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<p>1 SEPTEMBER 17, 2015</p> <p>2 (9:12 a.m.)</p> <p>3 CHAIRMAN:</p> <p>4 Q. Good morning. Before we go to the cross-</p> <p>5 examination, I have to ask Hydro what progress</p> <p>6 they've made with yesterday's matters that</p> <p>7 arose.</p> <p>8 MR. YOUNG:</p> <p>9 Q. Thank you, Mr. Chairman. We can report that</p> <p>10 we're working on it. I'm afraid we don't have</p> <p>11 a full answer yet today and we're dealing with</p> <p>12 the consultants and discussing it internally</p> <p>13 also. I will say this, though, and it's</p> <p>14 unfortunate, this hits us kind of flat-footed,</p> <p>15 the question was asked, I think, about</p> <p>16 eighteen months ago, we didn't get a specific</p> <p>17 indication from any of the parties that the</p> <p>18 answer we gave was insufficient since then.</p> <p>19 Had we received one, we would have been a</p> <p>20 little bit more able to discuss it in a full</p> <p>21 way today. We apologize for that, however,</p> <p>22 those are the circumstances. There is an RFI</p> <p>23 which discusses our flow of information with</p> <p>24 one of the providers of information in the</p> <p>25 response and there's a letter on record on</p>	<p>1 3B.</p> <p>2 CHAIRMAN:</p> <p>3 Q. Okay. So, I guess, we're back to Mr. O'Brien.</p> <p>4 Is there any other matters of a procedural</p> <p>5 nature before we proceed?</p> <p>6 MR. O'BRIEN:</p> <p>7 Q. I have nothing else at this time.</p> <p>8 CHAIRMAN:</p> <p>9 Q. Okay, I think we're back to you, sir. You're</p> <p>10 finished?</p> <p>11 MR. O'BRIEN:</p> <p>12 Q. I'm finished.</p> <p>13 CHAIRMAN:</p> <p>14 Q. Okay, so Mr. Johnson is next.</p> <p>15 MR. MICHAEL ROBERTS - CROSS-EXAMINATION BY JOHNSON, Q.C.:</p> <p>16 MR. GERARD MCDONALD - CROSS-EXAMINATION BY JOHNSON, Q.C.:</p> <p>17 JOHNSON, Q.C.:</p> <p>18 Q. Mr. McDonald, and Mr. Roberts, I guess I'll</p> <p>19 just start out first, Mr. Chair, and</p> <p>20 Commissioners, where that undertaking on</p> <p>21 Mercer's is up in the air, I expect that I'll</p> <p>22 get through what I had planned to get through</p> <p>23 today, but I might need leave of the panel to</p> <p>24 come back to deal with the Mercer in more</p> <p>25 detail, depending upon what's filed and how</p>
<p>Page 2</p> <p>1 that, so that's where we find ourselves today,</p> <p>2 we're working through it. We do expect to be</p> <p>3 able to provide a better response obviously</p> <p>4 than today and something with real data,</p> <p>5 however, we have to discuss this to determine</p> <p>6 the rights of the parties providing it and see</p> <p>7 if we can wrestle this to the ground as</p> <p>8 quickly as we can.</p> <p>9 CHAIRMAN:</p> <p>10 Q. Okay.</p> <p>11 MR. YOUNG:</p> <p>12 Q. We also have one other preliminary matter, Mr.</p> <p>13 Chair, that I'll ask Ms. Pennell to speak to.</p> <p>14 MS. PENNELL:</p> <p>15 Q. Good morning, Mr Chair, and Commissioners.</p> <p>16 Yesterday it came up as to whether or not we</p> <p>17 have provided the incentive payouts for 2014</p> <p>18 that occurred in 2015, and we just wanted to</p> <p>19 clarify that that actually has occurred for</p> <p>20 the Hydro personnel and the Hydro leadership</p> <p>21 team in Undertaking 3B, but when we were</p> <p>22 looking at this to confirm that we provided,</p> <p>23 we noticed that we missed two footnotes, so I</p> <p>24 do have a slight revision with the addition of</p> <p>25 two footnotes to the front page of Undertaking</p>	<p>Page 4</p> <p>1 that's dealt with.</p> <p>2 (9:15 a.m.)</p> <p>3 MR. YOUNG:</p> <p>4 Q. Mr. Chair, I don't see a problem with that and</p> <p>5 I would extend the same to Mr. O'Brien. It</p> <p>6 was under his cross-examination that it arose.</p> <p>7 If there's something specific that arises from</p> <p>8 the undertaking once the parties have it, and</p> <p>9 particularly if the panel is still on the</p> <p>10 stand, I expect it will be, you know, I think</p> <p>11 that shouldn't be a problem.</p> <p>12 JOHNSON, Q.C.:</p> <p>13 Q. Okay, thank you very much. Mr. McDonald, Mr.</p> <p>14 Roberts, good morning to you both, sirs.</p> <p>15 MR. ROBERTS:</p> <p>16 A. Good morning.</p> <p>17 MR. MCDONALD:</p> <p>18 A. Good morning.</p> <p>19 JOHNSON, Q.C.:</p> <p>20 Q. I'd like to start off on a foundational type</p> <p>21 document and that is the PUB-229 which</p> <p>22 provides the job description of the VP of</p> <p>23 Human Resources and Organizational</p> <p>24 Effectiveness, and Attachment 1, page 12, in</p> <p>25 particular. This was touched on yesterday,</p>

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1 but I want to revisit it for a few minutes.
 2 You'll note in the summary of the job function
 3 of this Vice President position that it states
 4 that, "The Vice President of Human Resources
 5 and Organizational Effectiveness is
 6 accountable to the President and CEO for
 7 providing", and I'm going to put some emphasis
 8 on this, "executive level leadership and
 9 direction with Nalcor and across all Nalcor
 10 lines of business in the functional areas of
 11 safety and health, environmental services,
 12 human resources", and particularly refer to
 13 human resources in this context, "labour
 14 relations and organizational effectiveness",
 15 and then, gentlemen, I want go further to one
 16 of the key responsibility areas being human
 17 resources. If we could scroll down a little
 18 bit further, and again, gentlemen, we see the
 19 theme of leadership being captured in that
 20 bullet point on human resources. It speaks in
 21 terms of a responsibility to provide "senior
 22 strategic leadership to the Nalcor Group of
 23 Companies in all areas related to the
 24 management and development of the company's
 25 human capital, leads the development,

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1 implementation and continuous improvement of
 2 best practices with the objective of enabling
 3 a highly engaged, skilled, and committed work
 4 force". Now I trust that there is absolutely
 5 no debate that that is, in fact, what your
 6 roles are within Nalcor. You don't quibble
 7 with that, that description is accurate?
 8 MR. MCDONALD:
 9 A. Yes, correct.
 10 JOHNSON, Q.C.:
 11 Q. Okay, and we see the term "organizational
 12 effectiveness", and I take it you would agree
 13 that organizational effectiveness and your
 14 responsibilities in relation to it is integral
 15 to your role?
 16 MR. MCDONALD:
 17 A. It's part of the role, correct.
 18 JOHNSON, Q.C.:
 19 Q. Right, and part of the role and indeed in your
 20 very title?
 21 MR. MCDONALD:
 22 A. Yes.
 23 JOHNSON, Q.C.:
 24 Q. Now if I could ask you to turn, and
 25 particularly this relates to you, Mr.

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1 McDonald, to the transcript of yesterday at
 2 page 58. In reply to Mr. O'Brien, you say, "I
 3 am the - so I provide support. You've heard
 4 me use that term a lot, support and
 5 facilitation and coordination and assistance".
 6 You go on to say, "I mean, I have that
 7 functional accountability to be able to
 8 provide that expertise and give guidance and
 9 make suggestions". You go on to say, "It's
 10 with our lines of business and operations to
 11 executive". Then you say, "So in a way, I'm
 12 an internal consultant in those areas of
 13 organizational effectiveness, and so to that
 14 extent, you know, I play a role". Do you
 15 recall saying that, Mr. McDonald, yesterday?
 16 MR. MCDONALD:
 17 A. Yes, I do.
 18 JOHNSON, Q.C.:
 19 Q. Now Mr. McDonald, I guess, I'll put it to you
 20 that whether you see your encapsulation - you
 21 call yourself at one point there an internal
 22 consultant. You use terms such as
 23 "facilitate", "coordinate", "assist", whereas
 24 your formal description speaks in terms of
 25 leadership, direction, and I'm trying to

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1 square the two, Mr. McDonald, in terms of
 2 whether - does it not seem inconsistent to
 3 tell us in practice that this is how you see
 4 your role, but your written role is far more
 5 direct in terms of the leadership that's
 6 required of you. Can you comment on that?
 7 MR. MCDONALD:
 8 A. I don't see any conflict or disconnect between
 9 the two, so I'll start with the role
 10 description and the references you highlighted
 11 as you were reading through. The role at a
 12 high level, generally speaking, is accountable
 13 to the CEO for strategic leadership and
 14 direction. I see no disconnect between
 15 saying, you know, I provide strategic
 16 leadership to the organization and its various
 17 lines of business in the area or
 18 organizational effectiveness, and the words I
 19 used yesterday to try and describe my role
 20 generally around, you know - with a focus on
 21 the effectiveness of people and processes in
 22 our organization. To the extent that the role
 23 description refers to direction, that refers,
 24 in my view, more directly to the way in which
 25 I direct my division in fulfilling its

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1 function within Nalcor and providing those
 2 services, we and others right across Nalcor
 3 and its lines of business. I guess, the
 4 starting point, the only final comment I'll
 5 make, and I think this was implicit in my
 6 comments yesterday, is that the starting
 7 point, it's with operations, it's with
 8 Newfoundland and Labrador Hydro and our other
 9 lines of business. We have the accountability
 10 for executing their operations, and that was
 11 the meaning of my reference to execution.
 12 There's no question that there is - there's no
 13 lack of clarity around the role and mandate
 14 and operations, Hydro, and any of the others
 15 for executing their businesses. They rely on
 16 us for organizational effectiveness support
 17 around people and process effectiveness, and
 18 Mike and I, and others in the organization,
 19 bring a skillset to the organization that
 20 assists in that.

21 JOHNSON, Q.C.:

22 Q. Did you just say that you saw a leadership
 23 role within your division, did you seem to
 24 draw a distinction between what your role was
 25 in your division versus across lines?

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1 MR. MCDONALD:

2 A. Well, you know, as the Vice President
 3 accountable Vice President, I guess, you could
 4 describe it two ways. One is that
 5 accountability for strategic leadership in the
 6 various areas in my domain, across Nalcor and
 7 its lines of business, but I'm accountable as
 8 the VP as well for the operation and execution
 9 of work inside my division and making sure
 10 that our work plans and human resources and
 11 organizational effectiveness, and safety and
 12 health, and environment, are carried out
 13 according to our plan.

14 JOHNSON, Q.C.:

15 Q. But, I guess, Mr. McDonald, the reason I'm
 16 having some struggling with this is I would
 17 not have thought someone vested with executive
 18 level leadership and direction
 19 responsibilities would categorize themselves
 20 as an internal consultant, a facilitator, an
 21 assister. I would have thought you'd
 22 characterize yourself when you were talking to
 23 Mr. O'Brien yesterday as a leader, a director
 24 in these areas, not a consultant?

