>6 Board's offices to make presentations as to</p> <p>7 the available information. The Board had</p> <p>8 already started information requests to</p> <p>9 Newfoundland and Labrador Hydro and</p> <p>10 Newfoundland and Labrador Power. I think it</p> <p>11 was the first series of RFIs, some four dozen</p> <p>12 maybe, that were issued to the companies and</p> <p>13 they have been answered, I understand, by both</p> <p>14 companies at this stage and they are</p> <p>15 available. I believe they've been posted. If</p> <p>16 not, they will soon be posted on the Board's</p> <p>17 web page. We continue also to monitor daily</p> <p>18 reports from Newfoundland and Labrador Hydro</p> <p>19 in relation to the island's interconnected</p> <p>20 system supply and demand. While the Board's</p> <p>21 investigation was ongoing, on January 8th,</p> <p>22 2014, and January 9th, 2014, we also received</p> <p>23 two separate complaints in according with the</p> <p>24 provisions of the Public Utilities Act in</p> <p>25 relation to the adequacy of service being</p>
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<p>1 information in making its determinations that</p> <p>2 the public citizens do not have access to.</p> <p>3 We're conducting this hearing under the</p> <p>4 Public Utilities Act and Electrical Power</p> <p>5 Control Act. This is the legislation under</p> <p>6 which the Board regulates Newfoundland and</p> <p>7 Labrador Hydro, and Newfoundland Power, and,</p> <p>8 of course, in this regard the Board's primary</p> <p>9 responsibility or responsibilities is to</p> <p>10 ensure that the rates charged by the utilities</p> <p>11 are just and reasonable, and that the service</p> <p>12 provided is safe and adequate. In other</p> <p>13 words, that the service provided meets the</p> <p>14 reasonable standards of reliability pursuant</p> <p>15 to good utility practice.</p> <p>16 With the opening of this pre-hearing</p> <p>17 conference today, the Board begins its</p> <p>18 hearings into the events and circumstances</p> <p>19 leading up to the supply issues and power</p> <p>20 outages on the island interconnected system</p> <p>21 that took place during late December, 2013,</p> <p>22 and early January, 2014. Of course, the Board</p> <p>23 began its investigation immediately following</p> <p>24 the power outages on January 2nd, 2014, and</p> <p>25 January 4th, 2014, and over the past several</p>	<p>1 provided by Newfoundland and Labrador Hydro.</p> <p>2 On January 10th, 2014, the Board advised</p> <p>3 Newfoundland and Labrador Hydro that it would</p> <p>4 conduct a hearing into this matter, and we</p> <p>5 advised both Newfoundland and Labrador Hydro</p> <p>6 and Newfoundland Power that they would be</p> <p>7 parties in this matter. While the Board has</p> <p>8 considerable in-house capacity, we also felt</p> <p>9 that it would be important to retain external</p> <p>10 advice in these matters, and I can now advise</p> <p>11 the public today that the Liberty Consulting</p> <p>12 Group will act as our external advisor in this</p> <p>13 matter. The Liberty Group brings over 30</p> <p>14 years of experience, with more than 400</p> <p>15 engagements on a wide range of utility</p> <p>16 management, operational, technical, financial,</p> <p>17 and regulatory issues. In particular, we note</p> <p>18 that Liberty advised the Nova Scotia Utility</p> <p>19 Review Board following significant power</p> <p>20 outages in 2004, and Liberty has already</p> <p>21 started its work and will be in the province</p> <p>22 next week to begin on-site investigation and</p> <p>23 work. A bio for Liberty Consulting will be</p> <p>24 available on the Board's website today, and</p> <p>25 all the information and correspondence filed</p>

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<p>1 to date in this matter, including copies of</p> <p>2 utility presentations, information requests,</p> <p>3 responses, monitoring reports, and complaints</p> <p>4 and notices is also, as I say, posted on our</p> <p>5 website.</p> <p>6 The purpose of today's gathering is to</p> <p>7 receive input as to the issues to be</p> <p>8 considered in this matter. Evidence and</p> <p>9 submissions will not be filed, and substantive</p> <p>10 matters will not be addressed today. They</p> <p>11 will be reserved for future meetings, future</p> <p>12 gatherings. At the request of the Board,</p> <p>13 Newfoundland and Labrador Hydro and</p> <p>14 Newfoundland Power have each filed a proposed</p> <p>15 list of issues to be addressed in this matter.</p> <p>16 In addition, the Board has received a list of</p> <p>17 issues and/or comments in relation to this</p> <p>18 matter from several interested parties. These</p> <p>19 issue list and comments may also be viewed on</p> <p>20 the Board's website. In addition, the Board</p> <p>21 will receive submissions, presentations, and</p> <p>22 comments today in relation to the issues to be</p> <p>23 considered.</p> <p>24 I'd like now to ask Newfoundland and</p> <p>25 Labrador Hydro first, and then Newfoundland</p>	<p>1 Kelly, and with me is Gerard Hayes, on behalf</p> <p>2 of Newfoundland Power, and I understand you'll</p> <p>3 come back to us than again after.</p> <p>4 CHAIRMAN:</p> <p>5 Q. Okay, sir, you're on.</p> <p>6 MR. MACDOUGALL:</p> <p>7 Q. Thank you, Mr. Chair, Commissioners. Just a</p> <p>8 few brief comments on the matter before us</p> <p>9 today, the issues for this public review.</p> <p>10 Newfoundland and Labrador Hydro filed</p> <p>11 their proposed issues on Monday as requested</p> <p>12 by the Board. We had, as the Chair just</p> <p>13 mentioned, the benefit of the Consumer</p> <p>14 Advocate's pre-filed list and some comments</p> <p>15 from other parties who were interested in this</p> <p>16 proceeding. We attempted to prepare an issues</p> <p>17 list which was both comprehensive and in line</p> <p>18 with the matters which the Board signalled in</p> <p>19 its notice were of potential interest for the</p> <p>20 review. Newfoundland and Labrador Hydro are</p> <p>21 confident that if those issues listed in their</p> <p>22 list are reviewed, all parties will be able to</p> <p>23 have a full review of the issues which arose</p> <p>24 during this past December and January, and</p> <p>25 this will also allow for enhanced planning for</p>
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<p>1 Power, to introduce themselves and to provide</p> <p>2 any comments that they may wish to make in</p> <p>3 relation to the matters to be considered in</p> <p>4 this matter. First of all, Newfoundland and</p> <p>5 Labrador Hydro.</p> <p>6 MR. MACDOUGALL:</p> <p>7 Q. Good morning, Mr. Chair; good morning,</p> <p>8 Commissioners. My name is David MacDougall,</p> <p>9 and I will be representing Newfoundland and</p> <p>10 Labrador Hydro today, and throughout the</p> <p>11 ongoing public review, and I'm joined today by</p> <p>12 Ms. Tracey Pennell, in-house counsel for</p> <p>13 Newfoundland and Labrador Hydro, and Mr.</p> <p>14 Young, who I understand is invariably here,</p> <p>15 sends his regrets, he's under the weather</p> <p>16 today. We do have a few comments, Mr. Chair,</p> <p>17 on the issues list that we filed. If you</p> <p>18 would like to do the introductions for</p> <p>19 Newfoundland Power first, or if you'd like me</p> <p>20 to make those comments, I'm at your will.</p> <p>21 CHAIRMAN:</p> <p>22 Q. I guess, we'll go to Newfoundland Power, and</p> <p>23 then perhaps come back to you, okay.</p> <p>24 KELLY, Q.C.:</p> <p>25 Q. That's fine, Mr. Chairman. My name is Ian</p>	<p>1 the upcoming winters.</p> <p>2 We do note that Newfoundland Power in its</p> <p>3 proposed issues list is broadly consistent in</p> <p>4 the first four items it proposed with the list</p> <p>5 proposed by Newfoundland and Labrador Hydro,</p> <p>6 and as I noted, we believe the list we</p> <p>7 provided generally captures the issues set out</p> <p>8 by the Consumer Advocate as well.</p> <p>9 With respect to the fifth item proposed</p> <p>10 by Newfoundland Power regarding the potential</p> <p>11 review of measures to ensure reliability after</p> <p>12 commissioning of Muskrat Falls and the</p> <p>13 Labrador Island Link, we believe that that</p> <p>14 matter is beyond the appropriate scope for</p> <p>15 this review. The issues recently experienced</p> <p>16 are associated with the present system</p> <p>17 configuration and there's a considerable</p> <p>18 effort now being carried out at Hydro to</p> <p>19 review and learn from these matters, and this</p> <p>20 will continue obviously throughout this</p> <p>21 process.</p> <p>22 In order for this review to efficiently</p> <p>23 and effectively deal with the matters raised</p> <p>24 by the Board in its initial notice, and raised</p> <p>25 by the issues experienced in December and</p>

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<p>1 January, and to ensure that we have a timely</p> <p>2 ability to fully vet and apply the lessons</p> <p>3 learned that will come out through this review</p> <p>4 and process, we believe the focus should</p> <p>5 remain on the present system configuration and</p> <p>6 determining what are the right steps to put in</p> <p>7 place prior to and up to the time when the</p> <p>8 Muskrat Falls and LIL Projects are</p> <p>9 commissioned.</p> <p>10 Muskrat Falls is approved and being built</p> <p>11 and will change the system configuration once</p> <p>12 it is in place. The key period for this</p> <p>13 review, in our respectful submission, should</p> <p>14 be the near to mid term and the upcoming</p> <p>15 winter periods until Muskrat Falls is</p> <p>16 commissioned, and we do not necessarily</p> <p>17 believe that it would be effective to broaden</p> <p>18 the review of matters that won't come into</p> <p>19 play for some time, and are concerned that</p> <p>20 that may detract from the focus of this</p> <p>21 review, which should be the issues in December</p> <p>22 and January and the lessons we can learn for</p> <p>23 the upcoming winter periods based on the</p> <p>24 present system configuration.</p> <p>25 Mr. Chair, Commissioners, thank you.</p>	<p>1 the Maritime Link become operational. I want</p> <p>2 to make it clear that Newfoundland Power is</p> <p>3 not questioning the decisions to develop</p> <p>4 Muskrat Falls or to build the Maritime Link,</p> <p>5 nor is Newfoundland Power suggesting that this</p> <p>6 inquiry should examine the development of</p> <p>7 Muskrat Falls itself or the Maritime Link.</p> <p>8 Those decisions have been made. What the</p> <p>9 Board should examine is how reliability and</p> <p>10 security of supply will be assured after the</p> <p>11 commissioning of Muskrat Falls and after the</p> <p>12 decommissioning of Holyrood. Virtually all</p> <p>13 power for the Avalon Peninsula will have to be</p> <p>14 transmitted long distances crossing the</p> <p>15 Isthmus of Avalon. That raises important</p> <p>16 questions concerning system reliability and</p> <p>17 whether backup generation should be available</p> <p>18 on the Avalon Peninsula.</p> <p>19 As the Board well knows, electric utility</p> <p>20 assets have long lives and they require</p> <p>21 substantial investment. It is important that</p> <p>22 expenditures on the electrical system be made</p> <p>23 bearing in mind the long term configuration of</p> <p>24 the Island Interconnected System. Only in</p> <p>25 that way will the Board be able to fulfil its</p>
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<p>1 Those are our brief comments and we commend</p> <p>2 the issues list we filed on Monday to you for</p> <p>3 consideration.</p> <p>4 CHAIRMAN:</p> <p>5 Q. Mr. Kelly.</p> <p>6 KELLY, Q.C.:</p> <p>7 Q. Thank you, Mr. Chairman. Chairman,</p> <p>8 Commissioners, the events of January 2nd to</p> <p>9 8th were extraordinary. This was the longest</p> <p>10 sustained loss of generation capacity on the</p> <p>11 Island Interconnected System. The loss of</p> <p>12 generation supply caused significant distress</p> <p>13 for many of Newfoundland Power's customers.</p> <p>14 This inquiry is timely. It will help to</p> <p>15 determine the causes that led up to those</p> <p>16 power outages and system failures, and what</p> <p>17 should be done to ensure future reliability</p> <p>18 and security of supply for customers on the</p> <p>19 Island Interconnected System. Newfoundland</p> <p>20 Power will participate fully in the Board's</p> <p>21 investigation and hearing process.</p> <p>22 Newfoundland Power's issues list has a</p> <p>23 strong focus on the measures required to</p> <p>24 ensure reliability and security of supply,</p> <p>25 both before and after the Labrador Infeed and</p>	<p>1 mandate of ensuring that customers have least</p> <p>2 cost reliable power over the long run.</p> <p>3 Those are my initial comments, Mr.</p> <p>4 Chairman, Commissioners.</p> <p>5 CHAIRMAN:</p> <p>6 Q. Okay, thank you to both of you. I'll now call</p> <p>7 upon Board Counsel to confirm the formal</p> <p>8 Notices of Intervention that have been</p> <p>9 received by the Board.</p> <p>10 MS. GLYNN:</p> <p>11 Q. Thank you, Mr. Chair. The Board has received</p> <p>12 three requests for official intervenor status</p> <p>13 in these hearings; The Consumer Advocate, the</p> <p>14 Industrial Customers Group representing Corner</p> <p>15 Brook Pulp and Paper, North Atlantic Refining</p> <p>16 Limited, and Tech Resources Limited, and Mr.</p> <p>17 Danny Dumaesque, have all applied to become</p> <p>18 intervenors in this hearing.</p> <p>19 CHAIRMAN:</p> <p>20 Q. Now I would ask the intervenors to speak to</p> <p>21 their submissions and the issues that they</p> <p>22 believe should be considered by the Board in</p> <p>23 this matter. Mr. Consumer Advocate.</p> <p>24 MR. JOHNSON:</p> <p>25 Q. Thank you, Mr. Chairman. First of all, I</p>

