

NEWFOUNDLAND AND LABRADOR
BOARD OF COMMISSIONERS OF PUBLIC UTILITIES

120 Torbay Road, P.O. Box 21040, St. John's, Newfoundland and Labrador, Canada, A1A 5B2

Hearing Transcript

**Newfoundland and Labrador Hydro
2017 General Rate Application**

April 24, 2018

The Board:

Darlene Whalen, Chair and CEO
Dwanda Newman, Vice-Chair
James Oxford, Commissioner

Board Counsel/Staff:

Jacqueline Glynn, Board Counsel
Maureen Greene, Q.C., Hearing Counsel
Cheryl Blundon, Board Secretary

Newfoundland and Labrador Hydro:

Geoffrey Young, Counsel
Alex Templeton, Counsel

Witness/Witnesses

Mr. James Haynes, President of
Newfoundland and Labrador Hydro

Newfoundland Power Inc.:

Gerard Hayes, Counsel
Liam O'Brien, Counsel

Ms. Dawn Dalley, Vice President of
Regulatory Affairs & Corporate Services,
Newfoundland and Labrador Hydro

Consumer Advocate:

Dennis Browne, Q.C.
Stephen Fitzgerald, Counsel

Island Industrial Customers

Paul Coxworthy, Counsel
Dean Porter, Counsel
Denis Fleming, Counsel

Labrador Interconnected Group*

Senwung Luk, Counsel

Iron Ore Company of Canada*

Benoit Pepin, Counsel

*Note – These two parties will not be in attendance every day

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1 (9:02 A.M.)
 2 CHAIR:
 3 Q. Good morning, everyone. Before we get
 4 started, I understand, Mr. Templeton or
 5 Young – which one of you?
 6 MR. TEMPLETON:
 7 Q. Thank you, Madam Chair. If it pleases the
 8 Board, I can provide some of the responses
 9 to the undertakings that came up yesterday.
 10 Fairly routine sort of matters. One,
 11 actually, I guess, was my undertaking,
 12 anyway. The first one that I can provide is
 13 the answer to Undertaking #6, and this was
 14 with respect to two different rates that
 15 appeared to be quoted for end consumers, and
 16 Mr. Browne asked Mr. Haynes about a 10.64
 17 cent rate, and Mr. Haynes had responded with
 18 a different number, 11.7, and I can explain
 19 that the 10.6 is, in fact, a correct unit
 20 energy rate, and 11.7 is the number Hydro
 21 uses, which includes the basic customer
 22 charge and it assumes a certain average
 23 amount of consumption. So it becomes a unit
 24 rate done that way. So these numbers are
 25 not really different, just that one includes

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1 a different amount to be more reflective of
 2 the full amount paid by customers on an
 3 average basis, and that's a common way that
 4 we provide the numbers.
 5 There was an undertaking – and by the
 6 way, this came up – these Undertakings 6 and
 7 arose in a transcript starting around page
 8 75 and following. Undertaking #7 was with
 9 respect to the domestic electricity rate in
 10 Quebec, Hydro Quebec's rate, and its 7.61
 11 cents.
 12 Madam Chair, the third undertaking I
 13 can respond to is Undertaking #10, and it
 14 was with respect to litigation concerning
 15 the Water Management Agreement. I had a
 16 conversation yesterday to confirm –
 17 conversation with Nalcor's counsel, and I
 18 can confirm what I said yesterday that there
 19 has been no litigation challenging the
 20 validity of the Water Management Agreement,
 21 and the Water Management Agreement hasn't
 22 been the subject of any litigation in any
 23 court.
 24 CHAIR:
 25 Q. Can I get a clarification, the 7.61 Quebec

Page 3

1 rate, does that compare to the 10.6 unit
 2 rate that we use here? Is that the
 3 equivalent?
 4 MR. TEMPLETON:
 5 Q. That's my understanding, they're essentially
 6 equivalent rates, equivalent basis.
 7 CHAIR:
 8 Q. Are there any more undertakings to be
 9 responded to this morning?
 10 BROWNE, Q.C.:
 11 Q. What was the response to that unit rate
 12 versus the actual rate that consumers pay?
 13 MR. TEMPLETON:
 14 Q. For Hydro?
 15 BROWNE, Q.C.:
 16 Q. Yeah, for Hydro Quebec in your answer to the
 17 Chair. Hydro Quebec is -
 18 MR. TEMPLETON:
 19 Q. Yeah, I'm looking at the information
 20 provided to me at this point. Perhaps what
 21 I'll do, Mr. Browne, if it's okay, I'll
 22 confirm after the break exactly what that is
 23 because these numbers should be comparable,
 24 and I'm not sure if Hydro Quebec does that
 25 rate exactly the same way as we do, so I'll

Page 4

1 confirm that.
 2 CHAIR:
 3 Q. Is that satisfactory, Mr. Browne?
 4 BROWNE, Q.C.:
 5 Q. Sure, thank you.
 6 CHAIR:
 7 Q. Okay, we're back to Mr. Coxworthy, and good
 8 morning again, Mr. Haynes.
 9 MR. HAYNES:
 10 A. Good morning.
 11 CHAIR:
 12 Q. All yours, Mr. Coxworthy.
 13 MR. JAMES HAYNES – CROSS-EXAMINATION BY MR. COXWORTHY:
 14 Q. Good morning, Mr. Haynes.
 15 A. Good morning.
 16 Q. Mr. Haynes, I wanted to go back to Hydro
 17 challenging the LIL LTA O & M costs that are
 18 going to be charged and paid by Hydro. Have
 19 any LIL LTA O & M costs actually been paid
 20 by Hydro yet?
 21 MR. HAYNES:
 22 A. Regarding the Opex, no.
 23 MR. COXWORTHY:
 24 Q. Not at all?
 25 MR. HAYNES:

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1 A. No.

2 MR. COXWORTHY:

3 Q. And when do you anticipate those charges to

4 start, July, 2018?

5 MR. HAYNES:

6 A. We would anticipate those charges would

7 start when we actually start taking delivery

8 of power, and I don't mean commissioning

9 power. Once they get through a

10 commissioning hurdle and the line is deemed

11 reliable in the sense that they can deliver

12 significant megawatts to actually pay the

13 bills and accumulate, that's when it would

14 start.

15 MR. COXWORTHY:

16 Q. So that suggests that it's possible, perhaps

17 even likely, to be later than July, 2018?

18 MR. HAYNES:

19 A. If the line comes in service, and if it were

20 to happen on July 1st and they were two or

21 three weeks commissioning in the sense of

22 getting – you know, you just don't turn it

23 on, obviously, and make it work, there's

24 things to do. That would be a week, it

25 could be two weeks, it could be three,

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1 whatever it is, but once they get to a point

2 where it's actually deemed to be available

3 and reliable and we can schedule power

4 reliably over it, then we would assume it

5 would be, for our purposes, in service.

6 MR. COXWORTHY:

7 Q. And once they begin to be charged and paid

8 by Hydro, will that be on a monthly basis or

9 some other periodical basis?

10 MR. HAYNES:

11 A. Ms. Hutchens could answer that probably

12 better, but, basically, the intent is that

13 we would pay it on a monthly basis and then

14 we would true it up from the point of view

15 of every quarter or something like that.

16 MR. COXWORTHY:

17 Q. And in terms of how you're going to go about

18 challenging these costs, will Hydro, for

19 instance, compare how much it would cost

20 Hydro to do similar work to what is being

21 charged by Nalcor?

22 MR. HAYNES:

23 A. That's one thing we would look at, but the

24 other thing is the actual cost that they

25 would incur, what are the components of

Page 7

1 cost, and, you know, that is a work in

2 progress and the finance folks are actually

3 looking at that right now from that

4 perspective, but it's a matter of getting

5 down to the detail and going back and

6 verifying those costs are reasonable.

7 MR. COXWORTHY:

8 Q. If we could turn to the RFI Response, CA-

9 NLH-22, and if we could go to line 14. Mr.

10 Haynes, this was a passage that was reviewed

11 with you by the consumer advocate, "Hydro

12 considers it prudent to pay the reasonable

13 operating costs for use of the LIL and LTA

14 prior to the full commissioning", and so on,

15 I won't read the whole passage. If Hydro

16 finds that the costs are not reasonable

17 operating costs through this challenging and

18 "true up" process, can Hydro simply say to

19 Nalcor we won't pay that, we'll pay

20 something less perhaps, what we consider to

21 be reasonable, but not the full amount

22 that's been presented to us?

23 MR. HAYNES:

24 A. Our interpretation is that, basically, you

25 know, from an Order in Council, as we see

Page 8

1 it, basically, we have to – we're

2 accountable to pay the cost. I don't think

3 that we can actually go back and refuse, but

4 we will challenge and hopefully we will get

5 to a point where we are agreeable that the

6 costs are reasonable, but that is a work in

7 progress, no doubt, but I don't anticipate

8 that the cost will exceed what we put in

9 there. That, to my mind, is a number that

10 is – I won't say "negotiable" is the right

11 word, but when it comes down to looking at

12 how they generate their costs, what are

13 prudent and reasonable costs to charge on

14 the O & M side, you know, we think that's

15 what it will actually come to at the end of

16 the day.

17 MR. COXWORTHY:

18 Q. So you see the challenging process as an

19 opportunity to persuade and perhaps reach

20 consensus?

21 MR. HAYNES:

22 A. Yes.

23 MR. COXWORTHY:

24 Q. As opposed to being able to outright reject

25 or refuse the costs that are presented to

Page 9

1 you?

2 MR. HAYNES:

3 A. That’s generally – that’s generally correct.

4 MR. COXWORTHY:

5 Q. So when in the answer, CA-NLH-22, you say

6 “reasonable operating cost”, you’re

7 presuming that, by and large, what Nalcor is

8 going to present to you, or what they agree

9 to modify after you’ve gone through your

10 challenging process, will be reasonable

11 costs?

12 MR. HAYNES:

13 A. Yes. Well, when you balance the

14 reliability, we obviously want high

15 reliability on the line, and it is a long

16 line, if you will. They are building an

17 organization to actually do the maintenance

18 and there probably is additional cost with

19 respect to the way they’re doing it in the

20 short term, which I would anticipate would

21 come down over time as contractors and some

22 of the extra help they would have would be

23 alleviated over time, particularly on the DC

24 station side.

25 MR. COXWORTHY:

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1 Q. This passage in CA-NLH-22, and again I’m not

2 going to read it verbatim, but it goes on to

3 say that, “It’s prudent to pay these

4 operating costs to provide the opportunity

5 to reduce generation at the Holyrood thermal

6 generation plant”. What would have been the

7 alternative? This was decided to be the

8 prudent thing to do. If Hydro had decided

9 let’s not take the recall power, let’s not

10 take the surplus recall power, in that

11 situation, am I right that it simply would

12 have been sold by Nalcor to external

13 markets, as presumably they’re doing today?

14 MR. HAYNES:

15 A. Presumably, plus we would continue to burn

16 oil at Holyrood. If we continue those costs

17 of running that, then whatever we could get,

18 you know, purchase over the Maritime Link,

19 but that would not nearly be as profitable,

20 if you will, or beneficial as recapture.

21 MR. COXWORTHY:

22 Q. And in that alternative scenario, just

23 humour me for a second, this alternative

24 scenario where you’re not taking surplus

25 recall power, would Hydro still be paying

Page 11

1 LIL LTA O & M in 2018 and 2019?

2 MR. HAYNES:

3 A. Not directly. I think, from a financial

4 point of view and the accounting part of the

5 process, the extension order says that we

6 will pay all costs associated with it, and I

7 don’t know the mechanics of the financial

8 side. I would anticipate that it will be

9 recovered over time somehow, because it is a

10 cost to actually implement a project, and

11 they may have slowed down the delivery of

12 the projects, in which case it would have

13 been IDC, so on and so forth. So I don’t

14 think – and on the financial side, I really

15 can’t speak to the mechanics of all the

16 financial issues with respect to that, but

17 we are obligated to pay by an Order in

18 Council 2013-243, all cost associated with

19 doing all that. Now there may be accounting

20 issues how you get there, and I cannot speak

21 to the mechanics of that part.

22 MR. COXWORTHY:

23 Q. Are there O & M costs being incurred by

24 Nalcor now in relation to the LIL LTA?

25 MR. HAYNES:

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1 A. The lines – the actual lines – the only

2 asset that’s really in service is the

3 Soldiers Pond 230 kV AC assets. The other

4 lines are in the progress of being

5 commissioned as we speak. You know, the 315

6 kV line in Churchill Falls, I think, was

7 energized, you know, just recently. LIL is

8 not energized. So they will be all normal

9 construction costs, as I understand it.

10 MR. COXWORTHY:

11 Q. So construction versus O & M?

12 MR. HAYNES:

13 A. Yes.

14 MR. COXWORTHY:

15 Q. So you’re making a distinction –

16 MR. HAYNES:

17 A. They’re part of the project capital cost.

18 MR. COXWORTHY:

19 Q. So you don’t consider – you wouldn’t

20 consider that Nalcor is incurring any LIL

21 LTA O & M costs until this time in July,

22 2018 or later when it’s considered to be

23 providing service to Hydro?

24 MR. HAYNES:

25 A. That’s the way I would look at it, yes.

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1 MR. COXWORTHY:
 2 Q. Thank you. You went on in this alternative
 3 scenario that I've proposed, you did go on
 4 to say, and I was going to get into this, in
 5 that 6th scenario, if you weren't taking
 6 surplus recall power, you would have looked
 7 at taking power over the Maritime Link? In
 8 fact, Hydro already has taken power over the
 9 Maritime Link?
 10 MR. HAYNES:
 11 A. We've taken limited amounts of power, but,
 12 obviously, from the point of view of
 13 recapture, which Hydro owns and can
 14 schedule, we know what the load forecast is,
 15 we have a lot more flexibility. Over the
 16 Maritime Link, you're at the – you know,
 17 depends how much is available, what the
 18 price is, how many transmission tariffs you
 19 have to get at there. It's not nearly as
 20 beneficial to the customers at the end of
 21 the day as recapture.
 22 MR. COXWORTHY:
 23 Q. I just wanted to explore that a little bit,
 24 Mr. Haynes. I understand that's the
 25 assessment that Hydro has made. I

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1 understand, and I don't think there's any
 2 need to go to it, but with reference to the
 3 RFI Response, CA-NLH-54, Hydro is not
 4 currently paying any of the internal costs
 5 of Nalcor energy marketing with respect to
 6 purchases of power by Hydro over the
 7 Maritime Link?
 8 MR. HAYNES:
 9 A. No, their incremental cost to do that is
 10 little because they're doing it anyway for
 11 the excess recapture, and as I think I said
 12 a couple days ago, we cannot get all the
 13 recapture into the system, you know, under
 14 the current scheme, so they already have it
 15 set up to do that. So they're providing
 16 that at no charge.
 17 MR. COXWORTHY:
 18 Q. And you're referring to recapture there, but
 19 I'm referring specifically to any power that
 20 it's purchased over the Maritime Link?
 21 MR. HAYNES:
 22 A. No, there's no cost to us at this point in
 23 time for in that transition period, no.
 24 MR. COXWORTHY:
 25 Q. And correct me if I'm wrong, Hydro is not

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1 responsible to pay for any of the O & M in
 2 relation to the Maritime Link, any O & M
 3 cost to anyone?
 4 MR. HAYNES:
 5 A. No, that would be Emera.
 6 MR. COXWORTHY:
 7 Q. You did mention tariffs. So there are
 8 tariffs applicable to the power that you are
 9 purchasing over the Maritime Link?
 10 (9:15 A.M.)
 11 MR. HAYNES:
 12 A. What I meant was if we were buying power in
 13 New England or other places, we would have
 14 to go to their particular system operator
 15 such as NLSO, and there are rates that
 16 apply, then there's a transmission tariff to
 17 get it, say, from New England, say, through
 18 Maine, to New Brunswick, to Nova Scotia.
 19 They would be all pan-caked onto the top of
 20 the actual energy cost itself.
 21 MR. COXWORTHY:
 22 Q. Has there been any analysis then made to
 23 compare the cost of getting surplus power
 24 from Labrador, surplus recall power, which
 25 is not just the .2 cents per kilowatt hour,

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1 but that's plus the LTA cost? Has there
 2 been any analysis to compare that cost to
 3 the cost of obtaining power over the
 4 Maritime Link where you're not paying O & M,
 5 where you're not paying Nalcor internal
 6 marketing costs? Yes, obviously, you have
 7 to pay for the power, whatever the market
 8 rate is and whatever tariffs are applied,
 9 but was there any analysis made to compare
 10 for the 2018/2019 period where the cheaper
 11 power might be available and more
 12 consistently and reliably?
 13 MR. HAYNES:
 14 A. I haven't seen that map done, but I think
 15 from an intuitive point of view, basically,
 16 I did see – there was an RFI provided with
 17 respect to if we were buying it at 4 cents
 18 in New England somewhere, and what it would
 19 be delivered to Bottom Brook, which I think
 20 was in the order of about 10 cents or so,
 21 and the differential we would save there
 22 would be Holyrood. So I don't think – I
 23 don't know if the map was actually done, but
 24 I think intuitively that, basically, .2 cent
 25 power and paying the actual fees for Opex

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1 still generates a fair bit of revenue in the
 2 deferral account, but I haven't seen the
 3 map.
 4 MR. COXWORTHY:
 5 Q. You haven't seen the map. Would anyone
 6 within Hydro have done that map?
 7 MR. HAYNES:
 8 A. I'm not – I do not know off the top of my
 9 head. I'm not sure.
 10 MR. COXWORTHY:
 11 Q. Would it be possible to make an inquiry and
 12 have your counsel advise us?
 13 MR. HAYNES:
 14 A. Will do.
 15 MR. COXWORTHY:
 16 Q. Is that – I'm not sure if that's an
 17 undertaking, just a request.
 18 MR. YOUNG:
 19 Q. I can look into that, yes.
 20 MR. COXWORTHY:
 21 Q. Thank you.
 22 MS. GLYNN:
 23 Q. We'll note that on the record as an
 24 undertaking.
 25 (9:17 A.M. UNDERTAKING)

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1 MR. COXWORTHY:
 2 Q. Okay, so we can keep that record of it.
 3 Thank you. Mr. Haynes, I'd like to turn to
 4 the Order in Council, 2013-343, and I note
 5 from yesterday's cross-examination that it's
 6 actually part of an RFI response, so we can
 7 refer to it there. It's at CA-NLH-35. I
 8 understand, Mr. Haynes, that you can't
 9 provide – ought not to be asked to provide
 10 any legal interpretations and I'll try and
 11 steer clear of anything that approaches
 12 that, but this provision 3(a) and 3(b), if
 13 you could – I believe you do have a copy of
 14 it there before you?
 15 MR. HAYNES:
 16 A. I do.
 17 MR. COXWORTHY:
 18 Q. 3(a) and 3(b), this is an issue, I think
 19 you're aware, in this General Rate
 20 Application in relation to Hydro's proposal
 21 for the offshore – sorry, off-island
 22 purchases deferral account, and you've been
 23 asked some questions about it already in the
 24 course of your cross-examination. So if
 25 you'd bear with me, I'd just would like to

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1 ask you a few questions in respect of your
 2 understanding as president of Hydro, as an
 3 engineer, of some of the terminology there
 4 in terms of what your understanding is in
 5 terms of its implications for Hydro, and
 6 what this Section 3 does is notwithstanding
 7 the previous sections in the OC, it says
 8 that, "No amounts paid by Hydro described in
 9 those sections shall be included in costs,
 10 in Hydro's cost of service calculation or in
 11 any rate application or rate setting
 12 process", and then it goes on to say, "And
 13 no such costs, et cetera, shall be recovered
 14 in Hydro's rates". Then it says the two
 15 circumstances where that applies. The first
 16 one is, "Where such amounts are directly
 17 attributable to the marketing or sale of
 18 electrical power and energy by Hydro to
 19 persons located outside of the province, on
 20 behalf of or for the benefit of Muskrat
 21 Falls Corporation, and not Hydro". I have
 22 not seen anything on the record or otherwise
 23 that would suggest that that's even in
 24 contemplation, that Hydro would ever be
 25 doing that. Is that correct from your

Page 20

1 understanding?
 2 MR. HAYNES:
 3 A. It would not be the intent, from my
 4 perspective, that we would pay marketing for
 5 efforts they make to sell power that is
 6 theirs. I would suggest that if they were
 7 selling power on behalf of Newfoundland
 8 Hydro to come back, that would be reasonable
 9 to do that, but then Hydro would be the
 10 beneficiary of those sales, but if Nalcor is
 11 the beneficiary of the sales, no, that
 12 should not be charged to Hydro.
 13 MR. COXWORTHY:
 14 Q. And is that in contemplation that that might
 15 ever happen?
 16 MR. HAYNES:
 17 A. That they would sell on behalf of
 18 Newfoundland Hydro, yes, quite possibly.
 19 MR. COXWORTHY:
 20 Q. All right, and the other way around as
 21 presumed by the OC, Hydro would be selling
 22 on behalf of Muskrat Falls Corporation?
 23 MR. HAYNES:
 24 A. No, we would not sell on behalf of Muskrat
 25 Falls, but it's possible that Nalcor energy

Page 21

1 marketing may be selling unused energy that
 2 belongs to Newfoundland Hydro on behalf of
 3 Hydro.
 4 MR. COXWORTHY:
 5 Q. So this provision 3(a) doesn't appear to
 6 have any applicability of relevance to
 7 anything that Hydro is contemplating doing
 8 at this time, or for the foreseeable future?
 9 I don't believe it is.
 10 MR. HAYNES:
 11 A. I'm not sure. I mean, you know, if we – for
 12 instance, I just want to use an example.
 13 MR. COXWORTHY:
 14 Q. Sure.
 15 MR. HAYNES:
 16 A. In the unlikely event that we're in a spill
 17 situation, obviously, we would rather
 18 monetize the water than actually see it flow
 19 down the river. So if they were to actually,
 20 you know, sell that power to an external –
 21 energy, I should say, to an external company
 22 for us, it would not be unreasonable for us
 23 to pay some fee. That fee is not
 24 determined, and we are currently discussing
 25 with NAN (phonetic) power supply, you know,

Page 22

1 how we're going to actually do this, set
 2 this up.
 3 MR. COXWORTHY:
 4 Q. Sure.
 5 MR. HAYNES:
 6 A. So there's a slight change from that
 7 perspective, but, I mean, if they are
 8 providing a service, it's not unreasonable
 9 that they actually –
 10 MR. COXWORTHY:
 11 Q. You'll pay a fee, but that's not a sale on
 12 behalf of Muskrat Falls Corporation by
 13 Hydro?
 14 MR. HAYNES:
 15 A. That would not be a sale on behalf of
 16 Muskrat Falls, no. The only thing that
 17 Nalcor has from the point of view of Muskrat
 18 Falls is what's above the load forecast at
 19 sanction time, and under the PPA that is
 20 Nalcor's energy.
 21 MR. COXWORTHY:
 22 Q. I guess, what I just wanted to point out is
 23 this part of the Order in Council seems to
 24 be contemplating a situation that at least –
 25 this was, of course, five years ago that

Page 23

1 this was written or thereabouts. There
 2 doesn't seem to be a current situation that
 3 that's in any contemplation, so I just
 4 wanted to address that. Moving on then to
 5 3(b), and the terminology that's been raised
 6 before already in this hearing that's used
 7 in 3(b) of nearing commissioning, and in
 8 your evidence, I believe yesterday, and it's
 9 at page 170, line 1, you spoke of the term
 10 "near commissioning" as being vague.
 11 MR. HAYNES:
 12 A. Yes, near commissioning is vague.
 13 MR. COXWORTHY:
 14 Q. It is vague, and I don't think that's a
 15 legal conclusion necessarily, but from your
 16 perspective as president of Hydro, and as an
 17 engineer, you find that term to be a vague
 18 one?
 19 MR. HAYNES:
 20 A. It's a bit vague in the sense that, you
 21 know, when we build any project, there's a
 22 period of time when you're going through
 23 commissioning. It's usually, you know,
 24 reasonably brief in the sense of maybe a
 25 month or two months when you actually do the

Page 24

1 commissioning. Sometimes it's a week or a
 2 few days, depending on what you're doing.
 3 With respect to the DC line, the line is
 4 coming in service and will be rated for
 5 roughly 225 megawatts, which is basically 25
 6 percent of the overall – more or less 25
 7 percent of the overall capacity, and we are
 8 going to use it – we are going to be using
 9 it and getting value over time as it
 10 progresses through. You know, they can't
 11 fully commission a line, basically, until
 12 they get generation available at Churchill
 13 Falls. So it is being used, useful, and
 14 beneficial, and from the point of view of
 15 the benefit to the customer, I think it's
 16 obvious what the benefits are. From the
 17 point of view of the accounting mechanics
 18 behind where you start and stop doing all
 19 that, that is – I'm not capable of actually
 20 commenting on that part there.
 21 MR. COXWORTHY:
 22 Q. You're not capable. Is there anyone within
 23 Hydro?
 24 MR. HAYNES:
 25 A. Ms. Hutchens would be the most appropriate,

Page 25

1 but it is a Nalcor issue with respect to,
 2 you know, on their whole financing, you
 3 know, where they are with respect to the
 4 over project, and whether it's in service or
 5 partially in service. You could look at
 6 that line as being a generator in service
 7 that has a derating of 75 percent, would be
 8 a way to look at it, and then, obviously, we
 9 have equipment in service that is de-rated
 10 by 20 percent occasionally or whatever, and
 11 it's still there. So you could look at it
 12 that way from that perspective, but I'm out
 13 of my league here a little bit when it comes
 14 down to the mechanics of this.

15 MR. COXWORTHY:
 16 Q. As am I, as a non-engineer, but I would have
 17 thought that perhaps commissioning,
 18 certainly with a project of this order, that
 19 there'd be certain milestones, recognized
 20 milestones along the way, that would put you
 21 nearer to commissioning as you achieve them?

22 MR. HAYNES:
 23 A. Well, I would suggest from that perspective,
 24 when you look at the transmission aspect as
 25 a whole, in Churchill Falls they built a 735

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1 kV and 315 kV station, so that will be fully
 2 commissioned, or, you know, 99.9 percent
 3 commissioned. There is no impacts on the DC
 4 system there that I'm aware of. When you go
 5 to Muskrat Falls, you have a 315 kV to 138
 6 kV system, and then you have the converter
 7 station. So the transmission line itself –
 8 so the wires are done, the poles are built,
 9 the structures are up. When you come down
 10 to the Labrador island infeed, the 1100
 11 kilometres of 350 kV line, they're done. So
 12 basically you're down to a smaller
 13 component, which basically is the converter
 14 stations which are waiting. So it is
 15 largely commissioned from that perspective.
 16 You know, the Muskrat Falls is done.
 17 Obviously, the generating station is not
 18 done, but the transformation station is
 19 done, you're getting power into the
 20 converter, and the converters themselves,
 21 which I have no idea of the percentage of
 22 cost of that related to the whole system,
 23 but they are 25 percent in service because
 24 we can get 225 megawatts. If there were
 25 more synchronous capability at Muskrat

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1 Falls, we could probably get more, but that
 2 would be another hundreds of millions of
 3 dollars to change that.

4 MR. COXWORTHY:
 5 Q. With a project of this order, the LIL LTA,
 6 saying that it's 25 percent in service, do
 7 you think that that's reasonable to
 8 characterize that as near commissioning?

9 MR. HAYNES:
 10 A. No, I think the project is a lot more than
 11 that. The capability is limited to 25
 12 percent because we do not have voltage
 13 support at Muskrat Falls until the
 14 generators are in service. So when you
 15 commission the converter station, I think
 16 the leap from going from 225 to 900 is not a
 17 big leap once you have the ability to do it,
 18 and if there were synchronous capability at
 19 Muskrat, we could probably bring in more,
 20 but we don't have that.

21 MR. COXWORTHY:
 22 Q. You did in your testimony yesterday, Mr.
 23 Haynes, provide some further meaning, as you
 24 understood it, and as I understood it, to
 25 what "near commissioning" might mean. At

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1 page 171, line 6 of your testimony, you
 2 talked about there being a meaningful supply
 3 of power over that line as being perhaps
 4 another way of looking at this on the "near
 5 commissioning" question. You know, is there
 6 a meaningful supply of power over that line?

7 MR. HAYNES:
 8 A. I think the capability of bringing recapture
 9 and hopefully we will be successful in
 10 finding other sources, that 225 is, in the
 11 context of Newfoundland and Labrador Hydro
 12 and the Holyrood generating capability of
 13 225 megawatts or even 150 megawatts, is
 14 quite significant.

15 MR. COXWORTHY:
 16 Q. Is it just the capability or is it the
 17 actual delivery of the power that's
 18 meaningful in this context?

19 MR. HAYNES:
 20 A. What's meaningful to us is actually the
 21 amount of energy we get so we can displace
 22 fuel.

23 MR. COXWORTHY:
 24 Q. And is there a minimum amount of recall
 25 power where we're getting to a point where

1 it's not a meaningful supply of power over
 2 the line?
 3 MR. HAYNES:
 4 A. I haven't actually considered that question,
 5 but our intention is to the best of our
 6 ability to get more power so we can fill
 7 that line more.
 8 MR. COXWORTHY:
 9 Q. If it turned out that the power over the LIL
 10 that was obtained in 2018 was less than 50
 11 megawatts, for instance, would that be a
 12 less than meaningful supply of power?
 13 MR. HAYNES:
 14 A. I think we'd have to do the math, in the
 15 sense that we would not want to be in a
 16 situation that the balance in the deferral
 17 account would be negative, obviously. That
 18 would be the bottom line, that would be the
 19 break-even point, if you will.
 20 MR. COXWORTHY:
 21 Q. Another term, and you've used it this
 22 morning as well to perhaps give some content
 23 to the "near commissioning" terminology,
 24 because you've talked about whether the
 25 asset, in this case the LIL LTA, is used and

1 Q. We'll enter that as Information #7.
 2 (9:30 A.M.)
 3 MR. COXWORTHY:
 4 Q. Yes, thank you, if it could be entered as
 5 Information. Mr. Haynes, I don't know – are
 6 you familiar at all with this document?
 7 MR. HAYNES:
 8 A. I did read it over, yes.
 9 MR. COXWORTHY:
 10 Q. I'd like to turn to page 4, and in Section
 11 3.1 up there which talks about HVDC
 12 transmission testing, and, I guess, what
 13 I'll characterize as concerns expressed by
 14 the consumer advocate's engineer about that.
 15 He says midway through that paragraph in
 16 that section, "It appears that Muskrat Falls
 17 supply will not be available to ride up to
 18 900 megawatts of power for the HVDC
 19 commissioning test". Do you agree that
 20 that's correct?
 21 MR. HAYNES:
 22 A. I do.
 23 MR. COXWORTHY:
 24 Q. And then he goes on to say, "The impact on
 25 the various HVDC contracts and operations

1 useful, and in that context – and this is at
 2 page 174, lines 4 to 14. You referred to
 3 used and useful in the sense that it's
 4 delivering savings to island customers. Is
 5 that a fair characterization of used and
 6 useful in this context, that we should be
 7 able to see that it is delivering savings to
 8 island customers?
 9 MR. HAYNES:
 10 A. Yes. The intention in that we will actually
 11 bring savings to the island customers, and,
 12 basically, what we're proposing is we would
 13 defer those savings to a later point in time
 14 to help smooth the transition to whatever
 15 the ultimate rate is post Muskrat Falls.
 16 MR. COXWORTHY:
 17 Q. I'd like to turn to, and this is one of the
 18 documents that we filed with the Board on
 19 Friday electronically, hard copy yesterday.
 20 This would be Item 4, which is the HVDC
 21 Engineer's Report to the consumer advocate
 22 filed October 11, 2016, and this was in the
 23 Phase 2 supply review. If a copy of that
 24 could be provided to Mr. Haynes.
 25 MS. GLYNN:

1 has not been reviewed", at least at that
 2 time. This was 2016, of course. I'm not
 3 suggesting that that's necessarily the case
 4 today. "It is unknown if the HVDC
 5 contractors will accept limited commercial
 6 operation if the equipment has not been
 7 fully tested, and contractors have not been
 8 fully paid. It's also unknown if HVDC
 9 operations and maintenance staff will be
 10 trained and available for testing a
 11 commercial operation". Do you know
 12 generally whether these issues have been
 13 addressed since 2016?
 14 MR. HAYNES:
 15 A. I do not know that. I would, though, use
 16 the example of the Maritime Link. The
 17 Maritime Link is a 500 megawatt link. It
 18 was not tested at 500 megawatts, it was
 19 tested at 250 megawatts per pole. So they,
 20 basically, fully loaded the electronics and
 21 the line on one pole to do what I would
 22 consider as being heat run, and they ran it
 23 for "x" hours, I forget, from the point of
 24 view of ensuring that it was reliable and
 25 not fail with some initial teething issues.