25 MR. MCDONALD:

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1 A. So I'm going to start to repeat myself, but
 2 I'll say again, there's total clarity around
 3 the accountability of our operations and lines
 4 of business for executing their work plans and
 5 their operations. They rely on our functional
 6 OE and others inside the company for the
 7 necessary guidance and assistance, standards,
 8 policies, and so on to help them do that. You
 9 know, in answer to a question from Mr. O'Brien
 10 yesterday, I'm not accountable for operations.

11 JOHNSON, Q.C.:

12 Q. No, you indicated that. You discussed
 13 yesterday a bit briefly on page 55 with Mr.
 14 O'Brien the concept of organizational
 15 effectiveness, and Mr. O'Brien said to you at
 16 the bottom of page 55, "Okay, let me ask you,
 17 organizational effectiveness, what does that
 18 mean? It's something I'm not overly familiar
 19 with and perhaps you can explain it to me what
 20 organizational effectiveness means", and, Mr.
 21 McDonald, you went on to say, "In a nutshell,
 22 it's about, you know, things that relate to
 23 the effectiveness of people and teams in an
 24 organization and the processes they use to get
 25 work done", right. Do you recall that from

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1 yesterday?

2 MR. MCDONALD:

3 A. Uh-hm.

4 JOHNSON, Q.C.:

5 Q. Now you go to say, "It's about business
 6 processes in the organization and their
 7 effectiveness". Now Mr. McDonald, would
 8 organizational effectiveness, wouldn't that
 9 also involve making the optimal use of people
 10 within an organization?

11 MR. MCDONALD:

12 A. I think it would, yes.

13 JOHNSON, Q.C.:

14 Q. Yes, and you have an organizational
 15 effectiveness role throughout the Nalcor
 16 Group, as we've seen in your job description?

17 MR. MCDONALD:

18 A. As I've explained it, yes.

19 JOHNSON, Q.C.:

20 Q. That's right, and would you also agree, Mr.
 21 McDonald, that organizational effectiveness
 22 has to do with having the right number of
 23 people doing the job? Isn't that one of the
 24 things at the heart of organizational
 25 effectiveness?

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1 MR. MCDONALD:
 2 A. That is certainly one indicator of an
 3 organization's effectiveness, yes.
 4 JOHNSON, Q.C.:
 5 Q. Now, Mr. McDonald, in light of that, what
 6 you've told us yesterday with organizational
 7 effectiveness includes, and what you've said
 8 this morning it also includes, I was struck by
 9 your answer yesterday when Mr. O'Brien was
 10 asking you about FTE growth within Hydro, that
 11 when you testified that you did not consider
 12 FTE growth "your accountability". Do you
 13 recall that?
 14 MR. MCDONALD:
 15 A. Something generally along those terms, yes.
 16 JOHNSON, Q.C.:
 17 Q. Well, perhaps what we could do is go to page
 18 150 of the transcript just to make sure.
 19 Toward the end of the bottom of page 150, Mr.
 20 O'Brien is leading up to the question and he's
 21 saying, "Okay, in terms of - we talked about
 22 the salaries going up 43 percent over time.
 23 How much of that are you responsible for in
 24 terms of sponsoring these costs here that are
 25 on the record? Is it just the actual figures

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1 or the salaries, or does that cross over into
 2 total amount of the salaries like the FTEs,
 3 number of people that are required, that kind
 4 of thing, or are you just responsible for the
 5 number that each individual is paid? I'm
 6 trying to get an idea as to", and you said,
 7 "Yeah, we wouldn't. To the extent that those
 8 numbers are driven or any numbers you look at
 9 are driven by the requirement for new FTEs,
 10 that wouldn't be our accountability". So
 11 that's your position on FTE growth, that's not
 12 your accountability, right?
 13 (9:30 a.m.)
 14 MR. MCDONALD:
 15 A. I think the fullest context of the answer I
 16 have yesterday, and I'm sure I said it, if not
 17 here, somewhere else, the accountability for
 18 determining resourcing requirements in
 19 operations, what it's going to require in
 20 terms of the people to execute the work plan
 21 that the operations are planning is the
 22 responsibility of operations. So we're not
 23 directing operations with respect to their
 24 resourcing levels. That's best determined,
 25 obviously, by the people who are executing the

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1 operations. What we were discussing
 2 yesterday, if I recall correctly, was in
 3 reference to a schedule that was showing
 4 growth in the cost of salaries and wages in
 5 Hydro, and the point we were discussing was
 6 the distinction between that was being driven
 7 by two components of cost; one was the growth
 8 in the number of FTEs that were being
 9 utilized, driven by operations, and the other
 10 component of that was being driven by the
 11 escalation in the cost of salaries and the
 12 amount that people were being paid. So what I
 13 was explaining was, yes, we have an
 14 accountability, we influence and shape what
 15 happens from an escalation standpoint,
 16 obviously, in terms of what people are paid.
 17 FTE determinations are made by operations
 18 based on their best assessment, so by Mr.
 19 Henderson and his operations leaders based on
 20 their assessment of what their requirements
 21 are relative to their work plan.
 22 JOHNSON, Q.C.:
 23 Q. And that's precisely what I thought you said,
 24 frankly.
 25 MR. MCDONALD:

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1 A. Yes.
 2 JOHNSON, Q.C.:
 3 Q. But what I'm getting at is, I thought we've
 4 established that organizational effectiveness,
 5 as you admitted this morning, involves making
 6 the optimal use of people in the organization.
 7 You've also said that it has to do with having
 8 the right number of people do the job. Do you
 9 remember saying that a few moments ago?
 10 MR. MCDONALD:
 11 A. Yes.
 12 JOHNSON, Q.C.:
 13 Q. And how is it then that you can then turn
 14 around and say, yes, but when it comes to FTE
 15 growth in the company, boy, don't look to us,
 16 we're not accountable for that?
 17 MR. MCDONALD:
 18 A. So another answer I gave Mr. O'Brien
 19 yesterday, I can't remember his question, I
 20 think he may have asked me a question about
 21 productivity factor, and I explained to him
 22 that we don't have a productivity factor per
 23 se, but I said what we do do alternatively,
 24 which in my view has more value attached to
 25 it, is that we look for, identify, and

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1 optimize opportunities for maximizing the use
 2 of resources in the organization, and I
 3 remember moving on then to provide three or
 4 four examples of how we've done that over the
 5 past number of years, and these are examples,
 6 I think, of things we've done that have had a
 7 material impact on the utilization of people
 8 resources in our organization. I started with
 9 the work that was done in 2008 around our
 10 shared service model. As we were beginning to
 11 grow as an organization, I'm talking about
 12 Nalcor, but Hydro is a central part of that,
 13 so a lot of work went into figuring out how we
 14 could optimize available resources in our
 15 organization through the use of a shared
 16 serviced model. I went on to talk about the
 17 work that we did in 2009/2010 around asset
 18 management, and how we restructured the
 19 various parts of our organization, including
 20 TRO, in particular, and the parallel work we
 21 did around a complete review and
 22 reorganization of our Engineering Services
 23 Division, now called PETS, and as examples of
 24 how we've done that over a period of time.
 25 We're busy right now as we speak assessing

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1 what our future structure should be for long
 2 term electricity operations. We put the same
 3 thoughtful process into it there. So that's
 4 what I was trying to explain - that's how, I
 5 think, in HR/OE we're best positioned to aid
 6 the organization.
 7 JOHNSON, Q.C.:
 8 Q. So it sounds to me that you are, in fact,
 9 taking accountability for FTE growth because
 10 you're giving me a litany of things that
 11 you're taking credit for as influencing FTE
 12 growth, are you not?
 13 MR. MCDONALD:
 14 A. I'm not taking - I'll take credit to the
 15 extent that I was involved in that process,
 16 but obviously these were done in a highly
 17 collaborative fashion with operations.
 18 JOHNSON, Q.C.:
 19 Q. Don't focus on the part about you taking
 20 credit, focus on the part about the litany of
 21 examples, Mr. McDonald, that you're giving me
 22 as evidencing an influence over FTES?
 23 MR. MCDONALD:
 24 A. I'm just talking about the term that you used
 25 to describe my accountability, and, I guess,

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1 what I'm trying to point out is that it's not
 2 my exclusive accountability. These
 3 initiatives were obviously identified and then
 4 work done and implemented in collaboration
 5 with operations. Any one of those examples
 6 would have been the case.
 7 JOHNSON, Q.C.:
 8 Q. Okay, now you've put another gloss on it.
 9 Yesterday you were saying that FTE growth was
 10 not your accountability. Now just a second
 11 ago you indicated that it's not your exclusive
 12 accountability. So you do have some
 13 accountability in FTE growth?
 14 MR. MCDONALD:
 15 A. I wasn't referring to FTE growth when I used
 16 that term a moment ago. I was using that term
 17 to refer to the various initiatives I just
 18 talked about a moment ago.
 19 JOHNSON, Q.C.:
 20 Q. Okay. So those initiatives that you talked
 21 about that you were involved in, that had to
 22 do with having the right number of people do
 23 the job?
 24 MR. MCDONALD:
 25 A. Well, that was certainly a key consideration

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1 when we were looking at how we should best
 2 organize ourselves around a shared services
 3 model or our asset management framework, or
 4 project execution and technical services
 5 delivery inside the organization, absolutely.
 6 I mean, that would have been a key
 7 consideration as one of the guiding principles
 8 we would have been using at the time.
 9 JOHNSON, Q.C.:
 10 Q. So can you just explain for me - maybe I'm
 11 stunned or something, that's possible. What
 12 exactly did you mean yesterday when you said
 13 we don't take accountability for FTE growth?
 14 MR. MCDONALD:
 15 A. So I don't think I can be any clearer. My
 16 answer earlier and yesterday was that
 17 operations determine their resourcing
 18 requirements based on their assessment of
 19 their needs relative to their priorities and
 20 operations and requirements. Then we assist
 21 in other ways, but we're not accountable for
 22 determining resourcing requirements in
 23 operations. We can assist and support by
 24 providing them with data and information in
 25 terms of forecast retirements, things of that

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1 nature, but they determine their operations
 2 requirements.
 3 JOHNSON, Q.C.:
 4 Q. But aren't you folks there - I mean, we talked
 5 about one of the key responsibility areas,
 6 leading the development, implementation of
 7 best practices, for instance, and continuous
 8 improvement. I mean, wouldn't that be part of
 9 your role is to delve into the practices that
 10 are used in terms of, you know, ways to be
 11 smarter about the number of people used to do
 12 the task, like, Newfoundland Power has
 13 indicated, doing more with the same people,
 14 more with less people, etc, wouldn't that be
 15 part of it, that fits squarely within your
 16 leadership role?
 17 MR. MCDONALD:
 18 A. And that's the expertise and skillset, I
 19 guess, we would have brought to the table when
 20 we were involved in projects like determining
 21 shared services model for providing services
 22 to Hydro and to our various other lines of
 23 business.
 24 JOHNSON, Q.C.:
 25 Q. But you indicate in your answer a question ago