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<p>1 appreciate the opportunity to have input into</p> <p>2 the issues as the Board is understandably</p> <p>3 trying to grapple with the scope of what it</p> <p>4 should be looking at here. It goes without</p> <p>5 saying that the events that transpired in</p> <p>6 December, but certainly with the rotating</p> <p>7 blackouts in January, were deeply disturbing</p> <p>8 to literally hundreds of thousands of people,</p> <p>9 and I've said publicly, and I'll say it here</p> <p>10 again today, this is the furthest thing from</p> <p>11 an academic exercise. People were darn cold</p> <p>12 for some considerable periods of time.</p> <p>13 To that end, we're trying to grapple with</p> <p>14 what this inquiry should look at. I was</p> <p>15 invited to file an issues list and I did last</p> <p>16 Friday prior to the utilities filing theirs.</p> <p>17 With my letter to the Board, I indicated that</p> <p>18 I was noting the Board's initial focus was</p> <p>19 being on whether load requirements on the</p> <p>20 Island Connected System can be met in the near</p> <p>21 term. Accordingly, in my issues list, I</p> <p>22 suggested that the timeframe for that initial</p> <p>23 assessment cover the period from the present</p> <p>24 up to the commissioning date of the Muskrat</p> <p>25 Falls generation facility and associated</p>	<p>1 of its examination of reliability issues, vis</p> <p>2 a vis island infrastructure for the long term.</p> <p>3 However, as Consumer Advocate, I would support</p> <p>4 these issues being addressed by the Board in</p> <p>5 this proceeding or whatever the proceeding the</p> <p>6 Board finds best suited to fully exploring and</p> <p>7 discussing these issues.</p> <p>8 I realize that in the aftermath of these</p> <p>9 acute events that it's challenging to ask what</p> <p>10 are the appropriate questions, but I'm</p> <p>11 satisfied that that's an appropriate question</p> <p>12 that Newfoundland Power has asked, and if the</p> <p>13 Board feels that this is the appropriate</p> <p>14 proceeding to get at that question, I'm in</p> <p>15 support of that as well.</p> <p>16 I appreciate the opportunity to bring</p> <p>17 those remarks to you, and I hope I can be of</p> <p>18 assistance to the process.</p> <p>19 CHAIRMAN:</p> <p>20 Q. The Industrial Customers are next.</p> <p>21 MR. COXWORTHY:</p> <p>22 Q. Good morning, Mr. Chair, Commission members.</p> <p>23 Paul Coxworthy for the Industrial Customers,</p> <p>24 with my co-counsel, Dean Porter.</p> <p>25 The Industrial Customers had filed an</p>
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<p>1 transmission.</p> <p>2 I also indicated in my letter to the</p> <p>3 Board that there may be other issues raised</p> <p>4 that are not identified in my list that the</p> <p>5 Board may indeed find it reasonable to inquire</p> <p>6 into. An example of that is Newfoundland</p> <p>7 Power's issues list filed recently, which</p> <p>8 raises the broad question of what measures are</p> <p>9 required to ensure reliability and security of</p> <p>10 power supply on the Island Interconnected</p> <p>11 System after the Labrador Infeed and Maritime</p> <p>12 Link become operational, and under which they</p> <p>13 have posed a number of sub-issues.</p> <p>14 Newfoundland Power's issues list also</p> <p>15 indicates that examining the situation up to</p> <p>16 the commissioning of Muskrat Falls and</p> <p>17 Labrador Island Link is difficult to do in</p> <p>18 isolation, and that there is an</p> <p>19 interrelationship between examining that piece</p> <p>20 and as well the post Muskrat LIL piece. I</p> <p>21 think that that's compelling. I would assume</p> <p>22 that reliability issues post-commissioning of</p> <p>23 the Labrador Infeed and Maritime Link would</p> <p>24 have been addressed in the absence of these</p> <p>25 events of early January in the ordinary course</p>	<p>1 intervenor submission on the basis that they</p> <p>2 have particular issues different from the</p> <p>3 retail customers that they would like to see</p> <p>4 addressed by this review. Some of them arise</p> <p>5 from geographic location. Much of the focus</p> <p>6 of the discussion has been security, supply,</p> <p>7 and perhaps the need for backup supply on the</p> <p>8 Avalon Peninsula. Well, not all the</p> <p>9 industrial customers are on the Avalon</p> <p>10 Peninsula, and to the extent that there are</p> <p>11 issues of security and reliability supply that</p> <p>12 need to be considered off the Peninsula, the</p> <p>13 Industrial Customers want to ensure those are</p> <p>14 considered as well.</p> <p>15 Apart from that, of course, issues of</p> <p>16 planning for their own operations, business</p> <p>17 operations, future investment, questions of</p> <p>18 are they going to be asked to curtail their</p> <p>19 use of power in future winters, how will that</p> <p>20 impact on their operations, what sort of</p> <p>21 planning can be put in place in consultation</p> <p>22 with Hydro to minimize the adverse economic</p> <p>23 impacts, both for those customers, the</p> <p>24 Industrial Customers, and the province, and</p> <p>25 the persons who are employed by those</p>

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<p>1 customers.</p> <p>2 With that in mind, the Industrial</p> <p>3 Customers wants to take a forward looking</p> <p>4 approach to this. That is their orientation</p> <p>5 to this. It's understood that we have to look</p> <p>6 at what has happened to understand what needs</p> <p>7 to be done on a go forward basis, but we're</p> <p>8 already in February, and past experience, I</p> <p>9 think, indicates that if we're going to have</p> <p>10 measures in place that is accepted and needs</p> <p>11 to be in place in time for next winter, those</p> <p>12 measures will need to be identified well</p> <p>13 before November, and I would suggest to you</p> <p>14 perhaps well before the summer.</p> <p>15 At this point, the Industrial Customers</p> <p>16 have not filed an issues list. We have had</p> <p>17 the benefit of reviewing the issues list that</p> <p>18 has been filed by the parties. All the issues</p> <p>19 there are issues worthy of attention, but I</p> <p>20 think it's going to be important to prioritize</p> <p>21 what can be done in the short term to identify</p> <p>22 solutions that can be implemented or measures,</p> <p>23 and I want to use a neutral term, perhaps</p> <p>24 solutions is not the right term, but measures</p> <p>25 to give greater assurance to all Hydro's</p>	<p>1 to particularly get involved to make sure that</p> <p>2 due diligence has been applied in the process</p> <p>3 leading up to the blackouts, particularly with</p> <p>4 asset readiness, maintenance practices, and</p> <p>5 equipment performance and reliability, and</p> <p>6 also the system response to the issues that we</p> <p>7 had during the blackout.</p> <p>8 I also want to do what I can to make sure</p> <p>9 that people are comfortable that the due</p> <p>10 diligence has been applied in the planning of</p> <p>11 the transmission of power from Muskrat Falls,</p> <p>12 across Labrador, and particularly the laying</p> <p>13 of the submarine cable on the floor of the</p> <p>14 Strait of Belle Isle, and the transmission of</p> <p>15 power from the Northern Peninsula over the</p> <p>16 Long Range Mountains into Soldier's Pond.</p> <p>17 These are very substantial issues that I</p> <p>18 believe the public needs to be aware of what</p> <p>19 type of diligence has been applied because my</p> <p>20 research certainly has revealed that the</p> <p>21 present transmission capacity, as noted by the</p> <p>22 MHI Report, does not conform with the Canadian</p> <p>23 standards, and also I certainly have evidence</p> <p>24 that the present plan for laying the cable on</p> <p>25 the Strait of Belle Isle proposes significant</p>
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<p>1 customers that we won't have a repetition of</p> <p>2 the events of this present winter.</p> <p>3 Thank you, Mr. Chair. Those are our</p> <p>4 submissions.</p> <p>5 CHAIRMAN:</p> <p>6 Q. Thank you. Mr. Dumaresque.</p> <p>7 MR. DUMARESQUE:</p> <p>8 Q. Thank you, Mr. Chairman. I appreciate the</p> <p>9 opportunity today to explain why I applied to</p> <p>10 be an intervenor. Apart from being a rate</p> <p>11 payer and a taxpayer of this province, I had</p> <p>12 the pleasure of representing the people of</p> <p>13 Cartwright Lance Aux Claire in the Legislature</p> <p>14 for a number of years, and a lifelong resident</p> <p>15 of Labrador. I also had the pleasure to serve</p> <p>16 on the Board of Newfoundland and Labrador</p> <p>17 Hydro, and certainly from these positions, I</p> <p>18 became aware of the laws and public policy</p> <p>19 governing the generation and transmission of</p> <p>20 power in the province, and certainly I have</p> <p>21 been more than a casual observer. I've been</p> <p>22 an avid observer and participant in the public</p> <p>23 discourse of debate on what has led up to the</p> <p>24 blackouts and outages in December and early</p> <p>25 January, and certainly at this stage I wanted</p>	<p>1 risk either through iceberg interference or</p> <p>2 other environmental factors that could lead to</p> <p>3 a disruption of power, and, of course, that's</p> <p>4 absolutely key. If we lose the power in the</p> <p>5 Strait of Belle Isle, then certainly that's</p> <p>6 going to cause undue hardship to the integrity</p> <p>7 of the system.</p> <p>8 So on the basis of issues, I certainly am</p> <p>9 disappointed that Newfoundland Hydro doesn't</p> <p>10 think the Board should go beyond the outage</p> <p>11 period that we just endured, and I welcome the</p> <p>12 submission of Newfoundland Power and the</p> <p>13 comments of the Consumer Advocate, that indeed</p> <p>14 the Board must investigate the reliability of</p> <p>15 the system leading up to the commissioning of</p> <p>16 the Muskrat Falls Link, but also in light of</p> <p>17 the testimony that Newfoundland Hydro gave</p> <p>18 here some time ago that the first three or</p> <p>19 four years of Muskrat Falls power will be</p> <p>20 deemed unreliable is cause in itself to</p> <p>21 question why that definition has been placed</p> <p>22 and also what is it we're going to be given to</p> <p>23 comfort us that it can be classified as</p> <p>24 reliable, which is indeed the objective and</p> <p>25 indeed the law of the land that it must be</p>

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<p>1 safe and reliable.</p> <p>2 In addition to the first three to four</p> <p>3 years after Muskrat Falls, there is absolutely</p> <p>4 no question at this point in time we must</p> <p>5 understand what is the backup for a potential</p> <p>6 situation such as February 4th of 2022 when</p> <p>7 there's -22 degrees and the report is that 150</p> <p>8 kilometers from Forteau, Labrador, the</p> <p>9 transmission lines are down. Holyrood has</p> <p>10 been decommissioned. There is absolutely</p> <p>11 black on the Avalon Peninsula. What is the</p> <p>12 backup, what is the present legal obligations</p> <p>13 of the Nova Scotia regulator to provide power</p> <p>14 to this island? If indeed there is any, what</p> <p>15 is the plan because according to the outline</p> <p>16 of the addition of new generation to the</p> <p>17 island that would support particularly the</p> <p>18 Avalon Peninsula, we certainly know that</p> <p>19 there's not sufficient backup generation being</p> <p>20 proposed to replace Holyrood. These are the</p> <p>21 issues, the transmission of power from Muskrat</p> <p>22 Falls to Soldier's Pond, I believe must be</p> <p>23 reviewed. The submarine cable under the</p> <p>24 Strait of Belle Isle needs to be reviewed, and</p> <p>25 the backup system in place today in the event</p>	<p>1 Counsel to confirm the presentation requests</p> <p>2 that we have received.</p> <p>3 MS. GLYNN:</p> <p>4 Q. Thank you, Mr. Chair. The Board has received</p> <p>5 six requests to make presentations at this</p> <p>6 pre-hearing conference. Mr. Keith Morgan will</p> <p>7 present on behalf of Nu-Quest Distribution</p> <p>8 Inc. We have Mr. Curtis Mercer and Mr. Jack</p> <p>9 Parsons who will present on behalf of K &amp; P</p> <p>10 Contracting Limited, and Heat Seal Limited,</p> <p>11 Mr. Des Sullivan, Mr. Cabot Martin, Mr. Peter</p> <p>12 Miles, and Mr. Bernard Coffey, on behalf of</p> <p>13 the Official Opposition, and Mr. David Vardy</p> <p>14 and Mr. Ronald Penney.</p> <p>15 CHAIRMAN:</p> <p>16 Q. Okay, so I call upon Mr. Keith Morgan to come</p> <p>17 forward at this time and address us, sir.</p> <p>18 MR. MORGAN:</p> <p>19 Q. Thank you, Mr. Chair and Board Members. I've</p> <p>20 circulated the scope of issues as we see it.</p> <p>21 The Board has heard now from Newfoundland</p> <p>22 Power, Newfoundland Hydro, the Industrial</p> <p>23 Users, and the Consumer Advocate, but I think</p> <p>24 I bring a little different perspective on</p> <p>25 behalf of my client, which is Nu-Quest</p>
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<p>1 of the Muskrat Falls Link failing and Holyrood</p> <p>2 has been decommissioned. These are the issues</p> <p>3 that I believe are critical to the</p> <p>4 investigation, apart from the fact of all of</p> <p>5 the due diligence that has been applied for</p> <p>6 the past seven or eight years leading up to</p> <p>7 the blackouts itself.</p> <p>8 I hope that I can get this opportunity.</p> <p>9 I'm prepared to dedicate whatever time and</p> <p>10 energy is necessary to attend all conferences</p> <p>11 and technical briefings, and also to avail of</p> <p>12 whatever professional advice is necessary as I</p> <p>13 go about trying to make sure that as much</p> <p>14 information is brought out to the public as</p> <p>15 possible to give them the confidence that we</p> <p>16 will indeed have a reliable transmission and</p> <p>17 generation of power in this province for</p> <p>18 decades to come.</p> <p>19 (10:47 a.m.)</p> <p>20 CHAIRMAN:</p> <p>21 Q. Thank you, sir, and thank you to the three of</p> <p>22 you. We've also received several requests for</p> <p>23 the opportunity to make a presentation today</p> <p>24 in relation to the matters under consideration</p> <p>25 today by the Board. I'd like now to ask Board</p>	<p>1 Distribution Inc., which is a small to medium</p> <p>2 sized business in the pharmaceutical business</p> <p>3 operating out of Mount Pearl.</p> <p>4 They have national distribution of</p> <p>5 pharmaceutical products throughout the Island</p> <p>6 and internationally as well. Reliability of</p> <p>7 power supply is critical to them and to their</p> <p>8 business. They experienced, as did all the</p> <p>9 island or most of the island, as I understand</p> <p>10 it, rolling blackouts, and that is their</p> <p>11 particular area of concern on this particular</p> <p>12 inquiry. As a result, they've requested that</p> <p>13 I make a submission to the Board to fully</p> <p>14 investigate as to the reasons for those</p> <p>15 rolling blackouts, looking at as well how</p> <p>16 those decisions were made on the rolling</p> <p>17 blackouts themselves. I guess, ultimately</p> <p>18 they want to know what criteria were used to</p> <p>19 be able to flick the switch for various areas,</p> <p>20 if there were any criteria used by the power</p> <p>21 brokers as to whether who got power, when they</p> <p>22 got power, how long they got power on these</p> <p>23 rolling blackouts.</p> <p>24 Also looking at a forward looking basis,</p> <p>25 because I think everybody, at least in St.</p>