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1 Then they ran the other pole and do the same
 2 thing. At Muskrat Falls, basically, it's a
 3 900 megawatt facility, and ideally if you're
 4 getting overload capability, you would want
 5 to run it at 450. So, basically, we're
 6 going to use a monopole operation, and so if
 7 we can run that up to 200 megawatts, and I
 8 would suggest that we can probably manage
 9 that somehow – you know, there may be – you
 10 can run it back the other way, or there's
 11 different ways you can do it, but that's a
 12 work in progress by others. So it will be
 13 significantly tested, and what you're
 14 testing is the reliability of the
 15 electronics, if you will, all the power
 16 electronic equipment to convert it to DC,
 17 the controls. So it will be largely tested,
 18 but you will not do the final, you know,
 19 fully robust test, if you will, until you
 20 get Muskrat Falls plan available.
 21 MR. COXWORTHY:
 22 Q. Thank you, Mr. Haynes. I'd like to move on
 23 to a different topic, and that's with
 24 respect to the actual expected availability
 25 or forecast availability of surplus recall

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1 power from Labrador in the 2018/2019 period,
 2 and that's my focus. I'd like to make
 3 reference to a couple of RFI's. First of
 4 all, IOC-NLH-006, perhaps if that could be
 5 brought up. I'm conscious that the Labrador
 6 issues are not to be addressed in this
 7 portion, and certainly the Labrador parties
 8 – I don't want to delve into this too far,
 9 but I do want to see if we can perhaps get
 10 some foundational documents on the record,
 11 if there are any to be gotten on the record,
 12 so they can be discussed and dealt with by
 13 all the interested parties at a later point.
 14 There's reference to a Labrador Industrial
 15 Rates Policy. This is at line 7 of IOC-NLH-
 16 006, and I certainly have seen Orders in
 17 Council and media notices about this policy,
 18 and I apologize if it's on the record or
 19 otherwise available publicly, I haven't been
 20 able to actually find a copy of a document
 21 that sets out what the Labrador Industrial
 22 Rates Policy is. To your knowledge, is
 23 there a document, whether it's on the record
 24 or otherwise, that sets out in so many words
 25 what the policy is?

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1 MR. HAYNES:
 2 A. I'm not sure off the top of my head.
 3 MR. COXWORTHY:
 4 Q. Could I have an undertaking to make an
 5 inquiry, and if such a document exists, can
 6 we – and if it's not confidential put on the
 7 record.
 8 MR. TEMPLETON:
 9 Q. We can undertake to do that.
 10 MS. GLYNN:
 11 Q. The undertaking is noted.
 12 (9:35 A.M. UNDERTAKING)
 13 MR. COXWORTHY:
 14 Q. I don't think we need to go into that any
 15 further. I do want to ask, though, about
 16 the situation with recapture power, and
 17 you've already given some evidence about
 18 this in this proceeding, and what can be
 19 reasonably expected over 2018/2019 period.
 20 One of the issues you were asked about was
 21 Wabush Mines coming back on line, and I
 22 understood your evidence to be that if that
 23 were to happen, that wouldn't be before
 24 2019. Is that –
 25 MR. HAYNES:

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1 A. I think I referred – when I said 2019, I
 2 think I was referring to Alderon who would
 3 be Greenfield site.
 4 MR. COXWORTHY:
 5 Q. Sorry.
 6 MR. HAYNES:
 7 A. If DACOR were to come back on, and my
 8 understanding right now is that they're
 9 still doing their feasibility studies, that
 10 it would take – I don't anticipate that they
 11 would be, you know, in a full load by 2018.
 12 The plant has been sitting there for quite a
 13 long time. Some of the assets or part of
 14 the asset has been sold, so they're going to
 15 have to order equipment, get up to speed,
 16 hire a workforce, et cetera, et cetera.
 17 Maybe 2019 is a likely scenario that they
 18 would be actually up aiming towards full
 19 load if they were acting now, but the clock
 20 is ticking. So I think, you know – and the
 21 other thing I would mention is that DACOR,
 22 for instance, is approximately 50 megawatts,
 23 so that might be in the order of 350/400
 24 gigawatt hours. The excess recapture
 25 available in Labrador right now is in the

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1 order of about 1500 gigawatt hours, so
 2 there's still quite a bit of recapture left,
 3 and Alderon, as I mentioned, would be a
 4 slower thing because it's a greenfield site.
 5 They have a lot of work to do before they
 6 put boots on the ground, if you will.
 7 MR. COXWORTHY:
 8 Q. So that might be – with Alderon, that might
 9 be longer than 2019?
 10 MR. HAYNES:
 11 A. That might be longer. What I'm suggesting
 12 is that there's still quite a bit of
 13 recapture there that's available to be used
 14 and useful, which we, basically, you know,
 15 answer questions based on recapture. That
 16 does not mean that we're not still – you
 17 know, there are other options to buy power
 18 from somewhere else to get it in, but,
 19 obviously, the recall is what we own and
 20 control.
 21 MR. COXWORTHY:
 22 Q. And it's the cheapest power?
 23 MR. HAYNES:
 24 A. And the absolute cheapest.
 25 MR. COXWORTHY:

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1 Q. Any other power you might access wouldn't be
 2 as cheap, is that correct?
 3 MR. HAYNES:
 4 A. I don't think anywhere in the world you'd
 5 get it for .2 cents, frankly.
 6 MR. COXWORTHY:
 7 Q. But right now, am I correct the 2019
 8 forecast for available surplus recall power
 9 doesn't include the contingency of Wabush
 10 Mines coming back online, and looking for 50
 11 megawatts?
 12 MR. HAYNES:
 13 A. I don't think it does, but as I said,
 14 there's still an excess amount of recapture.
 15 Even in 2019, we do not get all the
 16 recapture to the island because of loading
 17 situations. You know, we still have to run
 18 Holyrood to provide firm capacity on the
 19 island. We still have to look at our
 20 contingency, you know, and valuation. If
 21 we're bringing in 200 megawatts, that's a
 22 possible 300 megawatt reserve we have to do,
 23 so there are – we have to look at the whole
 24 reliability and the cost and do it that way.
 25 So we've never anticipated getting in –

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1 ideally, we would like to get all the
 2 recapture to the island, but that's not
 3 technically possible.
 4 MR. COXWORTHY:
 5 Q. So even Hydro's forecast of what will be
 6 available in 2018/2019 as surplus recall
 7 power, you're anticipating, despite your
 8 best efforts, there might be some stranded
 9 recall power in Labrador that you can't
 10 bring? Might be used and useful in Labrador
 11 perhaps, but you're not going to be able to
 12 get it to the island?
 13 MR. HAYNES:
 14 A. Yes, and based on where we are right now
 15 there may be energy that Nalcor would still
 16 sell south through Quebec from the recapture
 17 contract.
 18 MR. COXWORTHY:
 19 Q. And the data centres issue, and you've given
 20 some evidence on this, I think you said
 21 there are one or two operating now, and
 22 other than that peak and effects of one or
 23 two megawatts at peak, you don't anticipate
 24 the existing data centres there to have a
 25 large impact on the availability of surplus

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1 recall power for the island? Am I – is that
 2 correct?
 3 MR. HAYNES:
 4 A. That's correct. The data centres that are
 5 there right now, obviously, is a capacity
 6 concern, it's not an energy concern. You
 7 know, as new proponents come forward, we
 8 will explore the opportunity actually for
 9 them to curtail load during peak periods. I
 10 go back again, even 100 megawatts, that
 11 might be 600 or 700 gigawatt hours, and
 12 that's not where we are right now, and plus
 13 if there's any – and I go back and reinforce
 14 what I said before, that if there was a
 15 large data centre that required capital
 16 investment, we'd have to come back to the
 17 Board for approval. So there's a process
 18 there as well.
 19 MR. COXWORTHY:
 20 Q. Do you anticipate that process could be
 21 completed before 2019?
 22 MR. HAYNES:
 23 A. If someone came forward with a significant
 24 proposal, we have to study it in the sense
 25 of how do we serve them, what is the most

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1 economic or what is the most rational way to
 2 build the assets to do that, whether it's
 3 transmission or distribution, or whatever,
 4 and then we have to evaluate those
 5 alternatives, which one is the least cost.
 6 We would have to make an application to the
 7 Board, either through a regular capital
 8 submission or as a supplemental submission.
 9 There's a process to review it, and then we
 10 have to order – if you have to order a
 11 transformer, it's, you know, 18 to 24 months
 12 to order equipment, some of the equipment.
 13 So there's time, and we have a window of
 14 opportunity now which we want to take
 15 advantage of.

16 MR. COXWORTHY:
 17 Q. And is that 18 month figure that I heard in
 18 your evidence, or at least that caught my
 19 attention earlier, my impression was even if
 20 a data centre came to you today and said,
 21 here, we want to put in – you know, we want
 22 to put in a facility that's going to require
 23 100 megawatts, for argument sake, and I
 24 realize that that's perhaps at the other
 25 extreme, but let's say, that there would be

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1 an 18 month lag in all likelihood before –
 2 even if you accept you were able to
 3 accommodate that customer?

4 MR. HAYNES:
 5 A. Well, between studying what we require from
 6 a transmission – you know, from looking at
 7 the equipment that we would need, do we need
 8 to build a sub-station, do we need to build
 9 an extended transmission line, I would
 10 suggest 18 months to two years is a minimum
 11 before you actually see that, see those
 12 folks take power in a large quantity.

13 MR. COXWORTHY:
 14 Q. Thank you, Mr. Haynes. I'm going to move on
 15 to another, and I think final topic. In
 16 your April 16th testimony at page 133,
 17 starting at line 20, you spoke to what I'll
 18 call a "steps approach" to dealing with the
 19 rate shock when Muskrat Falls power has to
 20 be taken by Hydro, paid by Hydro's customers
 21 in 2020, let's say, and we talked about 18
 22 cents as being sort of a tipping point, if
 23 I can put it that way, for preservation of
 24 retail load, and above that, whether it's
 25 intuitively or through analysis, the sense

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1 is that could cause a permanent downswing or
 2 a long term downswing in retail load, but if
 3 you can keep it at 18 cents or close to 18
 4 cents, although you might have a temporary
 5 downturn reduction in retail load, that it
 6 would be expected to bounce back or more
 7 likely to bounce back?

8 MR. HAYNES:
 9 A. That we'll see.

10 MR. COXWORTHY:
 11 Q. So, that's why I'm referring to it as a
 12 tipping point. And you've confirmed, of
 13 course, that the off-island purchase
 14 deferral account mitigation won't get us
 15 anywhere near to 18 cents?

16 MR. HAYNES:
 17 A. That's correct.

18 MR. COXWORTHY:
 19 Q. So, in terms of the steps approach, I want
 20 to ask, why is the offshore – off-island
 21 purchase deferral account being pursued if
 22 it's not going to achieve the step approach
 23 – and given, quite frankly, that it's become
 24 controversial in this hearing, controversial
 25 from a jurisdictional point of view and from

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1 a practical point of view, in terms of
 2 whether it can be relied upon to deliver the
 3 savings that are forecast, why is it being
 4 pursued if it's not going to achieve the
 5 goal?

6 MR. HAYNES:
 7 A. From Hydro's perspective, what's required to
 8 actually get to 18 cents requires a lot more
 9 than what Hydro can bring to the table. It
 10 requires cooperation from Nalcor, the
 11 Provincial Government and presumably the
 12 Board, from the point of view of doing it.
 13 What we see is that that is a part of the
 14 solution. We cannot demand that, for
 15 instance, that dividends from Nalcor be
 16 plowed back into Hydro to subsidize rates,
 17 nor can we demand from the Provincial
 18 Government that they actually provide, you
 19 know, money to Hydro to subsidize rates.

20 There is a cost coming. It has to be
 21 paid for by somebody and, you know, and I
 22 suspect that at the end of the day, it's a
 23 combination of what we can bring to the
 24 table, what Nalcor can provide, and if
 25 there's another shortfall, then it may be

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1 the Government who have to provide that.
 2 But at the end of the day, it's the taxpayer
 3 and the ratepayer together that have to
 4 address this issue.
 5 But, from a perspective of the deferral
 6 account, we see that as a way to at least
 7 make the transition, the step change, a
 8 little less because any money that we can
 9 accrue in that account could be used by the
 10 Board to – you know, instead of going, you
 11 know, from 13 cents or 13 and a half cents
 12 to 18 cents, we can go to 13 to 15 or
 13 whatever over a – you know, to help that
 14 process along.
 15 It's only one part of the solution and
 16 Hydro does not have the ability under orders
 17 or legislation to actually create the value
 18 somewhere, the wealth to actually make that
 19 happen. It requires cooperation of all
 20 parties. It's not a Hydro-only issue. It
 21 is a Provincial issue, in fact.
 22 MR. COXWORTHY:
 23 Q. Thank you, Mr. Haynes. No further
 24 questions.
 25 CHAIR:

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1 Q. Thank you, Mr. Coxworthy. Ms. Greene, are
 2 you ready to proceed?
 3 (9:45 a.m.)
 4 MR. JAMES HAYNES, CROSS-EXAMINATION BY MAUREEN GREENE,
 5 Q.C.
 6 GREENE, Q.C.:
 7 Q. Yes, thank you, Madam Chair. Good morning,
 8 Mr. Haynes.
 9 MR. HAYNES:
 10 A. Good morning.
 11 GREENE, Q.C.:
 12 Q. The first area I'd like to talk to you about
 13 is the current corporate structure, and I do
 14 have a few follow-up questions to those that
 15 Mr. O'Brien pursued with you. I understood
 16 from your discussion with Mr. O'Brien that
 17 the decision to separate Hydro out from
 18 Nalcor was made before you returned as
 19 President. Is that correct?
 20 MR. HAYNES:
 21 A. That's correct.
 22 GREENE, Q.C.:
 23 Q. And that part of your mandate that was given
 24 to you when you did return was to complete
 25 the implementation of the new separate Hydro

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1 corporate structure. Is that correct?
 2 MR. HAYNES:
 3 A. That's correct.
 4 GREENE, Q.C.:
 5 Q. And at that time, were you given what the
 6 underlying rationale was for the new
 7 structure?
 8 MR. HAYNES:
 9 A. Well, the basic rationale was to separate
 10 the regulatory from the non-regulatory
 11 assets so that there's a hundred percent
 12 focus by Hydro on the regulatory, you know,
 13 regulatory business, if you will, and not to
 14 be, you know, mixed up or dealing a lot with
 15 unregulated activities. That was the
 16 intent. So, that basically, you know, the
 17 regulated side was a stand-alone utility who
 18 focused on the regulatory obligations we
 19 have and not to be busy doing a lot of non-
 20 regulated work or that sort of thing.
 21 GREENE, Q.C.:
 22 Q. I wonder if we could bring up Exhibit 2,
 23 Schedule 1, please, page 1. So, it's page 1
 24 of that schedule. Does this reflect the
 25 current structure at Hydro, Mr. Haynes?

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1 MR. HAYNES:
 2 A. Yes, it does.
 3 GREENE, Q.C.:
 4 Q. You talked a little bit with Mr. O'Brien
 5 about the position of the Chief Executive
 6 Officer. Mr. Marshall is the current
 7 incumbent. Is he an employee of Hydro or
 8 Nalcor?
 9 MR. HAYNES:
 10 A. Nalcor.
 11 GREENE, Q.C.:
 12 Q. Does he receive a salary from Hydro?
 13 MR. HAYNES:
 14 A. I don't think he charges any time on a
 15 timesheet basis or there's an allocation.
 16 I'm not quite sure actually. I would
 17 suspect no, but I would have to confirm
 18 that.
 19 GREENE, Q.C.:
 20 Q. Okay. So, the first question was, before we
 21 got to the time charging. Is there any
 22 component of his salary actually paid, not
 23 related to time charges?
 24 MR. HAYNES:
 25 A. I'm not sure. I would have to check.

1 GREENE, Q.C.:

2 Q. I wonder if we could have an undertaking,

3 please, to confirm, with respect to the

4 salary paid to the Chief Executive Officer.

5 (9:48 a.m., UNDERTAKING)

6 MR. YOUNG:

7 Q. Yes, thank you. Ms. Greene, we'll

8 undertake for that.

9 GREENE, Q.C.:

10 Q. The next thing was the time charge. To your

11 knowledge, does Mr. Marshall charge back any

12 portion of his time to Newfoundland and

13 Labrador Hydro that's included in the

14 revenue requirement to date?

15 MR. HAYNES:

16 A. No.

17 GREENE, Q.C.:

18 Q. So, he doesn't charge any time?

19 MR. HAYNES:

20 A. No, not that I'm aware of, and I don't think

21 there's any timesheets come through charged

22 to Hydro.

23 GREENE, Q.C.:

24 Q. Okay. You mentioned in your discussion with

25 Mr. O'Brien that the relationship is, I'll

1 GREENE, Q.C.:

2 Q. And at those meetings, are any policy

3 decisions made with respect to all of the

4 companies in the corporate group?

5 MR. HAYNES:

6 A. No, not to date.

7 GREENE, Q.C.:

8 Q. With respect to compensation, for example?

9 MR. HAYNES:

10 A. There is a compensation committee of the

11 Board of Directors of Nalcor. The Hydro

12 Board of Directors are – the current Hydro

13 Board of Directors are, they were at least

14 considered interim appointments and that has

15 not been resolved. We would expect that

16 they would be involved more later on. But

17 there is a compensation committee of Nalcor

18 that kind of looks at the whole of Nalcor

19 subsidiaries and there's a common

20 compensation strategy for all.

21 GREENE, Q.C.:

22 Q. So, there is a common decision-making

23 process with respect to Human Resources

24 compensation?

25 MR. HAYNES:

1 call it, more keeping the CEO informed but

2 that you're left to run Hydro. Would that

3 be a correct takeaway from your discussion

4 with Mr. O'Brien?

5 MR. HAYNES:

6 A. Yes, basically. There's – you know,

7 obviously Mr. Marshall, you know, is

8 involved in the sense that, I mean, we have

9 our quarterly meetings. I drop up once a

10 week to make sure that we're all lined up

11 with things or whatever, but there's not a –

12 there's a fair bit of independence from

13 Nalcor from that perspective.

14 GREENE, Q.C.:

15 Q. And there's no time charge for those update

16 meetings?

17 MR. HAYNES:

18 A. No, and they're not long sessions. They're

19 actually brief.

20 GREENE, Q.C.:

21 Q. You also testified that you attend monthly

22 meetings with the other executives of

23 Nalcor. Is that correct?

24 MR. HAYNES:

25 A. That's correct.

1 A. There's a fair bit of cooperation between

2 the HR Department of Hydro and Nalcor and

3 Ms. Dalley could actually speak to that.

4 She's basically, you know, interface, if you

5 will, with Nalcor HR quite often from that

6 perspective, you know, as often as required,

7 but we want to maintain a consistency

8 through compensation. We want to maintain

9 consistency through job description and

10 things like that, so that we're not, you

11 know, way off base with respect to what, you

12 know, an electrical engineer does in Nalcor

13 versus Hydro or things such as that, or

14 management.

15 GREENE, Q.C.:

16 Q. And when you talk about compensation, do you

17 include the broad package of compensation,

18 including benefits, overtime payments and

19 vacation entitlement, for example?

20 MR. HAYNES:

21 A. Yes, the policies are common between Nalcor

22 and Hydro.

23 GREENE, Q.C.:

24 Q. And that policy decision with respect to the

25 compensation package, did I understand that

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1 that is set primarily by the Nalcor Board of
 2 Directors?
 3 MR. HAYNES:
 4 A. There is a compensation -
 5 GREENE, Q.C.:
 6 Q. The compensation committee?
 7 MR. HAYNES:
 8 A. There's a compensation committee of the
 9 Nalcor Board who makes recommendations to -
 10 you know, on that there. The conversation,
 11 for instance, for - you know, the
 12 compensation for 2018 was approved by the
 13 Newfoundland and Labrador Hydro Board of
 14 Directors.
 15 GREENE, Q.C.:
 16 Q. Following a decision by the Nalcor Board
 17 with respect to a consistent approach?
 18 MR. HAYNES:
 19 A. Following a review and recommendation by the
 20 Board, yes, by the compensation committee.
 21 GREENE, Q.C.:
 22 Q. What other types of decisions, if any, are
 23 made in that manner?
 24 MR. HAYNES:
 25 A. With Mr. Marshall, I meet with the - meeting

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1 with the other VPs?
 2 GREENE, Q.C.:
 3 Q. Or with respect to Nalcor. I understand
 4 from our discussion we just had that the
 5 compensation approach is set by the Nalcor
 6 Board of Directors, which is then reviewed
 7 by the Hydro Board.
 8 MR. HAYNES:
 9 A. That's correct.
 10 GREENE, Q.C.:
 11 Q. Okay. Are there any other types of policy
 12 decisions, I'll call them, like that that
 13 are made in that manner?
 14 MR. HAYNES:
 15 A. Not of any significance that I recall. I
 16 don't think there is. That would be the
 17 major one. You know, there is, you know, an
 18 environmental subcommittee of the Board.
 19 It's not a committee of the Board, but that
 20 would be - as our Hydro Board of Directors
 21 evolves and they actually become the
 22 permanent board, some of those things would
 23 actually transition over there. But there's
 24 still a lot of cooperation between the two
 25 companies, between Nalcor and Hydro, on

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1 those issues.
 2 GREENE, Q.C.:
 3 Q. With respect to Hydro's budget, are any
 4 guidelines developed at the Nalcor executive
 5 or Nalcor Board level with respect to
 6 Hydro's budget and approach to its budget?
 7 MR. HAYNES:
 8 A. There are things from Nalcor with respect to
 9 general guidelines on, you know, the budget
 10 preparation and so on, but at the end of the
 11 day, we prepare our budget independently
 12 and, you know, if there are asks from the
 13 point of view of, you know, direction or
 14 general direction on, for instance,
 15 compensation for instance, they would be
 16 obviously done as a collective level, but
 17 there's a sort of - quite a bit of autonomy
 18 and the intention is that basically our
 19 budgets will be prepared. They will be
 20 presented to the Board of Directors - I'm
 21 sorry, the Board of Directors for approval
 22 and from a GRA point of view, to the Board,
 23 to this Board, actually for approval for
 24 test year things.
 25 GREENE, Q.C.:

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1 Q. You just mentioned that there could be
 2 general guidelines from Nalcor to Hydro with
 3 respect to the preparation of the budget.
 4 What type of guidelines would that be?
 5 MR. HAYNES:
 6 A. I think they would be general, from the
 7 point of view of costs in the sense of
 8 escalation or whether, you know, there are
 9 assumptions for progressions in salary
 10 scales or changes, things like that, that
 11 would be done at the corporate-wide level.
 12 GREENE, Q.C.:
 13 Q. So, Nalcor would actually tell Hydro what
 14 inflation levels to use and what
 15 compensation adjustments to make in
 16 preparing the budget?
 17 MR. HAYNES:
 18 A. They would make recommendations from the
 19 compensation committee from that
 20 perspective, from the point of view of what
 21 the scales are, whether there's progression
 22 in the scales and things like that.
 23 GREENE, Q.C.:
 24 Q. You mentioned inflation. Did you mean it to
 25 apply only to compensation or do you mean it

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1 for other matters, such as -

2 MR. HAYNES:

3 A. I think generally. I would think generally

4 from that perspective. Generally, you know,

5 inflation escalation from that perspective,

6 not specific to compensation. But we'd have

7 to balance that obviously with the work at

8 hand and what our work plans are and the

9 reliability and things like that.

10 GREENE, Q.C.:

11 Q. What other types of guidelines would you

12 expect to receive or have received from

13 Nalcor with respect to the budget?

14 MR. HAYNES:

15 A. I think that's - not a lot, but I would

16 suggest that Ms. Hutchens could actually go

17 into that detail of that there from the

18 point of view about that. I mean, we

19 prepare our budget. We provide them to

20 Nalcor and they consolidate up to the Nalcor

21 budget. There's not a - you know, there's

22 discussion and so on, but I don't think

23 there's any specific orders to cut this, cut

24 that or do that. Basically, what we present

25 is what we think we require to provide the

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1 service.

2 GREENE, Q.C.:

3 Q. With respect to the monthly meetings that

4 you attend, would that be where such

5 decisions as the inflation to use in the

6 preparation of budgets, is that where those

7 decisions are made?

8 MR. HAYNES:

9 A. The meetings with the CEO are generally -

10 with Mr. Marshall and the other EVPs are

11 basically updates. There's a brief report,

12 if you will, on the last month's activities,

13 where things are, what the financial

14 situation looks like, what the reliability

15 situation looks like or any other

16 significant issue that's on the go. They're

17 not necessarily kind of formal approval

18 processes for guidelines or things like

19 that. That's not happened, not to date.

20 GREENE, Q.C.:

21 Q. So, decisions are not made at those monthly

22 executive meetings?

23 MR. HAYNES:

24 A. Not, you know, decisions like that. I mean,

25 there are general direction from the point

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1 of view that, you know, reliability, for

2 instance, that power supply actually

3 advancing or whatever, the LIL in-service

4 date and things like that. But they're

5 general in nature.

6 GREENE, Q.C.:

7 Q. And the other members of the executive of

8 Hydro, do they attend regular meetings with

9 the other executives in the Nalcor Group?

10 MR. HAYNES:

11 A. No, not those meetings. They attend the

12 Board of Directors meetings for Hydro. They

13 don't attend the Nalcor Board of Directors

14 meetings, but they do attend the Board of

15 Directors meeting with Hydro and any issues

16 going to the Hydro Board of Directors for

17 approval, you know, there is a change order

18 or supplementary capital budget application,

19 whatever is required under the guidance that

20 we have, they go through the Board and the

21 other VPs are present at those.

22 GREENE, Q.C.:

23 Q. If we look for a moment at the Vice-

24 President of Financial Services, to your

25 knowledge what would be that interaction of

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1 that position with the Vice-President of

2 Finance for Nalcor?

3 MR. HAYNES:

4 A. Ms. Hutchens does have regular meetings with

5 the Vice-President of Finance for Nalcor,

6 but she can speak best to the content of

7 those meetings.

8 GREENE, Q.C.:

9 Q. And would that be the same with all of the

10 other executive?

11 MR. HAYNES:

12 A. I think primarily Finance would be the major

13 one where there's an ongoing dialogue. I

14 think on the HR side, there would be

15 occasional meetings, depending on what's on

16 the go between Ms. Dalley and the Vice-

17 President of HR for Nalcor, from the point

18 of view of policies and considerations like

19 that. But generally speaking, there's a

20 fair bit of autonomy. I believe the

21 corporate secretary does have - and general

22 counsel does have occasional meetings with

23 Nalcor from a legal point of view, what

24 issues are on the go and things like that.

25 But, I think they're fairly high level, just

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1 to keep in touch, if you will. With respect
 2 to HR, I mentioned. Engineering would be on
 3 an as-required basis. If there's joint
 4 projects or we're interacting on projects
 5 with power supply, such as Labrador projects
 6 or Soldiers Pond, things like that. That's
 7 primarily it.
 8 GREENE, Q.C.:
 9 Q. Okay. And what about the relationship
 10 between Hydro and the Government? How is
 11 that handled?
 12 MR. HAYNES:
 13 A. That's on an as-required basis. They
 14 occasionally send us requests for
 15 information or if they're responding to an
 16 application, we do provide information to
 17 the Government obviously. When we're
 18 having, you know, the GRA application to the
 19 Board or even our capital budget
 20 application, we have provided information on
 21 an as-required basis. If they ask questions
 22 about anything, we will provide whatever we
 23 can.
 24 GREENE, Q.C.:
 25 Q. Is there one person at Hydro responsible for

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1 the relationship with the Government?
 2 MR. HAYNES:
 3 A. Well, basically, a lot of it comes through
 4 the regulatory side, because that's where
 5 most of the issues are. So, primarily it's
 6 there. But primarily the contact is mostly
 7 between myself and/or Ms. Dalley with
 8 respect to the Government.
 9 GREENE, Q.C.:
 10 Q. Have you received any direction from the
 11 Government with respect to the preparation
 12 of this General Rate Application?
 13 MR. HAYNES:
 14 A. Not specifically, no, not that I'm aware. I
 15 mean, they have an interest to keep the
 16 rates down obviously, but -- we also have an
 17 interest to do that obviously because we're
 18 concerned about where the rates are going.
 19 But we also feel we need the amount of money
 20 we put forward to provide reliable service.
 21 GREENE, Q.C.:
 22 Q. To your knowledge, have you received any
 23 direction from Government with respect to
 24 the information that forms part of the
 25 General Rate Application?