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1 on the topic of productivity, there's no
 2 measure of productivity as such, is it?
 3 MR. MCDONALD:
 4 A. That's correct.
 5 JOHNSON, Q.C.:
 6 Q. Well, why aren't you measuring?
 7 MR. MCDONALD:
 8 A. Again I can only give the answer I gave
 9 yesterday. I was asked by Mr. O'Brien whether
 10 we had a productivity factor. We have found
 11 more value as we have evolved and grown and
 12 changed over the past number of years in
 13 making sure we're focused on identifying
 14 opportunities for optimizing inside our lines
 15 of business and inside Hydro. So again I go
 16 back to the examples I provided earlier and
 17 there are others as well.
 18 JOHNSON, Q.C.:
 19 Q. Have you put any effort into trying to study
 20 and determine productivity through the Nalcor
 21 lines of business, including Nalcor - or
 22 including Hydro, pardon me?
 23 MR. MCDONALD:
 24 A. Not specifically that I can recall. The same
 25 answer, we focused on opportunities to get

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1 better.
 2 JOHNSON, Q.C.:
 3 Q. But why haven't you looked at productivity
 4 measures and see what can be learned from that
 5 exercise?
 6 MR. MCDONALD:
 7 A. The answer is we've put the priority on
 8 identifying opportunities as we've grown and
 9 changed to be as efficient as we can.
 10 JOHNSON, Q.C.:
 11 Q. Do you have any experience in assessing or
 12 studying productivity, and I'll ask this to
 13 both of you gentlemen on the panel?
 14 MR. MCDONALD:
 15 A. Your question again? I'm sorry.
 16 JOHNSON, Q.C.:
 17 Q. Do you have any experience or knowledge in
 18 terms of coming up with productivity
 19 measurements per se?
 20 MR. MCDONALD:
 21 A. Not pre se. The experience would be more on
 22 performance and measuring performance
 23 outcomes.
 24 JOHNSON, Q.C.:
 25 Q. Mr. McDonald, I believe you said yesterday

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1 that your managers don't report to Rob
 2 Henderson, the Vice President of Hydro, they
 3 just report up through to the VP of Human
 4 Resources and Organizational Effectiveness,
 5 right?
 6 MR. MCDONALD:
 7 A. That's right.
 8 JOHNSON, Q.C.:
 9 Q. And could I bring you to what Mr. Martin had
 10 to say on September 14th at page 126.
 11 MR. MCDONALD:
 12 A. Did you say 126?
 13 JOHNSON, Q.C.:
 14 Q. Yes, sir. At the time he was being examined
 15 by Board Hearing Counsel, Ms. Greene, and Mr.
 16 Martin stated at page 126 at line 16, "The
 17 structure of that is each of the functional
 18 Vice Presidents would have assigned, you know,
 19 a very senior person to represent them and
 20 reporting to Mr. Henderson to handle the
 21 Newfoundland and Labrador Hydro business, so
 22 Mr. Henderson would have a senior financial
 23 person reporting to him who would also have a
 24 reporting relationship to the CFO. That's the
 25 nature of a matrix". Now while he's referring

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1 there to a finance person, I think the same
 2 thing would go across those functional lines,
 3 for instance, into - I took it, into Human
 4 Resources and Organizational Development as
 5 well. Can you tell us if there is a senior
 6 person who reports to Mr. Henderson from your
 7 division?
 8 MR. MCDONALD:
 9 A. I think I indicated yesterday that inside
 10 Human Resources, for example, there is a Human
 11 Resources and Labour Relations Advisor that
 12 reports to Mr. Henderson on a dotted line
 13 basis in safety and health. There is a person
 14 who has a dedicated focus on the electricity
 15 business as well for safety who works with Mr.
 16 Henderson. I described that yesterday when I
 17 was responding to a question by Mr. O'Brien,
 18 that the answer I gave to the specific
 19 question is that those managers don't report
 20 to Mr. Henderson, but they would have people
 21 in their subordinate organizations who
 22 obviously work very closely with Newfoundland
 23 and Labrador Hydro in this particular case.
 24 JOHNSON, Q.C.:
 25 Q. You referred to reporting to Mr. Henderson in

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1 relation to safety and health, and just to
 2 back up for a moment because as I understand
 3 from the way your division is structured, you
 4 have safety and health?
 5 MR. MCDONALD:
 6 A. Yes.
 7 JOHNSON, Q.C.:
 8 Q. Then the middle section we'll call
 9 environment, right?
 10 MR. MCDONALD:
 11 A. Right.
 12 JOHNSON, Q.C.:
 13 Q. And the third section, and we saw the bubble,
 14 so we'll have to go back there for that, human
 15 resources and that type of thing?
 16 MR. MCDONALD:
 17 A. Labour relations.
 18 JOHNSON, Q.C.:
 19 Q. So you've indicated that there's someone
 20 reporting in terms of safety and health, is
 21 that right?
 22 MR. MCDONALD:
 23 A. Yes.
 24 JOHNSON, Q.C.:
 25 Q. Is there anybody reporting, and forgive me if

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1 I've missed this, is there anybody reporting
 2 on human relations?
 3 MR. MCDONALD:
 4 A. Yes.
 5 JOHNSON, Q.C.:
 6 Q. Human resources.
 7 MR. MCDONALD:
 8 A. Yes.
 9 JOHNSON, Q.C.:
 10 Q. Now when you say reporting, what does that
 11 mean? Does that mean that they take
 12 instructions from Mr. Henderson?
 13 MR. MCDONALD:
 14 A. No, I wouldn't - as I explained to Mr. O'Brien
 15 yesterday, in both of those cases those
 16 positions were established specifically for
 17 the purpose of making sure there was a
 18 dedicated interface with Newfoundland and
 19 Labrador Hydro in matters of safety and
 20 health, and on human resources and labour
 21 relations, and they provide support to Mr.
 22 Henderson. They also work, obviously, with
 23 people in both of those areas that are in Mr.
 24 Henderson's organization. So take the area of
 25 safety and health as an example, there would

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1 be safety and health people resources inside
 2 Newfoundland and Labrador Hydro in operations
 3 that these people work with as well, so they
 4 fulfil both roles.
 5 JOHNSON, Q.C.:
 6 Q. Mr. Roberts, if I could just direct a matter
 7 to you for a moment, yesterday you indicated
 8 that there was an annual process of setting
 9 targets, objectives, and initiatives in line
 10 with Nalcor's five corporate goals. Do you
 11 recall saying that?
 12 MR. ROBERTS:
 13 A. Yes, I do.
 14 JOHNSON, Q.C.:
 15 Q. And then you said, flowing out of that, we
 16 create a specific divisional plan to focus on
 17 in support of the corporate plan?
 18 MR. ROBERTS:
 19 A. That's correct.
 20 JOHNSON, Q.C.:
 21 Q. Okay, and so these are annual processes?
 22 MR. ROBERTS:
 23 A. That's correct.
 24 JOHNSON, Q.C.:
 25 Q. Okay, could you - I'd ask for an undertaking

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1 on this for us to be provided by way of
 2 undertaking for 2013, 2014, and 2015 two
 3 things; first, the targets, objectives, and
 4 initiatives for those years; secondly, the
 5 specific divisional plan for each of those
 6 years. Would that be possible?
 7 MR. ROBERTS:
 8 A. Yes, I don't have a problem with that.
 9 JOHNSON, Q.C.:
 10 Q. All right.
 11 (9:45 a.m.)
 12 MS. GLYNN:
 13 Q. We'll note that on the record as an
 14 undertaking.
 15 JOHNSON, Q.C.:
 16 Q. Thank you. I'd like to refer now, Mr.
 17 McDonald, to some questions regarding time
 18 spent in the service of Hydro, and for that,
 19 if I could ask you to turn to PUB-228,
 20 Revision 4, and Attachment 1, page 1 of 1.
 21 This was reviewed to some degree yesterday, of
 22 course, and as was discussed yesterday, the
 23 amount of hours charged in by the VP Human
 24 Resources, 1301 in '08, 1162 in '09, 1165 in
 25 2010, 996 in '11, 392 in 2012, 302 in 2013.

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1 Now the question I have that arises from my
 2 review of your testimony is in 2012 and 2013
 3 where you had charged in 392 and 302 hours
 4 respectively, what were you doing in those
 5 years, who were you doing work for besides
 6 Hydro, what was taking up your time in those
 7 years?
 8 MR. MCDONALD:
 9 A. Well, the balance of the time that was not
 10 charged to Hydro would have been charged for
 11 work that I was either doing for all lines of
 12 business in my capacity as Vice President, all
 13 the lines I was explaining yesterday, or for
 14 work I might have been specifically doing for
 15 our other lines of business that would have
 16 been charged off to those lines of business.
 17 So, I mean, I don't know right now, but that
 18 would have been work potentially for CF(L)Co,
 19 for Oil and Gas, and -
 20 JOHNSON, Q.C.:
 21 Q. Well, I guess, telling me that anything not
 22 reflected in your 300 hours is either for all
 23 lines or other specific lines is pretty broad
 24 and general?
 25 MR. MCDONALD:

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1 A. Yeah, and I - go ahead.
 2 JOHNSON, Q.C.:
 3 Q. And I'm wondering what was going on - can you
 4 recall what was going on in each of those
 5 years that was a major focus of you, because
 6 we see a real drop off, don't we, you know, in
 7 those years, it's precipitous.
 8 MR. MCDONALD:
 9 A. No, I can't honestly recall what might have
 10 been going on back then, but, I mean, to put
 11 context around it which I tried to do
 12 yesterday in explaining the evolution of that
 13 to that level in 2012 and 2013, what I did
 14 explain was that in 2008, 2009, and 2010,
 15 there were particular reasons that drove that
 16 level of charging to Hydro. In 2008 and 2007,
 17 for that matter, there would have been a lot
 18 of work done by me in the early years that was
 19 specifically related to Hydro. I found myself
 20 in the position of having to work actively and
 21 directly with Hydro on various initiatives
 22 they were involved in at the time. In 2009 and
 23 2010, in particular, a considerable amount of
 24 work was done specifically affecting Hydro
 25 related to asset management and the

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1 reorganization that we were working on inside
 2 Engineering Services, so I tried to explain
 3 yesterday that that was the backdrop, and the
 4 combination of those two things, I think,
 5 contributed significantly to the numbers that
 6 you're seeing in the earlier years, as it
 7 should have. I think as those things got
 8 behind us, it came down to a level, I think,
 9 probably you'd expect to see.
 10 JOHNSON, Q.C.:
 11 Q. Well, Mr. McDonald, before you were the VP of
 12 Human Resources and Organizational
 13 Effectiveness with Nalcor, you had that role
 14 solely for Hydro, right?
 15 MR. MCDONALD:
 16 A. Yes, that's correct.
 17 JOHNSON, Q.C.:
 18 Q. How many hours in the run of a year would be a
 19 full year? I mean, we see 1300 hours in '08,
 20 but what would be a full number of hours if
 21 everything was tracked and charged?
 22 MR. MCDONALD:
 23 A. 1950, if I remember correctly.
 24 JOHNSON, Q.C.:
 25 Q. 1950. So in those years, you would be devoting

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1 1950 hours to solely directing and leading
 2 Hydro in relation to Human Resources and
 3 Organizational Effectiveness, is that right?
 4 MR. MCDONALD:
 5 A. That's correct.
 6 JOHNSON, Q.C.:
 7 Q. And Hydro in terms of - let's leave FTEs out
 8 of it for a second. Let's talk about people.
 9 How many people did Hydro have in those days
 10 in '06, '07?
 11 MR. MCDONALD:
 12 A. I'd be guessing here, I don't know exactly the
 13 numbers, I can provide it to you if it's
 14 important.
 15 JOHNSON, Q.C.:
 16 Q. If you want to undertake to provide '06 and
 17 '07 number of employees in Hydro, that will be
 18 fine.
 19 MR. MCDONALD:
 20 A. Absolutely.
 21 MS. GLYNN:
 22 Q. Noted on the record.
 23 JOHNSON, Q.C.:
 24 Q. Okay, but do you have an approximation as you
 25 sit there?