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<p>1 John's, I think, expects that these will 2 continue, and, I mean, it's -9 out today, do 3 you feel confident in your power; I don't 4 know. Given that that's a prospect, we need 5 to know what the criteria is going to be going 6 forward. Is there going to be criteria 7 applied as to who gets power, and when they 8 get power? [Alarm].</p> <p>9 CHAIRMAN:</p> <p>10 Q. There's a joke there somewhere, but I just 11 haven't got it.</p> <p>12 MR. MORGAN:</p> <p>13 Q. It's not the power going out, anyway, I guess. 14 So that's what our concern is. We're also 15 concerned about the likelihood of the future 16 rolling blackouts, and whether there can be 17 any public notice provided of the prospect of 18 rolling blackout. I think that was a big 19 concern of a lot of the rate users, 20 particularly the small to medium size 21 businesses who weren't able to plan their 22 operations, weren't able to know when their 23 staff would be in, when they couldn't have 24 them in, and how long they'd be operating and 25 be able to plan their day's activities. This</p>	<p>1 drugs, as well as other chronic conditions or 2 critical conditions that require a level 3 temperature control. My client, they were in 4 Donovans, and one of the things that really 5 got to them was that their business goes all 6 week into Saturday, and they're distributing 7 product all the way through, their power was 8 cut out as of 5 o'clock on Friday, so that a 9 lot of their distribution couldn't happen. 10 They were out on Saturday. They had to go in 11 and basically put their product into 12 refrigeration containers to be able to try to 13 maintain a constant level of temperature. 14 Fortunately, I don't think it resulted in a 15 spoilage of product, but certainly it was 16 critical to them and they had no contact from 17 anyone, or there didn't appear to be any 18 consideration as to what their particular 19 needs may have been in shutting down the grid 20 for that particular area. So this obviously 21 generated their interest here.</p> <p>22 CHAIRMAN:</p> <p>23 Q. Okay, thank you.</p> <p>24 MR. MORGAN:</p> <p>25 Q. Thank you.</p>
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<p>1 is very important for all small to medium size 2 businesses, and I think this needs to be part 3 of the scope of review for the Board in 4 considering this issue.</p> <p>5 I guess, those would be the primary areas 6 of concern, and that's why I'm simply looking 7 to be a presenter, not an intervenor. We only 8 have a very limited role or interest here, but 9 certainly I think it is an important one, and 10 I certainly thank the Board for taking the 11 time to listen to my client's concerns.</p> <p>12 CHAIRMAN:</p> <p>13 Q. Thank you. So, like, your company needs 14 constant electricity because you got to keep 15 these drugs under refrigeration constantly?</p> <p>16 MR. MORGAN:</p> <p>17 Q. That's right. My understanding of it is that 18 there are certain drugs that require a 19 constant temperature control, and without 20 having that constant temperature control, 21 their effectiveness may be compromised.</p> <p>22 CHAIRMAN:</p> <p>23 Q. Uh-hm.</p> <p>24 MR. MORGAN:</p> <p>25 Q. These are certainly important drugs, cancer</p>	<p>1 CHAIRMAN:</p> <p>2 Q. Next we have Mr. Curtis Mercer, and I don't 3 have it written here, but did you state Mr. 4 Parsons as well?</p> <p>5 MS. GLYNN:</p> <p>6 Q. Jack Parsons.</p> <p>7 CHAIRMAN:</p> <p>8 Q. Okay, gentlemen.</p> <p>9 MR. MERCER:</p> <p>10 Q. Thank you, Mr. Chair, and Commissioners. I 11 guess, for us, we represent a little different 12 group, and our companies -</p> <p>13 CHAIRMAN:</p> <p>14 Q. You are Mr. Mercer?</p> <p>15 MR. MERCER:</p> <p>16 Q. Yes, sorry, Curtis Mercer, and this is Jack 17 Parsons. We're here today representing K &amp; P 18 Contracting and Heat Seal Limited, on the side 19 of looking at the Board including other 20 aspects into their review. As a little 21 background, K &amp; P Contracting has been in 22 business since 1976 or thereabouts and has now 23 moved into a second generation, and Heat Seal 24 Limited began about 1980s, and has been built 25 on expertise in building envelope and building</p>

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<p>1 science for residential, and a little on the</p> <p>2 commercial side.</p> <p>3 Part of our presentation is to ask the</p> <p>4 Board to consider some other issues that can</p> <p>5 be brought forward into this review, and Jack</p> <p>6 is going to touch on those a little more now.</p> <p>7 MR. PARSONS:</p> <p>8 Q. I guess, the first thing is why are we here,</p> <p>9 and a number of things happened over the</p> <p>10 period, but I think the thing that got me</p> <p>11 started, and I've been involved in all aspects</p> <p>12 of energy efficiency, conservation, not only</p> <p>13 on the Northeast Avalon, but throughout</p> <p>14 Canada, and also throughout the world,</p> <p>15 presenting on behalf of the Government of</p> <p>16 Canada, but when you hear a comment that was</p> <p>17 made by the Vice President of Hydro, not even</p> <p>18 understanding, and to me, this lack of</p> <p>19 knowledge, in saying that in this province we</p> <p>20 have a very, very high usage of electric heat</p> <p>21 and as the heat goes up, and as the number of</p> <p>22 houses are built, so goes the load and those</p> <p>23 types of things, that's not the problem.</p> <p>24 That's a symptom of the problem. The problem</p> <p>25 is in Newfoundland and Labrador, we lack</p>	<p>1 pay a big price as it relates to energy</p> <p>2 efficiency because last year the National</p> <p>3 Research Council added another section to the</p> <p>4 National Building Code, 936, which deals with</p> <p>5 energy efficiency. In that section, it's a</p> <p>6 very complex piece of work that deals with</p> <p>7 everything as it relates to the house as a</p> <p>8 whole and energy efficiency, but when you look</p> <p>9 at it and you have municipalities like the</p> <p>10 City of St. John's, and you know that, Mr.</p> <p>11 Commissioner, you were there for many years,</p> <p>12 that they have the expertise to be able to</p> <p>13 take that document and serve the people of St.</p> <p>14 John's. On some of the surrounding areas, the</p> <p>15 bigger municipalities has that, but the</p> <p>16 smaller municipalities, and go back to Mr.</p> <p>17 Dumaresque and talking about Labrador, the</p> <p>18 smaller municipalities down there don't have</p> <p>19 the resources, so, therefore, they're not</p> <p>20 getting served properly in terms of what the</p> <p>21 requirements for energy efficiency in houses</p> <p>22 are, and that's getting overlooked, and hence</p> <p>23 we use way too much electricity for heating</p> <p>24 our houses than we should be.</p> <p>25 The other aspect of 936 and energy</p>
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<p>1 leadership. In my opinion, we lack leadership</p> <p>2 on behalf of the Government of Newfoundland</p> <p>3 and Labrador, we lack leadership with Hydro</p> <p>4 and that's shown in her comments because not</p> <p>5 even understanding what the problem is, is a</p> <p>6 true sign of lack of leadership, and taking</p> <p>7 the symptom of the problem as the problem, and</p> <p>8 also I believe that we lack leadership with</p> <p>9 Newfoundland Power as well.</p> <p>10 The fact that we're building houses and</p> <p>11 not having that leadership means that we're</p> <p>12 building them wrong, and we're the only</p> <p>13 province in Canada, as I understand it, that</p> <p>14 cannot build net zero housing. That's a shame</p> <p>15 in itself. We also are the only province in</p> <p>16 Canada that has not adopted the National</p> <p>17 Building Code of Canada as a province. The</p> <p>18 National Building Code of Canada is a document</p> <p>19 that's written and the authority having</p> <p>20 jurisdiction is the one that implements it.</p> <p>21 In Newfoundland, we have greater than 330</p> <p>22 authorities having jurisdiction because the</p> <p>23 province has downloaded it to each of the</p> <p>24 municipalities, and hence the people of</p> <p>25 Newfoundland and Labrador pay a big price. We</p>	<p>1 efficient houses, and we'll get into the net</p> <p>2 zero a little bit in a minute, is that when</p> <p>3 you build a house properly and you build it in</p> <p>4 accordance with 936 and make it energy</p> <p>5 efficient, it retains the heat for a much</p> <p>6 longer period. I remember when the outages</p> <p>7 were occurring and I was playing around on</p> <p>8 Facebook and one of my friends on Facebook</p> <p>9 that had an R-2000 house, we didn't build it,</p> <p>10 but we were involved in it, Michelle Snow, she</p> <p>11 worked with the province, she commented that</p> <p>12 she was into, I think, her second day and she</p> <p>13 still had comfort in her house because it was</p> <p>14 energy efficient, it was an R-2000 house, and</p> <p>15 today, 936, you're supposed to build every</p> <p>16 house to that standard according to the</p> <p>17 National Building Code of Canada, that is</p> <p>18 being enforced.</p> <p>19 To talk about the lack of leadership,</p> <p>20 especially at the provincial level, the City</p> <p>21 of St. John's felt a need to look after the</p> <p>22 taxpayers, and Sylvester Crocker, who is the</p> <p>23 lead inspector or head of the Inspection</p> <p>24 Department down there, took this on with the</p> <p>25 support of council, and I think Tom Hann was</p>



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<p>1 the councillor that he liaised with. Again  2 there's no need for one municipality to go out  3 and do these things. This is something that  4 the province should be doing as a leadership,  5 but in the lack of the province doing it, the  6 city undertook to come up and change  7 regulations as it related to energy  8 efficiency. Now other municipalities around  9 them sort of followed, but they didn't get  10 into the regulations because they were waiting  11 on the National to change. When you have a  12 municipality like the City of St. John's  13 showing leadership and making regulations that  14 says everybody got to build to this standard,  15 and the amazing thing about it when they did  16 it, the province was nowhere in sight, but it  17 was supported by everybody. There was no  18 negatives that came back to the city. Every  19 comment that was made to council and to  20 Sylvester was very, very positive. All they  21 kept saying was this is the right thing to do,  22 we support it. Home builders like myself that  23 build in the city, all we want is a level  24 playing field to be able to say that if  25 everybody is doing this, it's the way it</p>	<p>1 to do it, and a few weeks back there was an  2 article published in The Telegram based on the  3 project that we have on the go, the net zero  4 house, and the comments by Jackie Janes, who  5 works with the Department of Environment,  6 again shows lack of leadership and said, well,  7 we're doing lots of stuff, and if you look at  8 what they're doing, this is my terminology now  9 and I apologize for it, they have a little  10 rinky-dink website that you go in and push on  11 this right here and it'll tell you what to do.  12 We don't need that. We need real leadership  13 as it relates to electrical usage in our  14 houses in Newfoundland and Labrador. We're  15 not getting that. As I said, we're not  16 getting it at any level, and we need to do  17 that.  18 In the 1980s, as I said, we led. Today  19 the Federal Government is leading and not all  20 of that is filtering down. On the Federal  21 level, we have the R-2000 Program, we have the  22 Net Zero Program, we have the Energuide,  23 Energy Star, and these are programs that have  24 been developed with the assistance of the  25 Federal Government to be able to customize it</p>
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<p>1 should be done. Because the city did that,  2 everybody supported it, there was no  3 negatives. That's what we need as a province.  4 We need to be able to do that.  5 (11:00 a.m.)  6 To go back in history a little bit, in  7 the early 1980s, the province of Newfoundland  8 and Labrador led the country as it related to  9 energy efficiency. They had a Department of  10 Energy Mines and Resources that had all the  11 resources to be able to do this. They came  12 out with a program to start building what they  13 termed "super energy efficient houses". We at  14 the time partnered with Howard Lumber, who's  15 not around today, but we partnered with them  16 and we built the first energy efficient house  17 or the super energy efficient house in Mount  18 Pearl underneath that provincial program, and  19 it's that type of leadership that we need, and  20 if you look at the provincial government, they  21 went from Energy Mines and Resources, to  22 Department of Energy, and now they have  23 nothing. All of these things are turned over  24 to the Department of Environment, that don't  25 have the resources, don't have the wherewithal</p>	<p>1 for different regions of Canada. The  2 Energuide Program is big in Nova Scotia. The  3 Energy Star Program is big in Ontario because  4 it's customized to suit that. We got nothing  5 here, and that's a sad state of affairs, and  6 as I said, I keep repeating it, it just shows  7 total lack of leadership. If we had the  8 leadership here that could take 936 and do as  9 other provinces have done, make a Newfoundland  10 version, customize it to meet the needs of  11 Labrador, right on to the island from the west  12 coast to the east coast, then that would be  13 serving the people of this province as they  14 need to be served.  15 Last year we started to think and plan  16 about the next generation of houses, and as I  17 said, we built the first super energy  18 efficient house, we built the first R-2000  19 house in Newfoundland, and so on and so forth,  20 and five years ago we made a decision that  21 every house that we would build would be  22 Energuide 80 or equal to the R-2000 standard,  23 and that's just the way we built, but now  24 you're looking at the future and we decided to  25 build the net zero house. Well, you know, you</p>

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<p>1 have a problem because you can't get net zero 2 metering in Newfoundland, and hence, I think 3 that's why we're here, that's part of why 4 we're here.</p> <p>5 As we got into it, I mean, and we're not 6 looking for handouts, grants, or anything like 7 that, we're just here to make a statement that 8 we need leadership as it relates to energy 9 efficiency and conservation in Newfoundland, 10 and that's all we need. We don't need to have 11 grants and those types of things because those 12 of us that are in the business truly believe 13 that incentives and grants, or the little 14 carrots that people hang out, don't really 15 serve any purpose in the long run. They're 16 sort of a flash in the pan. What we need is 17 what the City of St. John's done, is 18 regulation. We need to have that stick that 19 says this is how you build it, but at the same 20 time we need resources to support that, so 21 that if people that don't understand it and 22 need some help in order to be able to design 23 something around that, the resources are there 24 for it. Right now, we don't have any of that. 25 We decided to do this house and the house is</p>	<p>1 heat pump. So our heating system, which is a 2 heat pump, is going to cost about four grand 3 because all we need is a little mini split 4 heat pump. The savings that we saved right 5 there, all we do is put it into the envelope, 6 and this house will pay for itself in about 7 six to seven years. We don't need grants to 8 be able to build this type of house. The 9 people of Newfoundland and Labrador don't need 10 grants to build this type of house. All we 11 need is leadership, and whether that comes 12 from the province, or Hydro, or Newfoundland 13 Power, doesn't really matter, but we need it. 14 We need leadership in energy efficiency, we 15 need leadership in conservation, and most of 16 all we need to be able to support net zero 17 housing, and that's the primary message that 18 I'd like to take here today so that we can 19 have net metering. The whole concept behind 20 net zero housing is that at the end of the 21 year your total consumption or your usage 22 becomes a zero because during the wintertime 23 you may use 1,000 or so kilowatts in a month, 24 but then you'd be producing it, so you push 25 that back into the grid to offset what you've</p>
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<p>1 presently under construction, the roof is 2 being put on this week, it's in Flatrock. 3 Amazingly enough, when we looked at the 4 heating cost of this house, it's about 3300 5 square feet, a raised bungalow, and the annual 6 heating cost for this house, heating alone, is 7 \$285.00 a year, and that stuff is truly, truly 8 possible, and we haven't done anything 9 outlandish. I mean, everything that we're 10 using is made in Newfoundland. The windows 11 are made in Paradise, so on and so forth, and 12 we used the technologies and the stuff that 13 have been developed and is out there in the 14 open market. All we did was put it together 15 in a package.</p> <p>16 The other thing that's really amazing 17 about this is we were trying to choose a 18 heating system, and we just said, well, it 19 looks like we'll have to go with a heat pump, 20 and when you build a house of that size, 21 typically an air source heat pump is going to 22 cost you \$20,000.00 to \$25,000.00, a ground 23 source heat pump is \$25,000.00 to \$30,000.00, 24 but because our heating load was so small, we 25 were able to accommodate it with a mini split</p>	<p>1 taken out. So at the end of the year, you're 2 at a zero, net zero. That's where the phrase 3 was born. That concept does two things. One, 4 it ensures that we build houses to the highest 5 standard possible, and like I said, your total 6 consumption in this particular house being at 7 3300 square feet is \$285.00 a year, and with 8 that you can look at it and say it does two 9 things as it relates to blackouts; one, it 10 reduces down the overall need for power, but 11 the other thing, it ensures comfort. You hear 12 a lot of people say, and Mr. Johnson talked 13 about people that were out of power and in 14 total discomfort for three or four days, 15 everybody knows that, but if you're into a net 16 zero house, or the comment from Michelle Snow, 17 who's in an R-2000 house, even after three 18 days you still got comfort because you have 19 very little heat loss because you're not 20 opening the doors, you're not doing all the 21 things that you normally do, and because the 22 house was so well built, it just keeps the 23 power within it, and because you're utilizing 24 passive solar, even on a foggy day you will 25 pick up some energy coming in through the</p>