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1 MR. HAYNES:
 2 A. I'm sorry, can you repeat that?
 3 GREENE, Q.C.:
 4 Q. Have you received any direction from
 5 Government with respect to any of the
 6 information or the inputs into your General
 7 Rate Application?
 8 MR. HAYNES:
 9 A. No, I'm not aware of anything.
 10 (10:00 a.m.)
 11 GREENE, Q.C.:
 12 Q. I wonder if we could go to PUB-NLH-54,
 13 please. And here I refer to lines 11 to 13,
 14 "the Provincial Government also provided
 15 direction to Government Departments, Crown
 16 Corporations and Agencies to reduce costs."
 17 That was with respect to 2016.
 18 MR. HAYNES:
 19 A. Yes.
 20 GREENE, Q.C.:
 21 Q. So, my question is was there any direction
 22 received -- we'll start with 2016, 2017 or
 23 2018, with respect to any direction on costs
 24 or compensation?
 25 MR. HAYNES:

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1 A. I'm not aware of any specific direction that
 2 was provided by the Government with respect
 3 to our current application from that
 4 perspective.
 5 GREENE, Q.C.:
 6 Q. Do you know what is referred to in lines 11
 7 to 13 there of PUB -
 8 MR. HAYNES:
 9 A. There was an effort at the time by the
 10 Government to actually go back and cut a lot
 11 of costs right across the whole civil
 12 service and Hydro was included in that, you
 13 know, and there were targets made. Part of
 14 our -- you know, we actually went back with
 15 an aggressive cost-cutting measure in 2016
 16 which we don't think is sustainable from the
 17 point of view of cutting all travel and
 18 conferences, et cetera, et cetera, and those
 19 things, they were all part of that, in
 20 addition to getting things back under
 21 control.
 22 GREENE, Q.C.:
 23 Q. So, has there been any direction with
 24 respect to employee compensation for 2018 or
 25 '19? We know the Government has just

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1 settled collective agreements and there is a
 2 focus with respect to compensation in the
 3 Government. To your knowledge, has the
 4 Government given Hydro a direction with
 5 respect to that?
 6 MR. HAYNES:
 7 A. There's been no formal direction given by
 8 Government that we are to impose, you know,
 9 zero and zero, for instance. If that's –
 10 you know, we have imposed a zero and zero on
 11 management from the point of view of general
 12 rate increases in the last two years for
 13 sure, but we – I'm not aware that we've had
 14 any formal direction from Government to do
 15 that.
 16 GREENE, Q.C.:
 17 Q. Can I go back, please, to Exhibit 2,
 18 Schedule 1? I wanted to talk a little bit
 19 about the regulatory role which on page 1
 20 reports in to you. Is that correct, Mr.
 21 Haynes? The Vice-President of Corporate
 22 Services and Regulatory Affairs reports in
 23 to you? Is that correct?
 24 MR. HAYNES:
 25 A. That's correct.

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1 GREENE, Q.C.:
 2 Q. Are you aware that Liberty, in its December
 3 2014 report, recommended that the regulatory
 4 matters be consolidated under one executive
 5 for transparency and accountability
 6 purposes?
 7 MR. HAYNES:
 8 A. Yes.
 9 GREENE, Q.C.:
 10 Q. And I want to talk to you a little bit about
 11 how that's been implemented.
 12 MR. HAYNES:
 13 A. Okay.
 14 GREENE, Q.C.:
 15 Q. In your role as President, what is your
 16 interaction with all regulatory matters?
 17 MR. HAYNES:
 18 A. It's fairly frequent in that sense. There's
 19 a lot of things actually that go through the
 20 Regulatory Department and depending on what
 21 they are, I – you know, some of them are
 22 somewhat routine, the reports that go
 23 through. I don't review all those. From
 24 the point of view of a GRA and capital
 25 budget, I am involved in meetings on that

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1 there and we review those. Some of the
 2 reports that go through or supplementary
 3 applications or so on go through there. So,
 4 there's – it depends on the item and the
 5 issue how much involvement I would have, but
 6 primarily it's under Ms. Dalley and
 7 Regulatory Affairs is focused on Hydro. You
 8 know, that whole department is kind of a
 9 customer-focused and Regulatory Affairs is
 10 primarily it, along with HR and some other
 11 corporate services.
 12 GREENE, Q.C.:
 13 Q. I wanted to break it down into policy type
 14 decisions and then some, I'll call them,
 15 routine or more day-to-day matters.
 16 MR. HAYNES:
 17 A. All right.
 18 GREENE, Q.C.:
 19 Q. From a policy perspective, and let's take a
 20 specific example. What about this off-
 21 island purchases deferral account we've
 22 talked a lot about so far; what would your
 23 involvement have been in that policy
 24 decision to put that forward as part of this
 25 proposal?

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1 MR. HAYNES:
 2 A. We would have had meetings to discuss that
 3 item in principle from the point of view of
 4 where it would go and I fully support that
 5 particular perspective for that particular
 6 proposal because I think it's the only one
 7 that we actually have readily available that
 8 we can actually do.
 9 GREENE, Q.C.:
 10 Q. So, who would come to you with that type of
 11 decision?
 12 MR. HAYNES:
 13 A. That would basically be Ms. Dalley, but
 14 usually it's a meeting with Regulatory
 15 people, for instance, the manager of
 16 Regulatory, Mr. Fagan, who would look at
 17 options and bring forward what would be
 18 plausible options to proceed.
 19 GREENE, Q.C.:
 20 Q. And the interim rates application that we'll
 21 talk about a bit later that you referred to
 22 yesterday, would you have been involved in
 23 the decision as to what type of rate
 24 proposals to put forward?
 25 MR. HAYNES:

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1 A. At a high level, yes, from a – I’m not down
 2 in the weeds on a particular rate proposal.
 3 The intention when we filed the application
 4 initially was to, I think, recover
 5 approximately 70 percent of what we propose
 6 and starting January 1, and then we delayed
 7 that obviously, you know, in hopes that we
 8 would actually proceed with the hearing.
 9 And then in the supplement application, it
 10 was modified based on data at the time.
 11 GREENE, Q.C.:
 12 Q. And we’ll come back to that. Just at the
 13 process perspective.
 14 MR. HAYNES:
 15 A. Okay.
 16 GREENE, Q.C.:
 17 Q. What about more routine matters, responses
 18 to Request for Information that get filed
 19 with the Board, do you have, as President,
 20 have any role with respect to that?
 21 MR. HAYNES:
 22 A. I am copied on a lot of those things. A lot
 23 of them are – when an RFI comes out, they’re
 24 distributed to parties who can actually, you
 25 know, respond with knowledge on the answer.

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1 They go back through a – there’s a review
 2 committee. Depending on the nature of the
 3 RFI, I’ve sat in on meetings to discuss
 4 those and review them. I’ve read them and
 5 I’ve provided comments on occasion,
 6 depending what it is, but not on every RFI.
 7 GREENE, Q.C.:
 8 Q. And we’ve already talked about the future
 9 projective rate increases and the
 10 information that was provided by Hydro for
 11 Hydro other costs to come up at the rate
 12 projections. Would you have reviewed that
 13 type of information before it was provided
 14 to Government?
 15 MR. HAYNES:
 16 A. I did not see that. I don’t recall that I
 17 actually saw that presentation before it
 18 went to the Government, no.
 19 GREENE, Q.C.:
 20 Q. I wonder if we could go to page 29 of this
 21 same schedule, please. Now this is the
 22 chart that shows the structure of the
 23 Regulatory Affairs Department. To your
 24 knowledge, is that chart current?
 25 MR. HAYNES:

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1 A. There have been some changes. We’ve had
 2 some people leave and move, but I would
 3 suggest Ms. Dalley could actually speak to
 4 the current state. I’m not – I don’t have
 5 that at the top of my head. I think
 6 generally it’s correct, but there may have
 7 been some adjustment.
 8 GREENE, Q.C.:
 9 Q. And I wonder if we could have an undertaking
 10 to provide a revised chart that we can then
 11 follow up with her, Ms. Dalley, please.
 12 MR. YOUNG:
 13 Q. Yes.
 14 (10:07 a.m., UNDERTAKING)
 15 GREENE, Q.C.:
 16 Q. So, we just talked a little bit about your
 17 role. To your knowledge, can you give us a
 18 description of what Ms. Dalley’s role would
 19 be and her interaction on policy matters
 20 first and then what I’m calling the more
 21 routine matters, such as actually the
 22 process for RFI responses?
 23 MR. HAYNES:
 24 A. We would have general discussions. We have
 25 regular meetings as well. There’s

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1 discussions at that table with respect to
 2 the regulatory items. From the point of
 3 view of the General Rate Application, there
 4 was considerable amount of discussion before
 5 it was filed with all the VPs in fact and
 6 others in the room that are going down
 7 through the content, the structure, the
 8 basic concept and components of the GRA.
 9 Once we’ve agreed in principle, they
 10 basically run with that and proceed. But
 11 basically any major change would come back
 12 for discussion, if that’s what you mean.
 13 GREENE, Q.C.:
 14 Q. And what would Ms. Dalley’s role be? You
 15 mentioned there’s a -
 16 MR. HAYNES:
 17 A. Well, basically, she interacts with the
 18 Regulatory folks there, senior regulatory
 19 counsel, regulatory engineering to some
 20 degree, but particularly on the rate and
 21 regulatory aspect.
 22 GREENE, Q.C.:
 23 Q. So, is she the person you look to for rate
 24 strategy or is it someone else?
 25 MR. HAYNES:

1 A. Yes, but I expect that there is also with a
 2 lot of input from the Regulatory folks in
 3 the department, from the Manager of Rates,
 4 the team lead, if you will, and the Manager
 5 of Regulatory Affairs.
 6 GREENE, Q.C.:
 7 Q. Obviously she would work with her team, but
 8 that's the person you look to for -
 9 MR. HAYNES:
 10 A. I would look to her directly, yes.
 11 GREENE, Q.C.:
 12 Q. And with respect – I'll ask Ms. Dalley the
 13 question. Do you have any knowledge of how
 14 she interacts on a daily basis on more
 15 routine type matters?
 16 MR. HAYNES:
 17 A. I think Ms. Dalley is actually quite active
 18 in the interacting on a day-to-day basis
 19 with her managers and things like that
 20 matter. She's quite busy from that
 21 perspective.
 22 GREENE, Q.C.:
 23 Q. In your opinion, as the President, does the
 24 – how does the current structure provide
 25 comfort to the Board and to stakeholders

1 that there is the appropriate focus on
 2 regulatory matters at Hydro currently?
 3 MR. HAYNES:
 4 A. I think the structure has been changed quite
 5 a bit from the point of view where it used
 6 to be. From the point of view of the
 7 Manager of Regulatory Engineering, we have
 8 people in that department – we have a few
 9 engineers in that department reviewing, you
 10 know, capital budget proposals and keeping
 11 track of all the requests and so on. So,
 12 there's a – you know, the department has
 13 grown from what it used to be, there's no
 14 doubt about that, but I think the focus is
 15 purely regulatory and making sure that the
 16 reports are reliable and that the
 17 applications are thorough and things are
 18 looked after. There's still work to be done
 19 obviously, you know, but there's quite a bit
 20 of review done on all things that go to the
 21 Public Utilities Board.
 22 GREENE, Q.C.:
 23 Q. Are you contemplating any further changes
 24 with respect to the Regulatory Department?
 25 MR. HAYNES:

1 A. Not of any consequence, I'm not aware of any
 2 significant change going forward.
 3 GREENE, Q.C.:
 4 Q. So, we would expect to see that regulatory
 5 performance would be something that you
 6 measure to see how you're performing? Is
 7 that correct?
 8 MR. HAYNES:
 9 A. Yes. We actually have, you know, in the
 10 performance contracts that Ms. Dalley can
 11 speak to, in the performance contracts that
 12 we have, we have a regulatory component as
 13 one of the five key factors to consider when
 14 we're actually looking at, you know, short-
 15 term incentive program. That is front and
 16 centre.
 17 GREENE, Q.C.:
 18 Q. I wonder if we could go to PUB-NLH-125,
 19 Attachment 2, which is the short-term
 20 performance contract you just referred to.
 21 MR. HAYNES:
 22 A. Okay.
 23 GREENE, Q.C.:
 24 Q. And for now, I only want to talk about the
 25 regulatory component. We'll come back to

1 the other components later.
 2 MR. HAYNES:
 3 A. Okay.
 4 GREENE, Q.C.:
 5 Q. So, on page 1, Mr. Haynes, that's your
 6 performance contract. Is that correct?
 7 MR. HAYNES:
 8 A. Yes.
 9 GREENE, Q.C.:
 10 Q. The position there is President,
 11 Newfoundland Hydro.
 12 MR. HAYNES:
 13 A. Yes.
 14 GREENE, Q.C.:
 15 Q. Okay. And now, we're only going to talk
 16 about the regulatory.
 17 MR. HAYNES:
 18 A. Okay.
 19 GREENE, Q.C.:
 20 Q. We'll come back in a little while to your
 21 role in these contracts, but can you
 22 explain, at the bottom quadrant there,
 23 Regulatory is shown as 15 percent. Is that
 24 correct?
 25 MR. HAYNES:

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1 A. That's correct.
 2 GREENE, Q.C.:
 3 Q. And it's also shown for you – these are
 4 corporate targets? Is that correct?
 5 MR. HAYNES:
 6 A. That's correct.
 7 GREENE, Q.C.:
 8 Q. And 100 percent of your performance payouts
 9 is based on corporate performance? Is that
 10 correct?
 11 MR. HAYNES:
 12 A. That's correct.
 13 GREENE, Q.C.:
 14 Q. So, in your particular case, 15 percent is
 15 actually based on Regulatory performance?
 16 MR. HAYNES:
 17 A. That's correct.
 18 GREENE, Q.C.:
 19 Q. Okay. And I'll come back to how they get
 20 measured.
 21 MR. HAYNES:
 22 A. Okay.
 23 GREENE, Q.C.:
 24 Q. If we could go to the Vice-Presidents'
 25 contract, which is the next page, page 2, so

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1 here we see it's only the divisional
 2 weighting. So, is it correct that for vice-
 3 presidents, 70 percent of their performance
 4 payout is based upon the corporate
 5 performance?
 6 MR. HAYNES:
 7 A. That's correct. So, part A would be 70
 8 percent of – in this case, Ms. Dalley's
 9 would be actually Part A.
 10 GREENE, Q.C.:
 11 Q. Okay. So, when we look through Ms. Dalley's
 12 performance contract, I was struck by the
 13 fact that I couldn't see, other than in the
 14 corporate measure, a measure related to
 15 Regulatory performance.
 16 MR. HAYNES:
 17 A. But her overall contract is Part A and Part
 18 B and Part A would include that there. It
 19 would be a bit of a duplication to have it
 20 down below as well. That was the thought at
 21 the time. But, it's -
 22 GREENE, Q.C.:
 23 Q. So, Ms. Dalley's then wouldn't be any
 24 different than any other vice-president with
 25 respect to Regulatory performance?

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1 MR. HAYNES:
 2 A. No, but the Regulatory Department, you know,
 3 is holding the pen, if you will, from the
 4 point of view of what goes to the Board.
 5 But basically there's a lot of participants
 6 in the overall regulatory performance,
 7 whether it's on the capital program or
 8 particularly the Finance Department.
 9 There's a lot of interaction back and forth.
 10 So, the principle of having it up in Part A
 11 was to ensure that all VPs were actually
 12 focused on the regulatory things to help
 13 Regulatory do its job.
 14 GREENE, Q.C.:
 15 Q. And not Ms. Dalley. So, if we could go to -
 16 MR. HAYNES:
 17 A. Well, including Ms. Dalley obviously. She
 18 would see it in Part A.
 19 GREENE, Q.C.:
 20 Q. Yes, including Ms. Dalley, but not as a
 21 separate one -
 22 MR. HAYNES:
 23 A. No.
 24 GREENE, Q.C.:
 25 Q. - who has the executive responsibility for

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1 rates.
 2 MR. HAYNES:
 3 A. No, but I would suggest that down below, and
 4 you know, Ms. Dalley had been over these
 5 performance contracts looking for
 6 consistency and so on and that's kind of a
 7 fairly concerted effort actually certainly
 8 for 2018. But they do transition down to
 9 the Manager of Regulatory Affairs and so on.
 10 GREENE, Q.C.:
 11 Q. And if we could go to that contract for a
 12 moment, page 50 of this attachment. And
 13 here, we do actually see specific components
 14 in the manager's role related to regulatory
 15 performance, for example, priority work plan
 16 objective one. Is that correct?
 17 MR. HAYNES:
 18 A. That's correct.
 19 GREENE, Q.C.:
 20 Q. Okay. And similarly, if we went to Senior
 21 Legal Counsel, we would see – and I was just
 22 trying to understand how the performance
 23 contracts reflected the priority that's
 24 placed upon the work of the Regulatory
 25 Affairs Department for the executive.

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1 MR. HAYNES:
 2 A. Okay, yeah.
 3 GREENE, Q.C.:
 4 Q. So, would you like to comment on that? I
 5 see it at the manager level, but not at the
 6 vice-president level, other than the same as
 7 other vice-presidents.
 8 MR. HAYNES:
 9 A. Well, I mean, the thought is that – first of
 10 all, in this particular case, if you look at
 11 the bottom, we’re talking – I don’t see it
 12 there today. 70 percent of your – I’m
 13 sorry, just Part B. So, 70 percent of the
 14 compensation for the manager is basically in
 15 there and basically there are three
 16 components, but look at the regulatory part,
 17 particularly objective 1, 2 and 3 are
 18 focused solely on the regulatory part, which
 19 is basically, you know, roughly 40 percent.
 20 GREENE, Q.C.:
 21 Q. For the manager, yes, yeah.
 22 MR. HAYNES:
 23 A. Of the manager.
 24 GREENE, Q.C.:
 25 Q. Yeah.

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1 (10:15 a.m.)
 2 MR. HAYNES:
 3 A. The concept at the time was that basically
 4 the VPs basically are up at the management,
 5 at the senior level and from our
 6 perspective, we perceive that the fact that
 7 it was in Part A would adequately cover the
 8 VP of Regulatory. That’s our presumption.
 9 GREENE, Q.C.:
 10 Q. Okay. And we can follow that up with Ms.
 11 Dalley. If you could go back now to the
 12 corporate structure, Exhibit 2, Schedule 1
 13 again. Just a couple of questions on the
 14 system operator -
 15 MR. HAYNES:
 16 A. Okay.
 17 GREENE, Q.C.:
 18 Q. - and Nalcor Energy Marketing, because those
 19 areas have been covered well by my
 20 colleagues before me. So, it’s Exhibit 2,
 21 Schedule 1, page 1. So, if we look at the
 22 system operator, that position – or the
 23 Vice-President of Transmission and
 24 Distribution is also responsible for the
 25 NLSO? Is that correct?

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1 MR. HAYNES:
 2 A. That’s correct.
 3 GREENE, Q.C.:
 4 Q. And that NLSO has been described in filings
 5 here at the Board as being functionally
 6 separate from Hydro.
 7 MR. HAYNES:
 8 A. It’s a stand-alone department in that sense
 9 there. So, basically it’s self-contained in
 10 the sense they look after the day-to-day
 11 operations of the power system, the
 12 administration of our open access tariff.
 13 They also have the transmission planning
 14 function within that department. So, they
 15 basically plan and operate the transmission
 16 system, if you will. So, it is a – it is
 17 ring fenced in the sense that basically
 18 there’s no – there is – you know, the intent
 19 is that – and the mandate really is
 20 basically that there’s no communication
 21 outside of that department, if you will, to
 22 marketing people or external parties of what
 23 transmission capability or availability is.
 24 You know, when they release that information
 25 is the first time that marketing, for

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1 instance, will actually see that
 2 transmission lines are in or out or
 3 available or not and what the remaining
 4 capacity is.
 5 GREENE, Q.C.:
 6 Q. So, the consequences of that phrase,
 7 functionally separate, in your perspective
 8 is that it’ll ensure there’s no
 9 communication with the marketing people in
 10 Nalcor?
 11 MR. HAYNES:
 12 A. That’s correct.
 13 GREENE, Q.C.:
 14 Q. But from Hydro’s perspective, I think you’ve
 15 already testified that it is – they operate
 16 the whole system, not just the bulk system?
 17 MR. HAYNES:
 18 A. They do.
 19 GREENE, Q.C.:
 20 Q. Okay. In the same manner as the old Energy
 21 Control Centre? Is that correct?
 22 MR. HAYNES:
 23 A. That’s correct.
 24 GREENE, Q.C.:
 25 Q. So, the other implication of that is with

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1 respect to the cost. The operating cost for
 2 the non-bulk system would be in the revenue
 3 requirement? Is that correct?
 4 MR. HAYNES:
 5 A. That's correct, but not in the bulk – not in
 6 the transmission tariff. The transmission
 7 tariff was based on the 230kV and above
 8 breakdown.
 9 GREENE, Q.C.:
 10 Q. So, with respect to the system operator, we
 11 have to look at the costs that relate to the
 12 bulk system that feed into the open access
 13 transmission tariff that Hydro will pay? Is
 14 that correct?
 15 MR. HAYNES:
 16 A. That would make sense, yes.
 17 GREENE, Q.C.:
 18 Q. And the other remaining costs for the system
 19 operator, which would be for the non-bulk
 20 system, the 138kV lines and your other
 21 distribution lines, they remain in the test
 22 year revenue requirement? Is that correct?
 23 MR. HAYNES:
 24 A. I think they're all in the test year revenue
 25 requirement, including, you know, the

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1 expected – the transmission tariff. Mr.
 2 Fagan could actually best discuss the
 3 mechanics of that. But the rates that we
 4 put forward basically collect all costs.
 5 You know, there's no specific – the customer
 6 will not see from, you know, a specific
 7 allocation of transmission costs or
 8 distribution costs or whatever. They will
 9 have an integrated rate and that's all
 10 integrated in that particular test year
 11 rate. But again, Mr. Fagan could actually
 12 explain the mechanics a lot more competently
 13 than me.
 14 GREENE, Q.C.:
 15 Q. I was going to say I will follow up with Mr.
 16 LeBlanc or Mr. Fagan.
 17 MR. HAYNES:
 18 A. Okay.
 19 GREENE, Q.C.:
 20 Q. But from the perspective of the open access
 21 transmission tariff which – well, third
 22 parties will pay the same as Hydro?
 23 MR. HAYNES:
 24 A. Yes.
 25 GREENE, Q.C.:

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1 Q. There will be some credit back with respect
 2 to the fact Hydro will pay the same tariff,
 3 but there will not be also doubly collected
 4 from ratepayers? Is that -
 5 MR. HAYNES:
 6 A. Absolutely not.
 7 GREENE, Q.C.:
 8 Q. Okay. And who would be best to follow up
 9 that issue with?
 10 MR. HAYNES:
 11 A. Mr. Fagan actually is quite understanding of
 12 the way the NLSO tariff works.
 13 GREENE, Q.C.:
 14 Q. And Mr. LeBlanc possibly?
 15 MR. HAYNES:
 16 A. Mr. LeBlanc possibly and particularly on the
 17 operation of the NLSO and from a principle
 18 point of view.
 19 GREENE, Q.C.:
 20 Q. So really, the only implication of the
 21 functionally separate is one with respect to
 22 – because it's required by FERC, no
 23 communication with the energy marketing
 24 people?
 25 MR. HAYNES:

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1 A. No strategic advantage that would be
 2 provided to NEM from that perspective.
 3 GREENE, Q.C.:
 4 Q. And with respect to the proper allocation on
 5 crediting of costs related to the bulk
 6 transmission system for the open access
 7 transmission tariff?
 8 MR. HAYNES:
 9 A. I'm sorry, the question?
 10 GREENE, Q.C.:
 11 Q. The second one relates to how we split out
 12 the cost that would -
 13 MR. HAYNES:
 14 A. Yes.
 15 GREENE, Q.C.:
 16 Q. - of the system operator would feed into the
 17 open access transmission tariff?
 18 MR. HAYNES:
 19 A. Yes, yeah, exactly.
 20 GREENE, Q.C.:
 21 Q. Nalcor Energy Marketing, there has been a
 22 lot of discussion already with respect to
 23 the role that Nalcor Energy Marketing plays
 24 for Hydro and I did want to follow up just a
 25 little bit on that. I wonder if we could go

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1 to PUB-16. And it relates to the degree of
 2 oversight that the Board will have with
 3 respect to the purchases Nalcor Energy
 4 Marketing will make on behalf of Hydro. And
 5 if you look at the response to that in line
 6 7 to 9, it's broken down – the response
 7 breaks down the cost into three categories.
 8 One is the cost of – the recall energy is
 9 number one. The next is other off-island
 10 purchases in addition to recall and then
 11 there's a transmission cost. So, we have
 12 the power purchase cost and the transmission
 13 cost. We've already heard discussion that
 14 the transmission cost associated with the
 15 use of the LIL and the LTA assets are by
 16 Order in Council to be included in Hydro's
 17 revenue requirement. Is that correct?
 18 MR. HAYNES:
 19 A. Yes, correct.
 20 GREENE, Q.C.:
 21 Q. With respect to those costs, and Mr.
 22 Coxworthy did follow up this morning, so
 23 that does shorten my questions that I had
 24 for you on this.
 25 MR. HAYNES:

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1 A. Okay.
 2 GREENE, Q.C.:
 3 Q. Again, how do—while Hydro will review and
 4 scrutinize those costs, you—the real
 5 oversight to the Board, where does the Board
 6 and stakeholders actually, where do they
 7 receive assurance or confidence that those
 8 transmission costs are the lowest possible
 9 costs in the circumstance?
 10 MR. HAYNES:
 11 A. In the context of the –
 12 GREENE, Q.C.:
 13 Q. Transmission only for –
 14 MR. HAYNES:
 15 A. Transmission only?
 16 GREENE, Q.C.:
 17 Q. For purchases made by Nalcor Energy
 18 Marketing. They will have to use the
 19 transmission assets and the cost of
 20 operating and maintenance and capital
 21 eventually will—must be included in the
 22 rates and recover from ratepayers. The
 23 Board has no discretion.
 24 MR. HAYNES:
 25 A. That's the longer term, post-Muskrat Falls.

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1 GREENE, Q.C.:
 2 Q. Yes.
 3 MR. HAYNES:
 4 A. That's certainly correct. And basically, it
 5 is—it's a challenge, there's no doubt.
 6 Basically, it's an unregulated aspect and
 7 our job from our perspective is that we will
 8 challenge those costs and scrutinize them.
 9 We would like to be supported at the end of
 10 the day, that we agree with that, but at the
 11 end of the day, there's not a lot of
 12 control.
 13 GREENE, Q.C.:
 14 Q. So, it's basically –
 15 MR. HAYNES:
 16 A. By virtue of the orders.
 17 GREENE, Q.C.:
 18 Q. There's no regulatory oversight by the Board
 19 of Nalcor Energy Marketing?
 20 MR. HAYNES:
 21 A. No.
 22 GREENE, Q.C.:
 23 Q. Okay. So, I guess I could sum it up by
 24 essentially, while Hydro may question the
 25 cut, Hydro also has not real control over

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1 those costs, do they?
 2 MR. HAYNES:
 3 A. That's correct.
 4 GREENE, Q.C.:
 5 Q. With respect to the power purchase costs
 6 though?
 7 MR. HAYNES:
 8 A. Yes.
 9 GREENE, Q.C.:
 10 Q. That is subject to full review by the Board,
 11 isn't that correct?
 12 MR. HAYNES:
 13 A. It is. Yes, it is. And you know, we have—
 14 and as I said before, the—from the point of
 15 view of the purchases that are happening
 16 now, on occasion they are reviewed by Ms.
 17 Williams as a part of the Production
 18 Division because those accounts fall into
 19 responsibility.
 20 GREENE, Q.C.:
 21 Q. And I wanted to talk, too, a little bit
 22 about that. You did speak about the process
 23 that's ongoing now which is only an interim
 24 process.
 25 MR. HAYNES:

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1 A. Yes.

2 GREENE, Q.C.:

3 Q. How do you foresee or what are Hydro's plans

4 to ensure that the power purchase costs that

5 eventually end up being incurred are the

6 most reasonable and the least cost that is

7 possible?

8 MR. HAYNES:

9 A. Well, part of that was, I guess, under the

10 application to the Board to actually

11 undertake the fact that some of these things

12 would be provided in confidence, because

13 there are non-disclosure agreements,

14 obviously with -

15 GREENE, Q.C.:

16 Q. No, I'm not -

17 MR. HAYNES:

18 A. No?

19 GREENE, Q.C.:

20 Q. I don't want to talk about the actual price.

21 MR. HAYNES:

22 A. Okay.

23 GREENE, Q.C.:

24 Q. The process. Right now, let's—I understand

25 that Ms. Williams has a lot of discussion

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1 with respect to the Nalcor Energy -

2 MR. HAYNES:

3 A. Yes.

4 GREENE, Q.C.:

5 Q. - with the Nalcor Energy people because it's

6 a very complicated decision about how much

7 you have to buy depends on your need, your

8 operating constraints, what's available in

9 the marketplace.

10 MR. HAYNES:

11 A. Okay. So -

12 GREENE, Q.C.:

13 Q. So, I want to talk about process.

14 MR. HAYNES:

15 A. Okay.

16 GREENE, Q.C.:

17 Q. Not the numbers at this point.

18 MR. HAYNES:

19 A. All right, so the process is that we are

20 working on an agreement. I'd like to step

21 back a little bit. You know, the—when NEM

22 were created, there was bunch of things that

23 were going to happen, and you know, there

24 wasn't a presumption that recall would be—

25 continue to be sold by MEM long terms and

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1 any profits, whatever, would go to Nalcor.

2 Basically, that's been reviewed and

3 basically Hydro owns that recall. So,

4 we've—you know, the focus right now is that

5 recall will be sold. Anything that we can't

6 use—I mean, but first of all our objective

7 is to bring it to the island. Anything that

8 can't be sold, will be sold by them, but the

9 process of the overall value sharing, if you

10 will, between NEM and Power Supply and Hydro

11 is subject to an ongoing dialogue. Our

12 objective is to actually form a contract,

13 get an agreement that will—we will bring

14 before the Board for review, and hopefully

15 approval of how we actually value that and

16 how we do it. And like if there's

17 compensation for utilization of reservoirs

18 for instance, all those things are being

19 sorted out. And that's a work in progress

20 and it's—we're not there yet, but it is

21 under discussion.

22 GREENE, Q.C.:

23 Q. And that's what I understood.

24 MR. HAYNES:

25 A. Yeah.

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1 GREENE, Q.C.:

2 Q. And I wanted to get some sense of the

3 timelines. When will that process be

4 completed and when do you expect to provide

5 that information to the Board?

6 MR. HAYNES:

7 A. The intention is to have that before the

8 Board by probably this fall, I believe is

9 the timeframe. There are some things—we do

10 not want to lose value that we can see

11 happening in the short term. So, you know,

12 there's a process to take place. Anything

13 that we do in the short term, the intention

14 is to set aside any benefits, and then,

15 we'll have—the Board will actually have

16 purview over how that value is shared

17 between the various entities, being you

18 know, Power Supply, what they're bringing to

19 the table, what Hydro is bringing to the

20 table in the sense of resources and assets,

21 and NEM. So, that is a work in progress and

22 it will come to the Board for approval.