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1 MR. MCDONALD:
 2 A. My approximation would be somewhere between
 3 800 and 825.
 4 JOHNSON, Q.C.:
 5 Q. Right, and now as we sit here, about how many
 6 employees in Hydro today?
 7 MR. MCDONALD:
 8 A. Mike, can you help me with that?
 9 MR. ROBERTS:
 10 A. I think it's in one of the RFIs that answered
 11 that question. I recall reviewing one of the
 12 RFIs that state the number of FTEs inside of
 13 Hydro. Is it possible that someone can bring
 14 that up?
 15 JOHNSON, Q.C.:
 16 Q. I was just talking about people, positions.
 17 MR. MCDONALD:
 18 A. I'm looking at a table that was supplied in
 19 response to IC-NLH-006, Revision 1, and the
 20 number I'm looking at is a budgeted home based
 21 FTE for Hydro of 943.
 22 JOHNSON, Q.C.:
 23 Q. What year was that?
 24 MR. MCDONALD:
 25 A. 2015.

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1 JOHNSON, Q.C.:
 2 Q. 2015, okay, and so around 2013, do you know
 3 what that number would approximate?
 4 MR. MCDONALD:
 5 A. 864.
 6 JOHNSON, Q.C.:
 7 Q. Now put this in perspective with the number of
 8 other - you've said Hydro predominates in the
 9 numbers, I take it, in terms of employees, is
 10 that right, in terms of the other lines of
 11 business?
 12 MR. MCDONALD:
 13 A. Yes.
 14 JOHNSON, Q.C.:
 15 Q. So what would we be talking about in the other
 16 lines of business?
 17 MR. MCDONALD:
 18 A. In what years?
 19 JOHNSON, Q.C.:
 20 Q. Well, say, now, let's start with 2015?
 21 MR. MCDONALD:
 22 A. Honestly, I think, Mike might have a better
 23 command of that number than I would.
 24 JOHNSON, Q.C.:
 25 Q. Sure, that's fair.

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1 MR. ROBERTS:
 2 A. Yes, anything I provide would be rough
 3 estimation. I think Churchill Falls would
 4 have roughly 300/350 people, depending on the
 5 season. Obviously, there would be more people
 6 there in temporary labour during seasonal
 7 peaks when we're doing our maintenance. I'm
 8 guessing 300 to 350 at any given time would be
 9 a rough estimation. Oil and Gas, I'm thinking
 10 there's around 40 to 50 perhaps in Oil and
 11 Gas. Again I stipulate this is rough numbers.
 12 That number might be a little lower than that.
 13 Energy Marketing, I'm not 100 percent sure
 14 there either. I'm thinking 30 to 40 as well.
 15 MR. MCDONALD:
 16 A. They're included inside Hydro.
 17 MR. ROBERTS:
 18 A. Oh, sorry, they're inside Hydro, sorry. Lower
 19 Churchill Project, I think there's probably a
 20 couple of hundred people that are staff
 21 positions. Obviously, there's a lot more on
 22 the Lower Churchill Project, but I think
 23 there's a couple hundred there. Then there's
 24 Nalcor, which would make up, I guess, the rest
 25 if I've covered all the lines of business.

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1 There's roughly between 1400 and 1500
 2 employees of Nalcor, and I say that range
 3 because again it varies based on temporary
 4 labour during the peak seasons when we're
 5 doing a lot of maintenance especially inside
 6 the utilities.
 7 JOHNSON, Q.C.:
 8 Q. So 1400 to 1500. Back in 2012, 2013, would
 9 that be about the same amount of numbers we'd
 10 be talking about?
 11 MR. ROBERTS:
 12 A. Yeah, I don't think there would have been
 13 tremendous growth from 2012, 2013, from now in
 14 some of those other subsidiaries.
 15 JOHNSON, Q.C.:
 16 Q. And -
 17 MR. ROBERTS:
 18 A. Not that I can recall, but again I caveat that
 19 I'm going purely by memory.
 20 MR. MCDONALD:
 21 A. Except for the growth in Hydro that I would
 22 have indicated using those numbers I gave you
 23 a moment ago.
 24 JOHNSON, Q.C.:
 25 Q. Yes, I understand, but back when you were just

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1 doing this role for Hydro proper, we'll say,
 2 did I understand that you were also looking
 3 after CF(L)Co as well, though?
 4 MR. MCDONALD:
 5 A. That's correct, yes.
 6 JOHNSON, Q.C.:
 7 Q. Okay, so they were already there with you?
 8 MR. MCDONALD:
 9 A. Yes.
 10 JOHNSON, Q.C.:
 11 Q. Okay. I guess, I'll have to ask you the
 12 obvious question, it seems obvious to me,
 13 anyway, and that is if back in '06, it was
 14 requiring a dedication of 1600/1700 hours to
 15 carry out this role, whatever it was back in
 16 '06, I think you said what it was for the full
 17 year, maybe even higher than that, 1950, I'm
 18 having trouble squaring it in my own head, to
 19 be honest with you, Mr. McDonald, is how with
 20 the Hydro complement, the CF(L)Co, it would
 21 take 1900 hours, but we get to 2012 and 2013
 22 and, I mean, you could do direct work for
 23 Hydro at 392 and 302 hours respectively in
 24 2012 and 2013. Hydro could not have been
 25 getting the same level of services they were

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1 getting when you were standaloned, I put to
 2 you?
 3 MR. MCDONALD:
 4 A. The point of clarification, so when I said
 5 1950 hours, I thought the question I was
 6 answering was what is the total number of
 7 hours in a year that I would be charging. I
 8 didn't say that I would have charged, and I
 9 don't know actually what hours I would have
 10 charged in 2007 and 2006 without checking, but
 11 I didn't mean to indicate I charged 1950 hours
 12 to Hydro.
 13 JOHNSON, Q.C.:
 14 Q. So a portion of those hours would have been
 15 charged to CF(L)Co, is that what you're
 16 saying?
 17 MR. MCDONALD:
 18 A. Yes.
 19 JOHNSON, Q.C.:
 20 Q. Well, could you determine for us for those
 21 years what you charged into CF(L)Co for those
 22 two years?
 23 MR. MCDONALD:
 24 A. I'm sure we could. It should be on our
 25 system.

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1 JOHNSON, Q.C.:
 2 Q. Okay, and the rest of the 1900 hours, that
 3 would be for Hydro, correct, the balance?
 4 Once you deduct the CF(L)Co, the rest of it
 5 would be Hydro, is that what we can assume?
 6 MR. MCDONALD:
 7 A. And which years are you speaking of again?
 8 JOHNSON, Q.C.:
 9 Q. 2006, 2007.
 10 MR. MCDONALD:
 11 A. Certainly in '06. In '07, I'm just trying to
 12 think back now in terms of what was happening
 13 in our organization in those years, 2006,
 14 2007. I think - those two years?
 15 JOHNSON, Q.C.:
 16 Q. Yeah.
 17 MR. MCDONALD:
 18 A. That would be correct. Of course, what you'd
 19 have to account for as well in hours adding up
 20 to the 1950 would be holidays and vacation,
 21 the same as anybody else.
 22 JOHNSON, Q.C.:
 23 Q. Sure, yes, understood, but they are pretty
 24 much on par with what you've been getting
 25 since?

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1 MR. MCDONALD:
 2 A. Yes, yeah.
 3 MS. GLYNN:
 4 Q. Just to note the undertaking for hours charged
 5 to CF(L)Co for 2006 and 2007.
 6 JOHNSON, Q.C.:
 7 Q. I guess - I don't know if I've gotten an
 8 answer to my query, though, how Hydro could be
 9 getting the same level of service with you, a
 10 direct charge in 2012 and 2013 of 392 and 303
 11 hours respectively, as it was getting back
 12 when you had your very principled focus with
 13 the exception of CF(L)Co?
 14 MR. MCDONALD:
 15 A. Yes, and what I've tried to explain, so I know
 16 I'm repeating myself to a certain extent, but
 17 what I've tried to explain is what was
 18 different in those earlier years, at least the
 19 years that we have the data for, '07, '08 -
 20 '08, '09, and 2010, in particular. I've tried
 21 to recall for you some of the larger
 22 initiatives I was involved in directly in
 23 support of Hydro that has trended down since
 24 then to a level which I think is what you'd
 25 more reasonably expect to see at the Vice

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1 President level. So the point I want to
 2 emphasize is that, you know, that's what we're
 3 talking about right now, and underneath me I
 4 have managers, and underneath them, they have
 5 their subordinate organizations of people who
 6 on a day to day basis are providing the
 7 required assistance and service and support to
 8 Newfoundland and Labrador Hydro. You know, I
 9 mean, my role is a different one than it would
 10 be for the managers and then for the people
 11 who are providing that day to day service and
 12 support.
 13 (10:00 a.m.)
 14 JOHNSON, Q.C.:
 15 Q. You spoke yesterday, Mr. McDonald, at page
 16 194, looking at line 10, you said, "And as I
 17 mentioned earlier, as we moved along inside
 18 our structure, what we made a point of doing
 19 in our various areas in safety and health, and
 20 in human resources, in particular, was to
 21 ensure that we had dedicated points of contact
 22 with Newfoundland and Labrador Hydro, so they
 23 were able to take away some of the load as
 24 well, not just from me, but from Mike in his
 25 case, or from the Manager of Safety and

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1 Health. So we tried to organize ourselves so
 2 that, you know, there was more time available
 3 to me and our managers, so that's the reason
 4 you would have seen that reduced over those
 5 more recent years, and then 2014,2015, were
 6 different years". I want to talk to you about
 7 that for a second now.
 8 MR. MCDONALD:
 9 A. Uh-hm.
 10 JOHNSON, Q.C.:
 11 Q. I guess, there was a conscious effort made in
 12 that 2012/2013 period to remove some of the
 13 load from you, would that be correct, based on
 14 what we've seen here in that quote?
 15 MR. MCDONALD:
 16 A. That wouldn't have been a major driver. It
 17 was an outcome of work we were doing in any
 18 event that was ongoing with respect to our
 19 organizational structure, and I can't remember
 20 if that was - if those were changes that came
 21 about in 2012 or 2013 specifically, or earlier
 22 than that. Certainly, no later than that in
 23 terms of what I talked about yesterday. So
 24 what I'm trying to say is that was an
 25 important outcome, but, you know, we were