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<p>1 windows. That's the way the house is designed 2 to utilize all these things. Even if you went 3 three days, four days, you still got a level 4 of comfort. Put a secondary source of heating 5 into this house like a propane fireplace, you 6 can have comfort for weeks because the heat 7 loss is so small, and without the normal usage 8 that you would have into a house like opening 9 and closing doors, would retain the heat for 10 long periods of time. That's what we need to 11 be able to say, that's the key issue, and if 12 we can get, as I said, net metering and 13 leadership in all these types of things, and 14 part of the leadership would be to customize 15 936, which is the National Building Code of 16 Canada, for Newfoundland, so you have a 17 Newfoundland version of that.</p> <p>18 No doubt, I'm not fully versed of the 19 legislation as it allows for net metering, 20 that's not part of what I do. I build houses 21 every day, but as I understand it, we need a 22 change in legislation, but the most important 23 thing we have to learn from the City of St. 24 John's in terms of how they effected change as 25 it related to energy efficiency, and other</p>	<p>1 able to separate the symptom of the problem 2 from the problem itself.</p> <p>3 I don't know if you wanted to wrap up 4 with something, Curtis.</p> <p>5 MR. MERCER:</p> <p>6 Q. I guess, for me, just to wrap up, based on 7 what the Board is going to be looking into, 8 our main thing out of this is conservation. 9 We talked about having reliable service and 10 reliable power. If we conserve a kilowatt, 11 it's the exact same as generating a kilowatt. 12 It comes out to be the same. So if we can use 13 conservation by design, we ultimately help 14 Newfoundland Power and Newfoundland Hydro in 15 focusing their power through the industrial 16 side and minimizing what's required on the 17 residential side, so that the residents are 18 kept comfortable if by chance there is an 19 issue down the road. The big thing is to have 20 policies in place that actually allow us to 21 have net metering, which is not now possible 22 in Newfoundland as one of the only provinces 23 in Canada that does not allow it.</p> <p>24 MR. PARSONS:</p> <p>25 Q. Thank you, Mr. Commissioner, and</p>
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<p>1 municipalities sort of tagged on to that. The 2 only way that you could really effect change 3 was with a stick, and when they put the 4 regulation in, even though it was a stick, it 5 was totally endorsed by everybody, and you can 6 talk to Tom Hann, you can talk to Sylvester 7 Crocker, no negative comments were made. Even 8 though it depends how you define a stick, but 9 when you put in regulations, that's a stick, 10 you got to do it, and when you do those things 11 and you get nothing but positive comments, 12 those are the types of things you got to look 13 at and say that's got to be part of the 14 answer. You can't go back and look to some of 15 our leaders and say, well, boy, the problem is 16 we're building too many houses that's using 17 too much electricity; that's a symptom of the 18 problem, and it just clearly goes to show that 19 there's no leadership, especially at Hydro, 20 and there was other comments made by other 21 people that says they don't understand what 22 the real problem is. They understand the 23 symptom of the problem, but they don't 24 understand what the problem is, and as I said 25 earlier, true leadership is the ability to be</p>	<p>1 Commissioners.</p> <p>2 CHAIRMAN:</p> <p>3 Q. Thank you. You're not saying that retrofit is 4 envisioned as a new build, or are you?</p> <p>5 MR. PARSONS:</p> <p>6 Q. Again, like, we just concentrated - we're 7 building a net zero house. We have a lot of 8 expertise in the retrofit as well, and you can 9 retrofit to the same standard. You won't get 10 the same cost savings. In a new build, we can 11 get a return on investment in five to six 12 years. In a retrofit, you're probably pushing 13 that up a bit, but what people got to 14 understand - I remember I was part of a group 15 of consultants that was doing some work 16 throughout Canada, and Jamie Powers did a 17 survey in Ontario. The number one issue with 18 consumers is comfort. So if you can retrofit 19 a house to bring it up to these standards, 20 while it may take ten or fifteen years to pay 21 for it, but the comfort aspects that people 22 get from it makes it worthwhile. To us, 23 retrofit is a different topic, but we have a 24 lot of expertise. I have a lot of expertise 25 in that area as well, but this one we</p>

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<p>1 concentrated on a new build because presently</p> <p>2 we're building a net zero house, and hopefully</p> <p>3 by the time that we get to installing the</p> <p>4 meter on it, which won't be too long, we will</p> <p>5 be able to get a net metering, or whatever</p> <p>6 that's called, a meter put on it that allows</p> <p>7 us to go in and out type thing, and it's a</p> <p>8 simple technology that benefits every</p> <p>9 Newfoundlander and Labradorian. Combine that</p> <p>10 with leadership on energy efficiency and</p> <p>11 conservation, and you're right, you can't just</p> <p>12 talk about new construction, but provide that</p> <p>13 leadership on both sides of it, renovation,</p> <p>14 retrofit market, as well as new construction,</p> <p>15 everybody wins, and it doesn't matter if</p> <p>16 you're in Labrador or you're in Flatrock, it's</p> <p>17 the same thing.</p> <p>18 CHAIRMAN:</p> <p>19 Q. Thank you.</p> <p>20 MR. PARSONS:</p> <p>21 Q. You're kindly welcome. Next we have Mr. Des</p> <p>22 Sullivan.</p> <p>23 (11:15 a.m.)</p> <p>24 MR. SULLIVAN:</p> <p>25 Q. Thank you, Mr. Chairman, and Commissioners,</p>	<p>1 and they require a deliberate objective and</p> <p>2 transparent evaluation and for that reason, I</p> <p>3 am here today to respectfully ask the PUB to</p> <p>4 ensure that its investigation is as wide as</p> <p>5 possible. Many people suffered great personal</p> <p>6 inconvenience. Individual citizens and</p> <p>7 businesses endured financial loss. Public</p> <p>8 confidence in our electrical system has been</p> <p>9 badly shaken and it needs to be fully</p> <p>10 restored. I submit, Mr. Chairman, this issue</p> <p>11 of confidence is not solely bound up in the</p> <p>12 nuts and bolts of Holyrood, it is inextricably</p> <p>13 tied to decisions already taken by Nalcor</p> <p>14 relating to commitments of Muskrat Power</p> <p>15 recall power and current on island generation.</p> <p>16 In these series examination of our power</p> <p>17 system seems always to lead us back to the</p> <p>18 question of Holyrood. The issue is not just</p> <p>19 about how that facility's capital repair or</p> <p>20 replacement ought to be managed. From the</p> <p>21 standpoint of security and supply during the</p> <p>22 post Muskrat commissioning period, questions</p> <p>23 abound whether Holyrood ought to be</p> <p>24 decommissioned as planned. Therefore, the</p> <p>25 PUB's assessment period must extend well</p>
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<p>1 for this opportunity to speak to you today. I</p> <p>2 have circulated copies of my remarks to the</p> <p>3 Board, and while I will probably bear on your</p> <p>4 patience, I promise not to articulate all of</p> <p>5 the comments made there, though perhaps most.</p> <p>6 CHAIRMAN:</p> <p>7 Q. Well, we're patient people.</p> <p>8 MR. SULLIVAN:</p> <p>9 Q. Mr. Chairman, the root cause of what went</p> <p>10 wrong at Holyrood in the early days of</p> <p>11 January, 2014, and the related assets, is</p> <p>12 critically important. Undoubtedly, it will be</p> <p>13 the PUB's top priority, but any investigation</p> <p>14 that attempts to assess that issue in</p> <p>15 isolation will not adequately serve the public</p> <p>16 interest, in my view. Other issues threaten</p> <p>17 the security of our power supply after</p> <p>18 commissioning of Muskrat Falls, and I have to</p> <p>19 commend Newfoundland Power for taking</p> <p>20 particular note in their submission that</p> <p>21 consideration of the post-Muskrat Falls era</p> <p>22 should be contemplated in the Board's</p> <p>23 deliberations.</p> <p>24 The question of the security of our power</p> <p>25 system obviously involves substantial issues</p>	<p>1 beyond the commissioning date of Muskrat</p> <p>2 Falls. Does it make sense, for example, that</p> <p>3 a significant part of our power generation</p> <p>4 after 2017 will rely upon the Labrador Island</p> <p>5 link located 1100 kilometers away from the</p> <p>6 populous and growing area of the Avalon</p> <p>7 Peninsula? We have to truly wonder if the</p> <p>8 exaggerated promise of Muskrat Falls has</p> <p>9 caused a paralysis of thinking. Has it</p> <p>10 obviated the need to consider a backup plan to</p> <p>11 that project's inherent weaknesses? Have we</p> <p>12 forgotten how much power has been committed to</p> <p>13 Nova Scotia in order to effect Muskrat</p> <p>14 sanction? As ironic as it may seem, Holyrood</p> <p>15 may well constitute that backup plan. Others</p> <p>16 have noted, upon commissioning of Muskrat</p> <p>17 Falls and the planned decommissioning of</p> <p>18 Holyrood in 2021, '22, there will be a net</p> <p>19 increase of power to the island grid of a mere</p> <p>20 120 megawatts after taking into account line</p> <p>21 losses, delivery of the Nova Scotia block and</p> <p>22 Nalcor's 70 megawatt commitment to Alderon.</p> <p>23 In isolation, that issue speaks to the</p> <p>24 question of the reliability of Nalcor's demand</p> <p>25 forecast and its ability to meet in excess of</p>

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<p>1 that forecast, but other issues come into play</p> <p>2 to raising questions of whether our reliance</p> <p>3 on Muskrat Falls as the answer to our power</p> <p>4 security is warranted. And I want to</p> <p>5 highlight, if I might, three critical issues</p> <p>6 that impact upon that larger question.</p> <p>7 The first is the impact of a possible</p> <p>8 failure by Nalcor to secure the water rights</p> <p>9 claimed under the Water Management Agreement.</p> <p>10 Muskrat Falls is estimated to generate 824</p> <p>11 megawatts of power. Nalcor stated in its 2009</p> <p>12 application to the PUB that without a working</p> <p>13 Water Management Agreement, the capacity of</p> <p>14 Muskrat Falls would be limited. In fact, one</p> <p>15 deduction--I don't think it was a specific</p> <p>16 number presented to the PUB, although there</p> <p>17 was other correlated evidence presented to the</p> <p>18 PUB at that time, that in the absence of the</p> <p>19 WMA, the facility will be limited to</p> <p>20 approximately 170 megawatts of continuous</p> <p>21 delivery. Nalcor, in fact, quote, stated that</p> <p>22 it would have to chase the flows. So how is</p> <p>23 it possible that this critical question can be</p> <p>24 delinked from any decision to decommission</p> <p>25 Holyrood?</p>	<p>1 Nalcor's commitments under the Energy Access</p> <p>2 Agreement, specifically the variance clause</p> <p>3 and the commitments under the Balancing</p> <p>4 Agreement. Nalcor has obligated the Province</p> <p>5 and committed most of its so called surplus</p> <p>6 power to Nova Scotia. The EAA commits to</p> <p>7 Emera on average, per year, 1.2 terawatt hours</p> <p>8 over a 21 year period. Emera has been given</p> <p>9 the right to take this power during the</p> <p>10 critical peak demand periods during any given</p> <p>11 day. So if sales of additional energy or</p> <p>12 capacity are also made to Labrador mining,</p> <p>13 these commitments may conflict with Domestic</p> <p>14 load growth, especially in winter, and require</p> <p>15 that we build new high cost generation assets</p> <p>16 in addition to Muskrat Falls--the irony. It</p> <p>17 is not unreasonable, I suggest Mr. Chairman,</p> <p>18 to ask do the contractual obligations</p> <p>19 contained in the Energy Access Agreement have</p> <p>20 the same legal basis as those which relate to</p> <p>21 the Newfoundland block? Do they defacto</p> <p>22 constitute an additional commitment of firm</p> <p>23 power by Nalcor? Does these commitments in</p> <p>24 any way compromise available capacity to meet</p> <p>25 Domestic load or Domestic growth? Will the</p>
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<p>1 The PUB is asked to address the question</p> <p>2 if the WMA is struck down, what will the firm</p> <p>3 capacity of the Muskrat Falls Project be?</p> <p>4 Will Nalcor still have the generating capacity</p> <p>5 to meet the Island's demand if Muskrat's</p> <p>6 capacity is diminished and in the absence of</p> <p>7 Holyrood?</p> <p>8 The second issue I want to raise, Mr.</p> <p>9 Chairman, is the impact of the Energy Access</p> <p>10 Agreement, which I have to say, Mr. Chairman,</p> <p>11 in this Province has gotten incredibly limited</p> <p>12 discussion, virtually none to negligible and I</p> <p>13 have said so in the blog that I write and I</p> <p>14 have not been kind to the media on that issue</p> <p>15 for very clear reasons because we have a</p> <p>16 substantial agreement in the EAA that has</p> <p>17 simply not been discussed with the public and</p> <p>18 it will only be tabled to the PUB, I suspect</p> <p>19 today, because I will do so at the end of my</p> <p>20 remarks. And to go on, the analysis complete</p> <p>21 by Nalcor and submitted to PUB during the</p> <p>22 Muskrat Falls reference did not include 167</p> <p>23 megawatts which must be delivered to Nova</p> <p>24 Scotia during the peak demand period over the</p> <p>25 Newfoundland winter, nor did it reflect</p>	<p>1 generating capacity at Holyrood be required if</p> <p>2 Nalcor's obligations under the EAA are met?</p> <p>3 These are fundamental critical questions to a</p> <p>4 planning operation for our power system in</p> <p>5 this Province.</p> <p>6 The third item I want to raise, Mr.</p> <p>7 Chairman, is the Labrador Island Link and it</p> <p>8 has already been raised here. The question of</p> <p>9 security and reliability in relation to the</p> <p>10 risks associated with a long distance</p> <p>11 transmission line from Muskrat Falls to the</p> <p>12 Avalon Peninsula has a direct bearing on any</p> <p>13 planning decision regarding Holyrood. Nalcor</p> <p>14 chose a risk level represented by a design</p> <p>15 criteria of 1 to 50 year event. The realities</p> <p>16 of the adverse maritime climate, the sub-sea</p> <p>17 crossing under the iceberg scoured Strait of</p> <p>18 Belle Isle and the high wind and extreme icing</p> <p>19 conditions prevalent on high ground in</p> <p>20 southern Labrador, on top of the Long Range</p> <p>21 Mountains and across the Isthmus of Avalon</p> <p>22 cannot be ignored. The issues raised by</p> <p>23 Manitoba Hydro and noted very extensively, I</p> <p>24 might add, in the PUB's decision on the</p> <p>25 Muskrat Falls reference from which basically</p>