23 GREENE, Q.C.:

24 Q. Mr. O'Brien asked you if there were any

25 current—currently any written guidelines

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1 with respect to the interaction between
 2 Hydro Production and Nalcor Energy
 3 Marketing. And I can take you to it, but
 4 your response was –
 5 MR. HAYNES:
 6 A. Yeah.
 7 GREENE, Q.C.:
 8 Q. - no, there was no written guidelines at
 9 this point in time.
 10 MR. HAYNES:
 11 A. No.
 12 GREENE, Q.C.:
 13 Q. Are internal written guidelines being
 14 developed to guide the interaction between
 15 Hydro Production and Nalcor Energy
 16 Marketing, apart from the contract you
 17 mentioned?
 18 MR. HAYNES:
 19 A. No, but I think that would be a part of the
 20 contract when it's done, that that will part
 21 of how that actually interacts. But I mean,
 22 we—there is nothing wrong from the point of
 23 view of the regulatory folks--I'm sorry, not
 24 the regulatory folks, but the marketing
 25 folks and Production. They have to work

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1 very cooperatively to make sure that we are
 2 getting value for the assets and the assets
 3 are used to best advantage of all. So, that
 4 would be an ongoing process, will be part of
 5 that discussion.
 6 GREENE, Q.C.:
 7 Q. Okay. And you mentioned, and I'd like to
 8 bring you to this one. It's your transcript
 9 where you talked about as long as it's
 10 cheaper than Holyrood, but maybe we don't
 11 need to--for the sake of time—but do you
 12 recall when you talked--“As long as we can
 13 beat Holyrood, we're okay with that.”
 14 That's essentially what I took from your
 15 comments.
 16 MR. HAYNES:
 17 A. I'm not quite—not a good choice of words on
 18 my part. We would like to beat Holyrood as
 19 much as we can, but if you're negotiating,
 20 if you know, there's a discussion between a
 21 supplier who has a particular source of
 22 energy that's available that we can provide
 23 and there's a value-sharing between the two
 24 that's a share-the-savings principle which,
 25 you know, if that's 50/50, that would not be

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1 unreasonable. But at the end of the day,
 2 the more they know about our avoided costs,
 3 the worse it is for our negotiating
 4 position. So, there is—you know, anything
 5 better than oil is better than oil at least—
 6 as long as that's the net number, but
 7 obviously, we need to be as low as we can
 8 go, and -
 9 GREENE, Q.C.:
 10 Q. And that's what I wanted to ask you.
 11 MR. HAYNES:
 12 A. Yeah.
 13 GREENE, Q.C.:
 14 Q. How do you ensure in this transition period
 15 what—is there a guiding principle that
 16 avoided a fuel at Holyrood is the guiding
 17 principle of—or is it--how do you satisfy
 18 yourself you're getting the best possible
 19 price?
 20 MR. HAYNES:
 21 A. Well, some of the—the agreement that's
 22 currently in place with—between them and
 23 others basically, you know, has some guiding
 24 principles, but I'm—I would suggest that
 25 there are probably—there are confidential at

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1 this point in time and that would be—I would
 2 suggest that they are not—that's something
 3 that we probably shouldn't discuss at this
 4 point in time.
 5 GREENE, Q.C.:
 6 Q. Okay.
 7 MR. HAYNES:
 8 A. We'll cover it off on the information that
 9 we will provide.
 10 (10:30 a.m.)
 11 GREENE, Q.C.:
 12 Q. So, even with respect to the process you set
 13 up around the—with respect to the
 14 guidelines, guiding principles I'll call
 15 them, with respect to when a purchase is
 16 made, there is no written guidelines right
 17 now?
 18 MR. HAYNES:
 19 A. No, it's a still a work in progress. It's
 20 evolving as we speak. There are discussions
 21 on the go whenever we need to buy or when we
 22 see that we have an option to actually
 23 purchase to--for instance, you know, not
 24 start a gas turbine or to avoid Holyrood
 25 costs.

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1 GREENE, Q.C.:

2 Q. And the role of avoided Holyrood fuel costs

3 at the current time, you're saying that's

4 only one of the factors that's taken into

5 account?

6 MR. HAYNES:

7 A. Well, if can buy power and energy over the

8 Maritime Link and avoid a gas turbine start,

9 then those are things that we have done, and

10 obviously, there's energy that comes with

11 that, but basically, there are savings to us

12 on avoided fuel. It could be Holyrood; it

13 could be gas turbine; it could be a gas

14 turbine start; or it could be the ability to

15 shut down Holyrood early.

16 GREENE, Q.C.:

17 Q. Okay.

18 MR. HAYNES:

19 A. The issue in the short term is that the

20 firmness is not there. We don't have the

21 ability at this point in time to go out and

22 power for a week or ten days or two weeks at

23 a time. Recapture, we have that ability.

24 That's the—most of our focus has been on

25 actually trying to monetize the recapture

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1 value.

2 GREENE, Q.C.:

3 Q. And with respect to the recapture as a power

4 purchase cost, you've already testified that

5 the price that you pay for that is .2 cents?

6 MR. HAYNES:

7 A. Point two cents a kilowatt hour.

8 GREENE, Q.C.:

9 Q. So, there's not much question with respect

10 to the value of that, is there?

11 MR. HAYNES:

12 A. We're not going to get that anywhere else.

13 GREENE, Q.C.:

14 Q. Okay. So, I'd like to move now from the

15 structure to the idea of cost control and

16 budgets. And Mr. O'Brien did cover a fair

17 number of the topics that I—we had wanted to

18 discuss, but there's still a few. Mr.

19 O'Brien took you to the Board's Order from

20 the last GRA with--the Board expressed the

21 concern that Hydro hadn't demonstrated that

22 there were reasonable processes in place to

23 demonstrate that what Hydro put forward was

24 the lowest possible cost for ratepayers.

25 And what I wanted to talk to you about were

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1 the examples you have given and what you

2 have said are the processes Hydro has put in

3 place to now give the Board and stakeholders

4 that level of confidence that you have

5 improved your processes and that the costs

6 that are put forward are the most—the lowest

7 possible cost and that Hydro is the most

8 efficient it can be in terms of what it has

9 presented for 2018 and 2019 test years. The

10 first—and I want to go through these and

11 then get your—and see if there's any others

12 that I may have missed in the course of what

13 you have filed –

14 MR. HAYNES:

15 A. Okay.

16 GREENE, Q.C.:

17 Q. - in the course of what your discussion with

18 Mr. O'Brien has been. In preparing the

19 budget first of all, I wanted to talk to you

20 about the budget guidelines. And that's—Mr.

21 O'Brien took you to them, PUB-51 attachment

22 1. Could I bring those up, please? So,

23 this is where you start giving the guidance

24 to your staff about how to prepare your

25 budgets for the year which of course form

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1 the basis of your 2018 test—and '19 test

2 year revenue requirement. And we understand

3 from earlier today that with respect to the

4 preparation of the budget there is some

5 overall Nalcor group policy decisions that

6 are made and communicated. And when you

7 looked at the guidelines, it's—if you can—

8 there is essentially nothing in there about

9 how to prepare the budget. And I think

10 you've testified that there is nothing in

11 writing with respect to keeping costs to

12 either inflation or to look for a particular

13 target. Is that correct?

14 MR. HAYNES:

15 A. I don't recall a specific part there. There

16 may not be, but there's been a lot of

17 communication with respect to employees.

18 For instance, when the Board Order came in,

19 we had a budget for 2017 which was high. We

20 went back and we made a lot of changes to

21 that there, coming back down and challenge

22 people on cost reduction and so on. We put

23 in place a various number of things with

24 respect to how we hire people, with respect

25 to meeting the vacancy allowance. We spent

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1 a lot of time at that there. So, there's a
 2 bunch of other things that happened with
 3 respect to that there, but basically, the
 4 budget basically is just—you know, the
 5 budget instructions are generally—you know,
 6 we do try to maintain-- you know, we
 7 obviously—we try to maintain control, but we
 8 also recognize that there's an increased
 9 demand for reliability. There's an
 10 increased pressure on those things there and
 11 the budget put forward was basically the
 12 amount that we thought we would need to
 13 provide safe, reliable service as opposed to
 14 an arbitrary cut or whatever.
 15 GREENE, Q.C.:
 16 Q. Okay.
 17 MR. HAYNES:
 18 A. We have eliminated a number of positions.
 19 We've done a lot of cost control in the
 20 sense of the increase in FTEs for the Energy
 21 Control Centre were found within the
 22 organization from vacancies that we had. We
 23 basically wrote them out.
 24 GREENE, Q.C.:
 25 Q. And we're going to come to each of the

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1 initiatives.
 2 MR. HAYNES:
 3 A. Yeah, okay.
 4 GREENE, Q.C.:
 5 Q. But sort of starting from the--and building
 6 up first in the guidelines you give staff,
 7 there's nothing in writing with respect to
 8 any particular cost control initiative or
 9 how they should approach their costs?
 10 MR. HAYNES:
 11 A. Well, other than the fact that we want the
 12 least cost from that perspective.
 13 GREENE, Q.C.:
 14 Q. Okay.
 15 MR. HAYNES:
 16 A. But not a specific—I'm not aware of.
 17 GREENE, Q.C.:
 18 Q. Okay.
 19 MR. HAYNES:
 20 A. I don't recall a specific direction to, you
 21 know, cut ten percent for instance or
 22 whatever the case was.
 23 GREENE, Q.C.:
 24 Q. Or even use inflation as a target?
 25 MR. HAYNES:

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1 A. No, that's generally accepted that would be
 2 the target, but you know, but it may not
 3 have been specifically spelled out, and I
 4 don't recall specific details.
 5 GREENE, Q.C.:
 6 Q. And there are no written guidelines with
 7 respect to that that are on the record. So,
 8 my question to you is, if this was an
 9 important focus for Hydro, why wouldn't you
 10 have produced some kind of written
 11 guidelines to all of your staff because you
 12 have so many staff who are approached about
 13 each individual departmental budget and
 14 bring it up? Why wouldn't there have been a
 15 written philosophy with respect to your
 16 approach –
 17 MR. HAYNES:
 18 A. The first focus –
 19 GREENE, Q.C.:
 20 Q. - and what they should do?
 21 MR. HAYNES:
 22 A. The focus of the budget and the focus of our
 23 cost was to provide reliable service, safe,
 24 reliable service, because we, you know, we
 25 are very consistent that reliability was a

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1 key component of the service.
 2 GREENE, Q.C.:
 3 Q. So, that was your first focus, was
 4 reliability, but it's not reliability in
 5 isolation of cost?
 6 MR. HAYNES:
 7 A. No, we reviewed the—when the budget came in,
 8 we reviewed the budget submissions from each
 9 department. We will go back down and
 10 question and challenge and so on. And when
 11 it was actually finally concluded, the
 12 executive agreed that was a reasonable
 13 budget put forward.
 14 GREENE, Q.C.:
 15 Q. Okay.
 16 MR. HAYNES:
 17 A. So, from that process, it was done, but not
 18 a direct order if you will to cut X percent,
 19 review all travel and review training, et
 20 cetera, et cetera. They were all done based
 21 on a needs analysis or based on what they
 22 put forward as what they required to provide
 23 -
 24 GREENE, Q.C.:
 25 Q. Okay.

1 MR. HAYNES:
 2 A. - the level of service that we wanted.
 3 GREENE, Q.C.:
 4 Q. So, there would have been communications,
 5 but verbal? Is that what I'm taking –
 6 MR. HAYNES:
 7 A. Oh, verbal.
 8 GREENE, Q.C.:
 9 Q. That verbally you would have communicated?
 10 MR. HAYNES:
 11 A. There would have been verbal. There were
 12 notes to staff in the sense of--you know, I
 13 mean not so much on budget preparation, but
 14 in—when the order came down, there was a
 15 long note to all the senior managers that
 16 went out under my signature. Basically,
 17 looked at, you know, don't assume that your
 18 20—don't assume your 2017 budget that was
 19 approved the Board of Directors is it.
 20 That's not it. You know, that came back
 21 after the Board Order. So, it's a short
 22 timeframe to make amends if you will. So,
 23 that was, you know—there were changes made
 24 to that for various reasons and, you know,
 25 and some are somewhat outside of our control

1 at the end of the day when we landed on the
 2 actual final number.
 3 GREENE, Q.C.:
 4 Q. And with respect to what you can control,
 5 you can control your operating costs, is
 6 that correct?
 7 MR. HAYNES:
 8 A. Yes, obviously, yes. The operating costs is
 9 what--you know, depreciation interests are
 10 kind of what they are to some degree. There
 11 are –
 12 GREENE, Q.C.:
 13 Q. And fuel?
 14 MR. HAYNES:
 15 A. And fuel.
 16 GREENE, Q.C.:
 17 Q. Yes.
 18 MR. HAYNES:
 19 A. You know, employee future benefits are done
 20 on a different basis, but it's basically
 21 our—of the roughly 600-million dollars that
 22 we require, the O&M expense is what we
 23 actually have the most control over.
 24 GREENE, Q.C.:
 25 Q. And here, I just wanted to look at

1 Information Number 1 which are--it is your
 2 2017 actuals.
 3 MR. HAYNES:
 4 A. Okay.
 5 GREENE, Q.C.:
 6 Q. And Table 3.17 which is the operating cost
 7 actually for 2017. And other parties have
 8 talked to you about the number. The test
 9 year 142, 142,377. So, you're operating
 10 cost is the category of cost that you have
 11 the most control over, and Mr. O'Brien did
 12 take you through how the costs have changed
 13 from your 2016 actuals up to your 2017
 14 actuals and then your test year. The test
 15 year that's shown there of 142 million does
 16 not include the effects of the Settlement
 17 Agreement, does it, Mr. Haynes?
 18 MR. HAYNES:
 19 A. Does not include –
 20 GREENE, Q.C.:
 21 Q. The effect of the Settlement Agreement.
 22 MR. HAYNES:
 23 A. No, that number does not, no.
 24 GREENE, Q.C.:
 25 Q. Okay. And we know from your Interim Rates

1 Application that the Settlement Agreement
 2 from the revenue requirement will—it will
 3 reduce the 2018 and 2019 revenue requirement
 4 by approximately 16½ to 16.8 million
 5 dollars, in that range, for each year. But
 6 is all of your total revenue requirement the
 7 Settlement Agreement –
 8 MR. HAYNES:
 9 A. And other things.
 10 GREENE, Q.C.:
 11 Q. Well, what they have filed as the impact of
 12 the Settlement Agreement, and if we need to,
 13 I can take you through it, but my question
 14 for this purpose was that the Settlement
 15 Agreement, while we don't know exactly how
 16 much will reduce the test year 2018, but
 17 your 2018 test year and your 2019 test year
 18 will be reduced from the numbers shown on
 19 this screen, is that correct?
 20 MR. HAYNES:
 21 A. Yes, they will be.
 22 GREENE, Q.C.:
 23 Q. Okay.
 24 MR. HAYNES:
 25 A. Yes.

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1 GREENE, Q.C.:

2 Q. I wonder if we can have an undertaking to

3 provide the updated test year to reflect the

4 Settlement Agreement in the—an updated table

5 3.17? (UNDERTAKING)

6 MR. YOUNG:

7 Q. Ms. Greene, you just said two very different

8 things. An updated table?

9 GREENE, Q.C.:

10 Q. What I'd like to do is when we're talking

11 about this, to be able to actually compare

12 what the new test years' numbers are.

13 MR. YOUNG:

14 Q. Okay.

15 GREENE, Q.C.:

16 Q. Because the number, the 15 percent increase,

17 is not really 15 percent, is it? It's

18 because –

19 MR. YOUNG:

20 Q. So, I understand.

21 GREENE, Q.C.:

22 Q. Yes.

23 MR. YOUNG:

24 Q. So, this table that we're looking at, 3.17,

25 up dated for the Settlement Agreement

Page 114

1 changes?

2 GREENE, Q.C.:

3 Q. Yes, that would be helpful.

4 (10:45 a.m.)

5 MR. YOUNG:

6 Q. Okay.

7 GREENE, Q.C.:

8 Q. Thank you.

9 MR. YOUNG:

10 Q. Thank you. So, if we look at the increase--

11 because we're trying to look at how you're

12 controlling your costs.

13 MR. HAYNES:

14 A. Yes, okay.

15 GREENE, Q.C.:

16 Q. And I want to have the realistic number

17 that's there for 2018. I know it's 142. I

18 know I don't take 16 1/2 million off because

19 it's depreciation and interest and other

20 things.

21 MR. HAYNES:

22 A. No, okay.

23 GREENE, Q.C.:

24 Q. I wanted to see that the real comparison was

25 so we talk about the level of increase that

Page 115

1 Hydro is proposing in its operating costs.

2 Now one other thing. The next—or one of the

3 things you have told the Board they can take

4 comfort from showing that you have improved

5 efficiency is the productivity allowance?

6 MR. HAYNES:

7 A. Yes.

8 GREENE, Q.C.:

9 Q. Okay. And if we could go to PUB-NLH-04,

10 please. And the productivity allowance you

11 included was a million dollars. Is that

12 correct?

13 MR. HAYNES:

14 A. That's correct.

15 GREENE, Q.C.:

16 Q. And I know you've been asked this before and

17 this answer reflects this—reflects your

18 previous oral testimony. There was no

19 calculation to support the productivity

20 allowance, was there?

21 MR. HAYNES:

22 A. No, no specific calculation. We looked at

23 the things that we had actually looked at or

24 that we could actually—you know, to

25 influence and change, and that basically was

Page 116

1 a number that was arrived at. The—there was

2 not, you know, a definitive, you know,

3 mathematical process, but there were other

4 built in productivity in the actual budget

5 put forward. For instance, the ECC

6 operators and they were absorbed within the,

7 you know, the—they weren't in the test year.

8 GREENE, Q.C.:

9 Q. And we're going to come to the –

10 MR. HAYNES:

11 A. Okay, other things.

12 GREENE, Q.C.:

13 Q. What you're doing on vacancies and the ECC.

14 MR. HAYNES:

15 A. Okay. Yeah.

16 GREENE, Q.C.:

17 Q. But on this one first, if there's no

18 underlying rationale for it, how do we know

19 that--what level of comfort can you give to

20 the commissioner that one million is the

21 right number, that it shouldn't be 750

22 thousand or 1.75 million?

23 MR. HAYNES:

24 A. You know, the one million was put forward

25 based on things that we had looked at that

Page 117

1 we could do. So, from the point of view,
 2 you know, we reviewed, you know, cell
 3 phones, we reviewed vehicles, we reviewed a
 4 lot of things. And they're all a work in
 5 progress. Those are things that we plan to
 6 deliver. So, it was not a—it was an assumed
 7 number from that perspective, but you know,
 8 to say it was 1.1 or 1.3 would be difficult.
 9 We don't have that level of granularity, and
 10 you know, as I mentioned, the productivity
 11 team were looking for more, obviously.

12 GREENE, Q.C.:
 13 Q. And we just looked at your operating costs
 14 which are for 2018, is less than a hundred—
 15 the 142 million included in your
 16 application, but let's say it's 130 or 135.
 17 I mean the one million targeted is less than
 18 a one percent –

19 MR. HAYNES:
 20 A. That's correct.

21 GREENE, Q.C.:
 22 Q. So, how—when I think of one percent, if I
 23 was trying to reduce my family budget, a
 24 one-percent reduction wouldn't—and this is
 25 not even a one-percent reduction. It

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1 wouldn't do very much for me.

2 MR. HAYNES:
 3 A. But the budgets were put forward based on
 4 the, you know, the estimates of the folks
 5 who actually, you know, do the work and so
 6 on. So, they put forward that and we went
 7 back and we took the one million dollars and
 8 we applied that to all costs centres or
 9 whatever. So, they had—they all have their
 10 own built-in productivity allowance. It's a
 11 number that we felt was appropriate for this
 12 point in time because we don't—you know, we
 13 are still exploring those opportunities for
 14 improvement and we will continue to that
 15 with the productivity team that we have.

16 GREENE, Q.C.:
 17 Q. Would you agree though that an allowance of
 18 less than a one-percent target is—can be
 19 viewed as being a minimal –

20 MR. HAYNES:
 21 A. It can be viewed as low, but I think from
 22 the point of view, you know, where we were
 23 before--in 2015 we spent a lot of money and
 24 we had aggressive targets that are not
 25 sustainable. So, you know, I don't think

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1 it's unreasonable at this point in time to
 2 do that.

3 GREENE, Q.C.:
 4 Q. And there's no other level of comfort you
 5 can give to the Board that that's
 6 appropriate and that?

7 MR. HAYNES:
 8 A. No, I don't have any other level of comfort
 9 that I could provide from that perspective.

10 GREENE, Q.C.:
 11 Q. You've also mentioned in your testimony to
 12 date Hydro has agreed to include the—or
 13 increase the vacancy factor from 40 to 55?
 14 Is that -

15 MR. HAYNES:
 16 A. To 55, yes.

17 GREENE, Q.C.:
 18 Q. Yes.

19 MR. HAYNES:
 20 A. Yeah.

21 GREENE, Q.C.:
 22 Q. And in addition, six positions in the Energy
 23 Control Centre have been absorbed without
 24 including their compensation and the revenue
 25 requirement, is that correct?

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1 MR. HAYNES:
 2 A. Yeah, well, they were added, but actually
 3 we, you know, we traded off other positions
 4 to account for that that were vacant.

5 GREENE, Q.C.:
 6 Q. Okay. I wonder if we can go to PUB-NLH-063.
 7 I just wanted to put what that vacancy
 8 factor means in context.

9 MR. HAYNES:
 10 A. Okay.

11 GREENE, Q.C.:
 12 Q. So, this shows your actual vacancies and
 13 then what you had included in the test year.
 14 You can see in 2015 you had 71, and 2016 you
 15 have 46, and in 2017, I don't know that we
 16 need to go to it, but there was a response
 17 to MP-NLH-14 which—it was 48 as of September
 18 30th. Do you know what it was for the end of
 19 the year for 2017?

20 MR. HAYNES:
 21 A. I would be guessing, but we can confirm that
 22 number.

23 GREENE, Q.C.:
 24 Q. Yes, I wonder if you could, please, yes.
 25 The number of vacancies as of the end of

Page 121

1 2017. (UNDERTAKING)

2 MR. HAYNES:

3 A. Yeah.

4 MR. YOUNG:

5 Q. Yes, thanks, Ms. Greene.

6 GREENE, Q.C.:

7 Q. And approximately I understand that the

8 average compensation for a Hydro employee is

9 roughly \$85,000? Is that correct?

10 MR. HAYNES:

11 A. Eighty-five to 88. I think 88 might be the

12 number that's being used right now, but

13 that's -

14 GREENE, Q.C.:

15 Q. Okay.

16 MR. HAYNES:

17 A. But that's the range.

18 GREENE, Q.C.:

19 Q. So, in terms of the increase in the vacancy

20 factor from 40 to 55, that would be what?

21 Approximately -

22 MR. HAYNES:

23 A. So, 1.3 I believe.

24 GREENE, Q.C.:

25 Q. One point three, 1.4 million dollars?

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1 MR. HAYNES:

2 A. In that order, yeah.

3 GREENE, Q.C.:

4 Q. In addition to your productivity allowance?

5 MR. HAYNES:

6 A. Exactly.

7 GREENE, Q.C.:

8 Q. Is that -

9 MR. HAYNES:

10 A. Yeah.

11 GREENE, Q.C.:

12 Q. Okay. You've also mentioned in talking

13 about Hydro's focus on cost control that you

14 have established a productivity team which I

15 gather is a recent initiative, is that

16 correct/

17 MR. HAYNES:

18 A. That's correct.

19 GREENE, Q.C.:

20 Q. And in talking about the team, you've

21 mentioned something, and I'm not sure I have

22 the right thing, a Lean Six Sigma that—what

23 is that and how will it be employed by the

24 productivity team?

25 MR. HAYNES:

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1 A. It was a—it started with—Lean Six Sigma is—

2 I'm going to say it might be a Jack Welch

3 thing. I'm not quite sure who actually came

4 up with that particular scheme, but it's a

5 look at cost, a look at doing the minimum

6 you do to provide the level of service you

7 do. So, there was a training opportunity

8 last summer I think presented by—I forget.

9 It might have been the Board of Trade. I'm

10 not quite sure, but basically where we did

11 attend. Folks did attend. We saw value in

12 actually taking that, you know, taking that

13 to heart and actually looking at how we can

14 actually steam line costs, how we can go

15 back to basics from the point of view of

16 anything and everything from the point of

17 view of increasing efficiency and true

18 productivity. So, we actually extended the

19 training to four people to actually go to a

20 level of training which gives them a certain

21 level of competency to actually look for

22 those—the value that they can find in the

23 organization. And so, and in addition to

24 that, there are other people out in the

25 regions who are I'll say champions or

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1 sponsors, if you will, who know a little bit

2 more about that than, you know, Jim Haynes

3 for instance or whatever. But they will

4 look at, you know—they will aid and abet the

5 particular team looking for value, you know,

6 being a sounding board from the point of

7 view of, will this work? Can we actually

8 change the way we do things to reduce cost?

9 And that's the focus of that particular

10 group.

11 GREENE, Q.C.:

12 Q. And how is that different from the business

13 process initiative that Hydro had a few

14 years ago?

15 MR. HAYNES:

16 A. It's mostly—it's basically internal

17 resources that we're using. The business

18 process improvement I guess which was—they

19 looked at a whole—it's not so different

20 except that basically it's owned and ran by,

21 you know, internal resources who know the

22 business, who have gone out to the different

23 areas to have meetings with folks looking

24 for things that are done wrong that they see

25 at a grass roots—that are ineffective or

Page 125

1 inefficient. So, we're—and over the longer
 2 term we expect that we'll have the, you
 3 know, delivery of actual value from that
 4 particular group.
 5 GREENE, Q.C.:
 6 Q. You mentioned that you have seconded four
 7 permanent employees to the team, is that
 8 correct?
 9 MR. HAYNES:
 10 A. We have, you know, reassigned four people to
 11 that team on a near-fulltime basis. And
 12 we've spread their duties amongst other
 13 people basically for the jobs that they came
 14 from.
 15 GREENE, Q.C.:
 16 Q. I was going to ask you that. Have you
 17 incurred any additional costs to have their
 18 duties filled?
 19 MR. HAYNES:
 20 A. I don't think so. Ms. Hutchens could
 21 probably confirm that, but I—we have, you
 22 know—if they are, they will be minimal
 23 because somebody is taking on a temporary
 24 assignment, things like that, but there'd be
 25 no fulltime replacement of the position. We

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1 are managing without.
 2 GREENE, Q.C.:
 3 Q. So, the team has just been established, is
 4 that correct?
 5 MR. HAYNES:
 6 A. That's correct.
 7 GREENE, Q.C.:
 8 Q. Okay.
 9 MR. HAYNES:
 10 A. Yeah.
 11 GREENE, Q.C.:
 12 Q. I also understood and I wanted to make sure
 13 this was correct, that the team has not been
 14 given any guidelines or targets for
 15 potential savings they are expected to
 16 achieve? Is that correct?
 17 MR. HAYNES:
 18 A. They have guidelines and, you know, terms of
 19 reference, but Ms. Hutchens will be the best
 20 one to speak to the mechanics of those
 21 particular aspects.
 22 GREENE, Q.C.:
 23 Q. So, there's nothing reflected in the 2018 or
 24 2019 test year to reflect potential savings
 25 from this team, is that correct?

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1 MR. HAYNES:
 2 A. That would be fair.
 3 GREENE, Q.C.:
 4 Q. Okay. Do you anticipate that there will be
 5 any savings in 2018?
 6 MR. HAYNES:
 7 A. We're extremely hopeful that there will be
 8 savings, yes.
 9 GREENE, Q.C.:
 10 Q. Has there been any estimate provided of
 11 those savings?
 12 MR. HAYNES:
 13 A. Again, Ms. Hutchens could actually answer
 14 that question better than I.
 15 GREENE, Q.C.:
 16 Q. Okay.
 17 MR. HAYNES:
 18 A. I'm not aware of, off of the top of my head,
 19 any specific number at this point in time.
 20 But I just want to go back, and what we're
 21 looking for is sustainable long-term
 22 savings, opposed to going out with a hatchet
 23 and cutting out things that we can't
 24 sustain.
 25 GREENE, Q.C.:

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1 Q. So, in terms of going back to the concerns
 2 expressed by the Board in the last GRA with
 3 respect to Hydro setting up processes to
 4 demonstrate that it is achieving efficiency,
 5 do I take it that the productivity team is
 6 for the longer term? Is it not—it doesn't
 7 reflect at all in 2018, 2019 which is what
 8 we're talking about?
 9 MR. HAYNES:
 10 A. No, any, you know, low-hanging fruit we
 11 would jump on that opportunity. Some of
 12 those things may be a part of our million
 13 dollar—the million-dollar productivity
 14 allowance, but we're, you know—the larger
 15 focus is to look at longer terms,
 16 sustainable changes that we can make.
 17 GREENE, Q.C.:
 18 Q. Okay.
 19 MR. HAYNES:
 20 A. To anything that we do from the point of
 21 view of saving a dollar, and they'll all add
 22 up at the end of the day.
 23 GREENE, Q.C.:
 24 Q. You've also mentioned as another process to
 25 ensure efficiency is, I think you called it

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1 gating process?
 2 MR. HAYNES:
 3 A. Yes.
 4 GREENE, Q.C.:
 5 Q. And when was that implemented?
 6 MR. HAYNES:
 7 A. Yes.
 8 GREENE, Q.C.:
 9 Q. And when was that implemented?
 10 MR. HAYNES:
 11 A. That was implemented in late 2016 or early
 12 2017. And the principle is that any vacant
 13 position that comes forward to be replaced,
 14 there's no automatic—unless there's a, you
 15 know, a critical position or, you know, for
 16 instance, you know, if you had an operator
 17 at a thermal plant for instance who—that
 18 might be a faster track to approval, but if
 19 anybody resigned, left the company for any
 20 particular reason, that basically we expect
 21 that the justification for filling that
 22 position—we'll go back and look at the
 23 ground up, and look at the opportunities for
 24 moving that job around, sharing the work
 25 amongst others, eliminating if possible.