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1 motivated primarily by making sure that
 2 services supplied to Newfoundland and Labrador
 3 Hydro and to our other lines of business, for
 4 that matter, was as effective as it could be.
 5 So that was the driver.
 6 JOHNSON, Q.C.:
 7 Q. When you docket your time -
 8 MR. MCDONALD:
 9 A. Yes.
 10 JOHNSON, Q.C.:
 11 Q. I guess you were docketing it in 2012 and
 12 2013, right?
 13 MR. MCDONALD:
 14 A. Yes.
 15 JOHNSON, Q.C.:
 16 Q. If you were doing a specific piece of work for
 17 a line of business, it would be docketed under
 18 that?
 19 MR. MCDONALD:
 20 A. Correct.
 21 JOHNSON, Q.C.:
 22 Q. Okay. Could you provide for us for each of
 23 2012 and 2013 the - we see respectively at -
 24 we see you have 392 hours in 2012 to Hydro,
 25 302 in 2013 to Hydro. Could you undertake to

<p style="text-align: right;">Page 45</p> <p>1 provide us where in each - to whom or to what 2 entity in each of those years by entity where 3 the rest of your time was billed? 4 MR. CASS: 5 Q. Mr. Chair, I'm sorry, I don't see the 6 relevance of time charged to other entities 7 than Hydro. Mr. Johnson has asked questions 8 to get answers about what drove the hours that 9 we are seeing in this particular piece of 10 evidence. Mr. McDonald's answers have made 11 clear that the hours were driven by the needs 12 of Hydro, not by the needs of other entities. 13 So I don't think any evidentiary foundation 14 has been laid for the relevance of a question 15 about what hours were devoted to other lines 16 of business. 17 CHAIRMAN: 18 Q. Mr. Johnson, what's your response to that? 19 JOHNSON, Q.C.: 20 Q. Mr. Chairman, as I was reviewing what Mr. 21 McDonald had said yesterday, he had not been 22 able to - or he didn't address where the rest 23 of these hours went, and my question is where 24 did the rest of the hours go because it is 25 material. If someone is saying that when I</p>	<p style="text-align: right;">Page 47</p> <p>1 Nalcor, I don't think that level of 2 granularity assists the Board, particularly 3 when it's a matter which the Board has no 4 particular insight or jurisdiction. For 5 example, you know, if it was an oil and gas 6 thing or a general Nalcor thing or something 7 else. So, I'm just trying to get a sense of 8 what the request is. If it's Hydro versus 9 other, that's okay, and we have no trouble 10 providing that information for the overview 11 level Mr. Johnson says. But if he's trying to 12 determine exactly what Mr. McDonald was doing 13 for each of the particular entities, all of 14 which referring to non-regulated entities - 15 CHAIRMAN: 16 Q. So you're saying - 17 MR. YOUNG: 18 Q. I don't see that that's relevant. 19 CHAIRMAN: 20 Q. You're saying Hydro/non-Hydro is a reasonable 21 breakdown but to go into non-Hydro in any 22 detail is beyond - 23 MR. YOUNG: 24 Q. That's correct. 25 CHAIRMAN:</p>
<p style="text-align: right;">Page 46</p> <p>1 did something specific for an entity, I booked 2 it to them, and we're trying to get at what 3 his activity was in 2012 and 2013, and, of 4 course, human memory being what it is, I mean, 5 it's just a documentary establishment of where 6 he put that time. It's far better - like, if 7 I asked him the question, okay, boy, what did 8 you do in 2012; well, I remember I was at this 9 from "x" to "x", well, we'd listen to that 10 evidence and take it on board. All I'm asking 11 is show us the documentation for those. Now 12 I'm not looking for the detailed timesheets, 13 I'm looking for the overview. 14 CHAIRMAN: 15 Q. Do you wish to say something, Madame or 16 Madames? 17 MS. GLYNN: 18 Q. You can take this under advisement. If you 19 wish to break, we can discuss it. 20 MR. YOUNG: 21 Q. If I can just make one further comment about 22 this further to what Mr. Johnson just said. I 23 can understand his question as to how much was 24 Hydro and how much was others, but within 25 different subsidiaries or activities of</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. - beyond our ambit? That's what you're 2 basically saying? 3 MR. YOUNG: 4 Q. That's correct, Mr. Chair. 5 CHAIRMAN: 6 Q. Mr. Johnson, do you want us to adjourn for a 7 while to discuss this or do you want us to 8 carry on and come back say after the break at 9 11:00? What would you like to do? 10 JOHNSON, Q.C.: 11 Q. I'm fine with going to the break, but if I 12 could, Mr. Chairman, I would just like to 13 respond to something that Mr. Young said for 14 the Board to take onboard, I suppose. 15 CHAIRMAN: 16 Q. Okay. 17 JOHNSON, Q.C.: 18 Q. I'm not looking for the details of what he 19 would have done for oil and gas in terms of 20 what he did. I'm interested in knowing what's 21 the amount of hours that you billed oil and 22 gas. That's it. And if he comes back and 23 says here's Hydro, but everything else is 24 Nalcor, that doesn't really tell me much. 25 CHAIRMAN:</p>

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1 Q. Well, the standard is 19.50. That's the
 2 working -- that's 37 and a half, is it? 37
 3 and a half?
 4 MR. ROBERTS:
 5 A. Per week.
 6 CHAIRMAN:
 7 Q. 20.40, 18.60, 19.37 and -- anyway, based on 40
 8 hours, 37 and a half hours, 35 hours, and of
 9 course at City Hall, we had 32 and a half. So
 10 we're working with 19.50. So minus the Hydro
 11 hours is the other. It's just straightforward
 12 math. And you say you think it's instructive
 13 or worthwhile to go beyond that?
 14 JOHNSON, Q.C.:
 15 Q. Yes, I do. The reason being is for all I
 16 know, in 2012, it might be 600 hours in oil
 17 and gas as a direct bill. I think that's
 18 relevant.
 19 MR. YOUNG:
 20 Q. Mr. Chair, I guess the issue is joint because
 21 in Hydro's opinion, and this is not just a
 22 matter of what we think the Board might be
 23 interested in or what Mr. Johnson might be
 24 interested in, but it's just not before the
 25 Board. The issue is how much does Mr.

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1 McDonald charge to Hydro and you can draw some
 2 conclusions based upon his evidence as to the
 3 level of attention that comes from and he's
 4 given evidence that in certain matters he
 5 talks about all of the groups and some of that
 6 has benefited Hydro. That evidence is clear.
 7 The specific breakdown within the entities of
 8 Hydro, it might be -
 9 CHAIRMAN:
 10 Q. Within Nalcor.
 11 MR. YOUNG:
 12 Q. Sorry, thank you. Of Nalcor, it might be
 13 something Mr. Johnson is curious about, but I
 14 don't think it informs the Board on the
 15 matters it has to decide.
 16 CHAIRMAN:
 17 Q. Okay. What would you like us to do? Do you
 18 think we should break or -- you do, okay.
 19 MS. GLYNN:
 20 Q. It doesn't matter if we break now or at 11.
 21 CHAIRMAN:
 22 Q. Yeah, I thought we'd try to get to 11.
 23 JOHNSON, Q.C.:
 24 Q. I'm more than happy to go to 11, yes.
 25 CHAIRMAN:

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1 Q. Okay.
 2 JOHNSON, Q.C.:
 3 Q. That was the plan, yeah. Let me turn to a
 4 more recent period, and that was the period
 5 from January 2014 to June of 2014 when Mr.
 6 Roberts became acting vice-president, okay. I
 7 guess it's fair to say, Mr. McDonald, that
 8 once the events of early or late
 9 December/early 2014 hit, you were inundated on
 10 that side of things. Would that be a fair
 11 statement, on the outage and related work?
 12 MR. MCDONALD:
 13 A. Don't mean -- when you say "you" you mean the
 14 company?
 15 JOHNSON, Q.C.:
 16 Q. You, I mean you personally.
 17 MR. MCDONALD:
 18 A. Me personally?
 19 JOHNSON, Q.C.:
 20 Q. Yes.
 21 MR. MCDONALD:
 22 A. Inundated?
 23 JOHNSON, Q.C.:
 24 Q. Yes, in terms of your function then and your
 25 preoccupation was dealing with the outages and

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1 everything intended upon them.
 2 MR. MCDONALD:
 3 A. I think what I explained to Mr. O'Brien
 4 yesterday is that, yes, the company obviously
 5 was in a position of having to first of all
 6 initiate immediately its own investigation of
 7 those events, after having restored the
 8 system, of course, and so I played a role in
 9 that to the extent that I was able to bring
 10 some assistance to the process that we put
 11 together to do that and oversee that process
 12 to its completion, I believe in mid March
 13 roughly, and when we reported to the Board,
 14 and then continuing support to Hydro as we
 15 worked through various stages of reporting to
 16 the PUB over the next few months.
 17 JOHNSON, Q.C.:
 18 Q. But would it be fair to say that for the first
 19 half of 2014, you were predominantly tied up
 20 with the outage and outage related matters?
 21 MR. MCDONALD:
 22 A. Yes, I was very actively involved in that,
 23 yeah.
 24 JOHNSON, Q.C.:
 25 Q. Okay. Who was performing the -- you know, who

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1 was doing the work then of the Vice-President
 2 of Human Resources and Organization for the
 3 first six months?
 4 MR. MCDONALD:
 5 A. I was.
 6 JOHNSON, Q.C.:
 7 Q. Okay. You were doing that on top of that?
 8 MR. MCDONALD:
 9 A. Yes.
 10 JOHNSON, Q.C.:
 11 Q. Okay. I want to turn to recruitment and
 12 retention, and if we could go to the
 13 Application, page 2.31, for a moment? Just
 14 for the record, this material, this evidence
 15 was filed as part of the Amended Application,
 16 correct?
 17 MR. MCDONALD:
 18 A. Yes.
 19 JOHNSON, Q.C.:
 20 Q. And that would have been in November 2014?
 21 MR. MCDONALD:
 22 A. Correct.
 23 JOHNSON, Q.C.:
 24 Q. Okay. And it's stated at the top of the page
 25 there at line one that "Hydro does anticipate

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1 that the challenge of maintaining wage and
 2 salary costs within inflationary levels will
 3 continue. High levels of recruitment driven
 4 by retirements, high levels of construction
 5 and major project activity in the Province and
 6 elsewhere and a shrinking labour force will
 7 continue to place pressure on wage and salary
 8 competitiveness." Now, I think in other areas
 9 of the Application, there is a reference to a
 10 tightening labour market. And I'd just get
 11 you to comment first of all as to the state of
 12 the labour market now, because I didn't think
 13 it was tightening as of November of 2014.
 14 Would that be fair?
 15 MR. MCDONALD:
 16 A. I don't know, to be honest. You know, I think
 17 very much of what we said in November of 2014
 18 continues to be the case. There will always
 19 be a lag or a delay in the impact of, you
 20 know, significant economic events. But
 21 certainly, from a labour market perspective,
 22 you know, trends that continue to be a factor
 23 are the fact that the labour market itself,
 24 you know, from a supply standpoint continues
 25 to be an issue. So growth in the available