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<p>1 took up 80--pages 81 to 88, all of that needs 2 to be brought back into focus and reviewed 3 again because the LIL represents a real 4 fundamental question as to whether we have or 5 can have any security and reliability of our 6 power system post Muskrat Falls. 7 Mr. Chairman, many public and business 8 groups have been reminded of the financial 9 costs to people in business of the power 10 outages specifically and the environment of 11 uncertainty that these outages create and have 12 created and I think that must of us here today 13 would probably acknowledge, sir, that in the 14 midst of the next storm there are only few of 15 us wonder when or if our lights will go out. 16 So there is not just the issue of the outages, 17 we have a prevailing environment of 18 uncertainty here which needs to be dealt with 19 and can only be dealt with by a broader review 20 of the Public Utilities Board. 21 Again, considerations of Holyrood are 22 central to the risk associated with the LIL 23 and the harsh winter environment which gives 24 rise to that risk. We need to know if as 25 currently designed the LIL represents an</p>	<p>1 facilities." So the questions which arise are 2 these, on what basis is the third line no 3 longer needed? Why was the project withdrawn 4 from the capital budget of Hydro? Should 5 Newfoundland and Labrador Hydro be ordered to 6 reinstate a request for the PUB's approval of 7 the line and would the upgrade have reduced or 8 eliminated the recent outages? 9 (11:30 a.m.) 10 Mr. Chairman, I submit no overhang of 11 uncertainty ought to characterize these 12 deliberations. No reasonable question placed 13 by legitimately concerned citizens should go 14 unanswered. The PUB is not being asked to 15 revisit consideration of the financial or 16 technical feasibility of the Muskrat Falls 17 project. The public, I submit, is well aware 18 that role was unkindly ripped, if I might 19 invoke a little Shakespeare today, Shakespeare 20 can write tragedy, I'm certain that his words 21 can be applied in a time of crisis. Unkindly 22 ripped from the PUB when the Board failed to 23 give the Government the answer it sought. The 24 PUB is the only duty constituted and impartial 25 agency in this Province to assess these--</p>
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<p>1 acceptable risk, taking all factors into 2 account and whether the long term maintenance 3 of Holyrood is necessary to ameliorate that 4 risk to an acceptable level. Does Nalcor have 5 a back-up plan if the LIL goes down? I think 6 that's a fundamental question that requires 7 the deliberation of the PUB in the coming 8 weeks. 9 Finally, Mr. Chairman, I wanted to note 10 as well, as a fourth item and final item, the 11 proposed third line connecting the Avalon to 12 available power in Central. Nalcor has 13 indicated that 176 megawatts of non-thermal 14 capacity is available in Central Newfoundland. 15 Public comment by Nalcor's CEO, Ed Martin, 16 suggested that the third line is uneconomic. 17 The comment seems contradictory to a prior 18 submission to the PUB and suggests its 19 inclusion in Hydro's Capital Budget was 20 frivolous to begin with. Hydro stated on page 21 37 of its PUB submission that the new line 22 will provide for "improved efficiency of the 23 generators at Holyrood, reduce fuel 24 consumption and in turn may reduce the 25 potential for spill at Hydro electric</p>	<p>1 equipped to assess these matters. In the 2 absence of an independent inquiry headed by 3 the Supreme Court Judge under the Public 4 Inquiries Act, only the PUB can safeguard the 5 public interest from being filtered by the 6 Government or by Nalcor. 7 Questions regarding the security and 8 reliability of our power supply are not 9 isolated to Hydro's management practices or 10 the condition of the nuts and bolts at 11 Holyrood. It is time to stop the second 12 guessing, to rid ourselves of the current 13 environment of acrimony, mistrust and secrecy, 14 to give light to the urgency for transparency 15 and public scrutiny. We need to have the 16 certainty that no issue, whether related to 17 the pre or post commissioning of Muskrat Falls 18 will be omitted in this investigation. We 19 need to be able to rely on the PUB for the 20 protection it is designed to afford. 21 And finally, Mr. Chairman, if the PUB in 22 its wisdom sees fit to expand the scope of its 23 investigation, I would respectfully ask that 24 it reopen the opportunity for intervenors to 25 apply and to engage in the more broadly</p>

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<p>1 focused hearings that ensue.</p> <p>2 And, Mr. Chairman, I would like to file,</p> <p>3 as I indicated earlier with the Board, the</p> <p>4 decision of the Nova Scotia Utilities and</p> <p>5 Review Board in the matter of the Maritime</p> <p>6 Link, to file also the supplemental decision</p> <p>7 of the Nova Scotia Utilities and Review Board,</p> <p>8 to file Appendix D of the Water Management</p> <p>9 Agreement application, pre-filed evidence</p> <p>10 presented to the PUB and an item that is not</p> <p>11 designated but came by way of an email and</p> <p>12 response from Hydro regarding the third line</p> <p>13 from the Avalon to Central Newfoundland.</p> <p>14 This is--these are my comments, Mr.</p> <p>15 Chairman and Commissioners and I do appreciate</p> <p>16 having the opportunity to present them to you.</p> <p>17 CHAIRMAN:</p> <p>18 Q. Thank you.</p> <p>19 MS. GLYNN:</p> <p>20 Q. Mr. Chair, the documents that Mr. Sullivan</p> <p>21 has, we can accept these as part of his</p> <p>22 submission and we'll review before we place</p> <p>23 them on the website.</p> <p>24 CHAIRMAN:</p> <p>25 Q. Okay, thank you, sir. Next we have Mr. Miles</p>	<p>1 Interconnected Island system, at least a day</p> <p>2 before the winter storm of January 3rd and</p> <p>3 4th. A fire at the Sunnyside station on</p> <p>4 January 4th caused power outages throughout</p> <p>5 the Province affecting upwards of 190,000</p> <p>6 customers of Newfoundland Power. A faulted</p> <p>7 Holyrood thermal generating station on January</p> <p>8 5th caused power outages throughout the</p> <p>9 Province, generating units at Stephenville,</p> <p>10 Hardwoods and Holyrood were all unavailable</p> <p>11 ahead of the cold snap and winter storm.</p> <p>12 Newfoundland and Labrador Hydro failed to meet</p> <p>13 energy demands even before the winter storm on</p> <p>14 January 3rd and 4th, 2014. Newfoundland and</p> <p>15 Labrador Hydro did not have adequate planning</p> <p>16 to meet demand following the fire at the</p> <p>17 Sunnyside station on January 4th.</p> <p>18 2 ) The complainants repeat the foregoing</p> <p>19 and state that Newfoundland and Labrador Hydro</p> <p>20 failed to provide adequate and reliable and</p> <p>21 reasonable system planning and maintenance to</p> <p>22 ensure adequate and reliable and reasonable</p> <p>23 service pursuant to their statutory duty.</p> <p>24 3 ) In the result the complainants</p> <p>25 request that the Public Utilities Board hold a</p>
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<p>1 and Mr. Coffey.</p> <p>2 MR. MILES:</p> <p>3 Q. Mr. Chairman and other Board members, I, along</p> <p>4 with Bernard Coffey appear on behalf of the</p> <p>5 Official Opposition whose complaint you have.</p> <p>6 The complaint states, "A complaint to the</p> <p>7 Public Utilities Board under Section 84 of the</p> <p>8 Public Utilities Act for the failure of</p> <p>9 Newfoundland and Labrador Hydro to provide</p> <p>10 adequate and reliable and reasonable service</p> <p>11 as envisioned under Section 37 of the Act",</p> <p>12 and in particular as follows, "1) that the</p> <p>13 services provided by Newfoundland and Labrador</p> <p>14 Hydro are inadequate, unreliable and</p> <p>15 unreasonable as it has been demonstrated by</p> <p>16 the recent power outages and rolling blackouts</p> <p>17 in the Province, and in particular as follows,</p> <p>18 residents of the Island of Newfoundland were</p> <p>19 informed on January 2, 2014 that energy demand</p> <p>20 could exceed generation capacity that evening.</p> <p>21 Newfoundland Power subsequently initiated</p> <p>22 rolling blackouts across the Province during a</p> <p>23 time of extreme cold temperatures.</p> <p>24 Newfoundland and Labrador Hydro was unable to</p> <p>25 meet energy demands placed on the</p>	<p>1 public hearing as soon as possible to take all</p> <p>2 evidence in reference to these matters and</p> <p>3 make such orders following the hearing to</p> <p>4 ensure that all issues pertaining to this</p> <p>5 inadequate, unreliable and unreasonable</p> <p>6 service and to the maintenance and planning</p> <p>7 for the provision of adequate and reliable and</p> <p>8 reasonable service are addressed." And that's</p> <p>9 signed by members of the Official Opposition</p> <p>10 caucus.</p> <p>11 The Official Opposition--I'm sorry, in</p> <p>12 addition to that written complaint, the</p> <p>13 official opposition asks that that the Board</p> <p>14 arrange for the public hearings to be live</p> <p>15 webcast. The Official Opposition also</p> <p>16 requests that the Board inquire into the</p> <p>17 amount of time that elapsed between</p> <p>18 Newfoundland and Labrador Hydro internally</p> <p>19 knowing there would be a generating issue and</p> <p>20 the first communication with the public</p> <p>21 concerning the potential for rolling</p> <p>22 blackouts. Hydro's initial report to the</p> <p>23 Board indicates that the first public</p> <p>24 notification concerning rolling outages did</p> <p>25 not occur until 2:00 p.m. on January 2nd, a</p>

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<p>1 mere two hours before the rotating outages 2 began. 3 Finally I wish to advise that the leader 4 of the Official Opposition plans to make a 5 submission during the Board's public hearings. 6 Thank you. 7 CHAIRMAN: 8 Q. You're finished are you? Okay, thank you very 9 much. Next I have Mr. Cabot Martin. 10 MR. MARTIN: 11 Q. Thank you, Mr. Chairman, Commissioners. I 12 won't take much of your time. I'm kind of in 13 an unusual position, I'm in agreement with 14 people a lot. I'm particularly in agreement 15 with the counsel for Newfoundland Power and in 16 particular paragraph 5 of his presentation, 17 paragraph 5(a) even more particular, and I 18 also identify with the remarks of the Consumer 19 Advocate supported as well, and I also would 20 like to agree with the remarks of Mr. Des 21 Sullivan who covered a number of issues which 22 I will not--particularly the relationship with 23 the deal with Emera. At the risk of repeating 24 things, maybe I could just, I've submitted a 25 document which I think is going to be</p>	<p>1 they should certainly extend beyond the 2 proposed in-service date for Muskrat Falls 3 presently stated for, is variously put at 2017 4 or 2018. We certainly can appreciate now how 5 vital the Holyrood thermal plant is and it was 6 designed to play. I was reminded by a friend 7 yesterday that originally the backup for St. 8 John's was the old Southside plant and that 9 when it was decommissioned the role was taken 10 up by Holyrood. It's only 30 miles away or 11 so, but again, as others have pointed out, 12 it's another thing to put your backup plant 13 1100 kilometers away up in Labrador with the 14 risks of transmission that Mr. Dumaresque 15 eloquently detailed about the transmission 16 line and the risk, straight risk of the high 17 country. So I guess the relative reliability 18 of Muskrat Falls I say is properly the ambit 19 of the inquiry in that, you know, it's, you 20 know if the Board were to recommend certain 21 measures without the long-term context, then 22 they could be a waste of money, they would be 23 impractical or actually counterproductive to a 24 situation where Muskrat is on line. So if 25 that is so, what sort of involvement would the</p>
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<p>1 hopefully available on the Board's website and 2 before I get into that, maybe just talk of 3 what I consider to be the purpose of the 4 hearing and I know that from the Board's work 5 there may be orders, recommendations of maybe 6 prescriptive measures, but I also would see 7 the outcome of this process as advice to 8 Government. I'm not one of those who believes 9 that the Muskrat Falls decision is beyond any 10 point of recall. Although major commitments 11 have been made, it is possible that the work 12 of the Board will show fundamental reliability 13 issues which would cause the Government to 14 reconsider its position, and you know, at the 15 risk of offending some of my conservative 16 friends, Mr. Smallwood used to say that "while 17 the light holds out to burn, the vilest sinner 18 may return", and so I live in hope, I may die 19 in despair, but I live in hope. 20 The first issue I tried to focus on and 21 again the representative from Newfoundland 22 Power have covered it in better detail than I 23 have, was a timeframe of the Board's work, 24 with respect to risk, potential outages in the 25 future and general issues, and I believe that</p>	<p>1 consideration of the broader issues, long-term 2 broader issues mean. Others have, you know, I 3 guess basically in support of that contention 4 any examination of the reliability of any 5 electrical system must focus on the 6 reliability of each key generating component 7 making up that system and the transmission 8 lines connecting those generating facilities 9 to residential, commercial and domestic 10 customers. I mean, that sounds very simple, 11 but i think it goes to show that we are 12 dealing with an electrical system and in that 13 context, just as we move from the Southside 14 Plant to Holyrood and saw Holyrood become the 15 key factor in our comfort zone, if that's--and 16 not even comfort zone, it wasn't a matter of 17 comfort, there were people suffered, 18 particularly older people and particularly 19 poorer people, they actually suffered and it 20 wasn't a matter of convenience, it was 21 inattention to the needs and risks applying to 22 the most vulnerable in our society. And I'm 23 sure that's part of the reason why the Board 24 started this process. 25 The reliability of the link to Muskrat</p>