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1 And they would have to go back and
 2 revalidate and justify that position as
 3 being required. You know, that is part of
 4 the reason that we would have brought in--
 5 you know, we would have achieved a higher
 6 level of vacancy efficiency--sorry, vacancy
 7 allowance that we had, because it was a
 8 concerted effort as one way to reduce and
 9 control cost. You know, and it may such
 10 things as, you know, a requisition may come
 11 in for someone to start in February, and
 12 because there's a two-week training period,
 13 we would—well, can that be delayed and
 14 delayed? You know, when does the capital
 15 projects' part start? You know they have to
 16 come in at a timely basis to get oriented,
 17 to get, you know, any safety orientation
 18 they need to do, but not to be kind of a
 19 blanket. Because we had them last year
 20 coming in on January 31st, it does not mean
 21 they're going to start this year on January
 22 31st, for instance, if it's a temporary
 23 employee. You know, line up to the work
 24 requirements.
 25 GREENE, Q.C.:

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1 Q. So, the results from that gating process, we
 2 can see when we look at the vacancy factor
 3 there results for 2016 and 2017?
 4 MR. HAYNES:
 5 A. Yes.
 6 GREENE, Q.C.:
 7 Q. Okay.
 8 MR. HAYNES:
 9 A. That would be a large--a major contributor
 10 to that would be the gating process.
 11 GREENE, Q.C.:
 12 Q. I wonder if we could go to PUB-NLH-122. So,
 13 these were the initiatives you had described
 14 in your testimony to date as to initiatives
 15 that Hydro has taken to ensure its operating
 16 costs are as low as possible and, you know,
 17 this was another question where you referred
 18 to additional items that I wanted to discuss
 19 with you.
 20 MR. HAYNES:
 21 A. Okay.
 22 GREENE, Q.C.:
 23 Q. Actions that Hydro has taken to show its
 24 aggressive approach to cost management. And
 25 I'd like to bring you down to line 14,

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1 please. So, these were additional specific
 2 initiatives that you may not have addressed
 3 so far in your evidence.
 4 MR. HAYNES:
 5 A. Okay.
 6 GREENE, Q.C.:
 7 Q. Line 16, "The organizational review
 8 targeting efficiency opportunities," is that
 9 the productivity team you talked about?
 10 MR. HAYNES:
 11 A. Not so much the productivity team.
 12 Basically, between the VPs, you know, with
 13 their responsible groups, and with some
 14 cooperation from HR, we are looking at the
 15 organization structure, you know, to look
 16 at, are there other ways to do it? Are
 17 there efficiencies we can gain by--you know,
 18 is flattening an option, and moving duties
 19 around so we can actually have a lessor
 20 number of people over time? That would be
 21 part of that there. And what's the right
 22 structure, you know, from the point of view
 23 of--you know, I think we have the high level
 24 structure done correctly from the point of
 25 view of the Wires Division, the Production

1 Division, Engineering Division, separate you
 2 know, Finance and Regulatory and HR, but now
 3 within—when you go down below those
 4 particular organizational charts and blocks,
 5 do we have the--you know, the number of
 6 people reporting to a supervisor adequate?
 7 Can we increase that? Is there an overwork
 8 or an underwork where we can balance that
 9 out a bit? And obviously, geography is a
 10 constraint as well, because we are dispersed
 11 all over the province, but you know, we want
 12 to go back and have a second look at that.
 13 Are there options? And we don't have a
 14 conclusion, obviously, but we want to go
 15 back and revisit that organizational review.
 16 GREENE, Q.C.:
 17 Q. So, is it a specific review that's ongoing
 18 right now?
 19 MR. HAYNES:
 20 A. It is planned to be done in 2017—sorry,
 21 2018. My apologies.
 22 GREENE, Q.C.:
 23 Q. Do you have a target for any cost savings
 24 coming from that initiative?
 25 MR. HAYNES:

1 go back and re-justify the position.
 2 GREENE, Q.C.:
 3 Q. Your next one, 19 and 20, "The development
 4 and implementation of an attendance support
 5 program."
 6 MR. HAYNES:
 7 A. Yeah.
 8 GREENE, Q.C.:
 9 Q. Hydro didn't have an attendance support
 10 program before?
 11 MR. HAYNES:
 12 A. What we—we have a focused effort on it right
 13 now. Sick leave is an issue. We have, you
 14 know, if you compare us to other people—I
 15 don't remember all of the numbers, but
 16 basically sick leave is an issue. We think
 17 there are opportunities to manage that
 18 better than we have been in the past, and
 19 so, we've—we're focused on that.
 20 GREENE, Q.C.:
 21 Q. Again, is there any particular target or
 22 identified savings that you hope to achieve
 23 in 2018 and '19?
 24 MR. HAYNES:
 25 A. I'm not aware of the actual specific target.

1 A. Well, we don't have a specific target. We
 2 have to look at the needs and what is right
 3 for the organization. So, you know, we feel
 4 that there's a few jobs that we can
 5 probably, you know, manage over time out, or
 6 we can consolidate things or whatever. Some
 7 of the, you know, ideal ones might be, you
 8 know, even from the point of view, would
 9 require some union negotiation, if you will,
 10 as well, because there are some duties there
 11 and some—there are things there that cause
 12 us cost that, you know, may be avoidable if
 13 we had different arrangements or whatever.
 14 GREENE, Q.C.:
 15 Q. The next one, the next initiative, line 17
 16 to 18, which is—is that your gating approach
 17 we've already talked about? It's your
 18 management of vacancies?
 19 MR. HAYNES:
 20 A. Yes.
 21 GREENE, Q.C.:
 22 Q. Okay.
 23 MR. HAYNES:
 24 A. That's the gating in process, because we
 25 look at any vacancy no matter how created to

1 The fact that we—and we know in our hearts,
 2 if you will, that we can save some money if
 3 we manage sick leave a bit better than we
 4 have been doing.
 5 GREENE, Q.C.:
 6 Q. Is Ms. Dalley the person to follow up on
 7 with respect to that?
 8 MR. HAYNES:
 9 A. Yes, yeah.
 10 GREENE, Q.C.:
 11 Q. The next one, 21 and 22, is a review of
 12 overtime.
 13 MR. HAYNES:
 14 A. No.
 15 GREENE, Q.C.:
 16 Q. And actions to reduce overtime.
 17 MR. HAYNES:
 18 A. The actions to reduce overtime. Overtime,
 19 as I said before, I don't think that
 20 overall, from an overall percentage of
 21 salary basis, the overtime is a major issue.
 22 We have pockets of overtime where it's
 23 excessive in our view, and we are reviewing
 24 that. The individual VPs have--you know,
 25 are looking at that from the point of view

1 of an approval process. In some cases, some
 2 of the general overtime approval is at the
 3 VP level in the sense of, from a principle
 4 point of view, particularly on a capital
 5 project basis, you know capital projects
 6 are, you know, you're working contractor's
 7 hours. There is some overtime expectations
 8 or whatever, and those are approved in
 9 advance. But the best folks to speak the
 10 individual departments would be the
 11 respective VPs, and you know –

12 GREENE, Q.C.:

13 Q. But is there an organized review of overtime
 14 with an intent to change Hydro's approach to
 15 overtime? Is that what that meant or is
 16 just –

17 MR. HAYNES:

18 A. No, no, it is. We're looking at overall
 19 overtime and how we manage the overtime. Is
 20 it—the intent is to review all aspects of
 21 overtime. What drives it? You know, do we
 22 need another supervisor? Do we change the
 23 program or do we not do it?

24 GREENE, Q.C.:

25 Q. Similarly, with training, is it a similar

1 Q. Okay.

2 (OFF RECORD – 11:00 a.m.)

3 (RESUME – 11:35 a.m.)

4 CHAIR:

5 Q. Do you have anything, Mr. Young?

6 MR. YOUNG:

7 Q. Yes, Madam Chair. This morning I indicated
 8 that at the break I would clarify a point
 9 that Mr. Browne asked on an undertaking,
 10 Undertaking 6, and the question was whether
 11 the 7.61 cents is a direct comparison to—or
 12 if it is, to which (unintelligible –
 13 coughing). And the answer is the 7.61 cents
 14 in Hydro Quebec is a direct comparison to
 15 the 11.7 and so that would be done on the
 16 same average rates, which is the same
 17 average consumption amount and also includes
 18 the basic customer charge. So first of, the
 19 11.7 is different from the other number
 20 because of those, and the 7.61 Hydro Quebec
 21 directly compares to the 11.7, Newfoundland
 22 and Labrador –

23 BROWNE, Q.C.:

24 Q. Just on a further clarification of that, so
 25 it doesn't compare with what the rate a

1 approach to training? Is it a general
 2 review of training?

3 MR. HAYNES:

4 A. Yes, and there's a—I won't call it a gating
 5 session, but from the point of view of
 6 training, there has to be a—one time there
 7 was a training budget and there was, I'm
 8 going to say it was—all training is good,
 9 but it's a matter of getting down to what is
 10 essential training for the folks that we
 11 have. And so, training is reviewed in a
 12 more cohesive basis with respect to HR
 13 involvement as well from the point of view
 14 of what training needs are required. And
 15 some of it's mandatory by legislation, you
 16 know, safety training, obviously, and things
 17 like that. So, it has to be based on—it's a
 18 harder test to get approval for training in
 19 a sense that, you know, how is this going to
 20 help your job? How is it going to help
 21 Hydro?

22 GREENE, Q.C.:

23 Q. Madam Chair, it's eleven, if this is a good
 24 time to break for you.

25 CHAIR:

1 consumer would see on their bill, is that
 2 correct?

3 MR. YOUNG:

4 Q. Well, it's in a sense yes, it does, but the
 5 way it works is because there's a basic
 6 customer charge in each and every month and
 7 that—and the consumption is different in
 8 each and every month, in order to capture
 9 the real unit costs, you have to include
 10 that. So I understand, I think it's a 1700
 11 kilowatt hour per month consumption that's
 12 used on an average basis, that's the same
 13 basis that was used for the Hydro Quebec
 14 line, so that's that many units of energy,
 15 plus the basic customer charge and then
 16 taken back to a per kilowatt hour usage.

17 BROWNE, Q.C.:

18 Q. Let's get that clarified. Are all your
 19 figures based on that or is it just
 20 selectively so that 11.71 that you have
 21 there which was, from a ratepayer's
 22 perspective, it's not something ratepayers
 23 can really react to. They react to their
 24 bill. Are all your figures based on that or
 25 are they back and forth like the Muskrat

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1 Falls figures, the escalating costs, are
 2 they based on that unit or are they based on
 3 real figures that consumers will see in
 4 their bill? That's what we're looking for.
 5 We're toying with two loads of figures here,
 6 it's about time we had that straightened
 7 out.
 8 MR. YOUNG:
 9 Q. I'm not sure exactly what the Muskrat Falls
 10 ones you are referring to, and I can
 11 determine that, but the purpose is—for the
 12 purposes of explaining this to customers,
 13 we've learned over the years that they're
 14 actually looking at so what's this going to
 15 do to my bill and looking at the average
 16 consumption to see where that goes. So the
 17 method we're using is similar to the way
 18 other utilities do it and perhaps all of the
 19 utilities do it, but it isn't exactly just
 20 the energy charge. It does include some
 21 recognition of the basic customer charge,
 22 and the reason for that is that's not the
 23 same everywhere either, there's some
 24 judgment into setting that amount. I don't
 25 know if that helps.

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1 BROWNE, Q.C.:
 2 Q. It's just an unsatisfactory, we'd like to
 3 know real figures, consumers want to know
 4 what they're going to be seeing on their
 5 power bill, that's what they look at and
 6 when they look at their power bill, they
 7 should be seeing 10.64 cents, that's what
 8 was on the most recent power bill, that's
 9 what consumers look at and then they look at
 10 the basic customer charge. Now, if you've
 11 got figures that are not comparable to what
 12 a consumer—if you're dealing with two sets
 13 of figures here, I think it's important that
 14 the regulator should know that and we all
 15 should know what figures you're dealing with
 16 here.
 17 CHAIR:
 18 Q. We know which figures –
 19 BROWNE, Q.C.:
 20 Q. But you understand it. Well a consumer, I'm
 21 dealing from a consumer's perspective,
 22 consumers as 11.71, they expect to see that
 23 on their bill.
 24 CHAIR:
 25 Q. From the Board's perspective, we approved

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1 the 10.6, the actual rate that's on the
 2 bill. I understand the number that you're
 3 talking about is a number that includes the
 4 average monthly consumption for the purpose
 5 of illustrating the impact of –
 6 MR. YOUNG:
 7 Q. That's correct, so just to go back to Mr.
 8 Browne's example, if a consumer were to look
 9 at the number of kilowatt hours that they
 10 use and then look at their bill and divide
 11 those two, without tax, they would get that
 12 number, more likely, than just the raw
 13 energy charge, which in a sense isn't
 14 inclusive of all the costs, especially with
 15 a consumer of a lower amount of electricity
 16 because the basic customer charge would be a
 17 larger percentage of the total bill. So the
 18 two sets of numbers aren't intended to
 19 confuse anybody; in fact, they're intended
 20 to provide a greater clarity.
 21 CHAIR:
 22 Q. Okay, well we're not going to resolve the
 23 question here today.
 24 BROWNE, Q.C.:
 25 Q. Thank you, Chair. I guess "confusion" is in

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1 the eye of the beholder.
 2 CHAIR:
 3 Q. Thank you, Mr. Browne. Ms. Greene, are you
 4 ready to proceed? Was there anything else
 5 from you, Mr. Young?
 6 MR. YOUNG:
 7 Q. No, that's it, thank you, Madam Chair.
 8 CHAIR:
 9 Q. Carry on, Ms. Greene.
 10 GREENE, Q.C.:
 11 Q. If we could go back, please, to PUB-NLH-122.
 12 I think we had completed those specific
 13 initiatives and then if we can go to the
 14 next page, page 2, there is an additional
 15 listing of what I will call various reviews,
 16 whether it's of the vehicle fleet,
 17 janitorial, cell phones, et cetera, and
 18 people will be happy to hear I'm not going
 19 to go through each of those, but I
 20 categorize them similar to the ones we just
 21 talked about. Their review is of different
 22 operating costs.
 23 MR. HAYNES:
 24 A. Yes, correct.
 25 GREENE, Q.C.:

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1 Q. Again, is it that there have been no
 2 specific targets identified for 2018 and
 3 2019 to come from any of those reviews?
 4 MR. HAYNES:
 5 A. Not specifically, they're in progress. We
 6 started last year, you know, looking at cell
 7 phones, vehicle assignment, whatever, that
 8 is a work-in-progress and we haven't
 9 identified the quantum of potential savings
 10 either, of course.
 11 GREENE, Q.C.:
 12 Q. We have now reviewed what you have testified
 13 to and what's on the written record in terms
 14 of cost control initiatives. Are there any
 15 others that we have not talked about that
 16 you would like to conclude with at this
 17 point?
 18 MR. HAYNES:
 19 A. Just give me one second just to run over
 20 there for a second, if you don't mind. No,
 21 those are indicative things. From a point
 22 of view of having a comprehensive list of
 23 things, I mean, basically the productivity
 24 group that we've established are receiving
 25 input from all over the system basically on

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1 ideas for thought, you know, things that may
 2 save money. We are looking at those, the
 3 group is looking at those, trying to
 4 prioritize any low hanging fruit and trying
 5 to prioritize things that are actually going
 6 to be delivered, you know, sustain delivery.
 7 People may have ideas that may not come out
 8 in the wash to be, you know, effective, but
 9 they're looking at the whole, mind that
 10 data, if you will, looking for more input to
 11 actually identify those. So those are the
 12 things that we talked about basically more
 13 recently, and, you know, we are
 14 aggressively—not aggressively tracking
 15 those, we are looking at the implementation
 16 on cell phones, the vehicle assignment and
 17 we're looking at, you know, making changes
 18 there. We have done a few things on
 19 communication costs, we've got out the, we
 20 don't have a lot if iPads around, but any
 21 communications that, you know, those sorts
 22 of things have been cut already. They would
 23 be already reflected from that perspective,
 24 but those are small things but they all add
 25 up at the end of the day. So we're looking

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1 at a host of things there. I wouldn't mind
 2 talking about the first one a little bit on
 3 the current work planning execution. Those
 4 are always ongoing targets to make sure that
 5 we're taking outage once and once only to do
 6 work and try to coordinate when people get
 7 to the job, it's been ongoing, but it's
 8 always room for improvement with respect to
 9 when people go to do a job, all the
 10 materials that are required are there,
 11 there's no lost time because of re-work and
 12 so on, but that's a standard on-going
 13 exercise.
 14 GREENE, Q.C.:
 15 Q. If savings are achieved from the
 16 productivity team that has been established
 17 or by the reviews of various costs that are
 18 set out in PUB-NLH-122, so if savings are
 19 achieved from any of those initiatives in
 20 2018 or 2019, how will that benefit
 21 ratepayers?
 22 MR. HAYNES:
 23 A. Well I guess our total cost of operation
 24 will be less from that perspective, so that
 25 would be reflected in our actual year-end

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1 budgets at the end of the day. There's no
 2 specific method there to put that back into,
 3 you know, to reduce, if you will, the cost
 4 of service. Everything is protected by an
 5 open (phonetic) earnings guidelines,
 6 obviously, but that's a –
 7 GREENE, Q.C.:
 8 Q. And as president of Hydro, you're satisfied
 9 that the various initiatives that we have
 10 just reviewed will result in cost savings,
 11 some cost savings in 2018 and/or 2019?
 12 MR. HAYNES:
 13 A. I'm comfortable that it will result in some
 14 savings. We have not identified the number,
 15 unfortunately. We have identified the
 16 million dollars, obviously, as being one
 17 part of it and, you know, the vacancy
 18 allowance changes add to that by, it's not
 19 "a productive allowance", but it's obviously
 20 something that we have to achieve. They do
 21 accumulate into a significant dollar value,
 22 more than the one million dollars at the end
 23 of the day.
 24 GREENE, Q.C.:
 25 Q. I was going to move now to another topic,

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1 but still related to costs, which is Hydro's
 2 performance incentive payments.
 3 MR. HAYNES:
 4 A. Okay.
 5 GREENE, Q.C.:
 6 Q. In your role as president of Hydro, what is
 7 your role with respect to the performance
 8 incentive contracts?
 9 (11:45 a.m.)
 10 MR. HAYNES:
 11 A. We review all the short-term incentive
 12 programs we have for every employee. We go
 13 down through, we –
 14 GREENE, Q.C.:
 15 Q. Now when you say "we", now I'm asking –
 16 MR. HAYNES:
 17 A. We, the executive of Hydro, you know, the
 18 format is there from the point of view of
 19 the 70/30, 30/70, 50/50 depending upon the
 20 position, and we go down through all the
 21 different aspects there. The high-level
 22 goals are obviously safety, reliability, you
 23 know, financial performance and there are
 24 specific objectives in individual contracts
 25 for things that are in their workplan,

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1 depending on what it is.
 2 GREENE, Q.C.:
 3 Q. So in your role, do you have input into the
 4 development of your contract, your own
 5 contract?
 6 MR. HAYNES:
 7 A. Yes.
 8 GREENE, Q.C.:
 9 Q. What is your role in the development of the
 10 corporate targets?
 11 MR. HAYNES:
 12 A. Corporate for Hydro?
 13 GREENE, Q.C.:
 14 Q. Yes.
 15 MR. HAYNES:
 16 A. My role is innovative, basically we, as a
 17 group, the executive team, review the
 18 corporate objectives. We go down, we
 19 establish, you know, the various components,
 20 we agree that these are reasonable. There
 21 is a review done by HR later on to ensure
 22 there's some consistency of the process
 23 between the various, you know, going down to
 24 a more granule level to say a manager or a—a
 25 manager level to ensure consistency, but

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1 basically the primary targets are their
 2 workplans, safety reliability and some have
 3 budgetary responsibility, if they don't,
 4 they obviously won't get, you know, they
 5 don't have an individual component for
 6 meeting a budgetary target. If they only
 7 have one or two people in the shop, we don't
 8 necessarily allocate them 5 percent or 10
 9 percent of their short-term sale on saving,
 10 minimal dollars.
 11 GREENE, Q.C.:
 12 Q. We will go through a couple of the
 13 contracts, but at the policy level you are
 14 directly involved in the establishment of
 15 the corporate targets.
 16 MR. HAYNES:
 17 A. Yes.
 18 GREENE, Q.C.:
 19 Q. And the targets for the division of the
 20 vice-presidents, are you?
 21 MR. HAYNES:
 22 A. Yes.
 23 GREENE, Q.C.:
 24 Q. And is it your recommendation that goes to
 25 the Board of Directors with respect to

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1 payment of any performance amounts?
 2 MR. HAYNES:
 3 A. Yes, that's reviewed, basically the payments
 4 are basically, you know, depending on the
 5 results, we do review the assessment of the
 6 results and that goes back to corporate HR,
 7 actually, and they do the math, if you will,
 8 and we sign off, okay, they're actually
 9 correct or go back and change it or question
 10 if what we perceive to be an error in the
 11 math, because we try to make them fairly
 12 structured in the sense that if you meet or
 13 do not meet a target, obviously there are
 14 some subjective ones that are judgment
 15 required.
 16 GREENE, Q.C.:
 17 Q. I'd like now to bring up order No.
 18 PU.49(2016). So that's the decision of the
 19 Board in the last GRA and I'd like to refer
 20 to the Board's discussion of incentive
 21 payments for Hydro, beginning on the bottom
 22 of page 45. So when we look at line 35, we
 23 see that the amount included in the 2015
 24 test year for short-term incentive payments
 25 was .4 million or four hundred thousand, is

1 that correct there, Mr. Haynes?
 2 MR. HAYNES:
 3 A. To my understanding, yes.
 4 GREENE, Q.C.:
 5 Q. Okay. Now if we can begin at the bottom,
 6 the Board is, in its decision, talking about
 7 the payments, and I don't think it's
 8 necessary to read through it all, but it
 9 begins there at the bottom. If we go over
 10 to the next page, it began on the previous
 11 page where the Board found that Hydro's
 12 incentive contracts did not place enough
 13 emphasis on reliability and further, that
 14 customer satisfaction was not adequately
 15 reflected. The Board then went on to
 16 express concern that targets related to
 17 Nalcor were included, and then the next, if
 18 we go to line 3, they refer to an order from
 19 Newfoundland Power, "In order No. PU.18
 20 (2016) the Board stated that customers
 21 should not be required to pay all of the
 22 costs associated with incentives related to
 23 financial performance of Newfoundland Power.
 24 The Board believes the same is true for
 25 Hydro's plan and further that Nalcor's

1 Q. Related to Nalcor, that's correct.
 2 MR. HAYNES:
 3 A. That are related to Nalcor. Basically the
 4 focus last year and this year as well is on
 5 safety reliability, financial performance,
 6 you know, so safety, I guess, will always be
 7 there from my perspective. Reliability, we
 8 have—and I'll just speak to Part A for 2018,
 9 basically 25 percent of the total short-term
 10 –
 11 GREENE, Q.C.:
 12 Q. Sorry to interrupt, but I wondered first to
 13 put it in context, if we could go to PUB-
 14 NLH-60 and then we're going to come back to
 15 talk about each of them.
 16 MR. HAYNES:
 17 A. Okay.
 18 GREENE, Q.C.:
 19 Q. And I didn't mean to cut you off.
 20 MR. HAYNES:
 21 A. That's all right.
 22 GREENE, Q.C.:
 23 Q. If we go to PUB-NLH-60, so we saw in the
 24 last order that Hydro had included 400,000
 25 in the revenue requirement which was

1 financial performance should not be given
 2 any weight. The Board finds that Hydro has
 3 not demonstrated that the proposed short-
 4 term incentive plan is reasonable and
 5 appropriate in the circumstances, or that it
 6 provides a demonstrable benefit to
 7 ratepayers. The Board concludes that the
 8 costs should not be reflected in the revenue
 9 requirement, and before the costs of any
 10 such plan are reflected in rates, Hydro will
 11 have to demonstrate that the plan provides
 12 the incentive for the provision of least-
 13 cost reliable power and provides a
 14 demonstrable benefit to ratepayers." So
 15 that's what I want to talk to you about,
 16 what evidence is on the record to
 17 demonstrate to the Board that the plan is
 18 now providing benefit to ratepayers and the
 19 full amount should be included in the
 20 revenue requirement?
 21 MR. HAYNES:
 22 A. So there are no performance metrics or
 23 indicators in the 2018 or 2017 plan that are
 24 attributable –
 25 GREENE, Q.C.:

1 rejected by the Board. Here, we see in 2018
 2 the amount that Hydro is now including for
 3 bonuses or short-term incentives is \$829,852
 4 and in 2019 is \$856,029, so that is what's
 5 in the proposed revenue requirement, is it,
 6 Mr. Haynes?
 7 MR. HAYNES:
 8 A. It is, but that also reflects the fact there
 9 were a number of positions that would have
 10 been paid, you know, a short-term incentive
 11 and Nalcor are now, for instance the
 12 managers of engineering are now within
 13 Hydro, so there may have been some changes—
 14 Ms. Dalley can actually go down through the
 15 numbers that are in that particular part,
 16 but I think right now there are
 17 approximately 38 people who are entitled to
 18 that.
 19 GREENE, Q.C.:
 20 Q. So one of the reasons for the increase in
 21 the number is –
 22 MR. HAYNES:
 23 A. Organizational change.
 24 GREENE, Q.C.:
 25 Q. Is the organizational change and the

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1 increase number of employees entitled to the
 2 bonuses?
 3 MR. HAYNES:
 4 A. Yes, that would contribute to that.
 5 GREENE, Q.C.:
 6 Q. Okay. Now, in response to questions
 7 yesterday from Mr. Browne, I understand
 8 that, and it's also in a response that for
 9 2017, \$641,547 was paid for incentive
 10 payments, is that correct?
 11 MR. HAYNES:
 12 A. That's my memory, yes, I think that's the
 13 number.
 14 GREENE, Q.C.:
 15 Q. If we go back to the concerns the Board
 16 expressed in the order that we just looked
 17 at, one of the concerns was with respect to
 18 the full inclusion of financial performance
 19 and regulatory performance in the revenue
 20 requirement that customers should pay for.
 21 In the Newfoundland Power order, which was
 22 referred to, PUB.18 (2016), Newfoundland
 23 Power was only allowed to include 50 percent
 24 of financial performance and regulatory
 25 performance in the revenue requirement. If

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1 we go back to PUB-NLH-60, we see that Hydro
 2 has included the full amount of the
 3 incentive payments in its revenue
 4 requirement, in its application, is that
 5 correct?
 6 MR. HAYNES:
 7 A. That's correct.
 8 (11:54 a.m.)
 9 GREENE, Q.C.:
 10 Q. I wonder if we could have an undertaking to
 11 provide what the reduction in the incentive
 12 payments would be if only 50 percent of the
 13 financial performance and regulatory
 14 performance is included in the revenue
 15 requirement as ordered by the Board with
 16 respect to Newfoundland Power? (Undertaking)
 17 MR. YOUNG:
 18 Q. Read it back and make sure we understand it,
 19 so we would look at the amount paid in total
 20 and address it the way that you've just
 21 referred to, taking 50 percent of those two
 22 amounts?
 23 GREENE, Q.C.:
 24 Q. Right. In every contract there is financial
 25 performance and regulatory performance. If

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1 only 50 percent is allowed, what happens to
 2 the 830,000 in 2018 and the 856,000 in 2019?
 3 What would the reduction be if the same rule
 4 that was applied to Hydro was applied to
 5 Newfoundland Power?
 6 MR. YOUNG:
 7 Q. Understood, yes, we can do that. Thank you.
 8 GREENE, Q.C.:
 9 Q. And my question to Mr. Haynes, as president
 10 is, is there any reason why Hydro should be
 11 allowed to recover the full amount of
 12 payments for those two areas of performance
 13 if Newfoundland Power is not allowed to
 14 recover it from ratepayers?
 15 MR. HAYNES:
 16 A. Our view is that the customer benefits by,
 17 you know, controlling our costs, for
 18 instance. In our financial performance,
 19 basically, for instance, there's three
 20 components, there's threshold, target and
 21 opportunity. Basically on Part A there's no
 22 payout to anybody if we don't meet corporate
 23 target on the Part A component and the
 24 opportunity is actually bringing a reduced
 25 cost, so there's an incentive for folks to

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1 actually come in under budget. I'll quote
 2 the numbers for 2018 which I happen to have,
 3 basically our budget put forward was 142 and
 4 the opportunity was roughly three million
 5 dollars less, or two and a half million
 6 dollars less, so there is an incentive for
 7 folks to actually deliver lower costs, which
 8 over time will actually, if we have a
 9 sustained reduction in operating costs, the
 10 customer will benefit, at least over time
 11 through some of the rate hearings and so on.
 12 GREENE, Q.C.:
 13 Q. Over time, but they won't be, as we just saw
 14 earlier when we talked about cost control,
 15 there's no benefit to ratepayers from –
 16 MR. HAYNES:
 17 A. Not in the short term, but they will
 18 manifest themselves over time.
 19 GREENE, Q.C.:
 20 Q. And would that be any different than it is
 21 for Newfoundland Power?
 22 MR. HAYNES:
 23 A. I wouldn't expect so, but I don't know the
 24 basis of their performance contract or the
 25 mechanics of their contract.

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1 GREENE, Q.C.:

2 Q. But there would be nothing that you could

3 think of that would distinguish Hydro from

4 Newfoundland Power with respect to rewards

5 for financial performance or regulatory

6 performance?

7 MR. HAYNES:

8 A. Not off the top of my head, no.

9 GREENE, Q.C.:

10 Q. Now I'd like to look at, go back to the

11 actual contracts, PUB-125 and we'll talk

12 about some of them to see how the Board's

13 concerns have been addressed. So PUB-NLH-

14 125, and if we look at attachment 1 there,

15 your contract that we had briefly looked at

16 before. So you've already told us this

17 morning that as president, a hundred percent

18 of your performance contract is based on the

19 corporate performance, is that correct?

20 MR. HAYNES:

21 A. That's correct.

22 GREENE, Q.C.:

23 Q. And with respect to the executive, it is 70

24 percent of their incentive payment is based

25 upon corporate performance, is that correct?

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1 MR. HAYNES:

2 A. That's correct.

3 GREENE, Q.C.:

4 Q. And for managers it is 30 percent corporate,

5 is that correct?

6 MR. HAYNES:

7 A. I believe so, I'm quite sure that's the

8 number, yes. It gets inverted as you go

9 down.

10 GREENE, Q.C.:

11 Q. With respect to the corporate performance,

12 is there any guideline or measure that if

13 any corporate target or more than one

14 corporate target is not met, no bonus

15 payments are paid?

16 MR. HAYNES:

17 A. No, that's not there, there's no underlying

18 thing that says if you don't meet a certain

19 one, basically zero payment.

20 GREENE, Q.C.:

21 Q. For example, if Hydro dismally failed with

22 respect to reliability in a year, so that

23 customers had a number of outages?

24 MR. HAYNES:

25 A. Basically there would be no payout on

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1 reliability but there may be payout on the

2 other parameters, yes.

3 GREENE, Q.C.:

4 Q. So there is no threshold limit that a

5 certain financial performance or reliability

6 performance has to be met before anybody

7 gets an incentive payment, is that correct?

8 MR. HAYNES:

9 A. That's correct.

10 GREENE, Q.C.:

11 Q. So now with those corporate targets there,

12 from your perspective how can you satisfy

13 the Board that their concerns about

14 ratepayers benefiting from the short-term

15 payments have been met with respect to the

16 corporate measures you have—Hydro has

17 selected?

18 MR. HAYNES:

19 A. All those targets there are basically Hydro

20 only, they do not—there is nothing that

21 Nalcor does that would reflect in there. I

22 suppose potentially on the integration side

23 if we were seen to be, if they deliver maybe

24 something we wouldn't get done, but our

25 intent is to do all these things here which

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1 are basically for Hydro customer's benefit,

2 the safety reliability is solely Hydro. We

3 don't have anything in there for Nalcor.