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1 labour market is trending down, not just here,
 2 but everywhere else in Canada. There's still
 3 a high level of project activity in this
 4 Province which is our main market for
 5 competing for these resources. We continue to
 6 experience a relatively high level of
 7 retirements from the company. So those are
 8 still factors that are at play for the most
 9 part for us right now. I think what we
 10 indicated is that we expected that would
 11 continue to be a pressure, but I mean, you
 12 know, depending on how things unfold, based on
 13 recent events, it could very well be that
 14 they'll moderate. But I wouldn't say that has
 15 happened at this point in time.
 16 (10:15 a.m.)
 17 JOHNSON, Q.C.:
 18 Q. But like the labour market, Mr. McDonald, it's
 19 not as tight now, I take it, as it was a few
 20 years back say? Would that be true?
 21 MR. MCDONALD:
 22 A. No, I wouldn't agree with that. I don't think
 23 there's any basis for saying that right now in
 24 the markets in which we compete for resources.
 25 JOHNSON, Q.C.:

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1 Q. But, I mean, there used to be -- and you may
 2 have some knowledge of this, there used to be
 3 like seven or eight charter flights a week,
 4 for instance, leaving St. John's Airport
 5 headed west, right. And now I understand, you
 6 know, like there's one. Are you familiar with
 7 that phenomena after happening because of the
 8 slow down out west?
 9 MR. MCDONALD:
 10 A. Yeah, I don't know whether -- what change has
 11 occurred in that respect and what the numbers
 12 may or may not be. I don't know if what you
 13 just indicated is accurate. I don't know.
 14 But what I do know that from a recruitment and
 15 retention perspective, you know, we still feel
 16 that pressure in this Province, given what's
 17 going on in the Province, to be managing
 18 recruitment and retention in the same way we
 19 have been.
 20 JOHNSON, Q.C.:
 21 Q. How do you guys go about assessing the
 22 tightness of the labour market?
 23 MR. MCDONALD:
 24 A. I guess you have different indicators, but one
 25 of the main ones would be -- a couple

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1 actually. I mean, our own experience in being
 2 able to recruit and retain the people that we
 3 need. Other sources would include, you know,
 4 studies that we know that are done by
 5 different agencies, the Province in
 6 particular. So I mean, they do a lot of their
 7 own labour market research that we would be
 8 familiar with and would consult. We would
 9 have the experience of people on the Lower
 10 Churchill Project and their ability to be able
 11 to resource the project, you know, to the
 12 extent that they require it. So you know, I
 13 guess there are multiple inputs that we would
 14 rely on to do our own assessment of how the
 15 market is going.
 16 JOHNSON, Q.C.:
 17 Q. You say you rely on your own -- did you say
 18 you rely on your own recruitment experience to
 19 get an assessment of the labour market and its
 20 tightness? Is that what you said?
 21 MR. MCDONALD:
 22 A. Well, I mean, to the extent that there would
 23 be times, and it has to be a little bit -- I
 24 mean, it would change over time, but you know,
 25 if there were situations where we were

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1 encountering recruitment challenges either in
 2 a trade or occupation or in an area of the
 3 Province, that would be an input. That would
 4 be an indicator potentially of labour market
 5 conditions.
 6 JOHNSON, Q.C.:
 7 Q. Like so let's just -- Mr. McDonald, you are no
 8 doubt aware that there has been a major
 9 slowdown in big project activity in Western
 10 Canada, right?
 11 MR. MCDONALD:
 12 A. Yes.
 13 JOHNSON, Q.C.:
 14 Q. I mean, there's no two ways about that.
 15 MR. MCDONALD:
 16 A. Um-hm.
 17 JOHNSON, Q.C.:
 18 Q. Because there's been a drop in oil and that's
 19 had a lot of knocked on effects for projects
 20 out there, correct?
 21 MR. MCDONALD:
 22 A. Um-hm.
 23 JOHNSON, Q.C.:
 24 Q. Okay. And I mean, that wasn't the case back a
 25 few years ago. Everything was going

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1 gangbusters out there, right?
 2 MR. MCDONALD:
 3 A. Um-hm.
 4 JOHNSON, Q.C.:
 5 Q. Right?
 6 MR. MCDONALD:
 7 A. Yes, it has slowed down.
 8 JOHNSON, Q.C.:
 9 Q. Yeah, okay. And that's part of a potential
 10 labour pool, the folks, the skilled people
 11 going back and forth to Alberta, for instance?
 12 MR. MCDONALD:
 13 A. It's a potential labour pool. It's not our
 14 initial primary one. Construction trades and
 15 industrial trades are two different
 16 submarkets.
 17 JOHNSON, Q.C.:
 18 Q. Right. Yeah, but you have, you know,
 19 millwrights, machinists, all that, they go out
 20 west too, right?
 21 MR. MCDONALD:
 22 A. Yes, they do.
 23 JOHNSON, Q.C.:
 24 Q. And I mean, certain of the folks that go out
 25 west are people that you guys hire and part of

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1 the people that you advertise positions for,
 2 right?
 3 MR. MCDONALD:
 4 A. We advertise and obviously we employ
 5 electrical maintenance people, mechanical
 6 maintenance people, line workers, system
 7 operators, and the list goes on.
 8 JOHNSON, Q.C.:
 9 Q. Yes.
 10 MR. MCDONALD:
 11 A. Some of those are similar to occupations that
 12 are employed in the construction industry, but
 13 our experience has been that you can't always
 14 assume that people who work in construction
 15 will transfer to an industrial environment,
 16 which is what ours is, or vice versa for that
 17 matter.
 18 JOHNSON, Q.C.:
 19 Q. But beyond those types of folks, there's
 20 people like engineers, for instance. They
 21 would be involved in those projects. Civil
 22 engineers, mechanical engineers, those type of
 23 people would have been tied up in the Alberta
 24 boom as well, correct?
 25 MR. MCDONALD:

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1 A. Um-hm.
 2 JOHNSON, Q.C.:
 3 Q. Yeah. And you certainly go after that market
 4 when you have positions available at Hydro,
 5 right?
 6 MR. MCDONALD:
 7 A. They would be a potential source, yes, of new
 8 recruits.
 9 JOHNSON, Q.C.:
 10 Q. Now I think you would agree with me, Mr.
 11 McDonald, that other than for reasons of
 12 retirement, relatively speaking, not many
 13 employees leave Hydro once they've been hired
 14 and employed. Would that be a fair statement?
 15 MR. MCDONALD:
 16 A. It's been our good fortune to have that
 17 experience, so our voluntary turnover is low.
 18 JOHNSON, Q.C.:
 19 Q. Is low. And when you say low, I mean, do you
 20 ever -- when you say it's low, you must be
 21 able to compare it, at least anecdotally, to
 22 what other companies would experience, I
 23 assume?
 24 MR. MCDONALD:
 25 A. Yes.

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1 JOHNSON, Q.C.:
 2 Q. Yes. So you're low relative to other
 3 companies and firms, correct?
 4 MR. MCDONALD:
 5 A. Yes, we are, in absolute terms, yeah.
 6 JOHNSON, Q.C.:
 7 Q. In absolute terms, yeah. And that's been the
 8 way it has been for a long time, right? Hydro
 9 is never -- has always been low in terms of
 10 turnover, for reasons other than retirement,
 11 right?
 12 MR. MCDONALD:
 13 A. Mike and I can speak to our experience since
 14 let's say over the last ten years for sure.
 15 JOHNSON, Q.C.:
 16 Q. Pardon me?
 17 MR. MCDONALD:
 18 A. Mike and I can speak to our experience over
 19 the last ten years, and that's been the case,
 20 yeah.
 21 JOHNSON, Q.C.:
 22 Q. Okay. For the last ten years, as you say, it's
 23 been low, right?
 24 MR. MCDONALD:
 25 A. Yes.

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1 JOHNSON, Q.C.:
 2 Q. Okay. If I could ask you to go to CA-107?
 3 MS. GRAY:
 4 Q. Revision 1, Mr. Johnson?
 5 JOHNSON, Q.C.:
 6 Q. Just the main answer, 107.
 7 MR. O'BRIEN:
 8 Q. Revision 1, Tom?
 9 JOHNSON, Q.C.:
 10 Q. Let me just see it first. No, I'm referring
 11 here first of all to CA-107. Just bear with
 12 me. Pardon me, Revision 1 would be better.
 13 Mr. McDonald, Mr. Roberts, this question
 14 asked Hydro to provide the annual number of
 15 voluntary resignations by position from 2006
 16 to 2013, and then you provided a table which
 17 summarizes the number of voluntary
 18 resignations from January 1, 2006 to September
 19 30th of 2014, okay. And as we see going
 20 across this table, and it's broken down by way
 21 of apprentice, permanent, permanent part-time
 22 and a grand total. So as you can see here, we
 23 see a grand total in '06 of eight. A bit of a
 24 spike in '07 of 19, and then '08, 13, '09 10,
 25 2010 three, 2011 11, 2012 12, '13 five, 2014

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1 eight. So a grand total over that period of
 2 time of 88 persons, right.
 3 Now if we go further, I wanted to ask you
 4 about non-union for a moment and put this in
 5 perspective. We see on Attachment 1, there is
 6 a group of positions that come under non-union
 7 and then as you go down the table, there is a
 8 further group of unionized and they're broken
 9 down between operations and office workers,
 10 okay. Now, this gives pretty granular detail.
 11 Now, you'll confirm for me, gentlemen, that in
 12 2006, there was a total of three non-union
 13 persons leave, right?
 14 MR. MCDONALD:
 15 A. Appears to be the case. Can't see the full
 16 page there, but I can see where the numbers
 17 add up to three. It looks like four maybe.
 18 JOHNSON, Q.C.:
 19 Q. Okay. So three, and -
 20 MR. MCDONALD:
 21 A. Oh, okay, yes, in 2006, yeah.
 22 JOHNSON, Q.C.:
 23 Q. Yeah, for non-union, okay, so just -- so for
 24 instance, you lost a project leader
 25 applications, a quality assurance engineer and

Page 65

1 a records and information analyst, right?

2 MR. ROBERTS:

3 A. That's correct.

4 JOHNSON, Q.C.:

5 Q. Okay. And this is in the context of back in

6 '06, but how many employees do you reckon

7 Hydro had then?

8 MR. MCDONALD:

9 A. I think I gave that answer earlier, somewhere

10 in the area of 800 to 825. I think the

11 undertaking was to confirm that.

12 JOHNSON, Q.C.:

13 Q. Yes, okay. So anyway, just to skip right

14 along, we see from -- and the numbers I'm

15 going to recite to you now are '07 by year

16 right up to 2014 and I'm seeing four, five,

17 four, two, five, four, two, one. Those

18 numbers being the number of non-union people

19 who've left. Have I got that right?

20 MR. MCDONALD:

21 A. Yes, that's right.

22 JOHNSON, Q.C.:

23 Q. Yeah. And now, one thing that I read in one

24 of the RFIs is Hydro claims that Hydro's

25 "continued focus on recruitment and retention

Page 66

1 has had a positive impact on the trends

2 experienced for voluntary resignations," okay.

3 And just for the record, there's no need to go

4 there, but that's at PUB-033 at line 17 to 18,

5 for the record. It says "Hydro's continuous

6 focus -- continued focus on recruitment and

7 retention has had a positive impact on the

8 trends experienced for voluntary

9 resignations." Now, Mr. McDonald, in the

10 context of non-union employees, it's basically

11 non-existent. It's flat all the way along,

12 all those years '06 to 2014, correct?