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<p>1 Falls is very important, as I said, but in 2 addition to that, the reliability of the 3 generating facility itself at Muskrat Falls 4 poses a key risk to the reliability of the 5 whole system. I hope to be able, in the 6 course of this process, I may have to rely on 7 the good offices of my friend, Mr. Dumaresque, 8 but I hope to submit to this body some new 9 evidence relating to the risk of landslides at 10 the North Spur, which I think I would be able 11 to demonstrate as not adequately accounted for 12 in the design of the facility and I have, 13 quite frankly, grave misgivings that they can 14 ever be accounted for. So it's not just the 15 transmission line, it's Muskrat Falls as a 16 generator of electricity, so we, in my view, 17 not only have we moved our backup from 18 Holyrood up to Labrador, but we have--are 19 about to invest in a generating system that is 20 far less reliable than Holyrood. 21 (11:45 a.m.) 22 Now I had in my document I include the 23 notion that we should be very open minded, 24 let's assume that the Board says that my 25 misgivings about the North Spur and the</p>	<p>1 Utilities Act and about the wisdom of the 2 original framers of that Act. They said, the 3 last two sections of that Act, Section 118 4 says "The Act is to be liberally construed", 5 and I've taken the liberty of including in my 6 document here the sections from that Act and 7 it basically says that unless the authority of 8 the Board has been specifically taken from it 9 by legislation and only to the indent that it 10 has been specifically taken from it by 11 legislation, that this Board has jurisdiction 12 over all matters relating to provision of 13 electricity to citizens of this Province. 14 This is not--the institution of a Public 15 Utilities Board is not a frivolous act, it's a 16 quasi judicial act, it's a place of immense 17 power and authority and should be respected. 18 Furthermore the last section in the Act, 19 Section 119 says that "This Act shall prevail 20 over all other Acts unless and to the extent 21 specifically exempted." Now in contrast Bill 22 61 purports to set up a method where orders- 23 in-council can be used to take away the power 24 of this Board, that is served--and has served 25 in every other jurisdiction in North America</p>
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<p>1 facility at Muskrat Falls are not well founded 2 and so we have to come back and say, well, we 3 still need a backup at Holyrood and I'm 4 encouraging the Board to look at what is the 5 nature of that backup? It need not be Bunker 6 C, it could be imported LNG or it could, 7 please God, even by gas from our offshore, but 8 the reliability, it's no good for us to put in 9 just a new generator at Holyrood, we need to 10 look at what is the best new generator, what 11 is the most reliable generator that we can put 12 in. So a comparative risk assessment of 13 alternative supply systems at Holyrood should 14 be at the heart and soul of the reliability 15 analysis. 16 Now, I had a couple of extra points which 17 may--I don't mean to question the Board's 18 ability to know what its own mandate is and 19 what powers it does have under the Act, but I 20 thought it would be useful to just go through 21 what the Board's powers are relative to Bill 22 61, which as Mr. Sullivan so eloquently said, 23 ripped the Muskrat Falls issue from the 24 original jurisdiction of the Board. I would 25 like to talk about the Act, about the Public</p>	<p>1 as the primary vehicle that defends the public 2 interest in electricity matters. That somehow 3 an order-in-council can take away that power 4 and that guardianship and I say that that is 5 an invidious proposition, if ever it was made, 6 and that if the Board were to be met with that 7 argument and I'm glad to see that it has not 8 been met with that argument here today so far, 9 that it has under the Act the right under 10 Section 101 to go directly to the Court of 11 Appeal, as the Board well knows, by way of 12 Stated Case to get a direct and effective 13 mechanism to resolve the issue. So I think 14 other speakers, Mr. Chairman, have 15 demonstrated an unanimous opinion that the 16 broader issue is within your ambit and is 17 desirable and needed to protect the public 18 interest. Whether or not the Government 19 agrees to take full weight of the burden of 20 your findings is a separate matter, it's a 21 political matter, it does not deal at all with 22 the legislative burden that the House of 23 Assembly many years ago put upon this Board. 24 Thank you for your attention; 25 CHAIRMAN:</p>

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<p>1 Q. Thank you, sir. Next we have Messrs. Vardy 2 and Penney. 3 MR. PENNEY: 4 Q. Mr. Chairman, Commissioners, my name is Ron 5 Penney and I have my colleague, Dave Vardy 6 with me today and we'll script our 7 presentation. I guess we didn't expect to be 8 back so soon after the reference, but here we 9 are, events transpired. We wrote the Board on 10 January 8th, 2014, identifying specific 11 questions for the Board to address in its 12 inquiry and hearing into supply issues and 13 power outages. These questions are as 14 follows: Why weren't the two gas turbines and 15 the Holyrood plant in a state of readiness for 16 the winter? Has the Holyrood plant been 17 properly maintained? If not, why not? Will 18 the Holyrood plant be required as a backup 19 when Muskrat Falls is commissioned to ensure 20 reliability of a system, particularly for 21 eastern Newfoundland? Is the third 22 transmission line from Bay d'Espoir to the 23 Avalon required for reliability purposes and 24 would it have mitigated or eliminated the 25 outages? What action has been taken to</p>	<p>1 The corporate focus of Nalcor Energy upon 2 Muskrat Falls should not lead to a failure to 3 maintain vital facilities in good working 4 order. The failure of multiple generating 5 units in a short time period is an indication 6 that Nalcor and its subsidiary, Newfoundland 7 and Labrador Hydro, has not succeeded in 8 balancing the short and medium term 9 reliability requirements of ratepayers with 10 its long-term planning. 11 Sadly it is lead to reports that our 12 system is operating with the outages and 13 blackouts one would expect in a third world 14 country. Accordingly we would like to add one 15 further point to the list that we had in our 16 letter, how much time does the CEO of Hydro 17 spend on running Hydro? Is that time 18 sufficient to provide proper oversight of 19 Hydro and did the divided responsibilities of 20 the CEO contribute to the powers experienced 21 by Hydro? Should Hydro have a fulltime CEO 22 similar to the CEO of Newfoundland Power whose 23 sole responsibility is to manage that company? 24 And I'd like to add to that that the Board 25 needs to look at the role of the Board because</p>
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<p>1 arrange for emergency power supply from Nova 2 Scotia and other sources on the mainland post 3 Muskrat Falls? Has Newfoundland and Labrador 4 Hydro adopted the proposed reliability 5 standard recommended by MHI or will they rely 6 upon rotating outages combined with emergency 7 power from other sources if power is lost from 8 Muskrat Falls? Have the other generation 9 assets and transmission and ancillary 10 facilities been properly maintained? When was 11 Hydro aware of the potential problems for this 12 winter and what steps could have been taken in 13 the short term to alleviate what has occurred? 14 What measures should be undertaken to ensure 15 that an adequate and reliable supply of power 16 is available in the future? In the event of 17 further energy shortfalls, how can power be 18 rotated in an equitable and transparent 19 manner? Would improvements in the 20 transmission system allow for improved sharing 21 of available energy throughout the Island? 22 How can energy conservation and greater 23 efficiency reduce the likelihood of future 24 power outages? Would time of day pricing 25 reduce peak demand?</p>	<p>1 they're supervised by our Board and we haven't 2 seen any evidence of the Board taking any kind 3 of stand on this issue. I think that's 4 something that needs to be examined as well. 5 CHAIRMAN: 6 Q. You mean the Board of Directors of - 7 MR. PENNEY: 8 Q. Yes. We will focus today on the scope of the 9 hearing and the period of time that the truth 10 encompass. We will argue that the period 11 covered should be long term as other people 12 who have presented today have argued, not 13 limited to the next three or four years, as 14 Hydro suggests. I must say, it's very 15 disappointing that they have taken that point 16 of view. The Board should examine reliability 17 issues from both a short and long term 18 perspective, recognizing that the capital 19 assets of the utilities are long term 20 investments designed to provide reliable 21 supply of power both in the short and the long 22 term. The power policy of the Province 23 requires that it be managed so as to result in 24 power being delivered to consumers in the 25 Province at the lowest possible cost</p>

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<p>1 consistent with reliable service. And that</p> <p>2 comes from the Electrical Power Control Act.</p> <p>3 While the Board's jurisdiction and</p> <p>4 mandate with respect to the approval of the</p> <p>5 Muskrat Falls project were removed by an</p> <p>6 Order-in-Council, and I should add by an</p> <p>7 Order-in-Council which was done by a previous,</p> <p>8 previous, previous administration by a Liberal</p> <p>9 administration. The Board continues to have</p> <p>10 jurisdiction when it comes to reliability,</p> <p>11 both prior to interconnection and after.</p> <p>12 Nalcor intends to continue to using Holyrood</p> <p>13 as a generating plant after interconnection,</p> <p>14 up to 2021 which is another seven years. We</p> <p>15 feel that the Holyrood Thermal plant will</p> <p>16 continue to be needed as a backup in the</p> <p>17 Avalon beyond 2021. Whether one takes a short</p> <p>18 or longer term perspective, the generating and</p> <p>19 transmission assets must be attained at a high</p> <p>20 level and standard of reliability and not be</p> <p>21 permitted to become unreliable. We are</p> <p>22 pleased the Newfoundland Power takes a similar</p> <p>23 view with respect to reliability issues</p> <p>24 subsequent to the interconnection and has</p> <p>25 raised this in their list of issues. And we</p>	<p>1 questions posed by the Board and that causes</p> <p>2 us some concern because we believe a longer</p> <p>3 perspective is needed. We understand that</p> <p>4 after interconnection Newfoundland will be</p> <p>5 required to meet a higher liability standard.</p> <p>6 Standards established on a multi jurisdiction</p> <p>7 continental basis. Are we going to be able to</p> <p>8 meet those standards? Those are the questions</p> <p>9 as to whether we are going to be able to meet</p> <p>10 those standards? Are our emergency reserves</p> <p>11 sufficient to meet the new standard or do we</p> <p>12 need to re-examine our generation reserve</p> <p>13 standard based on loss of load hours, which is</p> <p>14 known as LOLH.</p> <p>15 (12:00 Noon)</p> <p>16 The standard that has been established--</p> <p>17 and this came out of the reference hearing, is</p> <p>18 that the island interconnected system should</p> <p>19 have sufficient generating capacity to satisfy</p> <p>20 a loss of load hours expectation target of not</p> <p>21 more than 2.8 hours per year. And that comes</p> <p>22 out of the Nalcor submission to the PUB,</p> <p>23 November 2012 page 30. And I quote from that</p> <p>24 submission, "most utilities connected to the</p> <p>25 North American grid are members of a Regional</p>
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<p>1 know that in their issue number five they as</p> <p>2 what measures are required to ensure</p> <p>3 reliability and secure a power supply to</p> <p>4 customers on the Island Interconnected System</p> <p>5 including Newfoundland Power and its customers</p> <p>6 after the Labrador infeed and Maritime link</p> <p>7 become operational. And now I'll turn it over</p> <p>8 to my colleague, Mr. Vardy.</p> <p>9 MR. VARDY:</p> <p>10 Q. Mr. Chair, members of the Board, it's a matter</p> <p>11 of deja vu all over again for me being here</p> <p>12 today. Recalling that only 2 short years ago,</p> <p>13 Ron and I were before the Board at your</p> <p>14 reference hearing. And remembering that 13</p> <p>15 years ago I sat where you sit today. I don't</p> <p>16 think we had all the monitors in place at the</p> <p>17 time. I think the technology has changed, but</p> <p>18 certainly the processes remain the same.</p> <p>19 We're asking the Board to go beyond the</p> <p>20 present short-term problem and examine the</p> <p>21 reliability issues both before and after</p> <p>22 interconnection of the Island with Labrador.</p> <p>23 We note that many of the questions posed to</p> <p>24 Hydro and to Newfoundland Power deal with the</p> <p>25 short term up to 2017. These are the</p>	<p>1 Reliability Organization. All Regional</p> <p>2 Reliability Organization in North America are</p> <p>3 under the jurisdiction of the North American</p> <p>4 Electric Corporation, otherwise known as the</p> <p>5 NERC. The NERC planning standards require</p> <p>6 each Regional Reliability Organization to</p> <p>7 conduct assessments of its resource and</p> <p>8 transmission adequacy. Consequently, many</p> <p>9 Regional Reliability Organization have adopted</p> <p>10 industry planning standard where generation</p> <p>11 reserve margins based on a loss of load</p> <p>12 duration on a probabilistic basis of 1 day</p> <p>13 every ten years. So, it's assumed that we can</p> <p>14 have one day of outage, one day, every ten</p> <p>15 years. This typically results in Canadian</p> <p>16 reserve margins in the range of 15 percent,</p> <p>17 depending on the region. Canadian utilities</p> <p>18 system operators that have entered</p> <p>19 interconnection through the US counterparts</p> <p>20 are members of Regional Reliability</p> <p>21 Organizations and as such, must follow the</p> <p>22 regions generation adequacy criteria as a</p> <p>23 minimum. The Regional Reliability</p> <p>24 Organization criterion of one day in ten years</p> <p>25 is more stringent than Newfoundland Hydro's</p>