4 There may be portions of this that will

5 contribute to the overall Nalcor

6 achievement, but basically that is

7 completely independent of Hydro. Like our

8 safety record would actually flow into

9 theirs, obviously, some of the financial

10 performance would flow up, but basically

11 there is nothing flows down. This is solely

12 a Hydro look. Our safety parameters are

13 look at our safety performance and our goals

14 and objectives to improve independently of

15 Nalcor. The financial looks at only our

16 objectives to actually meet our financial

17 targets, and reliability is the same user,

18 end user, which does incorporate the total

19 impact of our actions on Newfoundland Power

20 customers and ourselves, obviously.

21 (12:00 a.m.)

22 GREENE, Q.C.:

23 Q. With respect to the financial performance

24 and the regulatory, we've already talked

25 about how do customers directly benefit by

Page 165

1 the one hundred percent inclusion of those
 2 payments. Is there anything you wanted to
 3 add, you've already said –
 4 MR. HAYNES:
 5 A. I don't have anything specific to add,
 6 except that the regulatory, you know, from
 7 the point of view that we respect the
 8 regulatory process; we embrace it, actually.
 9 We are working towards doing a better job on
 10 the regulatory side, and we think that the
 11 regulatory process does bring value to the
 12 ratepayer at the end of the day, so meeting
 13 the regulatory requirements and timeliness
 14 and, you know, the applications which we do
 15 require funding, obviously, for what we do.
 16 We think that the regulatory process is
 17 appropriate and—but I don't have anything
 18 specific to validate why it should or should
 19 not be included. It was just a business-as-
 20 usual process, we think it brings value
 21 overall, but it may not be, you know,
 22 instantaneous from that perspective, but the
 23 regulatory process is slower, brings value
 24 to the ratepayer and it's an essential part
 25 of the regulatory world we live in from a

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1 regulated utility perspective.
 2 GREENE, Q.C.:
 3 Q. When we look at the regulatory, under
 4 threshold, the threshold target was filing
 5 the application by June 30th or an agreed
 6 upon date.
 7 MR. HAYNES:
 8 A. Yes.
 9 GREENE, Q.C.:
 10 Q. In the target, it was filing and initiating
 11 settlement discussions.
 12 MR. HAYNES:
 13 A. Yes.
 14 GREENE, Q.C.:
 15 Q. And then in the opportunity we see what that
 16 is. That seemed—how do you evaluate
 17 performance, was it just meeting that date?
 18 MR. HAYNES:
 19 A. That date, but I mean, there's judgment
 20 involved in a settlement process, but the
 21 intent is to motivate people, if you will,
 22 not that they don't need motivation to do
 23 their job, but from the point of view that a
 24 regulatory filing is not just actually what
 25 the regulatory department does. It's a huge

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1 environment, a huge involvement by finance
 2 and other people to actually, you know,
 3 provide a concerted effort to actually get
 4 the filing in order, to get it done. So
 5 that's the intent of that particular target.
 6 GREENE, Q.C.:
 7 Q. So is there judgment exercised in the
 8 quality of the application?
 9 MR. HAYNES:
 10 A. The date is specific, but I mean, if we
 11 thought the quality was poor, we would
 12 probably have a second look at that, but all
 13 these things are still subject to the
 14 approval of the Board of Directors before
 15 any payment is done. So if there was, you
 16 know, negligence or something that we
 17 actually missed, I mean the Board of
 18 Directors would have the opportunity to deny
 19 payment. That's my perspective. The Board
 20 of Directors of Hydro ultimately approves
 21 the payments.
 22 GREENE, Q.C.:
 23 Q. And who evaluates your performance for
 24 compliance with your performance contract?
 25 MR. HAYNES:

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1 A. That would be Mr. Marshall, primarily, but
 2 Nalcor HR would actually review all the,
 3 they have reviewed in the past those
 4 particular contracts to ensure some
 5 consistency across the organization and mine
 6 would be up there primarily for them to
 7 review so that Mr. Marshall would actually
 8 have an opportunity to review and assess.
 9 GREENE, Q.C.:
 10 Q. So Nalcor HR reviews your performance?
 11 MR. HAYNES:
 12 A. They would provide a document to Mr.
 13 Marshall from the point of view of—we would
 14 review this contract as all the Hydro ones,
 15 the compensation committee of the Board
 16 would actually look at that there and they
 17 would question—and I've not been at a
 18 meeting, so I don't really know what they
 19 do, but that is managed through Nalcor HR
 20 from that perspective. I expect that over
 21 time it will change as the Board of
 22 Directors of Hydro becomes a more permanent
 23 board and not interim people, but at the end
 24 of the day, the Board of Directors of Hydro
 25 does ultimately approve payments.

1 GREENE, Q.C.:

2 Q. And does the Board of Directors from Hydro

3 accept recommendations from the Nalcor board

4 on performance payments as you testified

5 this morning they do with respect to

6 compensation guidelines for –

7 MR. HAYNES:

8 A. Yes.

9 GREENE, Q.C.:

10 Q. They do.

11 MR. HAYNES:

12 A. Yes, the compensation guidelines were

13 approved by the Hydro board, but the

14 compensation committee of the Nalcor board

15 reviewed all of that. There is a committee

16 in place with a board member leading it.

17 They make recommendations, but the Hydro

18 board approves the compensation and the

19 payments as well.

20 GREENE, Q.C.:

21 Q. And the incentive payments?

22 MR. HAYNES:

23 A. Yes, they do. They are approved by the

24 Board.

25 GREENE, Q.C.:

1 GREENE, Q.C.:

2 Q. And who would evaluate Ms. Dalley’s

3 performance?

4 MR. HAYNES:

5 A. What they do is they do a self-evaluation

6 and then we have a discussion, a meeting on

7 that and then we agree or disagree and

8 modify as required.

9 GREENE, Q.C.:

10 Q. And when you say “we”, who is we?

11 MR. HAYNES:

12 A. Myself and Ms. Dalley for instance in this

13 case.

14 GREENE, Q.C.:

15 Q. And is that a similar process followed with

16 each vice-president?

17 MR. HAYNES:

18 A. Yes.

19 GREENE, Q.C.:

20 Q. When you look at some of the objectives, you

21 had mentioned earlier you strive to have

22 them as objective as possible, is that what

23 I understood?

24 MR. HAYNES:

25 A. Yes. It’s difficult in some cases, but

1 Q. Can we just turn to page 2 and we’ll just

2 pick one vice-president to look at the

3 difference. And this is the Vice-President

4 of Regulatory Corporate Services and

5 Regulatory Affairs. So Ms. Dalley, the

6 incumbent in this position would have the

7 very same corporate targets as you do, is

8 that correct?

9 MR. HAYNES:

10 A. For Part A, yes.

11 GREENE, Q.C.:

12 Q. For Part A which is 70 percent of the

13 ratings.

14 MR. HAYNES:

15 A. Yes.

16 GREENE, Q.C.:

17 Q. So how are these, do you develop in

18 consultation with Ms. Dalley, that’s what I

19 understood, these specific measures that

20 would be for her 30 percent divisional?

21 MR. HAYNES:

22 A. Yes, they are reviewed and basically will be

23 signed off, this will be a signed document

24 between myself and Ms. Dalley in this

25 particular case, as with the other VPs.

1 sometimes not a direct measure, but you

2 know, we try where possible to eliminate as

3 much subjectivity as we can, but there is a

4 place for that as well when it comes down

5 to, you know, the quality or something like

6 that, for instance.

7 GREENE, Q.C.:

8 Q. For example, under “Priority, Plan Objective

9 No. 3. Develop a three-year human resource

10 strategy and complete 80 percent of 2017

11 priority items”, that would be somewhat

12 subjective, wouldn’t it?

13 MR. HAYNES:

14 A. That would be subjective but first of all,

15 they do the plan and basically there’s a

16 target to complete and that’s the way we

17 measure on whether they met them or, you

18 know, in some cases they may have met, you

19 know, 80 percent of a specific objective and

20 X percent of another one, so there is some

21 subjectivity involved in that, obviously.

22 GREENE, Q.C.:

23 Q. And that would be primarily your judgment as

24 president, in consultation with the relevant

25 vice-president?

1 MR. HAYNES:
 2 A. Yes, well I would ask the VPs do up their
 3 assessment, then we sit down and discuss
 4 their achievements and their success.
 5 GREENE, Q.C.:
 6 Q. And as we already mentioned, there's no
 7 reference in Ms. Dalley's divisional
 8 objectives to regulatory, that I could see,
 9 is there?
 10 MR. HAYNES:
 11 A. No, not in there. Well the, not under the
 12 objectives to regulatory, that was down in
 13 Mr. Fagan's, but in the Part A, they would
 14 survive, they would basically success or
 15 fail, if you will on the basis of Part A
 16 which was at 70 percent, so it would be 70
 17 percent times the, I believe 10 percent.
 18 GREENE, Q.C.:
 19 Q. Is there a similar process with each of the
 20 vice-presidents?
 21 MR. HAYNES:
 22 A. Yes.
 23 GREENE, Q.C.:
 24 Q. And just complete this, if we could go to
 25 page 50 which is Manager Rates. And here

1 more, depending what their major issues are
 2 and what their major targets for that
 3 particular section are.
 4 GREENE, Q.C.:
 5 Q. And again, just because we have this one on
 6 the screen, the reference to subjective
 7 evaluation, if we look under Objective No.
 8 1, file the Compliance Application by a
 9 date; Objective No. 2, file an application
 10 by a date?
 11 MR. HAYNES:
 12 A. Yes.
 13 GREENE, Q.C.:
 14 Q. Those are just the mechanics of having a
 15 trial, any evaluation of the quality of
 16 what's coming forward?
 17 MR. HAYNES:
 18 A. That's a fair comment, they are date because
 19 there was a specific date required to have
 20 the applications filed by, so it may
 21 manifest themselves into the actual targets.
 22 GREENE, Q.C.:
 23 Q. But in terms of benefit to ratepayers, how
 24 would that be reflected in the Manager of
 25 Rates contract?

1 the corporate performance is now 30 percent
 2 with the divisional being 70, is that
 3 correct?
 4 MR. HAYNES:
 5 A. That's correct.
 6 GREENE, Q.C.:
 7 Q. And would a similar process be followed here
 8 between the vice-president and the
 9 individual manager?
 10 MR. HAYNES:
 11 A. Yes.
 12 GREENE, Q.C.:
 13 Q. And again –
 14 MR. HAYNES:
 15 A. There is a fair bit of latitude between the
 16 VPs and their reports on, you know, specific
 17 targets or areas of concern in their
 18 departments. There may be specific items
 19 there for overtime or managing other issues
 20 in some particular shop, so they're more
 21 tailored to their specific department from
 22 that perspective. So they're not universal
 23 in the sense that, you know, there are three
 24 priority workplan objectives that may be
 25 phrased differently, there may be lesser or

1 MR. HAYNES:
 2 A. I can only say what I said before that
 3 basically the whole regulatory process I
 4 think over the long term is a benefit to
 5 ratepayers because, you know, the
 6 application will substantiate our actual
 7 application, the process of a regulatory
 8 review provides value to the ratepayer and
 9 essentially if there are changes or
 10 refinements that are done, you know,
 11 settlement agreements, they actually do it.
 12 So all these things steward towards that
 13 particular outcome. I will grant you
 14 there's no measure of, there's no subjective
 15 measure of the quality of the application in
 16 this particular case.
 17 GREENE, Q.C.:
 18 Q. Have incentive payments been paid to date in
 19 2018 related to 2017 performance?
 20 MR. HAYNES:
 21 A. Yes, they have been paid.
 22 GREENE, Q.C.:
 23 Q. Do you know how much has been paid in total?
 24 MR. HAYNES:
 25 A. I do not know the number off the top of my

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1 head, no.
 2 (12:10 p.m.)
 3 GREENE, Q.C.:
 4 Q. Could we have an undertaking to provide that
 5 for the record, the amount of 2018 payments
 6 made in relation to 2017 performance?
 7 (Undertaking)
 8 MR. YOUNG:
 9 Q. And that's company wide, you want one
 10 number.
 11 GREENE, Q.C.:
 12 Q. For Hydro.
 13 MR. YOUNG:
 14 Q. Right, yes.
 15 GREENE, Q.C.:
 16 Q. Similar to the 800 odd numbers in the
 17 revenue requirement.
 18 MR. YOUNG:
 19 Q. Right, NL-60.
 20 GREENE, Q.C.:
 21 Q. The last question in this area is when you
 22 relate to how the targets are set and how
 23 they relate to the Key Performance
 24 Indicators that the Board sees, if we go to
 25 NP-131 and if you turn to the next page,

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1 page 2, here we see the table of Key
 2 Performance Indicators which were the
 3 targets and then in comparison to the
 4 results, and this is what the Board looks at
 5 in your annual reports to evaluate Hydro's
 6 performance?
 7 MR. HAYNES:
 8 A. Yes.
 9 GREENE, Q.C.:
 10 Q. How are these Key Performance Indicators
 11 taken into account? I see reliability is in
 12 the performance contracts, but there are
 13 other measures in the performance contracts
 14 that we don't see in Key Performance
 15 Indicators which is an indication of how
 16 Hydro is carrying out its responsibility to
 17 customers.
 18 MR. HAYNES:
 19 A. If you were to go down and look at other
 20 performance contracts at the various levels,
 21 you will find some of those factors there
 22 and the granularity and the overall
 23 performance contract was not meant to
 24 indicate every line item on that particular
 25 chart. If you would go to, you know, for

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1 instance the vice-president of production,
 2 you will find targets in there on such
 3 things as DAFOR or other reliability
 4 measures for Hydro but from a production
 5 equipment. As you go on down to the manager
 6 of thermal generation or hydro generation,
 7 you will find aspects of that. Similarly as
 8 you go down to managers in the transmission
 9 side of the business, who are entitled to
 10 short-term incentive, you will find, you
 11 know, it targets there typically for
 12 transmission or distribution, SAIDIs and
 13 SAIFIs, so you know, they are distributed
 14 down through, as you go down through. Now
 15 all of them are reflected in performance
 16 contracts, but many are on the reliability
 17 side specifically.
 18 GREENE, Q.C.:
 19 Q. Grant Thornton when it does its annual
 20 review of your annual return always reports
 21 with respect to how you have achieved
 22 performance in relation to these indicators.
 23 In 2016 where we see the results here,
 24 subject to check, you would have met seven
 25 of the thirteen Key Performance Targets that

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1 you had set?
 2 MR. HAYNES:
 3 A. Subject to check, okay.
 4 GREENE, Q.C.:
 5 Q. And we would see a similar result in every
 6 year where you might have met five, six, I'm
 7 not sure that you have ever met more than
 8 seven of the targets, again that's subject
 9 to check.
 10 MR. HAYNES:
 11 A. I'm not sure, yeah.
 12 GREENE, Q.C.:
 13 Q. So in terms of when the Board looks at the
 14 Key Performance Indicators and the bonuses,
 15 the incentive payments that are paid, do you
 16 see any relationship between them?
 17 MR. HAYNES:
 18 A. I'm a fan of having targets that are a
 19 little bit aggressive from that perspective
 20 in the sense that, you know, if we set too
 21 easy targets, then that doesn't make sense
 22 either, but you know, the targets that we
 23 have set are based on, sometimes are based
 24 on a combination of planned outages and
 25 forced outages for any equipment, so it is a

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1 bit of a moving target from that
 2 perspective, but the targets that are set
 3 are based on, on the short-term incentive
 4 program, they're set based on what we expect
 5 coming this coming, you know, if we had
 6 major outages, obviously we would reflect
 7 that back. We don't want to set a
 8 fictitious number that, you know, means
 9 nothing. At the same time, we don't want to
 10 go overboard with something that's totally
 11 unachievable, so they are reasonable
 12 targets, from my perspective, that we had
 13 set and as I said, we don't cover off every
 14 individual—that doesn't mean we don't
 15 monitor the KPIs, but we don't actually tie
 16 it totally one hundred percent to the short-
 17 term incentive program.

18 (12:15 p.m.)
 19 GREENE, Q.C.:
 20 Q. Do you report on them regularly at executive
 21 meetings?
 22 MR. HAYNES:
 23 A. Well these things, I think they're done
 24 quarterly actually, whatever reports are
 25 generated from the point of view of the

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1 actual results of where we are.
 2 GREENE, Q.C.”
 3 Q. And are they monitored by the executive of
 4 Hydro?
 5 MR. HAYNES:
 6 A. We don't have a discussion on it per se, but
 7 we're looking at key performance indicators,
 8 basically high-level ones on finance
 9 certainly, we look at those. We look at
 10 reliability on SAIDI and SAIFI, I do have
 11 discussions with the various VPs on any
 12 generating equipment outage or anything that
 13 is upcoming from that perspective. So to go
 14 down and say review the report in total
 15 would be a misnomer. We do monthly report,
 16 I do a monthly report basically to my
 17 supervisor which covers off some key aspects
 18 of that there from a reliability point of
 19 view, but not each and every item.

20 GREENE, Q.C.:
 21 Q. I wanted to move now to the off-island
 22 purchases deferral account and I do have
 23 only a few questions following my colleagues
 24 who have covered most of the issues. As
 25 President of Hydro, what was your role in

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1 the origination of the idea for this
 2 account?
 3 MR. HAYNES:
 4 A. I did not come up with the idea for that
 5 there. That came basically out of the
 6 Regulatory shop to go back and look at. The
 7 request was basically what can we do to
 8 actually, you know, formulate a way forward.
 9 We saw an opportunity to bring LIL in
 10 service which has been on the go for a while
 11 actually and so how do we actually make that
 12 of value to the ratepayer and how do we
 13 optimize or capitalize on that opportunity
 14 to help rate mitigation, you know, if the
 15 opportunity was there and we didn't bring it
 16 forward. We also saw, you know, a potential
 17 drop in rates which we think would make this
 18 step change post Muskrat Falls, if it's 18
 19 cents or 22 cents, would be a lot more
 20 burdensome for customers because they had a
 21 bigger step to change, as opposed to
 22 gradually getting into it as far as we can
 23 go. So, they came up with the actual
 24 mechanics of that particular scenario, which
 25 I think is reasonably solid, but as I said,

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1 I think I said before, we don't have a lot
 2 of tools to work with what we can actually
 3 contribute to rate mitigation. This is one.
 4 Our operating cost is another. But when it
 5 comes down to the other requirements to
 6 actually affect an 18-cent return that
 7 requires a lot of cooperation and, you know,
 8 whether they're going to redirect monies, if
 9 you will, back from Nalcor to Hydro or the
 10 Government to Hydro or even at the end of
 11 the day how the Government will see fit to
 12 actually, you know, -- you know, what
 13 customers do you assist with that, from that
 14 perspective.

15 GREENE, Q.C.:
 16 Q. And we might come to some of the other
 17 possibilities, but -
 18 MR. HAYNES:
 19 A. There you go.

20 GREENE, Q.C.:
 21 Q. So, the primary rationale Hydro had in
 22 proposing this account was to smooth the
 23 rates to step increases required to meet the
 24 Muskrat Falls rate shock? Is that it?
 25 MR. HAYNES:

1 A. As far as this account would allow, yes.
 2 GREENE, Q.C.:
 3 Q. Okay. In those discussions with the
 4 Regulatory department and internally to
 5 Hydro, were there any discussions as to how
 6 the account complied with the power policy
 7 of the Province and the Electrical Power
 8 Control Act and the Public Utilities Act?
 9 MR. HAYNES:
 10 A. From the point of view of the regulatory
 11 role? It was reviewed and basically, the
 12 perception was or there were precedents in
 13 other jurisdictions. We felt that it was
 14 within the purview of the Public Utilities
 15 Board to actually look, you know, at rate
 16 smoothing as being a longer term view, if
 17 you will, but not that long, obviously just
 18 until post 2021, as looking at the
 19 customers' interest to smooth those rates.
 20 We think that is totally within their
 21 purview. That was our view.
 22 GREENE, Q.C.:
 23 Q. And my colleagues have already canvassed
 24 whether the account may comply with the
 25 Order in Council that's relevant. Do you

1 MR. HAYNES:
 2 A. In the rate mitigation committee, it was
 3 thought to be a valid way to actually, you
 4 know, start the process of putting some
 5 money aside to help mitigation. So, that
 6 was discussed at the rate mitigation
 7 committee which is a Government committee.
 8 GREENE, Q.C.:
 9 Q. And you've already testified that you're a
 10 member of that committee? Is that correct?
 11 MR. HAYNES:
 12 A. I am, yes.
 13 GREENE, Q.C.:
 14 Q. Okay. If we could just go for a moment to
 15 IC-122, Attachment 1, page 20, which we've
 16 looked a couple of times already, which is
 17 the rate projections post Muskrat. And Mr.
 18 Coxworthy did file an information item which
 19 brought this up to February, I think, but
 20 for the purposes of our discussion, this is
 21 fine.
 22 MR. HAYNES:
 23 A. Okay.
 24 GREENE, Q.C.:
 25 Q. So, here we see the rate projections and we

1 recall discussions around how the proposed
 2 account complies with the Order in Council
 3 directive we've talked about earlier this
 4 morning?
 5 MR. HAYNES:
 6 A. I don't recall a lot of discussion on that
 7 per se. There was a discussion regarding,
 8 you know, whether the assets are used and
 9 useful with respect to, I guess, what we
 10 consider to be a separation of the
 11 generation assets from the transmission
 12 assets. We thought it was appropriate to
 13 actually – if we're getting benefit, we
 14 thought it was appropriate for us to pay the
 15 O&M costs. And the other factor which I
 16 looked at in the thing is that all costs
 17 associated with Muskrat Falls are recovered,
 18 so it was my – you know, there's a
 19 perception on my part at least, and it may
 20 be timing, but they do have to recover
 21 somewhere over time.
 22 GREENE, Q.C.:
 23 Q. Were there any discussions with the
 24 Government with respect to the proposed off-
 25 island purchases deferral account?

1 know – we've heard evidence that there is a
 2 target or a goal of trying to keep the
 3 domestic rate 17 to 18 cents a kilowatt
 4 hour. Is that correct?
 5 MR. HAYNES:
 6 A. Yes.
 7 GREENE, Q.C.:
 8 Q. And I'm not sure, even though there was some
 9 discussion with Mr. Coxworthy this morning,
 10 that that was designed to keep Newfoundland
 11 competitive with something or other.
 12 MR. HAYNES:
 13 A. Well, I think -
 14 GREENE, Q.C.:
 15 Q. I'm not sure what, but is there any
 16 rationale for that 17 to 18 cents a kilowatt
 17 hour?
 18 MR. HAYNES:
 19 A. I think the 17 to 18 cents a kilowatt hour,
 20 my understanding is a couple of factors.
 21 One was the fact that that maybe hopefully
 22 would be a point whereby we would –
 23 eventually would probably see a short-term
 24 drop in load, but it would recover. It was
 25 also partly on the ability of – you know, if

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1 all other revenues from electrical supply
 2 side, from a Nalcor perspective, we plowed
 3 back into that, that might be an achievable
 4 number. But then that is a work to – that
 5 is obviously not a very robust or wholesome
 6 number. It was also a number that was
 7 promoted by the Government in various talks
 8 and speeches. So, you know, there’s no
 9 direction per se, but it’s been felt to be,
 10 at the committee level, a target number.
 11 Between 17 and 18 cents would be a
 12 reasonable number to mitigate to.

13 GREENE, Q.C.:
 14 Q. So, it’s not -

15 MR. HAYNES:
 16 A. But as I said, Hydro can’t do it with its
 17 resources.

18 GREENE, Q.C.:
 19 Q. And so the goal, the target of 17 to 18
 20 cents is not a Hydro calculated or
 21 recommended target?

22 MR. HAYNES:
 23 A. I think it’s a number that by consensus is
 24 felt to be a reasonable number that if we
 25 can mitigate to that, it wouldn’t be

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1 catastrophic in terms of losing a lot of
 2 customers. Obviously there will be an
 3 adjustment that people will make. Typically
 4 with any rate increase, there is some
 5 decline, but often they’ll recover.

6 GREENE, Q.C.:
 7 Q. Was it a target established by the rates
 8 committee of Government?

9 MR. HAYNES:
 10 A. It was basically based – my presumption is
 11 that it was basically based on, you know,
 12 the numbers that were done as what could be
 13 achieved by redirecting all monies from
 14 Nalcor, et cetera, you know, from the
 15 electrical side at least, back into rate
 16 mitigation process.

17 GREENE, Q.C.:
 18 Q. And when you say “all monies” do you mean
 19 dividends?

20 MR. HAYNES:
 21 A. Well, yes.

22 GREENE, Q.C.:
 23 Q. Return -

24 MR. HAYNES:
 25 A. I don’t think Nalcor could pay dividends to

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1 the Crown and also commit X hundred million
 2 dollars to rate mitigation. They can’t do
 3 both.

4 GREENE, Q.C.:
 5 Q. And how long was the target to remain in
 6 effect? We see the projection for rates
 7 going out to 2040 at 32.46 cents a kilowatt
 8 hour. How long are we going to be able to
 9 keep it with your strategies at 17 to 18
 10 cents?

11 MR. HAYNES:
 12 A. I think the 18 cents would be for – it would
 13 go through a regular process. There are
 14 increasing costs that Hydro has to pay for
 15 the Muskrat Falls facilities as a whole and
 16 they would have to be incorporated on a
 17 regulatory process. I can’t say whether
 18 it’s two years or three, you know, but I
 19 think there’s an assumption in the thing
 20 there would be, you know, a two percent or
 21 whatever year over year increase in general
 22 – you know, if you had a mathematical model
 23 out there, typically you would assume some
 24 escalation of rates or whatever.

25 GREENE, Q.C.:

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1 Q. So, the 17 to 18 cents, is that only for
 2 ’21, ’22 when Muskrat first comes in?

3 MR. HAYNES:
 4 A. That’s what my suspicion will be. My
 5 expectation would be from there then it
 6 would go through a regular rate process
 7 after as to what the other cost pressures
 8 are because it may require, you know,
 9 further input of money from others or, you
 10 know, curtailment of whatever we do, from
 11 that perspective.

12 GREENE, Q.C.:
 13 Q. So, did the rates committee of Government
 14 ask Hydro to come up with -- whether it was
 15 the off-island purchases deferral account or
 16 some other mechanism that would contribute a
 17 specific amount to the 17-cent target?

18 MR. HAYNES:
 19 A. Not to Hydro specifically. There were
 20 numbers, I think, in some Provincial budget
 21 of a couple hundred million dollars or
 22 something like that that would be required.
 23 I forget the details. But there was an
 24 expectation that, you know, we would need X
 25 amount of money to mitigate rates and based,

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1 I think, the direction to Nalcor was “how
 2 are you going to do it?” What Hydro could
 3 bring to the table, we think, is actually,
 4 you know, leveraging of the opportunity for
 5 recapture, building up a deferral account
 6 and doing that. But -
 7 GREENE, Q.C.:
 8 Q. Are you talking about the direction from
 9 Government to Nalcor to build a fund up?
 10 MR. HAYNES:
 11 A. Yeah, I mean, I think there was an
 12 expectation that they would have to come
 13 back with some monies to allocate for rate
 14 mitigation, but basically, you know, you
 15 have to look at – Nalcor has to look at the
 16 dividends they pay and what their profit is
 17 or whatever.
 18 GREENE, Q.C.:
 19 Q. Did Nalcor give you a target of what to
 20 achieve with respect to -
 21 MR. HAYNES:
 22 A. No, no. We went down through. I mean, we
 23 hoped to actually achieve more. We would
 24 hope to achieve more in the deferral account
 25 than what we put forward. We put forward

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1 what we have control over, primarily the
 2 recapture. If we can avail of other
 3 opportunities to bring power in, you know,
 4 cost effectively from Hydro Quebec and west,
 5 then we will also be looking at that, which
 6 would only be to build that fund. The OPEX
 7 costs should be fairly flat. That should
 8 not be affected by how much we bring in.
 9 GREENE, Q.C.:
 10 Q. Can we go to NP-115 Revised, please? So,
 11 this relates to the balances in the account,
 12 and if you go to page – the attachment, this
 13 attachment was done based upon the old fuel
 14 price?
 15 MR. HAYNES:
 16 A. Yes.
 17 GREENE, Q.C.:
 18 Q. Which is now almost the new fuel price. We
 19 don’t have -
 20 MR. HAYNES:
 21 A. That’s living with fuel oil.
 22 GREENE, Q.C.:
 23 Q. Yeah. We don’t have an updated one that
 24 shows the most current forecast of No. 6
 25 fuel oil, but it is close to what this was

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1 when this was filed?
 2 MR. HAYNES:
 3 A. It is, yeah.
 4 GREENE, Q.C.:
 5 Q. So, if we scroll down, for the potential
 6 savings in the account, we’re talking –
 7 well, it’s more than what’s shown here, so,
 8 say 19-20 million in 2018 and those numbers.
 9 So, that’s the amount of money we are
 10 talking about that Hydro has forecast could
 11 be savings based upon recapture.
 12 MR. HAYNES:
 13 A. Recapture.
 14 GREENE, Q.C.:
 15 Q. And in terms of how that would – we know
 16 there’s some uncertainty with respect to the
 17 full amount of recapture that’s available?
 18 MR. HAYNES:
 19 A. Yes, but up on the top, it says, I think, it
 20 was less than 400 gigawatt hours in year 1,
 21 453 and then 1055 in 2019. 2020 is lesser
 22 because we actually are entitled to pre-
 23 commissioning power energy at Muskrat Falls
 24 at zero cost, even better than .2 cents.
 25 GREENE, Q.C.:

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1 Q. So, then we – so, this is a rough estimate
 2 of the amount of monies you hope to achieve,
 3 possibly more, when you include your other
 4 purchases?
 5 MR. HAYNES:
 6 A. Yes.
 7 GREENE, Q.C.:
 8 Q. That you believe this is a conservative
 9 estimate of the money that will be saved?
 10 Is that correct?
 11 MR. HAYNES:
 12 A. Based on those oil prices there, yes.
 13 GREENE, Q.C.:
 14 Q. And we have your testimony that there is a
 15 committee of Government that’s looking at,
 16 I’ll call it, the big picture where rates
 17 are going to be, which is more than doubled
 18 with Muskrat Falls from the current rate,
 19 and they’re looking at other strategies as
 20 to how to keep the rate down. You’re asking
 21 the Board, and we’ll talk a little bit about
 22 some of the concerns about this account, but
 23 to view this as a reasonable amount that
 24 customers will pay now rather than get lower
 25 prices now?