13 MR. MCDONALD:

14 A. The numbers are -- you know, they're low.

15 JOHNSON, Q.C.:

16 Q. They're minimal, minuscule, aren't they?

17 You're nodding yes, right?

18 MR. MCDONALD:

19 A. They're low, yes.

20 JOHNSON, Q.C.:

21 Q. Yeah, and if they're so low in '06, '07 and

22 '08, how can Hydro make the claim that your

23 continued focus on recruitment and retention

24 has had a positive impact on trend? I mean,

25 the trend -- it was never high. Could you

Page 67

1 explain that?

2 MR. MCDONALD:

3 A. Well, let's go back up to the table that we

4 were looking at a little earlier. You're

5 focusing in on just non-union.

6 JOHNSON, Q.C.:

7 Q. Okay.

8 MR. MCDONALD:

9 A. So -

10 JOHNSON, Q.C.:

11 Q. But first of all, can you comment on non-

12 union? I mean, there's no -- there was never

13 a trend with non-union people leaving, right?

14 MR. MCDONALD:

15 A. I have already. I think I've acknowledged

16 that the numbers have been low and consistent.

17 JOHNSON, Q.C.:

18 Q. Okay.

19 MR. MCDONALD:

20 A. But when we've made our observations with

21 respect to our challenges from a recruitment

22 and retention standpoint, we're not talking

23 just non-union. We're talking the total

24 picture. I guess that's what Table 1

25 summarizes there.

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1 JOHNSON, Q.C.:

2 Q. Right.

3 MR. MCDONALD:

4 A. And in evidence as well, we've talked about

5 what initiated our particular focus on

6 recruitment and retention back in 2006 and

7 2007 and you know, a very important part of

8 our work force planning and our recruitment

9 and retention programs is our focus on

10 operations and on our trades and technical

11 positions in operations as well. So, actually

12 when I look at that table and I look at 2007

13 and 2008, 2008 came down a bit, and if I look

14 at permanent in particular, I see going

15 forward from 2007 a downward trend. 2011 is a

16 bit of an aberration in that context, but I

17 see a downward trend.

18 JOHNSON, Q.C.:

19 Q. So basically, it must mean that all the trend

20 is contained in the union line because

21 obviously there's no -- there was no trend to

22 come down in the non-union line, right?

23 MR. MCDONALD:

24 A. It's hard to, you know, say there's a trend

25 when you're talking about three, four or five

Page 69

1 positions leaving in a year, not to understate
 2 the value of the positions that were affected.
 3 JOHNSON, Q.C.:
 4 Q. But to be honest with you, Mr. McDonald, I
 5 find it hard to come up with a trend in Table
 6 1.
 7 MR. MCDONALD:
 8 A. Well, I guess another way of putting it is
 9 that if we hadn't decided to be very
 10 deliberate and conscious about recruitment and
 11 retention as a focus area strategically, that
 12 beginning of a trend that you see in 2007 is
 13 something that could very well have
 14 perpetuated itself and increased and that's
 15 what we're not seeing here, is the impact and
 16 benefit of the focus that we've put on
 17 recruitment and retention is the upward trend
 18 that we're pretty convinced we would have seen
 19 if we hadn't backed it.
 20 JOHNSON, Q.C.:
 21 Q. Let's get a little bit more granular here,
 22 because I mean, you know, this recruitment
 23 retention piece is so central to what's
 24 happened in terms of salary cost growth. If
 25 we go back and look at the union line starting

Page 70

1 with operations unionized for each of those
 2 years, and again, they're broken down by way
 3 of operations and office workers. WE'll come
 4 to office workers in a second, okay. If we
 5 look at '06, you've lost four unionized
 6 personnel in '06, three of whom were
 7 apprentice line workers, right?
 8 MR. MCDONALD:
 9 A. Um-hm.
 10 JOHNSON, Q.C.:
 11 Q. Correct?
 12 MR. MCDONALD:
 13 A. Yes.
 14 JOHNSON, Q.C.:
 15 Q. Yes. And you have lots of interest and have
 16 always had lots of interest, I put to you,
 17 from apprentice line workers looking to go to
 18 work at Hydro, right?
 19 MR. MCDONALD:
 20 A. Yes.
 21 JOHNSON, Q.C.:
 22 Q. Yeah. Now, if we look at '07, there was a
 23 total of 15. Again, five of those, I think
 24 you'll confirm for me, are apprentices, is
 25 that right, and trainees?

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1 MR. MCDONALD:
 2 A. And a trainee, DSR trainee, yes.
 3 JOHNSON, Q.C.:
 4 Q. And a DSR trainee. What's a DSR trainee, just
 5 incidentally?
 6 MR. MCDONALD:
 7 A. Yeah, it's not an apprentice I don't think.
 8 MR. ROBERTS:
 9 A. No, it's a diesel system representative on the
 10 coast that runs the diesel plans.
 11 JOHNSON, Q.C.:
 12 Q. Okay. And in '08, I'm seeing a total of
 13 seven, and again, that's two apprentice line
 14 workers, three line workers, two thermal plant
 15 operators. Is that the right reading of that?
 16 MR. MCDONALD:
 17 A. Yes, I believe so, yeah.
 18 JOHNSON, Q.C.:
 19 Q. Okay. Now, and I'm not going to go through
 20 this, this will be for -- the Board can look
 21 at these things and counsel can expand on it
 22 further in argument or whatever later, but
 23 these numbers, they don't seem to be out of
 24 the ordinary at all in terms of from year to
 25 year. Can we just get a comment on what we're

Page 72

1 seeing here?
 2 MR. MCDONALD:
 3 A. Yeah, so that's not a statement I agree with.
 4 We viewed it as being out of the ordinary.
 5 These are critical positions in operations.
 6 When you see a step change from four to 15
 7 between two years that gets your attention,
 8 and as I stated a moment ago, then you start
 9 to see that go down from 2007 forward to lower
 10 numbers in the union forces in operations.
 11 You know, so as I said a moment ago, and
 12 again, what we're not seeing is what that
 13 trend may have looked like if we hadn't taken
 14 some measures which were compensation related
 15 and otherwise.
 16 (10:30 a.m.)
 17 JOHNSON, Q.C.:
 18 Q. So number 15, and that's you're referring to
 19 the 2007 column, correct?
 20 MR. MCDONALD:
 21 A. I am, yes, yeah.
 22 JOHNSON, Q.C.:
 23 Q. That gets your attention, does it?
 24 MR. MCDONALD:
 25 A. Absolutely.

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1 JOHNSON, Q.C.:

2 Q. And so, but how about the following year, it's

3 seven persons and the year after that is six

4 persons. Does that get your attention?

5 MR. MCDONALD:

6 A. The following year after that is one person

7 and then five persons, but I mean, it's not 15

8 and it's not 20 or 25, which it had the

9 potential to be. And in those particular

10 years, in 2007 and 2006, we stepped in with a

11 modest adjustment in 2006 when we would

12 otherwise have had a pay freeze if we had

13 stayed with our program. 2007, we started

14 with a series of market adjustments that were

15 aimed specifically on making sure we weren't

16 at a risk with our skilled trades and other

17 technical operations roles and that continued

18 over a three-year period and we believe that,

19 in addition to other initiatives that are non-

20 compensation related, have assisted in our

21 ability to be able to mitigate against that

22 trend going that way and bringing it down this

23 way.

24 JOHNSON, Q.C.:

25 Q. But you all don't have good data, do you, on

Page 74

1 the reasons people leave Hydro from year to

2 year?

3 MR. MCDONALD:

4 A. I think, you know, we're experience people. I

5 think anybody in the business of human

6 resources has a pretty good feel for the kinds

7 of things that matter to people, in terms of

8 why they stay with a company and why they

9 might leave.

10 JOHNSON, Q.C.:

11 Q. Yeah, well we'll revisit that now in a moment.

12 But just go further down the line for a

13 second, the unionized operations workers. If

14 I see this properly, and correct me if I'm

15 wrong, but there's a total of five unionized

16 office workers who've left the employ of Hydro

17 from '06 to 2014. Now would that be correct?

18 MR. MCDONALD:

19 A. That's what that data indicates.

20 JOHNSON, Q.C.:

21 Q. Yeah, just for a record, there was one person

22 in '06, nobody in '07, one in '08, none in

23 '09, none in 2010, one in 2011, one in 2012

24 and one in '13. And I mean, those figures, I

25 mean that's astonishingly low amount of people

Page 75

1 leaving voluntarily out of that sector, isn't

2 it?

3 MR. MCDONALD:

4 A. I don't think so. I mean that group of people

5 in Hydro, Mike would -- what would be the

6 total size of that group?

7 MR. ROBERTS:

8 A. Our office workers would represent, in Hydro,

9 close to 100 people.

10 JOHNSON, Q.C.:

11 Q. Pardon me?

12 MR. ROBERTS:

13 A. It would be close to 100 people.

14 JOHNSON, Q.C.:

15 Q. Close to 100 people?

16 MR. ROBERTS:

17 A. In total office workers across the company.

18 JOHNSON, Q.C.:

19 Q. Yeah, yeah.

20 MR. ROBERTS:

21 A. Probably 90 or so.

22 JOHNSON, Q.C.:

23 Q. And what explains the level of -- I'm going to

24 call it -- I can't come up with another word,

25 but the level of adhesion, like nobody leaves,

Page 76

1 I mean, that is something else. I mean,

2 believe you me, I mean, we got a small shop

3 and I mean these numbers are incredible,

4 incredible, and what explains this level of

5 adhesion? And I mean, this goes right back

6 ten years or back to 2006. What's the type of

7 things that keep people there?

8 MR. MCDONALD:

9 A. Keep people at Hydro?

10 JOHNSON, Q.C.:

11 Q. Yeah.

12 MR. MCDONALD:

13 A. I like the term, by the way, "adhesion". So,

14 it's a multiplicity of things and I'm going to

15 ask Mike to help here as well as I go through

16 this. I think there's a number of things that

17 lead to people deciding to stay and develop a

18 career with their employer as opposed to going

19 somewhere else. To begin with, I think Hydro

20 has always been a great company in this

21 Province. I guess what we've tried to do is

22 work even harder at making it the best company

23 and that has involved, from a compensation

24 perspective, while we're on it, is making sure

25 that our people are being paid fairly and

Page 77

1 equitably, relative to their peers in the
 2 industry and in particular, you know, as you
 3 heard Mike talk about yesterday, in the
 4 Atlantic Canada utility industry. There's no
 5 reason in this world why anyone of our people
 6 who are highly qualified people in Hydro
 7 should be paid any less or differently from a
 8 comparison perspective than anybody with any
 9 of these other utilities. So, that's a focus
 10 area for us and making sure that our people
 11 are being paid fairly and equitably, that they
 12 feel that way, that they feel valued as a
 13 result, and we've focused very hard on trying
 14 to do that in a fair and measured way.

15 I think Mike explained yesterday that
 16 we've relied on different inputs to determine
 17 where we need to be, including external
 18 consultants who have been independent to us,
 19 and in the end, we adopt and implement the
 20 changes that we think are appropriate for our
 21 organization, which don't always line up with
 22 those recommendations, but we work very hard
 23 at trying to create a workplace and a work
 24 environment that will create that adhesion
 25 where people will feel very happy to be coming

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1 to work. They feel that they're part of a
 2 team that's making a difference. They feel
 3 they're in a workplace that stewards to a set
 4 of corporate values. We worked very hard on
 5 our corporate values. We did a lot of work
 6 several years ago engaging hundreds of
 7 employees in our organization around restating
 8 those to ourselves and they've become very
 9 embedded in our organization.