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<p>1 LOLH of 2.8 hours per year which equates to</p> <p>2 about day in every five years. And as I</p> <p>3 said, that comes from the Nalcor submission to</p> <p>4 the PUB. The Board has a responsibility to</p> <p>5 ensure that we are prepared, as a minimum, to</p> <p>6 withstand the loss of the single largest unit</p> <p>7 in our system, known as the single largest</p> <p>8 contingency. How is the largest unit in our</p> <p>9 system defined? How will it be defined in the</p> <p>10 future? Should it be defined in terms of the</p> <p>11 largest turbine at Muskrat Falls or all four</p> <p>12 together? Should it be defined in terms of</p> <p>13 the loss of one of the three cables across the</p> <p>14 Strait of Belle Isle?</p> <p>15 If we went with the first definition,</p> <p>16 then we would need a reserve of 824 megawatts;</p> <p>17 while if we went with the second definition,</p> <p>18 we would need 450 megawatts as a reserve,</p> <p>19 quite a large difference in capacity and in</p> <p>20 the overall cost of maintaining those</p> <p>21 reserves. And we believe the Board needs to</p> <p>22 revisit the discussion of transmission line</p> <p>23 reliability that occurred during the Muskrat</p> <p>24 Falls reference hearing. In our letter of</p> <p>25 January 8th, 2014 we refer to the MHI report,</p>	<p>1 dealing with emergency energy, which states</p> <p>2 "each party shall, to the maximum extent it</p> <p>3 deems consistent, with the safe and proper</p> <p>4 operation of its expecting transmission</p> <p>5 system, provide emergency energy to the other</p> <p>6 party in accordance with the provisions of</p> <p>7 schedules A3 and C9". So, we looked at the</p> <p>8 schedules, the schedule are blank. So we</p> <p>9 don't know what that actually really means.</p> <p>10 Emergency energy is defined as energy supplied</p> <p>11 from operating reserve of electrical</p> <p>12 generation available for sale in Newfoundland</p> <p>13 and Labrador or Nova Scotia or available from</p> <p>14 another balancing authority that may be</p> <p>15 provided in cases of sudden or unforeseen</p> <p>16 outages.</p> <p>17 Mr. Chair, that's simply not good enough;</p> <p>18 that's simply not good enough. There's no</p> <p>19 obligation to provide emergency energy. It</p> <p>20 quotes, "may" be provided and then only if</p> <p>21 it's available. So, we can't look to the</p> <p>22 Energy Access Agreement; we can't look to Nova</p> <p>23 Scotia. So far as we now, Nalcor has not</p> <p>24 agreed to upgrade the transmission lines as</p> <p>25 recommended by Manitoba Hydro International</p>
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<p>1 as did Mr. Sullivan and their recommendation</p> <p>2 for a higher standard of design, particularly</p> <p>3 for alpine regions. Will our transmission</p> <p>4 lines meet the North American standard? That</p> <p>5 question has to be posed by the Board.</p> <p>6 Nalcor has indicated that power from Nova</p> <p>7 Scotia will flow east to Newfoundland in the</p> <p>8 event of an emergency requirement on the</p> <p>9 Island. We noted in our letter to the Board,</p> <p>10 Exhibit 106 submitted by Nalcor to the PUB as</p> <p>11 part of the Muskrat Falls hearings, reveals</p> <p>12 that emergency energy from Nova Scotia would</p> <p>13 be required in the event that the Labrador</p> <p>14 Interconnected Link were out of service for</p> <p>15 long periods. Despite this requirement, there</p> <p>16 has been to the knowledge of the undersigned,</p> <p>17 no firm contract between Emera and Nalcor for</p> <p>18 the provision of such emergency power. What</p> <p>19 action has been taken to arrange for such</p> <p>20 emergency power supply of the sources on the</p> <p>21 mainland? This matter came up in the Telegram</p> <p>22 recently in an exchange and in a recent letter</p> <p>23 to the Telegram, Nalcor Vice-President,</p> <p>24 Gilbert Bennett refers to the Interconnection</p> <p>25 Operators Agreement, which has a section 5.2</p>	<p>1 and has instead accepted the risk that not so</p> <p>2 doing entails. And that risk is an outage of</p> <p>3 up to a month, according to the MHI report.</p> <p>4 If there's a failure of the Straits crossing,</p> <p>5 depending on the time of the year, the outages</p> <p>6 could be much longer. What assurances could</p> <p>7 possibly be given that the major loss of</p> <p>8 energy from Muskrat Falls can be replaced by</p> <p>9 Nova Scotia? When the likelihood is that that</p> <p>10 transmission failure will occur at a time of</p> <p>11 peak demand there, further exacerbated by the</p> <p>12 loss of the Muskrat Falls energy to their</p> <p>13 system. Our weather conditions are</p> <p>14 concurrent. When they have a storm in Nova</p> <p>15 Scotia; we have a storm here. While we're not</p> <p>16 seeking Intervenor status in this hearing, we</p> <p>17 are requesting an opportunity to present a</p> <p>18 brief or during the hearing. I want to note</p> <p>19 that in some jurisdictions such as Manitoba</p> <p>20 which doesn't have a consumer advocate, by the</p> <p>21 way, the regulatory authority, the PUB has the</p> <p>22 authority to provide for intervenor funding</p> <p>23 which is not provided in your Act. The Joint</p> <p>24 Environmental Panel had that power as well and</p> <p>25 did provide Intervenor funding. That is not</p>

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<p>1 the case here, but we do believe that the</p> <p>2 Board should be empowered through its</p> <p>3 legislation to provide Intervenor funding</p> <p>4 subject to appropriate policy guidelines and</p> <p>5 thereby to encourage the direct participation</p> <p>6 of consumers and consumer groups. We think</p> <p>7 that's important. We're pleased that the</p> <p>8 Board has chosen to convene this Inquiry,</p> <p>9 however, we believe it is vitally important</p> <p>10 that the scope of the hearing cover</p> <p>11 reliability of the system for at least the</p> <p>12 next 25 years and not the four year period</p> <p>13 suggested in the request for information. We</p> <p>14 close with a quote from the Newfoundland Power</p> <p>15 issues list which supports this position with</p> <p>16 respect to the scope of the inquiry embracing</p> <p>17 both the short and long term. And the quote</p> <p>18 is as follows, "it is necessary to understand</p> <p>19 the system configuration and system operations</p> <p>20 after the Labrador infeed and Maritime Link</p> <p>21 become operational in order to optimize</p> <p>22 expenditures in a manner that results in least</p> <p>23 cost power over the long run". And that</p> <p>24 brings up back to policy statement in the</p> <p>25 Electrical Power Control Act which I quoted</p>	<p>1 CHAIRMAN:</p> <p>2 Q. Come up, yes, sir.</p> <p>3 MR. MADOOSEAC:</p> <p>4 Q. Thank you, Board. I'm very nervous.</p> <p>5 CHAIRMAN:</p> <p>6 Q. I would ask you to identify yourself.</p> <p>7 MR. MARUSIAK:</p> <p>8 Q. My name is Wade Marusiak; I'm from Edmonton,</p> <p>9 Alberta. I've been living in Newfoundland for</p> <p>10 the last numerous years and I agreed with a</p> <p>11 lot that was said today because I read the</p> <p>12 paper continuously and I think this Muskrat</p> <p>13 Falls is something that really has to be</p> <p>14 looked at again. I know that as a government,</p> <p>15 taxpayers and the rest of us, there's been a</p> <p>16 lot of money invested in this already. And</p> <p>17 it's got to be difficult to put a hold on it,</p> <p>18 but with all the comments being made today in</p> <p>19 regards to the transmission line and it could</p> <p>20 go down, we can see ourselves being without</p> <p>21 power for a month, not a day or having rolling</p> <p>22 blackouts. And then there's a talk of the</p> <p>23 backup power source; it is going to be</p> <p>24 Holyrood or is it not, what's the case on</p> <p>25 that? So, why are we going into an investment</p>
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<p>1 earlier.</p> <p>2 Mr. Chairman, it's clear to us that we</p> <p>3 will need, for reliability purposes, we will</p> <p>4 need generating capacity on the Avalon</p> <p>5 Peninsula. And I remember my colleague and I</p> <p>6 met with the Chair or the CEO of Nalcor two</p> <p>7 years ago and we made that very point. The</p> <p>8 point that we are going to need the power on</p> <p>9 the Avalon Peninsula. I found it intriguing</p> <p>10 that Mr. Martin referred to the steam plant</p> <p>11 which most of us have forgotten about. There</p> <p>12 was a steam plant located across the harbour.</p> <p>13 Now, we rely on Holyrood and the plant, the</p> <p>14 gas turbine plant located at Donovans, both of</p> <p>15 which were unfortunately out of operation</p> <p>16 during the black outs we experienced recently.</p> <p>17 Mr. Chairman, this concludes our presentation.</p> <p>18 CHAIRMAN:</p> <p>19 Q. Thank you. Is there anybody else here today</p> <p>20 who may wish to make a presentation or may</p> <p>21 want to apply--yes, sir? Would you please</p> <p>22 come forward and identify yourself.</p> <p>23 MR. MADOOSEAC:</p> <p>24 Q. Could I have five minutes--three minutes of</p> <p>25 your time.</p>	<p>1 into something when we have to make sure we've</p> <p>2 got a back up plan. Why don't we just stick</p> <p>3 with what we've got and make it more reliable?</p> <p>4 I was blessed to retire some years ago and I</p> <p>5 travelled to Mexico in a motor home and I</p> <p>6 located in Newfoundland because I met a missus</p> <p>7 here and I compared this province a lot with</p> <p>8 Mexico, the friendliness of the people, strong</p> <p>9 religious backgrounds, but I recall caravans</p> <p>10 pulling into the trailer parks in the Mexico</p> <p>11 and everybody plugging in their big rigs with</p> <p>12 their 30 or 50 amp services and there being</p> <p>13 issues with the power, but this was on an</p> <p>14 occasional basis because there might be two</p> <p>15 caravans a winter, all these people nestled in</p> <p>16 their rigs, not wanting to be out in the sun</p> <p>17 and firing up with their air conditioners.</p> <p>18 So, I can understand that, but here with all</p> <p>19 the talk an unreliability and we know we're</p> <p>20 getting cold weather here, it reminds me of</p> <p>21 Mexico. And somebody else mentioned this</p> <p>22 third world country, and it is sad that we've</p> <p>23 got a utility board here that can't keep us in</p> <p>24 utilities. And I mean, I was in Edmonton 42</p> <p>25 years of my life and I can't recall anything</p>

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1 this bizarre. We had 40 below weather and me  
 2 being an heating contractor, I was out in it  
 3 fixing furnaces. Now, we never had the loads  
 4 that you have here in severe weather because  
 5 we had gas as out main source of fuel, where  
 6 you needed electricity to run the furnace.  
 7 We're here now with all the new houses being  
 8 built and Nalcor should know that, that  
 9 there's no oil furnaces going in anymore, it's  
 10 all electric heat, electric baseboard or heat  
 11 pumps, so, I mean, our demand is electricity.  
 12 And, I think, it is just a grave error that  
 13 Muskrat, you know, the comments that have been  
 14 made about it, unfortunately there's a lot of  
 15 money invested in it already and I don't know  
 16 which was, as a Province, you're going to go.  
 17 And just one last story, being a heating  
 18 contractor I used to service a lot of furnaces  
 19 that were built by engineers, Grand Lennox or  
 20 Carrier or whoever the manufacturer may be  
 21 and, I mean, at times you had to rip half the  
 22 furnace apart to get at a circuit board to  
 23 replace it. I remember doing commercial  
 24 installations where there was a ceiling space  
 25 of 8 inches but they wanted you to put in a 14

1 Q. Okay, is there anybody else that wishes to  
 2 have a comment? Yes, sir?  
 3 MR. BARTLETT:  
 4 Q. Yes, I'd like to have a small comment, if I  
 5 could.  
 6 CHAIRMAN:  
 7 Q. By all means, sir, come up here and state your  
 8 name for the record.  
 9 MR. BARTLETT:  
 10 Q. My name is Wilfred Bartlett. I didn't come  
 11 prepared today because I didn't think I was  
 12 allowed to speak; I'm here as an observer.  
 13 CHAIRMAN:  
 14 Q. Are you Captain Wilfred Bartlett?  
 15 (12:15 p.m.)  
 16 MR. BARTLETT:  
 17 Q. That's me, sir. And as you know, I've been  
 18 very critical of Newfoundland and Labrador  
 19 Hydro having this last forty years -  
 20 CHAIRMAN:  
 21 Q. I always read your letters.  
 22 MR. BARTLETT:  
 23 Q. - pay their bills to. And one of the letters  
 24 I wrote a while ago, I said, I could write a  
 25 book on Newfoundland and Labrador Hydro and

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1 inch duct. So, that's just something about  
 2 the engineering side of life and my concerns  
 3 about Muskrat. An I'm just coming as a  
 4 citizen that has a rental property that has a  
 5 sump pump in it and every time we get a storm  
 6 I worry that I'm going to run over there and  
 7 fire up my generator which I've got over two  
 8 generators now for my properties which is  
 9 really, you know, it's this unsurety, you  
 10 know, insecurity of, well, can I go to Florida  
 11 for a month? I thank you for your time.  
 12 CHAIRMAN:  
 13 Q. Thank you.  
 14 MS. GLYNN:  
 15 Q. Sir, could you please ensure that we have your  
 16 contact information?  
 17 MS. GLYNN:  
 18 Q. Cheryl Blundon, there in the back, she will  
 19 take your information.  
 20 CHAIRMAN:  
 21 Q. Shouldn't take that Mexico analogy to far  
 22 thought, you know.  
 23 MR. MARUSIAK:  
 24 Q. Well, it's too scary to go there now.  
 25 CHAIRMAN:

1 after what I've heard here today, I think I'm  
 2 well prepared to write it. But one thing--I'm  
 3 in the process now of writing a letter about  
 4 Hydro and Newfoundland and Labrador, I'll go  
 5 back. I was born in a little community of  
 6 Lushes Bight. I grew up in the '40s, in fact,  
 7 before that. This my birthday, by the way,  
 8 I'm 78 years old today.  
 9 CHAIRMAN:  
 10 Q. Seventy-eight?  
 11 MR. BARTLETT:  
 12 Q. Seventy-eight and I'm in St. John's to  
 13 celebrate my birthday with some of my friends,  
 14 so.  
 15 CHAIRMAN:  
 16 Q. 'By you're not bad.  
 17 MR. BARTLETT:  
 18 Q. Anyway, I grew up in the time of the kerosene  
 19 lamps and we eventually evolved to the white  
 20 gas lanterns and that kind of stuff, but my  
 21 grandmother's brother lived next door. He was  
 22 a small merchant, he had a schooner, always  
 23 fished up the Belle Isle, off the tip of  
 24 Northern Peninsula. And they had a little  
 25 windmill or wind jacks we called them at the