1 MR. HAYNES:
 2 A. Yes.
 3 GREENE, Q.C.:
 4 Q. You're asking customers to start putting
 5 away this money in their own little savings
 6 account to apply for some step increase, but
 7 you can't tell the Board how much this will
 8 help smooth rates?
 9 MR. HAYNES:
 10 A. Well, what we have suggested was that the
 11 net balance at the end of the day would be
 12 at the Board's discretion on how they would
 13 actually affect that rate change, whether it
 14 would be, you know, a single amount of money
 15 to reinject back into the rates over one
 16 year or two years. We have basically said
 17 that will be at the Board's purview. We did
 18 not suggest how that would be disposed of,
 19 except that it's not Hydro's money. It's on
 20 behalf of the ratepayer and the Public
 21 Utilities Board would, in their view,
 22 actually allocate how that would be actually
 23 managed back into the rates.
 24 GREENE, Q.C.:
 25 Q. First concern I wanted to talk to you about

1 MR. HAYNES:
 2 A. Well, we had a – you know, what we proposed
 3 basically, the business-as-usual case is
 4 that we not take advantage or have told
 5 Nalcor “forget it, we're not going to take
 6 your power” and basically we will continue
 7 to burn oil. So, the business-as-usual case
 8 is the fact that we would have continued to
 9 burn oil at whatever price it takes and
 10 probably incurred some additional operating
 11 costs at Holyrood, based on the work
 12 environment out there with so many temporary
 13 employees and fairly significant overtime
 14 costs, particularly in the operations side.
 15 So, we see a business-as-usual case for a
 16 couple of years whereby we have an
 17 opportunity to come back and take advantage
 18 of that line. And the other thing I would
 19 add is that the numbers that we're kicking
 20 around, and I will say, hopefully not to my
 21 regret, but basically the back-of-the-
 22 envelope calculations that I've heard people
 23 quote is that basically, you know, 70 – 60
 24 to 70 million dollar is one cent per
 25 kilowatt hour and that will require

1 is how you're asking the Board to come up
 2 with a rate mitigation strategy as a tiny
 3 piece, one piece of a puzzle, when there's a
 4 big puzzle and a bigger group looking at
 5 what the – all of the strategies. We know
 6 you just said there's going to be money from
 7 Nalcor. There may be money, taxpayer money.
 8 We don't know what the rate mitigation
 9 strategy is.
 10 MR. HAYNES:
 11 A. No.
 12 GREENE, Q.C.:
 13 Q. We don't know exactly how much money you're
 14 hoping customers will now pay early when
 15 they don't really – because it's not based
 16 on the forecast cost of supply that you're
 17 asking ratepayers to pay.
 18 MR. HAYNES:
 19 A. No.
 20 GREENE, Q.C.:
 21 Q. Pay early, set aside the money. We don't
 22 know how much it will help and we don't know
 23 what the overall big step is. So, is that a
 24 reasonable approach, I guess is what I'm
 25 asking?

1 additional 60 to 70 million dollars each and
 2 every year. So, every one cent is a 60 to
 3 70 million dollar amount that has to come
 4 from somewhere. So, if it was 70 million
 5 dollars, that could be two, two and a half
 6 cents of rate mitigation, maybe only for one
 7 year. Or the Board could choose to do it
 8 over a period of time. But, this is a –
 9 going back to my comment, you know, if we go
 10 back to our budget and we save a dollar here
 11 and dollar there, this is a way to put some
 12 money aside that the ratepayer would have
 13 otherwise paid had we said “forget it,
 14 Nalcor, we're not interested in bringing the
 15 line in early”. That's basically it.
 16 (12:30 p.m.)
 17 GREENE, Q.C.:
 18 Q. And you believe it's reasonable for the
 19 Board to try to use this as a rate
 20 mitigation option in isolation of knowledge
 21 of all of the other factors that may be?
 22 MR. HAYNES:
 23 A. Yes. It does help the smoothing and that's
 24 my opinion, yes.
 25 GREENE, Q.C.:

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1 Q. And it's enough that it helps in some way,
 2 even if we don't know how much?
 3 MR. HAYNES:
 4 A. Well, we don't know how much, but basically,
 5 from the point of view of the disposition of
 6 funds at the end of the day, it would be up
 7 to the Board's discretion how they'll
 8 actually manifest that back into rate
 9 mitigation. But it is not a – it is more of
 10 a rate smoothing vehicle than a rate
 11 mitigation vehicle because it's not
 12 sustainable. Once those monies are spent,
 13 they're done. It'll just stop that step
 14 change in rates going from whatever they
 15 are, you know, 13 cents or whatever it was
 16 to 18 or whatever.
 17 GREENE, Q.C.:
 18 Q. It's really another mechanism to defer the
 19 Muskrat Falls' cost, which will have to be
 20 paid in full at some point in time?
 21 MR. HAYNES:
 22 A. At some point in time, yeah. There are
 23 other – you know, the – I know that there
 24 are different vehicles for doing that. I'll
 25 just quote an example. There just before

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1 Christmas, there was a nuclear plant
 2 somewhere in the States that was cancelled
 3 and there was two billion dollars that was
 4 collected from the ratepayer to actually –
 5 you know, in advance of that particular
 6 project coming in service, which now I don't
 7 know what they did with it after, but so,
 8 the recognition that rate smoothing and, you
 9 know, collecting money in one way, shape or
 10 form, whether you actually put it in an
 11 account and defer it, whether you pay
 12 interest depreciation on an ongoing basis,
 13 are not unknown vehicles from a regulatory
 14 point of view.
 15 GREENE, Q.C.:
 16 Q. Some of my colleagues have already covered
 17 with you some of the difficulties with the
 18 account and whether it complies with the
 19 Order in Council.
 20 MR. HAYNES:
 21 A. Yes.
 22 GREENE, Q.C.:
 23 Q. And the transparency of the costs, as well
 24 as the savings that were built up, so I
 25 won't do that, but one of the other options

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1 that Hydro considered, apart from this, to
 2 assist with the rate smoothing. I'd like to
 3 take you to the transcript yesterday, page
 4 104, in response to questions from Mr.
 5 Browne with respect to why the current rate
 6 stabilization plan could not have been used
 7 by Hydro.
 8 MR. HAYNES:
 9 A. The rate stabilization plan basically is set
 10 up for fuel. I mean, what we're trying to
 11 do is isolate these costs as a separate
 12 account. You know, the rate stabilization
 13 plan, you know, will vary obviously with
 14 oil. I mean, we're open to any particular
 15 suggestion that actually, you know, reflects
 16 a rate smoothing. Obviously we're open to
 17 any decision of the Board. But from the
 18 point of view of the rate smoothing thing,
 19 we're going to see rate stabilization plan –
 20 we think it's a separate issue. Isolate
 21 those savings, so we can define exactly what
 22 they were and not have it, you know, mixed
 23 up with the other things. It's to isolate
 24 the savings and use it at a later date. The
 25 rate stabilization plan will function as it

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1 normally does. It's a different intent
 2 really.
 3 GREENE, Q.C.:
 4 Q. So, the rate stabilization plan, without
 5 amendment, could not have accomplished the
 6 same purpose?
 7 MR. HAYNES:
 8 A. Don't think so, no. That's my
 9 understanding.
 10 GREENE, Q.C.:
 11 Q. Because it immediately flows through the
 12 reduction in the cost?
 13 MR. HAYNES:
 14 A. Exactly. That's my understanding, yes.
 15 GREENE, Q.C.:
 16 Q. Okay.
 17 MR. HAYNES:
 18 A. Whereas this would be isolated, retained,
 19 still under the Board's purview obviously.
 20 GREENE, Q.C.:
 21 Q. So, the rate stabilization plan by itself
 22 wouldn't be enough? You would have had to
 23 make either amendments to the plan or -- you
 24 would have had to do amendments to the plan
 25 to allow the savings to be used?

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1 MR. HAYNES:
 2 A. Yeah, Mr. Fagan could actually speak to the
 3 details of that obviously, but that would be
 4 right.
 5 GREENE, Q.C.:
 6 Q. Now in terms of other options considered,
 7 besides this controversial account, that was
 8 asked in NP-114 Revision 1, and I'm not sure
 9 if you're familiar with the other options,
 10 but I just wanted to briefly look at it and
 11 we can defer that to Ms. Dalley or Mr. Fagan
 12 if -
 13 MR. HAYNES:
 14 A. Okay, yes.
 15 GREENE, Q.C.:
 16 Q. And I just wanted to see if those were the
 17 only options that Hydro considered, because
 18 they're pretty limited when you look at.
 19 MR. HAYNES:
 20 A. They are, but we don't have a lot to do.
 21 GREENE, Q.C.:
 22 Q. Did Hydro ever consider something that would
 23 be more transparent to ratepayers like a
 24 rate rider saying "we need to start setting
 25 aside your money for Muskrat Falls, so let's

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1 tack on whatever, one percent, two percent,
 2 five percent as a rate rider?"
 3 MR. HAYNES:
 4 A. It was discussed from that perspective, but
 5 basically what we're putting forward is
 6 something that has an actual basis, as
 7 opposed to a deemed number. Ideally,
 8 hindsight's 20/20, we could have started a
 9 rate mitigation from that perspective of
 10 building a fund, you know, in 2010 or '11
 11 when things started to go up a bit. But, we
 12 are where we are now, but we had an
 13 opportunity to avail of real tangible
 14 savings on Holyrood. I think the net effect
 15 at the end of the day is similar.
 16 GREENE, Q.C.:
 17 Q. Do you believe that the proposed off-island
 18 account is open and transparent and
 19 stakeholders, as well including customers,
 20 would understand what it's designed to do?
 21 MR. HAYNES:
 22 A. I'm sure it would require more
 23 communications from that perspective, but I
 24 think it's - you know, basically, we're not
 25 saving for a rainy day. We're saving for a

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1 - you're saving for an inevitable reality
 2 that the rates are going to take a step
 3 change in 2021 if we don't do something.
 4 And you know, one of the comments and the
 5 one of the discussion points was that
 6 sometimes it's not so much - I'm sure in
 7 this case, you know, that's a bit of a
 8 stretch for me to say, but it's not
 9 necessarily the rate, you know, it's the
 10 progression up to the rate. People do like
 11 to ease into the rate. And I mean, we're on
 12 a pretty steep incline here. Ideally we
 13 could have done this five years ago so
 14 people are actually stepping up X percent a
 15 year sort of thing. But that's not where we
 16 are. We're catching up from that
 17 perspective.
 18 GREENE, Q.C.:
 19 Q. And with respect to the size of the step, in
 20 the transcript yesterday, you talked about a
 21 percentage of ten percent above which might
 22 be viewed as rate shock. Do you recall
 23 that? I can bring up -
 24 MR. HAYNES:
 25 A. Yeah, I think the number was - ten percent

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1 was the number I spin around. I think it
 2 depends on - everybody has a different
 3 perspective on what rate shock is.
 4 GREENE, Q.C.:
 5 Q. And was that a guideline used by Hydro in
 6 the preparation of the General Rate
 7 Application proposal, including this
 8 account?
 9 MR. HAYNES:
 10 A. No, not per se, not that I'm - I'm not aware
 11 that that was actually a guiding principle
 12 on the ten percent.
 13 GREENE, Q.C.:
 14 Q. Is it a guideline that has been used with
 15 respect to the 17 to 18 percent target?
 16 MR. HAYNES:
 17 A. I'm sorry?
 18 GREENE, Q.C.:
 19 Q. The 17 to 18 cents a kilowatt hour that's
 20 set as a target for rate -
 21 MR. HAYNES:
 22 A. I'm not aware that was a driving factor in
 23 that number. I think it was more along a
 24 comparison of what Atlantic Canada was
 25 doing.

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1 GREENE, Q.C.:

2 Q. And the ten percent, is that at the utility

3 level or the end consumer level?

4 MR. HAYNES:

5 A. I would assume it would be at the end

6 consumer level.

7 GREENE, Q.C.:

8 Q. Okay. Yesterday you also referred to – we

9 can bring this up, the transcript of the 23rd

10 and starts at page 106, where you talked

11 about Hydro’s current proposal – there you

12 go. It’s lines 15 to 19. “I don’t think we

13 ever asked for 23 percent. What we actually

14 filed now is seven and a half percent for

15 2018 and I think it was 9.4 for 2019.” Now,

16 that wasn’t your General Rate Application

17 proposal, was it?

18 MR. HAYNES:

19 A. Not the initial one.

20 GREENE, Q.C.:

21 Q. No.

22 MR. HAYNES:

23 A. No. No, we -

24 GREENE, Q.C.:

25 Q. So, that is the Interim Rates Application

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1 that was filed last week?

2 MR. HAYNES:

3 A. It is, yes, and the 7.5 is a portion of – is

4 the RSP adjustment and I think 2.8 percent

5 is actually the – the four and a half may be

6 rate stabilization plan recovery from last

7 year where there was an over ten percent

8 increase that had gone through as proposed.

9 The 9.4 is now the 2019 rate.

10 GREENE, Q.C.:

11 Q. So, are you amending your General Rate

12 Application proposal for this?

13 MR. HAYNES:

14 A. Well, the interim – I’m not sure we’re

15 actually amending the proposal. I think it

16 would just go through the process and we’ll

17 come out where we are. I am not – I have

18 not had a discussion on whether we were

19 actually amending our proposal.

20 GREENE, Q.C.:

21 Q. When you applied for 2018, you are proposing

22 to change the method of calculation for the

23 fuel rider to reduce the number of barrels

24 of fuel to reflect actual Holyrood

25 production rather than your test year –

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1 rather than 2015 test year forecast. Is

2 that correct?

3 MR. HAYNES:

4 A. Repeat again, sorry?

5 GREENE, Q.C.:

6 Q. For the calculation of the fuel rider in the

7 Interim Rates Application, you have proposed

8 an amendment to the RSP rules to change the

9 number of barrels of fuel used in the

10 calculation of the fuel rider to reflect

11 expected production as -

12 MR. HAYNES:

13 A. Yes, so as not to build up a – we’re putting

14 a fuel rider in that would reflect, you

15 know, the business-as-usual case where we’d

16 burn X millions of barrels of oil or

17 whatever, 100,000 barrels of oil. What we

18 proposed was with the rate deferral and

19 using recall, we would actually have less.

20 So, it didn’t seem to make sense to build

21 up, you know, an over collection, if you

22 will, of that amount in the rate

23 stabilization plan. So, we think it’s more

24 of a balanced proposal from that

25 perspective. But again, Mr. Fagan would be

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1 best to speak to the mechanics of it all.

2 GREENE, Q.C.:

3 Q. Did you consider identifying that as savings

4 also to be used for rate smoothing from

5 Muskrat Falls, not to amend the RSP rules,

6 but another amendment to capture the savings

7 to hold for rate mitigation?

8 MR. HAYNES:

9 A. No, we didn’t. We thought that would be – I

10 mean, we didn’t actually have a discussion

11 on that there. My perception would be that

12 we would be collecting a lot more money from

13 that perspective and I’m interpreting what

14 you say as to actually put that money aside

15 for rate mitigation purpose as well.

16 GREENE, Q.C.:

17 Q. Yes.

18 MR. HAYNES:

19 A. It would be, but if you’re looking at the

20 rate increases, you know, there’s a desire

21 to keep the rates down reasonable from that

22 perspective.

23 GREENE, Q.C.:

24 Q. And in your General Rate Application, your

25 proposal is still the deferral account

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1 scenario for the revenue requirement to
 2 determine the deficiency for 2018 and to set
 3 base rates for 2019. Is that correct?
 4 MR. HAYNES:
 5 A. That's my understanding, yes.
 6 GREENE, Q.C.:
 7 Q. Okay. So, you're not for those two years,
 8 in the base rates, proposing changing the
 9 production at Holyrood to reflect actual
 10 forecast production, but off -
 11 MR. HAYNES:
 12 A. No. What has changed was the actual, the
 13 fuel part.
 14 GREENE, Q.C.:
 15 Q. But you are proposing only for the fuel
 16 rider for 2018?
 17 MR. HAYNES:
 18 A. Yes. It's a business as usual, as if we
 19 were producing at Holyrood.
 20 GREENE, Q.C.:
 21 Q. Do you think that that's inconsistent in how
 22 you're approaching the issue?
 23 MR. HAYNES:
 24 A. I think the overriding thing that we're
 25 trying to do is to achieve some rational way

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1 that we can actually achieve some rate
 2 smoothing in the transition to post Muskrat
 3 Falls. So, I mean, it may be a little bit
 4 different, but I don't think it's wrong.
 5 But again, from the mechanics of it all, I
 6 think Mr. Fagan would be the best to
 7 rationalize the puts and takes, if you will,
 8 on that particular aspect.
 9 GREENE, Q.C.:
 10 Q. And I just have two short topics left. The
 11 first is the Exploits generation. The only
 12 thing we have on the record is in PUB-NLH-
 13 038 and PUB-NLH-039, which is that the
 14 agreement with Nalcor expired December 31,
 15 2017. Has it been updated and what is its
 16 current status?
 17 MR. HAYNES:
 18 A. The current – basically it's continuing on
 19 business as usual and I don't think it's
 20 been formalized yet, but basically we're
 21 anticipating that we will continue to buy
 22 power from Exploits at the – I believe it's
 23 four cents, and we are doing the operational
 24 maintenance, but basically it's still not a
 25 Hydro asset at this time.

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1 GREENE, Q.C.:
 2 Q. And in PU – which is on the screen there now
 3 – the discussions with the Provincial
 4 Government as to who will own the asset and
 5 how long will this internal arrangement
 6 carry on, do you have any knowledge about
 7 that?
 8 MR. HAYNES:
 9 A. Only the fact that I anticipate that we will
 10 carry on with the interim arrangement until
 11 they make a final decision on the
 12 disposition of those assets, whether they
 13 will come to Hydro or whatever they plan to
 14 do.
 15 GREENE, Q.C.:
 16 Q. And you have no idea on timing?
 17 MR. HAYNES:
 18 A. No, not at this point in time. If it gets
 19 discussed, it comes up, it goes away, it
 20 comes up and goes away. It's not – we don't
 21 have a definitive date.
 22 GREENE, Q.C.:
 23 Q. And my last topic is with respect to
 24 reliability. I'd like to go to CA-NLH-096
 25 and it's just a follow up to some discussion

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1 you had with Mr. O'Brien on reliability. If
 2 you could scroll down, please. 096, sorry.
 3 MS. MASSEY:
 4 Q. Sorry.
 5 GREENE, Q.C.:
 6 Q. And it's just to give you the opportunity to
 7 provide your perspective to the Board on
 8 what the takeaway should be from this.
 9 MR. HAYNES:
 10 A. On our SAIDI and SAIFI?
 11 GREENE, Q.C.:
 12 Q. Before we get to that, this is the end
 13 consumer performance that you did talk about
 14 with Mr. O'Brien?
 15 MR. HAYNES:
 16 A. Yes.
 17 GREENE, Q.C.:
 18 Q. For 2017, it was provided in Information No.
 19 1 at page 9, so for 2017 SAIFI, the number
 20 is 1.66 and for SAIDI for 2017, it was 3.76,
 21 subject to check, and my question is when we
 22 look at the 2008 to 2012, the five-year
 23 average, we don't see Hydro's performance
 24 since then back to that level.
 25 MR. HAYNES:

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1 A. No, we're not back to that level yet.
 2 GREENE, Q.C.:
 3 Q. No.
 4 MR. HAYNES:
 5 A. But we are trending the right way. We are
 6 still – you know, there are still things
 7 that are happening, but we are obviously
 8 recovering from the 2013-2014. So, we are
 9 moving the right way.
 10 GREENE, Q.C.:
 11 Q. And is your target to get back there or -
 12 MR. HAYNES:
 13 A. Our target is continuous improvement. We
 14 look at our planned outages -- and the other
 15 thing I think we need to, you know, to put
 16 in context is that particular number does
 17 include some planned outages and plant
 18 upgrades. So, it's not just, you know,
 19 forced outages and things that go bump in
 20 the night. It's other work that we're
 21 doing. So that target is based on our work
 22 plan and if we're doing any significant
 23 rebuild in areas, then there are outages
 24 that would figure into that particular
 25 number.

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1 GREENE, Q.C.:
 2 Q. You have said your focus is on reliability
 3 with respect to a balance of costs, but when
 4 we actually look at the performance, we
 5 don't see performance going back to historic
 6 levels or not 2008-2012 average or even
 7 anything prior to the outages of 2014. So,
 8 what level of comfort can you give to the
 9 Board that reliability is a priority and
 10 that it will improve?
 11 (12:45 p.m.)
 12 MR. HAYNES:
 13 A. Everything we do, from the point of view of
 14 all our work planning and looking at live
 15 line work, looking at different ways to do
 16 it. You know, that is the goal. So, you
 17 know, it is not one single particular item
 18 that's actually going to drive that
 19 reliability. It's a collection of things.
 20 Our performance under our frequency load
 21 shedding and any line trips that we have on
 22 transmission or generation do cause outages
 23 to Newfoundland Power. Our Isolated Rural
 24 systems are – the numbers are not nearly
 25 like that there, but we're working at those

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1 as well. So, you know, we think that we are
 2 hitting the right direction and you know, I
 3 can't say when we're going to land. It's a
 4 continuous improvement and you'd have to
 5 actually go back and look at the planned
 6 work versus, you know, the other work as
 7 well, which would be a considerable
 8 exercise, but the targets are set on
 9 continuous improvement and we will get there
 10 over time. But there's a -
 11 GREENE, Q.C.:
 12 Q. And that is your goal?
 13 MR. HAYNES:
 14 A. Um?
 15 GREENE, Q.C.:
 16 Q. That's your goal, I take it.
 17 MR. HAYNES:
 18 A. The goal is to go back to a high level of
 19 performance on those particular aspects.
 20 GREENE, Q.C.:
 21 Q. And that's tracking your performance against
 22 yourself. Now, if we could go – my last
 23 area is NP-187, which is Hydro's performance
 24 versus CEA.
 25 MR. HAYNES:

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1 A. Yes.
 2 GREENE, Q.C.:
 3 Q. And this is from – again from a reliability
 4 perspective how Hydro would compare with
 5 your peers, and I won't take you through
 6 each number, but it doesn't paint a pretty
 7 picture of how Hydro's performance ranks
 8 against its others and again, I wanted to
 9 give you the opportunity to put your
 10 perspective on it for the Commissioners when
 11 they're assessing this.
 12 MR. HAYNES:
 13 A. Thank you. One of the things that we have
 14 to keep in mind when we look at this
 15 compared to the CEA is the actual regions,
 16 and I can't speak to the details. Mr.
 17 LeBlanc could. But in the CEA comparison to
 18 other utilities, there's kind of a large
 19 pool of utilities that cover, you know, I'll
 20 use an example, maybe Toronto Hydro, for
 21 instance, which basically is all city work.
 22 We have a lot of rural things and I think
 23 there are discussions at CEA to actually
 24 have another group that will look at more
 25 the rural environment. So, these are a

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1 collective of a broad diversity of
 2 utilities, as opposed to a specific group of
 3 utilities that would be operating in a more
 4 rural area. But Mr. LeBlanc can actually
 5 probably detail that more than I can. But
 6 there are concerns about our comparative
 7 there from that perspective.

8 GREENE, Q.C.:
 9 Q. Is it a goal to improve performance relative
 10 to others of peers in CEA?

11 MR. HAYNES:
 12 A. Our goal is to improve performance, period,
 13 on all assets.

14 GREENE, Q.C.:
 15 Q. Thank you, Mr. Haynes. That completes my
 16 questions.

17
 18 Q. Thank you, Ms. Greene. I guess we're back
 19 to redirect, Mr. Young, or Mr. Templeton, is
 20 it? I'm sorry.

21 MR. YOUNG:
 22 Q. Yes, thank you, Madam Chair.

23 MR. JAMES HAYNES, RE-EXAMINATION BY MR. ALEX TEMPLETON
 24 MR. TEMPLETON:
 25 Q. Thank you, Madam Chair. Very limited

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1 redirect for Mr. Haynes. Mr. Haynes, in the
 2 course of your testimony on April 23rd, you
 3 were discussing with Mr. Browne the rate
 4 mitigation committee that you've also
 5 referenced here today, and I'd just like to
 6 take you to the transcript at page 116 of
 7 April 23rd. This was the portion of the
 8 discussion around the various members of
 9 that rate mitigation committee. I'd just
 10 ask you to confirm the identity of the
 11 individual members of that committee.

12 MR. HAYNES:
 13 A. Yes, I made a mistake yesterday going from
 14 memory. From the Investment Evaluation
 15 folks, I had said David Jones and Aborn
 16 Warren. It's in fact Rob Hull is the
 17 representative on that group, not those
 18 folks. They are at occasion meetings
 19 obviously when we're discussing points, but
 20 the committee itself is Rob Hull, not Dave
 21 and Aborn.

22 MR. TEMPLETON:
 23 Q. Okay. Thank you, Mr. Haynes. Just one
 24 moment, Madam Chair. That's all the
 25 questions, Madam Chair.

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1 CHAIR:
 2 Q. Thank you. Go to Panel questions. Mr.
 3 Oxford, do you have any questions for this
 4 witness?

5 COMMISSIONER OXFORD:
 6 Q. No, thank you.

7 COMMISSIONER NEWMAN:
 8 Q. No questions.

9 CHAIR:
 10 Q. And I have no questions, you'll be pleased
 11 to hear, Mr. Haynes. I guess with that that
 12 means we're finished with this witness.
 13 What's the wish of the -

14 MR. YOUNG:
 15 Q. Thank you.

16 CHAIR:
 17 Q. Should we take a five-minute break and you
 18 guys can get - that'll work better.
 19 (BREAK - 12:50 p.m.)
 20 (RESUME - 12:56 p.m.)

21 CHAIR:
 22 Q. Thank you. Hydro, would you like to
 23 introduce your witness before I do the oath?

24 MR. TEMPLETON:
 25 Q. Yes, thank you very much. Ms. Dalley, can

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1 you state your full name for the record,
 2 please.

3 MS. DALLEY:
 4 A. Sure, Dawn Dalley.

5 MR. TEMPLETON:
 6 Q. And your current position at Newfoundland
 7 and Labrador Hydro?

8 MS. DALLEY:
 9 A. Vice-President of Corporate Services and
 10 Regulatory Affairs.

11 MR. TEMPLETON:
 12 Q. Thank you very much. I understand you
 13 prefer to be affirmed, as opposed to an oath
 14 on the Bible?

15 MS. DALLEY:
 16 A. Yes.

17 MR. TEMPLETON:
 18 Q. Okay, thank you.

19 CHAIR:
 20 Q. Okay, thank you. Ms. Dalley, do you affirm
 21 that the evidence to be given by you shall
 22 be the truth, the whole truth and nothing
 23 but the truth?

24 MS. DALLEY:
 25 A. I do.

1 CHAIR:
 2 Q. Thank you very much. Welcome back.
 3 MS. DALLEY:
 4 A. Thank you.
 5 CHAIR:
 6 Q. Direct.
 7 MS. DAWN DALLEY, AFFIRMED, EXAMINATION-IN-CHIEF BY MR.
 8 ALEX TEMPLETON
 9 MR. TEMPLETON:
 10 Q. Thank you. Ms. Dalley, could you begin by
 11 please providing the Panel with an overview
 12 of your work experience?
 13 MS. DALLEY:
 14 A. Sure. I joined Newfoundland and Labrador
 15 Hydro in 2003 as the Manager of Corporate
 16 Communications for Newfoundland and Labrador
 17 Hydro at that time. I may get some of the
 18 dates wrong here as I go through it, but in
 19 2008, I was transferred to Nalcor Energy,
 20 the parent company in the same capacity with
 21 the additional responsibility at that time
 22 of what was called Shareholder Relations,
 23 but is essentially to be the interface with
 24 the Provincial Government on many issues.
 25 In 2011, I was appointed to Vice-President

1 A. In 2011, so I had responsibility for
 2 customer service and energy efficiency teams
 3 inside of Hydro, as well as Corporate
 4 Communications across all the Nalcor Energy
 5 companies. I held that position until 2016,
 6 I believe it was around the March timeframe,
 7 when I transferred back into Newfoundland
 8 and Labrador Hydro in the current position
 9 that I'm in. At that time, the addition was
 10 customer service, energy efficiency and
 11 regulatory affairs and then subsequent to
 12 the reorganization, which took place over
 13 2016, I also took responsibility for HR,
 14 safety, environment, as well as corporate
 15 communications for Newfoundland and Labrador
 16 Hydro.
 17 MR. TEMPLETON:
 18 Q. Thank you, Ms. Dalley. So, in your current
 19 position, can you just review your various
 20 areas of responsibility with respect to the
 21 company?
 22 MS. DALLEY:
 23 A. Sure. On the Human – I'll start on the
 24 other side, the Human Resources side. It's
 25 all matters related to Human Resources,

1 of Corporate Relations role and Customer
 2 Service, which was a dual role. So, I was
 3 in Nalcor Energy, but I had direct
 4 responsibilities within the subsidiary
 5 company of Hydro at the time.
 6 MS. GLYNN:
 7 Q. Ms. Dalley, I hate to interrupt, but some of
 8 the parties are having difficulty hearing
 9 you. I don't know if you can move the mike
 10 closer.
 11 MS. DALLEY:
 12 A. Yeah, I tried that. Unfortunately it's
 13 fixed, which means I'm leaning in.
 14 MS. GLYNN:
 15 Q. Okay. Can you move it up?
 16 MS. DALLEY:
 17 A. Oh, yeah, okay.
 18 MS. GLYNN:
 19 Q. Yeah, maybe that would help.
 20 MS. DALLEY:
 21 A. Is that a bit better? Yes, okay. I'll lean
 22 in as well.
 23 MS. GLYNN:
 24 Q. Thank you.
 25 MS. DALLEY:

1 labour relations and occupational health.
 2 And then on the corporate safety as well as
 3 it relates to Newfoundland and Labrador
 4 Hydro; the environmental services team,
 5 again as it relates to Hydro's activities
 6 from an environmental planning and
 7 compliance perspective; regulatory affairs,
 8 which we've already spoken of, which is the
 9 regulated team and all activities as a
 10 regulated utility; customer service, which
 11 is service to our 38,000 direct customers,
 12 the services – I guess, and that come with
 13 that, billing, meter reading, our meter
 14 shop, operations, as well as our call centre
 15 and our key account functions which you
 16 heard Mr. Haynes talk about a little bit.
 17 And then on the energy efficiency side as
 18 well, which would be twofold really, our CDM
 19 programs that relate to Hydro and Hydro's
 20 customers, as well as partner programs that
 21 we would have in place with Newfoundland
 22 Power through the Take Charge relationship.
 23 (1:00 p.m.)
 24 MR. TEMPLETON:
 25 Q. Thank you, Ms. Dalley, so you've had the

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1 opportunity to review the evidence that has
 2 been filed in respect to this General Rate
 3 Application?
 4 MS. DALLEY:
 5 A. Yes, I have.
 6 MR. TEMPLETON:
 7 Q. Including the various responses to your
 8 request for information filed by the
 9 parties?
 10 MS. DALLEY:
 11 A. Yes, I have.
 12 MR. TEMPLETON:
 13 Q. Okay, and are you prepared to adopt that
 14 evidence as it regards your various areas of
 15 responsibility?
 16 MS. DALLEY:
 17 A. Yes, I am.
 18 MR. TEMPLETON:
 19 Q. Okay, thank you much.
 20 MS. DALLEY:
 21 A. You're welcome.
 22 MR. TEMPLETON:
 23 Q. Madam Chair, that completes our direct
 24 examination.
 25 CHAIR:

