



## Public Utilities Board

NEWFOUNDLAND & LABRADOR

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2026-02-27

### **Newfoundland and Labrador Hydro**

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### **Industrial Customer Group**

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Dear Madams/Sirs:

**Re: Newfoundland and Labrador Hydro - 2025 Capital Budget Supplemental Application - Application for the Purchase and Installation of Bay d'Espoir Unit 8 and Avalon Combustion Turbine - Bates White Economic Consulting Expert Report - Phase Two – Confidential Information**

The Board is writing to establish a process for the determination of the information which will be treated as confidential in the Bates White report, dated February 3, 2026, including the attached CAMS and Gruner reports and information request responses.

On February 11, 2026 the Board provided Hydro with a redacted copy of the Bates White report setting out information which it considered confidential. On February 26, 2026 Hydro provided comments as well as an alternate redacted version of the Bates White report with significant additional redactions. Hydro requested further process if the Board did not agree with the redactions suggested by Hydro.

The Board notes that Hydro claims confidentiality to wording in the Bates White report which Hydro states “characterizes certain aspects of Hydro’s planned project or related estimates.” Hydro suggests that, “Conclusions drawn by consultants that speak to, for example, costs being under or overestimated, is information that could be useful to contractors in negotiations.”

While the Board acknowledges Hydro’s interest in claiming confidentiality to information that it has provided, the Board does not accept that it is appropriate for Hydro to claim confidentiality with respect to the Board’s expert consultant’s comments, opinions, findings and conclusions unless they set out confidential information provided by Hydro. The Board also questions Hydro’s redaction of the authors of the Gruner report. As a result, the Board does not accept the requested redaction of the wording in the Bates White report.

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*Colleen Jones, Assistant Board Secretary*

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In addition, the Board notes that Hydro's comments as to the basis for its other claims of confidentiality are general and not particularized and do not confirm that the information is otherwise publicly unavailable. Hydro's general explanations do not address each claim setting out how the release of the information would cause undue financial loss or gain, harm its competitive or negotiating position or interfere with contractual obligations. For example, Hydro claims confidential treatment of:

- i) the original CT package estimates and the now awarded contract amount but does not set out why an already awarded contract amount should be confidential;
- ii) subtotals for direct construction costs and indirect construction costs but does not demonstrate how the release of subtotals would allow extrapolation of other sensitive components;
- iii) the total for the range of the estimated amount for the strategic risks but does not show how release of the total amount estimated would provide information as to specific vulnerabilities, etc.;
- iv) the contingency and management reserve amounts and associated percentages and percentage changes but does not show how the release of the specific amounts or percentages would harm Hydro's interests;
- v) certain strategic risks but not show why the release of these risks and not others would be harmful; and
- vi) execution dates in the project schedule and assessment of schedule but does not show how the release of this information would be harmful.

Given the importance of ensuring the protection of confidential information, the Board accepts Hydro's request for further process and will allow Hydro further opportunity to provide additional support for its claim.

The intervenors may file comments for the consideration of the Board on or before Tuesday, March 3, 2026. The Board will consider any additional comments that Hydro may wish to file on this matter by Thursday, March 5, 2026. Thereafter the Board will release a copy of the redacted Bates White report, including the attached CAMS and Gruner reports and information responses.

If you have any questions, please do not hesitate to contact the Board's Legal Counsel, Ms. Jacqui Glynn, by email, [jglynn@pub.nl.ca](mailto:jglynn@pub.nl.ca) or by telephone 709-726-6781.

Sincerely,



FOR Colleen Jones

Assistant Board Secretary

CJ/impl

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