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<p>1 time up on the shed. And this created power 2 and we was the only one in there that had 3 power in their house, just enough to light a 4 light bulb, right. The letter I'm writing now 5 is about windmills and I've had several trips 6 out to Trepassey and I've seen these huge 7 turbines out there going around creating--even 8 when there's hardly any wind, they're still 9 going around creating electricity. And the 10 story of my letter is going to be why are we 11 not considering wind? If you look at this 12 winter, I spend most of my winter in 13 Placentia, I come south to get rid of all the 14 cold and the snow from Notre Dame Bay. And 15 anyway, I have not seen a day since I've been 16 out to Placentia where you could go out in 17 boat and hunt a turr or whatever; it's blowing 18 every single day. And even the Premier, I 19 believe, in a statement back a while ago, 20 talked about the benefits of the windmills, 21 wind turbines in Trepassey that kept from 22 making it much worse. So, I'm wondering why 23 we're not delving more into wind. I guess a 24 question for the people later and for the 25 Board because I had--I left the notice home</p>	<p>1 where I am, the next steps. Okay, the next 2 step in the process as far as the Board is 3 concerned is to draft a list of issues taking 4 into account all of these submissions and 5 presentations and letters of comment that we 6 have received today and received to date, 7 electronically or otherwise, we expect to do 8 this very soon. I've been advised that we're 9 looking at a timeframe is 7 - 10 days. I 10 believe it's important to act timely, 11 certainly on the immediate issues and then get 12 into the other issues later on. So, if 13 there's any--we still invite further comments 14 and submission before we formally determine 15 the list of issues that we will consider on a 16 go forward basis. I would also point out that 17 we will continue our investigation and we are 18 continuing our investigation and our advisors 19 will continue to gather all appropriate 20 information, all necessary information. As I 21 say the Board, we anticipate the matter will 22 proceed in phases, so the Board can initially 23 focus on the priority and time sensitive 24 issues. I think a number of presenters have 25 made that case today; they've made a case also</p>
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<p>1 about how much that one in the--that Hydro put 2 out a while ago--how many, I believe, it's 20 3 million dollars they would save a year for 20 4 years by having these turbines out in the 5 Trepassey and the ones in Lawn and that area. 6 So, we if we had a hundred of these in the 7 Province, how much more would we save from 8 burning oil in Hydro? Plus the fact, the 9 biggest thing with the windmills, you can put 10 them where the power is needed. You don't 11 have to run a transmission lines 1100 miles 12 destroying billions and billions of trees that 13 would never be allowed to grow anymore. So, 14 it's something for consideration. Thank you 15 for the opportunity. 16 CHAIRMAN: 17 Q. Thank you, sir. 18 MR. BARTLETT: 19 Q. Nice to see you again, Jim, by the way. 20 MR. GLYNN: 21 Q. Mr. Bartlett, again, if you could make sure 22 that Cheryl Blundon has your contact 23 information, I'd certainly appreciate it. 24 CHAIRMAN: 25 Q. Okay, anybody else? All right, let's see</p>	<p>1 about the long run issues that they think the 2 Board should address. We will be scheduling 3 further public participation days as this 4 matter progresses so that it can continue to 5 hear from persons, people interested in these 6 matters and, of course, we will be publishing 7 further notices of these sessions. 8 I should also point out that the issue, I 9 think, was raised by one participant about 10 webcasting and we shall be webcasting when we 11 enter into the next round of public 12 consultations/hearings. The webcasting will 13 be available throughout the Province. 14 So, before we adjourn today, are there 15 any additional comments that anybody wishes to 16 make? Okay, hearing none, I just want--I'm 17 sorry, yes sir? 18 MR. SKINNER: 19 Q. Can I - 20 CHAIRMAN: 21 Q. By all means, sir. 22 MR. SKINNER: 23 Q. First of all, my name is Gerry Skinner from 24 Labrador Coastal Equipment, Newfound Energies. 25 I've been involved in the renewable energy</p>

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<p>1 industry now for 14 years. And there's a long 2 chain of events that have happened with regard 3 to renewable energy being incorporated into 4 the power system or interconnection in 5 Newfoundland ever since the beginning of my 6 career in this business. Which was started 7 only because of the fact that I happened to 8 stumble over it after I retired and I realized 9 it was an opportunity that I had to do 10 something about, given the fact that we had 11 probably the best wind resources in the world 12 for wind power. I made numerous applications 13 to the government to proceed with large 14 commercial wind farms to satisfy to the 15 Holyrood project back in 2003 and that was 16 moving ahead quite quickly. And when the PC 17 government was elected, certainly they went 18 into this energy plan which put a hold on 19 everything. I've spent the last, I guess, ten 20 years still trying to get permission to make a 21 presentation to Newfoundland and Labrador 22 Hydro about the option of wind power versus 23 Muskrat Falls or versus Holyrood or whatever 24 other options could be available. But I'd 25 like for the Board, the Public Utilities</p>	<p>1 If i didn't need it; I wouldn't take. If I 2 needed it; I would take it. 3 So, why that presentation was never 4 allowed to be made, I'd like to find out the 5 answer of why and certainly, Manitoba Hydro 6 comments on wind power, had some influence in 7 it, I think. And I got my doubts of the 8 reliability of the comments that were made 9 because I actually visited Manitoba Hydro and 10 discussed that project with them and they said 11 that their study wasn't really based on 12 Newfoundland, it was based on wind power in 13 general in most areas of the world where the 14 wind resources are not as reliable as here. 15 And most wind farms around North America or 16 all of over the world right now, if they can 17 get between 21 and 24 percent efficiency, it's 18 considered financially feasible, not 19 necessarily reliable, but in the case of this 20 particular project and many other locations in 21 Newfoundland, we were looking at up to 69 22 percent efficiency, never a day, according to 23 Environment Canada historical data that I had 24 going back to 1954, there was never any time 25 when reasonable wind resources as 400 feet</p>
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<p>1 Board, if possible, to find out for me an the 2 public why a presentation was never allowed 3 with regard to wind power, the cost of it, the 4 risk, the liability and everything else to 5 Newfoundland Hydro at any point from the times 6 that the whole Muskrat Falls project started 7 being discussed until this present day. 8 Now, I have spoken directly to Mr. Martin 9 and numerous other people at Newfoundland and 10 Labrador Hydro, to the media and so on, but 11 this presentation was never allowed to happen 12 and I believe it's unfair to Newfoundland and 13 to the cost of operating the utility power 14 system. This project was going to supply six 15 to eight hundred megawatts of wind power, 100 16 percent reliable power at no cost to the 17 government, no risk and no liability. They 18 were only going to purchase the power for an 19 agreed price when and if they needed it. So, 20 that would have been the ultimate choice for 21 me to make as a businessman if I was looking 22 for power and I didn't have to build and 23 infrastructure, just say, I take the power 24 from this person who is going to offer it to 25 me whenever I needed it at an agreed price.</p>	<p>1 above ground at the Trepassey Barrens wasn't 2 at least able to put out at least 30 percent 3 efficiency. So, I've made this statement many 4 times before and I've never been given an 5 answer. So, I'd ask the Public Utilities 6 Board to look into it and I think the public 7 should know that this option was offered and 8 it wasn't going to cost the government one 9 cent to look at it. And if they decided not 10 to do it, then at least they could have said, 11 we did have a look at it and we said we didn't 12 want to do it. That's about it. Thank you. 13 CHAIRMAN: 14 Q. Thank you. 15 MS. GLYNN: 16 Q. Mr. Skinner, again, if you could see Cheryl at 17 the back with your contact information. 18 CHAIRMAN: 19 Q. Well, I think we've exhausted our itinerary 20 for today. I would like to thank all of the 21 participants and I simply want to assure 22 everybody on behalf of all of us here at the 23 Board that we take these--these are grave an 24 important issues and we take them all very 25 seriously and we will be getting back to you</p>



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1 publicly in the very near future with the next  
2 steps in this process. So, if there's nothing  
3 further, I will now adjourn this session and  
4 then you very much for your very important  
5 participation, all of you, thank you.  
6 Upon conclusion at 12:27 p.m.

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1 CERTIFICATE  
2 I, Judy Moss, hereby certify that the foregoing is a true  
3 and correct transcript of hearing before the Board of  
4 Commissioners of Public Utilities into supply issues and  
5 power outages on the Island Interconnected system, heard  
6 on the 5th day of February, A.D., 2014 at 120 Torbay  
7 Road, St. John's, Newfoundland and Labrador and was  
8 transcribed by me to the best of my ability by means of  
9 a sound apparatus.  
10 Dated at St. John's, Newfoundland and Labrador  
11 this 5th day of February, A.D., 2014  
12 Judy Moss

<b>-\$-</b>	<b>20</b> [2] 90:2,3 <b>2003</b> [1] 93:15 <b>2004</b> [1] 4:20 <b>2009</b> [1] 49:11 <b>2012</b> [1] 75:23 <b>2013</b> [1] 2:21 <b>2014</b> [14] 1:1 2:22,24,25 3:22,22 4:2 46:11 58:19 59:14 69:10 77:25 98:6 98:11 <b>2017</b> [3] 48:4 63:3 74:25 <b>2018</b> [1] 63:4 <b>2021</b> [3] 48:18 73:14,17 <b>2022</b> [1] 21:6 <b>21</b> [2] 51:8 95:17 <b>24</b> [1] 95:17 <b>25</b> [1] 81:12 <b>2:00</b> [1] 60:25 <b>2nd</b> [3] 2:24 10:8 60:25	<b>88</b> [1] 53:1 <b>8th</b> [4] 3:21 10:9 69:10 77:25 <b>-9-</b> <b>936</b> [6] 31:4,25 32:4,15 36:8 41:15 <b>9th</b> [1] 3:22 <b>-A-</b> <b>A.D</b> [2] 98:6,11 <b>a.m</b> [6] 1:2 22:19 34:5 45:23 55:9 65:21 <b>A3</b> [1] 79:7 <b>ability</b> [5] 9:2 42:25 48:25 66:18 98:8 <b>able</b> [25] 7:22 11:25 24:19 25:21,22,25 27:12 31:12 33:24 34:4,11 35:25 37:22 38:25 39:8,16 41:11 43:1 45:5 56:19 65:5,10 75:7,9 96:2 <b>abound</b> [1] 47:23 <b>above</b> [1] 96:1 <b>absence</b> [4] 14:24 49:18 50:6 56:2 <b>absolutely</b> [3] 20:4 21:3 21:10 <b>academic</b> [1] 13:11 <b>accept</b> [1] 57:21 <b>acceptable</b> [2] 54:1,4 <b>accepted</b> [2] 17:10 80:1 <b>access</b> [5] 2:2 50:9 51:1 51:19 79:22 <b>accommodate</b> [1] 38:25 <b>accordance</b> [2] 32:4 79:6 <b>according</b> [5] 3:23 21:15 32:16 80:3 95:22 <b>Accordingly</b> [2] 13:21 71:14 <b>account</b> [3] 48:20 54:2 91:4 <b>accounted</b> [2] 65:11,14 <b>acknowledge</b> [1] 53:13 <b>acrimony</b> [1] 56:13 <b>act</b> [23] 2:4,5 3:24 4:12 56:4 58:8,11 66:19,25 67:1,2,3,4,6,15,16,18,19 68:9 73:2 80:23 81:25 91:10 <b>action</b> [2] 69:25 78:19 <b>actively</b> [1] 3:1 <b>activities</b> [1] 25:25 <b>Acts</b> [1] 67:20 <b>acute</b> [1] 15:9 <b>add</b> [4] 52:24 71:14,24 73:6 <b>added</b> [1] 31:3 <b>addition</b> [7] 5:16,20 21:2 21:16 51:16 60:12 65:2 <b>additional</b> [3] 51:11,22 92:15	<b>address</b> [4] 23:17 50:1 69:11 92:2 <b>addressed</b> [6] 5:10,15 14:24 15:4 16:4 60:8 <b>adequacy</b> [3] 3:25 76:8 76:22 <b>adequate</b> [7] 2:12 58:10 59:15,20,22 60:7 70:15 <b>adequately</b> [2] 46:15 65:11 <b>adjourn</b> [2] 92:14 97:3 <b>administration</b> [2] 73:8 73:9 <b>adopted</b> [3] 30:16 70:4 76:9 <b>adverse</b> [2] 16:22 52:16 <b>advice</b> [3] 4:10 22:12 62:7 <b>advise</b> [2] 4:10 61:3 <b>advised</b> [4] 4:2,5,18 91:8 <b>advisor</b> [1] 4:12 <b>advisors</b> [1] 91:18 <b>advocate</b> [8] 8:8 12:13 12:23 15:3 20:13 23:23 61:19 80:20 <b>Advocate's</b> [1] 7:14 <b>affairs</b> [1] 36:5 <b>affecting</b> [1] 59:5 <b>afford</b> [1] 56:20 <b>aftermath</b> [1] 15:8 <b>again</b> [14] 7:3 13:10 33:1 35:6 44:6 53:3,21 62:21 63:11 74:11 83:14 90:19 90:21 96:16 <b>agency</b> [1] 55:25 <b>ago</b> [10] 20:18 36:20 68:23 74:12,15 82:7 84:4 87:24 89:19 90:2 <b>agree</b> [1] 61:20 <b>agreed</b> [4] 79:24 83:10 94:19,25 <b>agreement</b> [12] 49:9,13 50:10,16 51:2,4,19 57:9 61:13,14 78:25 79:22 <b>agrees</b> [1] 68:19 <b>ahead</b> [2] 59:11 93:16 <b>air</b> [2] 38:21 84:17 <b>Alberta</b> [1] 83:9 <b>Alderon</b> [1] 48:22 <b>alleviate</b> [1] 70:13 <b>allow</b> [4] 7:25 43:20,23 70:20 <b>allowed</b> [5] 87:12 90:13 94:2,11 95:4 <b>allows</b> [2] 41:19 45:6 <b>alone</b> [1] 38:6 <b>along</b> [1] 58:3 <b>alpine</b> [1] 78:3 <b>alternative</b> [1] 66:13 <b>always</b> [3] 47:17 87:21 88:22 <b>amazing</b> [2] 33:15 38:16 <b>Amazingly</b> [1] 38:3	<b>ambit</b> [2] 63:18 68:16 <b>ameliorate</b> [1] 54:3 <b>America</b> [3] 67:25 76:2 95:15 <b>American</b> [3] 75:25 76:3 78:4 <b>amount</b> [1] 60:17 <b>amp</b> [1] 84:12 <b>analogy</b> [1] 86:21 <b>analysis</b> [2] 50:20 66:15 <b>ancillary</b> [1] 70:9 <b>Andy</b> [1] 1:7 <b>annual</b> [1] 38:5 <b>answer</b> [5] 42:14 49:3 55:23 95:5 96:5 <b>answered</b> [1] 3:13 <b>anticipate</b> [1] 91:21 <b>anyway</b> [3] 25:13 88:18 89:15 <b>apart</b> [4] 16:15 18:10 22:4 85:22 <b>apologize</b> [1] 35:9 <b>apparatus</b> [1] 98:9 <b>Appeal</b> [1] 68:11 <b>appear</b> [2] 27:17 58:4 <b>Appendix</b> [1] 57:8 <b>application</b> [2] 49:12 57:9 <b>applications</b> [1] 93:12 <b>applied</b> [8] 12:17 18:9 19:2,10,19 22:5 25:7 55:21 <b>apply</b> [3] 9:2 56:25 82:21 <b>applying</b> [1] 64:21 <b>appreciate</b> [6] 13:1 15:16 18:8 57:15 63:4 90:23 <b>approach</b> [1] 17:4 <b>appropriate</b> [6] 8:14 15:10,11,13 81:4 91:19 <b>approval</b> [2] 55:6 73:4 <b>approved</b> [1] 9:10 <b>area</b> [5] 24:11 27:20 44:25 48:6 90:5 <b>areas</b> [4] 24:19 26:5 31:14 95:13 <b>argue</b> [1] 72:10 <b>argued</b> [1] 72:12 <b>argument</b> [2] 68:7,8 <b>arise</b> [2] 16:4 55:1 <b>arose</b> [1] 7:23 <b>arrange</b> [3] 60:14 70:1 78:19 <b>article</b> [1] 35:2 <b>articulate</b> [1] 46:4 <b>asks</b> [1] 60:13 <b>aspect</b> [1] 31:25 <b>aspects</b> [3] 28:20 29:11 44:21 <b>Assembly</b> [1] 68:23 <b>assess</b> [3] 46:14 55:25 56:1
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