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1 Q. Thank you, Mr. Templeton. Mr. O'Brien, are
 2 you ready to start? Carry on.
 3 MR. O'BRIEN:
 4 Q. Thank you. Good morning, Ms. Dalley.
 5 MS. DALLEY:
 6 A. Good morning.
 7 MR. O'BRIEN:
 8 Q. I should say good afternoon.
 9 MS. DALLEY:
 10 A. Afternoon.
 11 MR. O'BRIEN:
 12 Q. Okay, I just want to run through a few of
 13 the items you just touched on, just in terms
 14 of your job description, and I wonder if we
 15 could bring up from Volume 2 of the
 16 evidence, Exhibit 2, it's Schedule 1 of the
 17 Organizational Responsibility exhibit. If
 18 we could go to page 1 of that document.
 19 Okay, so I guess that's the executive chart
 20 for Newfoundland and Labrador Hydro, is that
 21 right?
 22 MS. DALLEY:
 23 A. That's correct.
 24 MR. O'BRIEN:
 25 Q. Okay, and you've filed under vice-president

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1 of Corporate Services and Regulatory
 2 Affairs, that's 104-53.
 3 MS. DALLEY:
 4 A. Yes, that's my code.
 5 MR. O'BRIEN:
 6 Q. That's your code, okay. So with that, right
 7 now you report directly to the president,
 8 Mr. Haynes, is that right?
 9 MS. DALLEY:
 10 A. I do.
 11 MR. O'BRIEN:
 12 Q. Do you have any report or reporting
 13 obligations to the CEO at this point?
 14 MS. DALLEY:
 15 A. No, I do not.
 16 MR. O'BRIEN:
 17 Q. Okay, and you have an executive assistant
 18 that reports in to you and then we have
 19 underneath that, page 28, so there's a whole
 20 host of individuals that would report all
 21 the way up through you, that we've seen on
 22 that bar.
 23 MS. DALLEY:
 24 A. That's right and I should clarify that the
 25 executive assistant role is actually the

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1 executive assistant for all of the Hydro
 2 executive, just administratively reports to
 3 me.
 4 MR. O'BRIEN:
 5 Q. Okay, all right, I was going to ask that,
 6 okay, so that's—and that's for all the
 7 executive shown here, including the
 8 president?
 9 MS. DALLEY:
 10 A. That's correct.
 11 MR. O'BRIEN:
 12 Q. Okay, so if we go to page 28 of this chart
 13 then of this exhibit, I guess the flow up
 14 through you then, yeah, here we go, okay.
 15 So you have seven departments under you
 16 right now?
 17 MS. DALLEY:
 18 A. Yes, it's actually six now, which I expect I
 19 would get to at some point in my testimony,
 20 but as a matter –
 21 MR. O'BRIEN:
 22 Q. Okay, take me through it.
 23 MS. DALLEY:
 24 A. Sorry?
 25 MR. O'BRIEN:

1 Q. Take me through, what's the -
 2 MS. DALLEY:
 3 A. Sure, well just as a matter of efficiency
 4 when the manager of energy efficiency
 5 retired, we made that position redundant and
 6 rolled it under the manager of customer
 7 services as a cost savings and efficiency
 8 element, so it's really now the team is
 9 customer service and energy efficiency and
 10 then the other groups are essentially the
 11 same.
 12 MR. O'BRIEN:
 13 Q. So those two, the manager of customer
 14 service is now manager of customer service
 15 and energy efficiency and all of the
 16 individuals underneath the manager of energy
 17 efficiency now report through to customer
 18 service?
 19 MS. DALLEY:
 20 A. That's correct.
 21 MR. O'BRIEN:
 22 Q. Yeah, okay. And prior to holding this
 23 position which you hold right now of vice-
 24 president of Corporate Services and
 25 Regulatory Affairs, the last position you

1 that right, as well as shareholder and
 2 government relations?
 3 MS. DALLEY:
 4 A. Yes, that's correct.
 5 MR. O'BRIEN:
 6 Q. Okay, so that was a Nalcor role. Do you
 7 have any role with Nalcor right now?
 8 MS. DALLEY:
 9 A. No, I do not.
 10 MR. O'BRIEN:
 11 Q. Okay. So if we look at each of the
 12 departments here, we've got really six
 13 departments now, can you give me an
 14 overview, sorry, the percentage of time that
 15 your job function would be focussed on each
 16 one of those departments?
 17 MS. DALLEY:
 18 A. I mean, I could look at—I've looked at this
 19 -
 20 MR. O'BRIEN;
 21 Q. Like would you spend 50 percent on
 22 regulatory, 20 percent, like that sort of
 23 thing?
 24 MS. DALLEY:
 25 A. I don't specifically code my time into those

1 held prior to that just didn't include all
 2 of these departments, is that right? From
 3 March 2016 forward you had a modified role,
 4 I guess you didn't have some of these
 5 departments, is that right?
 6 MS. DALLEY:
 7 A. That's correct. And I'm not sure if your
 8 left to right is the same as mine, but
 9 regulatory affairs, customer service and
 10 energy efficiency.
 11 MR. O'BRIEN:
 12 Q. Okay, and the rest of those, in terms of
 13 communication, you didn't have that role in
 14 March of 2016?
 15 MS. DALLEY:
 16 A. No.
 17 MR. O'BRIEN:
 18 Q. That came with the reorg process?
 19 MS. DALLEY:
 20 A. It did.
 21 MR. O'BRIEN:
 22 Q. Okay, and your role prior to that when you
 23 were with Nalcor, I understood you had
 24 customer service, conservation and demand
 25 management and corporate communications, is

1 departments, so I would be making a guess
 2 and I think that it does depend and I have
 3 looked at this before because it is a broad
 4 span of control, so you know, I want to be
 5 comfortable, just from an organizational
 6 structure perspective that we've had
 7 consideration to that.
 8 MR. O'BRIEN:
 9 Q. Okay.
 10 MS. DALLEY:
 11 A. That we've had consideration to that, so it
 12 would be, I think it's fair to say that the
 13 two, probably three largest drivers are
 14 regulatory customer service and human
 15 resources, and percentage of time it would
 16 really depend, there are days and weeks
 17 where it's 90 percent regulatory or some
 18 days it feels like 100. There are others,
 19 if there are HR matters underway and we're
 20 dealing with them on an ongoing basis, you
 21 know, you'd see that come up, but it's fair
 22 to say that I think the largest contributor
 23 would be regulatory.
 24 MR. O'BRIEN:
 25 Q. Largest would be regulatory, okay.

1 MS. DALLEY:
 2 A. Yes.
 3 MR. O'BRIEN:
 4 Q. And you're responsible for costs in all of
 5 these areas, for supporting costs in all of
 6 these areas in this case?
 7 MS. DALLEY:
 8 A. Yes.
 9 MR. O'BRIEN:
 10 Q. Are you responsible for the annual budgets
 11 of each one of these areas?
 12 MS. DALLEY:
 13 A. Yes.
 14 MR. O'BRIEN:
 15 Q. Would that include operating and capital or
 16 -
 17 MS. DALLEY:
 18 A. Very little capital in a lot of these
 19 departments, but there is some in customer
 20 service, for example, where we are doing AMR
 21 projects and yes, I do see those and review
 22 them, but they're primarily driven out of
 23 engineering.
 24 MR. O'BRIEN:
 25 Q. And I would expect that most of these areas

1 would be primarily operating budgets.
 2 MS. DALLEY:
 3 A. It is the case.
 4 MR. O'BRIEN:
 5 Q. So you started in March. When you started,
 6 I guess when I say you started in March, you
 7 started back from Nalcor into Hydro, you
 8 moved back in March of 2016. So before
 9 that, your role was in the matrix
 10 organizational structure of Nalcor, is that
 11 fair?
 12 MS. DALLEY:
 13 A. It was.
 14 MR. O'BRIEN:
 15 Q. And Hydro has moved away from that structure
 16 now, we've heard some testimony from Mr.
 17 Haynes on that. And Mr. Haynes indicated
 18 that the sort of reorg process had already
 19 begun when he came back as president in June
 20 of 2016. What role, if any, did you have in
 21 the reorg process?
 22 MS. DALLEY:
 23 A. Up until the point where Mr. Haynes
 24 returned, it would have been very little. I
 25 wouldn't have had responsibility for human

1 resources, some of the changes that took
 2 place again before Mr. Haynes returned into
 3 the fall of 2016, would have been the
 4 creation, I guess, of the president position
 5 which Mr. MacIsaac held and I think he was
 6 appointed towards the end of November in
 7 2016. He held that position for about four
 8 months, so not a long time and there was a
 9 period of transition between Mr. MacIsaac's
 10 leaving, Mr. Haynes coming, in June of that
 11 year and then we started to do the, I'll
 12 say, whether it's common services or court
 13 services, but the reorganization of that
 14 piece out of the matrix and back into Hydro
 15 in the summer of 2016, so I would have been
 16 engaged when Mr. Haynes came back.
 17 MR. O'BRIEN:
 18 Q. When he came back.
 19 MS. DALLEY:
 20 A. Yes.
 21 MR. O'BRIEN:
 22 Q. Before that, who would have been sort of
 23 steering the ship in terms of the reorg
 24 process because you've moved from Nalcor
 25 into Hydro in March, who would have been

1 responsible for doing that?
 2 MS. DALLEY:
 3 Q. I'm not entirely clear of your question, but
 4 the direction would have come from the CEO
 5 to Mr. MacIsaac at the time in the creation
 6 of his role. At that time the direction, I
 7 believe, I'm not privy to MR. MacIsaac's
 8 conversations, but his direction would have
 9 been, you know, the creation of his role by
 10 the CEO and then his direction was to get an
 11 executive level position created in Hydro
 12 for regulatory affairs. So that would have
 13 been the, you know, initial transition into
 14 that role which he created.
 15 MR. O'BRIEN:
 16 Q. So, did the creation of your role in March
 17 2016, was more focused on creation of a
 18 regulatory executive position in Nalcor?
 19 MS. DALLEY:
 20 A. In Hydro.
 21 MR. O'BRIEN:
 22 Q. Sorry, in Hydro.
 23 MS. DALLEY:
 24 A. Yes,
 25 MR. O'BRIEN:

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1 Q. Okay. All right, so when Mr. Haynes came
 2 back in June of 2016, how soon after would
 3 you have taken on the role of, I guess,
 4 vice-president over the human resources and
 5 labour relations and the management and
 6 environment and safety and health? How did
 7 that work?
 8 MS. DALLEY:
 9 A. I'm not sure of the exact timing, but I
 10 believe it's September, August/September, I
 11 recall Mr. Haynes presenting the structure
 12 to the board of directors in August of that
 13 year. And so we would have had staffing
 14 transitions and, to be fair, tweezing apart
 15 the organization itself and then actually,
 16 you know, not just necessarily physically
 17 relocating people, but you know, system
 18 wise, moving them and relocating them
 19 considering work plans for that year did
 20 take some time. So, I believe there were
 21 some individuals, for example, the manager
 22 of safety wouldn't have joined us until, I
 23 think, it was January. So, there was a
 24 target to have some of those, I'll say
 25 personnel transitions completed by January

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1 of 2017.
 2 MR. O'BRIEN:
 3 Q. And were you a part of the process in trying
 4 to come up with who we need in what
 5 department, what sort of departments we
 6 need, that kind of thing?
 7 MS. DALLEY:
 8 A. Yes.
 9 MR. O'BRIEN:
 10 Q. That was part of it, okay. Anyone else
 11 involved in that?
 12 MS. DALLEY:
 13 A. Yes, there were a number of individuals.
 14 There were a small team established of
 15 individuals within Hydro and Nalcor to work
 16 collaboratively. So, myself and the HR
 17 manager within Nalcor led that initiative.
 18 And then we had essentially, again you're
 19 quizzing me, Mr. O'Brien, back to that time,
 20 but there were individuals from—we had, you
 21 know, financial people involved so that we
 22 understood the cost implications. We have
 23 senior HR resources at the time involved so
 24 that we understood the compensation and
 25 personnel implications. And then as we went

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1 through various departments we would have
 2 met with—so we established essentially a
 3 structure or framework and an approach to
 4 taking that on. And we would have met with
 5 the various entities as they were, as we
 6 were going through them. So, we wouldn't
 7 have done the environment team, for example,
 8 without consideration to both side and the
 9 work that was there. So, we would have met
 10 with the environment folks and walked
 11 through what their—what work they did for
 12 Hydro, what work they did for Nalcor. We
 13 examined the work plans, understood what was
 14 required on both side and then basically put
 15 a structure in place around that, but it was
 16 a collaborative process, but decisions and
 17 recommendations ultimately went to Mr.
 18 Haynes and then to the Board.
 19 MR. O'BRIEN:
 20 Q. Okay, so in terms of that collaboration and
 21 that team, was it—so, I guess it involved
 22 financial people, human resources people and
 23 ultimately some recommendations then were
 24 made to Mr. Haynes in terms of an overall
 25 structure? Is that fair?

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1 MS. DALLEY:
 2 A. That's correct.
 3 MR. O'BRIEN:
 4 Q. Okay. And in terms of the financial piece,
 5 did you have an individual from Nalcor and
 6 an individual from Hydro, how did that work?
 7 MS. DALLEY:
 8 A. I can only see in my mind's eye the
 9 individual from Hydro. So, I believe it was
 10 only someone from Hydro, but I'm not
 11 positive on that.
 12 MR. O'BRIEN:
 13 Q. And how about the HR piece, did you have an
 14 individual from Nalcor from HR to –
 15 MS. DALLEY:
 16 A. At the time we wouldn't of have had really a
 17 separate Hydro HR team.
 18 MR. O'BRIEN:
 19 Q. Right, okay.
 20 MS. DALLEY:
 21 A. So, it was really involving the Nalcor
 22 folks.
 23 MR. O'BRIEN:
 24 Q. Okay. And I understood that there were no
 25 external consultants used in that process,

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1 is that fair?

2 MS. DALLEY:

3 A. That's correct.

4 MR. O'BRIEN:

5 Q. Okay. Was government consulted at all with

6 respect to that reorganization process?

7 MS. DALLEY:

8 A. They were made aware that it was underway

9 and then they would have seen—probably not

10 at the granularly that we're talking about

11 here, but they would have seen the top line

12 structure for the company. We would have

13 provided that to them.

14 MR. O'BRIEN:

15 Q. Okay. And would that be the executive, sort

16 of, line structure.

17 MS. DALLEY:

18 A. Yes.

19 MR. O'BRIEN:

20 Q. So, once you've come up with the structure

21 and provided some recommendations to Mr.

22 Haynes, that would have been in and around

23 September or so or would it have been later?

24 MS. DALLEY:

25 A. I believe it was earlier than that.

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1 MR. O'BRIEN:

2 Q. Earlier than that?

3 MS. DALLEY:

4 A. Well, I shouldn't say that, the top line

5 structure, the executive structure went to

6 the Board and again, by recollection, in

7 August. So, the rest of it would have

8 fallen out of that. So, it did take a

9 little bit longer to get that piece done and

10 as I said to you earlier, moving

11 individuals, you know, getting them in the

12 rights, you know, we knew it would be a

13 transition period and I said January 1,

14 2017, but I know there were some—you know it

15 was year-end, we had some accounting folks.

16 You just couldn't take them out of their

17 roles and put them someone else. So, they

18 would have transitioned in over, you know,

19 the first couple of months of 2017.

20 (1:15 p.m.)

21 MR. O'BRIEN:

22 Q. And in terms of creating this new structure,

23 did you have a terms of reference, did the

24 team have a terms of reference given to you

25 by Mr. Haynes or previously by Mr. MacIsaac

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1 to figure out, sort of, what we need to do

2 and how we're going to do it.

3 MS. DALLEY:

4 A. We certainly had objectives and principles

5 that we were working against we were, you

6 know, doing this.

7 MR. O'BRIEN:

8 Q. Okay. And what was the ultimate goal of the

9 restructure process?

10 MS. DALLEY:

11 A. I think there were, you know, there were a

12 number of items at the time and I think Mr.

13 Haynes has referenced these already in his

14 testimony, but part of it was direction to,

15 whether I use the right wording, to some

16 degree further ring fence or pull Hydro into

17 a separate entity that had more autonomy

18 over its, not just its day to day, but it's,

19 you know, strategic interests over the—

20 certainly we looked at the near term. We

21 understood what was coming from—even with

22 the incorporation of Muskrat Falls and the

23 integration, there was also a tremendous

24 corporate change happening at the Nalcor

25 level. So, we did look at this as a—it may

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1 indeed be a longer term structure, it's a

2 fairly, I would say, similar structure to

3 what you'd see in a lot of utilities. It's

4 not the same. We've looked at utilities

5 across the country, so it varies from

6 utility to utility, but we did look at, you

7 know, the next two or three years being a

8 transition period, but we needed the

9 structure in place to support the, really

10 not just the autonomy to be fair, but the

11 success of Newfoundland and Labrador Hydro

12 after coming through a period of tremendous

13 upheaval. And indeed, I think anyone would

14 disagree, somewhat poor performance. So, we

15 needed the focus back on the utility for us

16 to provide the service that we are expected

17 to provide to customers at the levels that

18 customers expect of us. And, you know,

19 we've talked about this somewhat ad nauseam,

20 to be fair, with this new executive team,

21 that we have a responsibility to deliver on

22 our mandate to customers and that's what

23 this structure if meant to facilitate.

24 MR. O'BRIEN:

25 Q. And I got the impression from Mr. Haynes and

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1 from his testimony that one of the concerns
 2 was that Hydro might be getting lost in the
 3 shuffle a little bit in the matrix
 4 organization. Is that a fair representation
 5 from your –
 6 MS. DALLEY:
 7 A. I think that's a fair characterization.
 8 MR. O'BRIEN:
 9 Q. Okay. And did you feel that there were any
 10 particular issues, say, with operations
 11 management in the matrix structure or
 12 financial management of Hydro within the
 13 matrix structure, any particular issues that
 14 you could put your finger on?
 15 MS. DALLEY:
 16 A. I think that at a high level when, you know,
 17 with a broad scope of responsibilities that
 18 is contingent in, not just in our matrix
 19 structure, but I think in most matrix
 20 structures have that kind of dynamic, one of
 21 the things, you get the benefit of sharing
 22 resources, which to be fair, we think within
 23 the re-organization that we've done that
 24 we're sharing the right resources at this
 25 point. There may be some adjustments and

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1 changes to that, but we feel that the
 2 resources that we've left inside of that
 3 structure are beneficial to customers. But
 4 having a dedicated focus and a single point
 5 of accountability has made a tremendous
 6 difference inside the operations of the
 7 company. I can't speak to it to be fair,
 8 any more passionately than that. It has
 9 changed how we do business; it's changed how
 10 we operated and you know, really a renewed
 11 focus and I'd go so far as to say my 15
 12 years with the company, it feels very
 13 similar to when I joined in 2003.
 14 MR. O'BRIEN:
 15 Q. So, how have you changed in terms of how you
 16 operate then since you've changed—since the
 17 restructure and the way you do business?
 18 MS. DALLEY:
 19 A. Yeah, I think I just spoke to it. So, you
 20 know, Hydro's planning processes, it's
 21 accountability structures exists within
 22 Hydro. So, essentially, I spend very
 23 little, if any time, I don't spend any time
 24 on Nalcor Energy matters. I have liaisons
 25 with them and Mr. Haynes spoke about that

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1 this morning. So, if there are matters that
 2 are common from a policy perspective, we
 3 certainly have very good relationships and
 4 we liaise with our compatriots and Nalcor on
 5 those matters, but we go to the table
 6 representing Hydro's interests and
 7 customer's interests. Therefore—so it is a—
 8 it's not a diluted focus. I think that was
 9 a word that was used over the last few days.
 10 MR. O'BRIEN:
 11 Q. Okay. So, in terms of realigning the
 12 departments, I understood from the evidence
 13 that that was one of the primary changes.
 14 As the individual responsible for Human
 15 Resources, would you have had your finger on
 16 that yourself as to realigning it or was
 17 this the team decided how individuals would
 18 be realigned, say, from Nalcor into Hydro or
 19 in Hydro out of Nalcor? Who made those type
 20 of decisions?
 21 MS. DALLEY:
 22 A. You mean in the process itself?
 23 MR. O'BRIEN:
 24 Q. Yes.
 25 MS. DALLEY:

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1 A. It's fair to say that I was engaged and
 2 involved in those decisions in representing
 3 Hydro's interest.
 4 MR. O'BRIEN:
 5 Q. In terms of the reduced reliance on the
 6 parent company, you, yourself, you don't
 7 provide any real services to Nalcor now like
 8 you used to before?
 9 MS. DALLEY:
 10 A. That's correct.
 11 MR. O'BRIEN:
 12 Q. And I would expect most vice presidents
 13 don't, from Hydro now, there's not a lot of
 14 charging in the time to Nalcor.
 15 MS. DALLEY:
 16 A. There isn't. I think there's a, you know,
 17 some going to non-regulated activities as
 18 they relate to Exploits generation. There
 19 might be a few, I believe, production had—
 20 Ms. Williams may have had some, but it's
 21 minimal.
 22 MR. O'BRIEN:
 23 Q. And it's expected that that will continue in
 24 that fashion going forward.
 25 MS. DALLEY:

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1 A. That's certainly the plan that we're
 2 operating from and that I'm aware of, yes.
 3 MR. O'BRIEN:
 4 Q. I wonder if we could pull up PUB-NLH-30,
 5 Revision 1. I just want to ask you Ms.
 6 Dalley just about certain functions like
 7 that now provide common services to Nalcor
 8 Alliance that were moved out of Hydro into
 9 Nalcor. I want to get you to take me
 10 through, sort of the logic behind that. If
 11 we go through, we see an answer here of 58
 12 positions in common services, business units
 13 that were transferred to Nalcor and that
 14 includes 41 FTEs from the information
 15 systems department, but we've got a list of
 16 the home business units on the side. For
 17 human resources, for example, those
 18 movements or those individuals there, can
 19 you just give me a high-level overview of
 20 the logic behind moving them out of Hydro
 21 into Nalcor?
 22 MS. DALLEY:
 23 A. Sure, and I think there are probably, you
 24 know, three, maybe three and a half and four
 25 buckets there when you look at those rolls.

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1 So, payroll being the initial one. So, the
 2 context around payroll when we discussed was
 3 this was a transactional service, there was
 4 a group of individuals that provided that
 5 service that, whether or not we—and I'll use
 6 the term "contracted out" because that's how
 7 we, you know, thought of it. So, whether we
 8 contracted that service out to Nalcor or we
 9 contracted that service out, it was
 10 something that we felt was not necessarily
 11 from a transactional perspective, core and
 12 strategic for us. But at the same time, if
 13 I brought that in-house, I would need to
 14 have the systems. I would need to have—
 15 whether I could do it with two people or
 16 three people, but you need your payroll.
 17 It's fairly critical to getting people paid,
 18 so I certainly don't want to minimize.
 19 Anyone who is familiar with the Phoenix
 20 system would understand how critical payroll
 21 is. So, you know, you need to be able to
 22 deliver on it, but we felt that that was
 23 something that could be transferred out to
 24 Nalcor and would be a shared service that we
 25 would benefit in paying a portion of those

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1 costs across the Nalcor entities.
 2 Compensation and benefits, two real drivers
 3 for that. One is strategic for us,
 4 compensation is, but as it was, again when I
 5 first joined Hydro and Hydro was providing
 6 all the compensation policies and strategies
 7 across Churchill Falls, a Labrador company
 8 at the time. So, the parent company
 9 basically provides that, you know, I'll saw
 10 governance and oversight, but I will,
 11 whether I re-visit it now, I will get back
 12 to Hydro's input in that because we have
 13 quite a significant amount of input into
 14 those decisions. And the ability to come
 15 outside the policy direction, if require.
 16 Talent management, again that is something—
 17 and this is where I say it's a, you know,
 18 from a performance management. So, that
 19 individual is someone that oversees the
 20 cycles of performance management. So, that
 21 individual oversee the cycles, makes sure
 22 the system is up and running, takes feedback
 23 into the system, changes the performance
 24 management system. However, our HR
 25 resources in Hydro manage our performance

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1 management processes, they manage the
 2 outcomes and they manage any kind of
 3 performance improvement plans, for example,
 4 that come out of the performance management
 5 process. So, we do have one of our
 6 individuals that sheppards that through our
 7 team, but again, the system work and the
 8 overall process work or policy work come out
 9 of that roll and then I think the HR co-
 10 ordinator and trainee are in general
 11 positions that support those rolls.
 12 MR. O'BRIEN:
 13 Q. Okay. And so those human resources
 14 individuals or FTEs, I guess, that are
 15 transferred out, there's no new FTEs in that
 16 bucket. That's just a list of existing FTEs
 17 that were in Hydro that were transferred
 18 out?
 19 MS. DALLEY:
 20 A. Yes.
 21 MR. O'BRIEN:
 22 Q. Okay. And in terms of how Hydro maintains
 23 accountability for the charges come in, that
 24 come back to Hydro, is it just through the
 25 intercompany guidelines?

1 MS. DALLEY:
 2 A. So, there are two methods under which
 3 charges come back and that would be the
 4 case. I can, again, I can't speak to the
 5 information services because it's not in my
 6 division, but I can certainly speak to
 7 safety, health, environment and human
 8 resources. So, annually there's two
 9 mechanisms. One is the administration fee
 10 and one is the intercompany charges. So, we
 11 have lots of discussion about this when we
 12 were doing this change. The administration
 13 fee is reviewed annually by Hydro. I've
 14 reviewed the administration fee budget line
 15 item by line item. Myself, my manager of HR
 16 reviews it, each of my managers. So, those
 17 in those accountable areas have
 18 responsibilities for reviewing admin fee
 19 budgets. And when they go through their
 20 annual review budget with me, we also look
 21 at the administration fees that are provided
 22 from Nalcor. We look at it for, I'll say,
 23 somewhat continuity. So, if we've made a
 24 budget change or something that impacts our
 25 staff and individuals, we will expect the

1 And if I could go to the intercompany for a
 2 second.
 3 MR. O'BRIEN:
 4 Q. Yes, go right ahead, sure.
 5 MS. DALLEY:
 6 A. Over the last three years what we've done in
 7 the intercompany with respect to human
 8 resources actually did a declining fee
 9 budget. So, we knew there would be some
 10 transition. There's been a lot of turnover
 11 in employees, we've got some new people
 12 being brought in. There's a lot, to be
 13 fair, a lot of collective knowledge that
 14 went to Nalcor. We had individuals who'd
 15 worked with Hydro for some time, had a great
 16 deal of knowledge and they were going over
 17 to the parent company. So, we wanted to
 18 make sure as we ramped up our teams that we
 19 had the ability to still draw up on them for
 20 their expertise and knowledge, particularly
 21 to be fair, as we were also heading into a
 22 GRA year. So, a lot of our collective
 23 knowledge was sitting with some of those
 24 individuals. So, we set targets with
 25 detailed budgets around the individuals and

1 same coming back through the Nalcor cost. A
 2 good example, it's probably not a great
 3 example, but if we've said, you know, we are
 4 going to do less travel, we would expect to
 5 see the same kind of fees coming through
 6 if we've restricted and we have restricted,
 7 for example, the mobile devices that
 8 individuals in Hydro can have, without—there
 9 may be some exceptions to this but they
 10 would be rare. If someone's phone finds its
 11 way into the, wherever phones go, they can
 12 request a new one, but if you work for
 13 Hydro, you get a zero cost phone. So,
 14 whatever, there is no upgrade fee being
 15 paid. If that weren't the case on the other
 16 side, we would make sure that was the case
 17 inside the administration fee. So, we do
 18 push back quite hard to make sure that any
 19 cost efficiencies that we are pushing on our
 20 own teams are also maintained by those
 21 people providing services to us and I think
 22 that's fair. We're in the same building
 23 experiencing the same things and we've
 24 gotten no—there's been no issues with that.
 25 So, we do review that in quite some detail.

1 what they provide and then we'd reduce that
 2 over a three-year period. Last year we were
 3 significantly under actually because we put
 4 very tight controls in. We were fortunate
 5 to recruit some very good people who were
 6 able to pick up that work very quickly, so
 7 we were able to, I think last year's budget
 8 for intercompany and human resources and
 9 that group was around 200,000 and I think we
 10 were around 57,000/58,000. So that was a
 11 cost savings and we would expect that that
 12 would continue, but the ability is there for
 13 us to draw upon, they've got some expertise
 14 that is helpful to us and even with a full
 15 embedded cost compared to going to a
 16 consultant, that is often the right choice
 17 for us to make. We do monitor that though,
 18 so we get—and Mr. Haynes spoke to some of
 19 it, but we get monthly—and this is new
 20 processes that we've put in place from a
 21 cost management perspective. We have
 22 monthly O&M, Operating & Maintenance cost
 23 reports that each senior manager gets in the
 24 company. Those are reviewed in granularity.
 25 They're broken down by division by cost

1 code. So, I review those costs monthly on
 2 intercompany—we have a process established
 3 whereby a Nalcor Energy individual in unable
 4 to do work for us unless they have a work
 5 order and they have approval in my team.
 6 So, if we've got someone in talent
 7 management and you know, HR doing work for
 8 us on the Nalcor side, they will have to
 9 have gotten either a request or a signed off
 10 by that work, by Hydro before those costs
 11 are accepted. As well, we have mechanisms
 12 inside the time sheets to flag when an
 13 intercompany cost is going across the
 14 boundaries which wouldn't have been there
 15 before. So, there's some new processes we
 16 put in place.

17 (1:30 p.m.)

18 MR. O'BRIEN:

19 Q. Is that a new process, like, this year or –

20 MS. DALLEY:

21 A. I'm not sure of the timing, but it's
 22 certainly been in the last 18 months because
 23 that's the timeframe that I'd be speaking
 24 to. But that's—so monthly I will look at
 25 the intercompany costs, my folks know, I

CERTIFICATE

I, Judy Moss, do hereby certify that the foregoing is
 a true and correct transcript of a hearing in the
 matter of the 2017 General Rate Application by
 Newfoundland Hydro heard on the 24th day of April,
 2018 at the Public Utilities Commission office, St.
 John's, Newfoundland and Labrador and was transcribed
 by me to the best of my ability by means of a sound
 apparatus from audio that was not recorded by
 Discoveries Unlimited Inc..

Dated at St. John's, NL this
 24th day of April, 2018

Judy Moss
 Discoveries Unlimited Inc.

1 look at it at an individual charge out
 2 level. So, if I see someone there that is
 3 charged and I'm not aware of that work,
 4 we'll have a discussion about what that work
 5 was, what that project and we talk about it
 6 in our departmental meetings.

7 MR. O'BRIEN:

8 Q. Okay. Maybe we can break at this point and
 9 I'll take you back to this one when we start
 10 tomorrow, Ms. Dalley, if I have any more
 11 questions.

12 MS. DALLEY:

13 A. Yes.

14 CHAIR:

15 Q. Thank you, Mr. O'Brien. Have a good
 16 afternoon everybody.

17
18 Upon conclusion at 1:32 p.m.
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25

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