



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

E-mail:

2019-03-26

Ronald G. Penney
Chair
The Muskrat Falls Concerned Citizens Coalition

Dear Mr. Penney:

**Re: Rate Mitigation Options and Impacts Reference - Request for Standing
Response to E-mail dated March 24, 2019**

The Coalition filed a request for standing on March 11, 2019 setting out information in relation to how its participation would assist the Board, how its interest is unique and not otherwise represented, the topics of interest, the intended level of participation and whether it had legal counsel.

In relation to the level of participation the request stated that the Coalition's participation throughout the hearings, including whether it would question presenters or retain counsel, was subject to an order for costs or funding. On March 13, 2019 the Board wrote the Coalition seeking clarification as to its intended participation on the basis that there is no intervenor funding and that claims for costs would be considered at the end of the review. In its response the Coalition provided further submissions in relation to the award of costs, asked the Board to reconsider the costs issue, and stated the following in relation to its participation:

In the event that the Board maintains its position we would still like to seek standing and to explore ways in which we can retain legal counsel so that we can be full participants in the hearing.

The Board again wrote the Coalition on March 21, 2019 to advise that costs would be considered at the end of the review and to ask that the Coalition clarify the extent and nature of its intended participation. The Coalition advised on March 24, 2019 that it had nothing further to add. Based on the information provided the Board finds that the Coalition has not clearly set out the intended level of its participation in the review.

In terms of the interest to be represented by the Coalition the request for standing stated that, in its view, the Consumer Advocate is not truly independent because he has been appointed by Government. The request also stated that the Coalition was not confident that its position would

be effectively communicated to the Board through the Consumer Advocate. The Board notes that the Consumer Advocate is the appointed representative for the interests of ratepayers in this review and has represented these interests in other matters before this Board for many years. The Board is satisfied that the Consumer Advocate has the mandate, experience and responsibility to represent these interests fully and independently. To the extent that the Coalition would like to present a different perspective than the Consumer Advocate there are a variety of ways for the Coalition to do so; for example, by filing a written submission or comments or by making a presentation to the Board. It is noted that all the information gathered in this review which is not deemed confidential will be posted on the Board's website.

In relation to whether the requested participation would be of assistance, the Board acknowledges that some of the members of the Coalition have experience and expertise that may be helpful in relation to some of the issues to be addressed in this review. Nevertheless the rate mitigation review involves a range of complex legal, financial and accounting matters and, to ensure that the review proceeds efficiently and that the identified issues are fully and thoroughly addressed, standing to participate as a party will only be granted where the Board is satisfied that there is a unique interest which is not already represented and that the requested participation would be of assistance in the review. The Board is not satisfied that the Coalition has a unique interest or that its participation as a party would be of material assistance to the Board. The Board invites the Coalition to provide its input by filing written submissions/comments and making a presentation to the Board.

If you have any questions, please contact the undersigned.

Sincerely,



Cheryl Blundon
Board Secretary