

IN THE MATTER OF An Investigation And Hearing
Into Supply Issues And Power Outages On The
Island Interconnected System.

**MOTION TO ORDER COMPLETE RESPONSES TO REQUESTS FOR INFORMATION
AND TO SUSPEND GRKL DELAYS UNTIL COMPLETE RESPONSES ARE PROVIDED**

**Board of Commissioners of Public Utilities
Prince Charles Building
120 Torbay Road, P.O. Box 21040
St. John's, NL
A1A 562**

**ATTENTION: Ms. Cheryl Blundon
Director of Corporate Services & Board Secretary**

December 22, 2014

1. On December 17, 2014, NLH provided inadequate responses to the following RFIs:
 - GRK-NLH-21
 - GRK-NLH-24
 - GRK-NLH-45
 - GRK-NLH-46
 - GRK-NLH-57
 - GRK-NLH-66
 - GRK-NLH-69
 - GRK-NLH-74
2. No response whatsoever was provided to RFIs GRK-NLH-60, -63 or -67. Hydro's letter of December 17 mentions two (not three) missing responses to GRK, but does not indicate when they will be filed.

Charles O'Brien, Attorney,
1233 Island street, Montreal, Quebec, H3K 2N2
Tel. 1 888 516 0045 Fax: 1 888 516 1539
Email: bluegreenlaw@gmail.com

RFIs regarding the WMA (GRK-NLH-21 and -24)

GRK-NLH-21

3. The RFI reads:

Please explain in detail the implications for the Scheduling, Production and Delivery Mechanics of the WMA if the courts fail to endorse Nalcor's interpretation of the renewal of the Churchill Falls Contract, as described in the excerpt from page 5 of the Prefiled Evidence reproduced above.

4. Hydro's response reads:

The dispute between Churchill Falls (Labrador) Corporation and Hydro Quebec relates to interpretation of the Power Contract, not the Water Management Regulations and the Electrical Power Control Act and the terms of the Water Management Agreement established by the Board pursuant to those regulations.

5. On its face, the response fails to respond to the question. The response suggests, but does not state, that there would be no implications whatsoever for the Scheduling, Production and Delivery Mechanics of the WMA if the courts fail to endorse Nalcor's interpretation of the renewal of the Churchill Falls Contract. If this is Hydro's response, it should say so and explain why.

GRK-NLH-24

6. The RFI reads:

Preamble: In its *Requête*, Hydro-Quebec claims that the Churchill Falls Power Contract, both before and after renewal, gives it access to all of the power and energy generated at Churchill Falls, except for the 225 TwinCo Block and the 300 MW Recall Block.

Please confirm or correct the affirmations in the preamble, and indicate whether or not these claims, if upheld by the courts, are compatible with the WMA. In the affirmative, please explain in detail how the WMA could have its desired effect if, at any given moment, Hydro-Quebec has access to all of the power and energy generated at Churchill Falls, except for the 225 TwinCo Block and the 300 MW Recall Block.

7. Hydro's response reads:

Hydro Québec's assertions are before the Québec Superior Court and have not been established. Hydro notes that neither the Water Management Agreement nor the Water Management Regulations are the subject of the dispute before the Québec court.

8. In its response, Hydro did not a) confirm or correct the affirmations in the preamble, or b) explain how the WMA could have its desired effect if, at any given moment, Hydro-Quebec has access to all of the power and energy generated at Churchill Falls, except for the 225 TwinCo Block and the 300 MW Recall Block.

9. Hydro thus did not provide the requested information.

RFIs regarding the North Spur (GRK-NLH-45, -46 and -57)

GRK-NLH-45

10. This RFI reads:

Have any studies been performed including a progressive failure analysis in the North Spur? If so, please provide the complete analysis, If not, why not?

11. The answer provided does not respond to these questions, nor does that of GRK-NLH-44, to which reference is made.

GRK-NLH-46

12. This RFI reads:

Has NLH or its parent company evaluated the risk of retrogressive spreads, downhill progressive landslides or “bottleneck slides” at the North Spur site? If so, please provide a summary of its conclusions, and copies of any studies referred to.

13. Once again, the answer, which is simply a reference to the (non) response to GRK-NLH-45, does not respond to these questions.

GRK-NLH-57

14. This RFI reads:

Has the new North Spur stabilization plan been subjected to independent third party review? If so, please provide details of who carried out the review, when, and the results of their review. If not, are there any plans for such independent review? If not, why not?

15. The response quotes P.U. 41(2014), which *rejected* Hydro’s motion with respect to this question. No argument whatsoever is made suggesting that answering the question as to whether or not the new North Spur stabilization plan been subjected to independent third party review would in some way exceed the limits set by the Board.

16. The reference provided to the response to GRK-NLH-044 is similarly non-responsive.

RFIs regarding the worst-case estimates of a bipole outage (GRK-NLH-66, -69 and -74)

GRK-NLH-66

17. GRK-NLH-66 reads:

Please provide NLH’s worst-case estimate for the duration of an ice-related forced outage of the HVDC line through the Northern Peninsula.

18. The response is a reference to PUB-NLH-299.

19. It is important to note that PUB-NLH-299 asked a related but different question:

PUB-NLH-299: Further to the response to GRK-NLH-033 explain why a repair duration of two weeks was selected as the objective for the restoration plans which are to be developed and provide the information relied on to support that the two weeks objective is appropriate. [underlining added]

20. The response explains why “The two-week repair time was selected as a reasonable repair time”. However, our question was not about estimating a “reasonable repair time”, but about a worst-case estimate.

21. No information relevant to our request was provided.

GRK-NLH-69

22. GRK-NLH-69 reads:

Please indicate for how many hours a year NLH can count on 1013 to 1043 MW from Island hydroelectric generation.

23. The response is limited to discussing availability to during a two-week outage. The broader question raised in the RFI – how many hours a year these power levels are available – was ignored.

GRK-NLH-74

24. The RFI requested “a spreadsheet showing month-by-month energy availability from each resource owned by or available to Hydro, and its monthly energy requirements through 2025.”

25. This information was not provided, probably because NLH believed we were inquiring about its analyses based upon its “assum[ption] that the longest sustained bipole outage would be two weeks.” While we understand the basis upon which NLH makes this assumption, we believe it is important to also understand the reliability implications of a longer outage, should one occur. The information requested is required for that purpose, and we request that it be provided.

Missing responses

26. According to the Board’s letter of November 28, responses to all Phase Two RFIs filed to date were due on December 17. However, Hydro still has not replied to RFIs GRK-NLH-60, -63 or -67. No explanation has been provided regarding these missing responses.

Conclusions Sought

A. Order NLH to provide full and complete responses to the following RFIs:

GRK-NLH-21

GRK-NLH-24

GRK-NLH-45

GRK-NLH-46

GRK-NLH-57

GRK-NLH-60

GRK-NLH-63

GRK-NLH-66

GRK-NLH-67

GRK-NLH-69

GRK-NLH-74

B. Suspend all delays applicable to GRKL until such time as those responses are provided.

C. Make any Order the Board considers reasonable in the circumstances.

Respectfully submitted,

Charles O'Brien