10 But I mean, people feel that they're in a
 11 workplace where they feel respected, valued
 12 for their input, valued for the work that they
 13 do, and there are various other areas that we
 14 focused on along the way as well.

15 We focus on our apprenticeship program,
 16 strengthening it to make sure that we're able
 17 to attract and keep talent inside that
 18 pipeline, which is very important to us on a
 19 go-forward basis. We've tried to create
 20 additional opportunities inside that
 21 apprenticeship program, especially in our
 22 power system operator stream, where we've
 23 looked at making modifications to that program
 24 to enable the ability of other related trades,
 25 for example, in mechanical, electronic and

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1 instrumentation areas, to migrate into that
 2 area as a career opportunity.

3 We've focused on things like wellness and
 4 active living. We focus very strongly on
 5 safety, you know, and there's no doubt, I
 6 mean, that's the right thing to do in any
 7 event, but people, when they know they're
 8 coming to an organization that treats their
 9 safety and wellbeing as their number one
 10 priority, that's a good place to be, you know,
 11 in terms of our ability to be able to recruit
 12 and retain the people that we need.

13 Other things that we've done, I'm just
 14 picking examples out of the air here, are
 15 things like our focus on diversity and
 16 inclusion. It's partly a strategy that we
 17 have adopted from a recruitment and retention
 18 standpoint to ensure that we're able to tap
 19 into those under-represented elements of the
 20 labour market, but it's the right thing to do
 21 as well to ensure that we're doing the right
 22 thing around inclusion and respect for
 23 diversity inside our organization.

24 So I'm just throwing a few examples at
 25 you that, you know, that are -- some are

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1 compensation related, but there are many
 2 others that have been more, if you will, non-
 3 compensation, more about culture, working
 4 environment, you know, creating a strong,
 5 unified team around a clear vision for the
 6 company and all those kinds of things that
 7 make a difference. They do make a difference.
 8 People want to come to work for us.

9 JOHNSON, Q.C.:

10 Q. And when would you say that there was, you
 11 know, maturation of all of these non-
 12 compensation elements, in terms of the suite
 13 that you're rolling out on diversity, all
 14 these good things that you talked about?

15 MR. MCDONALD:

16 A. I wouldn't say there's a -- that you could say
 17 that there's a particular point in time when
 18 we've matured, because I guess we don't
 19 necessarily see it that way. I mean, I would
 20 say the same thing that we say to ourselves
 21 with respect to safety in our organization,
 22 you know, it's a never ending journey. It's
 23 always a quest around getting better, and you
 24 know, that in a sense will never end. So our
 25 focus on, from a people perspective, in terms

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1 of creating that kind of organization that I
 2 described a moment ago, is never ending. It's
 3 a non-ending focus for us. We continue to
 4 strive to get better, to get better as an
 5 organization. So, yes, some of those things
 6 have matured over time. The work we did on
 7 our corporate values back in 2008 and 2007,
 8 it's impressive actually how that has matured
 9 and become embedded in our organization, but
 10 we continue to focus on it. We just don't --
 11 we don't let it go, and we keep working and
 12 keep working away at it.

13 JOHNSON, Q.C.:

14 Q. One of the adhesion factors, Mr. McDonald,
 15 must certainly be, in this day and age, the
 16 availability of a defined benefit pension
 17 plan, right?

18 MR. MCDONALD:

19 A. Um-hm.

20 JOHNSON, Q.C.:

21 Q. You didn't mention that.

22 MR. MCDONALD:

23 A. No, it's -- so that's part of our total
 24 compensation strategy. So, we do have a
 25 defined benefit pension plan, or we don't,

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1 we're part of a larger plan.

2 JOHNSON, Q.C.:

3 Q. Right, yes, okay. Now in terms of data on the
 4 reasons people leave, could you turn up CA-
 5 202? Now just go to the question here. This
 6 question asked "please provide the summaries
 7 of exit interviews as regards reason for
 8 voluntary resignation for those who resigned
 9 from '06 to 2013" and you indicate "Human
 10 Resources conducts exit interviews where
 11 practical, with consideration to the type of
 12 exit, location and occupation, in an effort to
 13 gain information as to the reasons why people
 14 may leave the employ of the company.
 15 Participation in exit interviews is voluntary
 16 and those individuals who agree to participate
 17 are assured anonymity to encourage open
 18 dialogue. The participation rate during this
 19 period is approximately 20 percent of exiting
 20 employees. There is a formal template to
 21 guide discussions and to capture reasons
 22 cited."

23 Now, so of I think the total of 88
 24 persons who've left, because we saw that from
 25 the other screen, we really only have data at

Page 83

1 most on 20 percent of the 88, so about 18
 2 people, right?

3 MR. ROBERTS:

4 A. That's correct.

5 JOHNSON, Q.C.:

6 Q. Yeah. And then we see a number of -- in Table
 7 1, a number of reasons for leaving, and I
 8 mean, they're the usuals, better opportunity,
 9 personal reasons, rate of pay, relocation,
 10 career change, volume of work, family duties,
 11 you name it, right? Now, if we focus in on
 12 rate of pay/salary, it says the percentage of
 13 employees interviewed who cited that is 15
 14 percent, right?

15 MR. ROBERTS:

16 A. That's what's in the table, that's correct.

17 JOHNSON, Q.C.:

18 Q. Okay. So that's 15 percent of the total of 18
 19 people who were subject to exit interviews,
 20 correct?

21 MR. ROBERTS:

22 A. That's correct.

23 JOHNSON, Q.C.:

24 Q. So that's not even -- that's not even three
 25 people over the course of eight years who

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1 cited rate of pay or salary, right?

2 (10:45 a.m.)

3 MR. ROBERTS:

4 A. Yes. What I would offer to the question is
 5 that we don't force people to tell us why
 6 they've chosen to leave our employment. We
 7 ask them for the information with the interest
 8 of continuous improvement and the spirit of
 9 getting better and making sure that if we're
 10 missing something that they provide us that
 11 opportunity, and that's the spirit and
 12 intention in which we ask them those
 13 questions. But as you can see, four out of
 14 five people still choose not to.

15 Having done this for a long time, over 20
 16 years, lots of times my experience has been
 17 that if people are unsatisfied with an
 18 element, they're not necessarily comfortable
 19 telling you that. So that's why you probably
 20 see the low percentage, but I can only presume
 21 that.

22 Aside from that, you know, the studies
 23 that I've done indicate that people assume
 24 you're going to be competitive and pay people
 25 at a rate that's competitive with other people

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1 doing similar work in similar organizations.
 2 And if you're not, compensation and benefits
 3 becomes the number one reason why a person
 4 leaves or joins a company. But if you assume
 5 that you're staying competitive in your
 6 marketplace and that you're paying people, for
 7 example Newfoundland and Labrador Hydro is
 8 paying people that does a like job, such as a
 9 line worker, the same as a Newfoundland Power
 10 or a Nova Scotia Power or a New Brunswick
 11 Power, then they see that to a fair principle
 12 and then they focus on other issues, and then
 13 you have to focus on the other things to keep
 14 them happy and to retain them inside the
 15 organization.
 16 Mr. McDonald I think said it very well in
 17 terms of the things we've been stewarding to
 18 and trying to achieve to make sure that we
 19 continue to be an employer of choice, and I
 20 don't think we should be dismayed over that.
 21 I think we should be satisfied that we're
 22 doing the right things if we have that level
 23 of success.
 24 JOHNSON, Q.C.:
 25 Q. No, I certainly don't think you should be

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1 dismayed, but I would have thought that people
 2 -- if someone is leaving on account of money,
 3 the rate of pay, your salary, and let's face
 4 it, there's always better money somewhere, I
 5 suppose, you know, if you want to travel or do
 6 else wise, but I would have thought that
 7 people would -- especially non-union
 8 employees, say "look, the pay is just not
 9 there." And I'm surprised that the data that
 10 you're able to produce is -- reveals such a
 11 very, very small number of people citing pay
 12 when you're telling me that -- of how critical
 13 the pay issue is.
 14 MR. ROBERTS:
 15 A. Well, I think Mr. McDonald also said that had
 16 we not done what we did, which is again, and
 17 I'll repeat myself, tried to stay competitive
 18 within the market in which we compete, we may
 19 have seen different results. So it's really a
 20 confirmation that the things that we're doing
 21 has been able to maintain our level of
 22 success.
 23 JOHNSON, Q.C.:
 24 Q. Well, I don't know. I mean, that's cause and
 25 effect. I don't know how you can conclude

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1 that.
 2 MR. MCDONALD:
 3 A. I just want to -- I'll reenforce exactly the
 4 same point. I mean, it is a matter of getting
 5 ahead of an issue, as opposed to reacting to
 6 it. And that's the point I was trying to make
 7 a little earlier when I was saying that, you
 8 know, we're thoughtful about our strategy in
 9 terms of trying to do that, to get ahead of it
 10 and mitigate against and avoid a deeper trend
 11 in terms of people leaving. So, this doesn't
 12 necessarily surprise me, in addition to the
 13 other reasons that Mr. Roberts has indicated.
 14 So, that to me is a bit of a confirmation of
 15 the fact that we've been proactive and timely
 16 in terms of some of the strategies that we've
 17 implemented.
 18 JOHNSON, Q.C.:
 19 Q. Let's turn to the people who do want to come
 20 to work at Hydro. I understand, and the
 21 record will confirm, that Hydro gets a lot, a
 22 lot of unsolicited applications across the
 23 broad spectrum of positions, et cetera, at
 24 Hydro. Would that be a fair statement?
 25 MR. ROBERTS:

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1 A. Again, I think in certain occupation types
 2 that would be the case, and I wouldn't
 3 apologize for that. I think it's great that
 4 we're presenting ourselves as an employer of
 5 choice. We're promoting Newfoundland and
 6 Labrador Hydro who provides an essential
 7 service to this Province as an organization
 8 that stewards to key goals like safety, the
 9 environment, operational excellence, people,
 10 community, doing the right things. So we
 11 would look for that. I'm pleased that we're
 12 getting that kind of unsolicited interest in
 13 an organization with a good reputation like
 14 Newfoundland and Labrador Hydro. Bug again,
 15 not necessarily for every single occupation
 16 type.
 17 JOHNSON, Q.C.:
 18 Q. No, but let's turn to CA-NLH-252. This asked
 19 to "provide the number of qualified
 20 applications Hydro currently has on file from
 21 persons seeking employment with Hydro. Please
 22 provide the number by positions sought" and
 23 the answer goes on to say the "Table 1
 24 provides the number of general applications
 25 that have been submitted" and this is just a

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<p>1 six-month period, okay, from July 1st 2013 to 2 December 31st, 2013, and "these are exclusive 3 of applications, so don't include applications 4 received within this period for publicly 5 advertised competitions which are provided in 6 another response 251. Applicants self select 7 to be included for consideration in a specific 8 job category using Hydro's web-based 9 application system without validation of their 10 qualifications. Trade categories have high 11 volumes of apprentices versus journeymen 12 applicants" and then you say "general 13 applications are evaluated and screened." 14 So let's go down and see Table 1 now. 15 And gentlemen, we see that you've broken it 16 down amongst three main categories, one being 17 corporate services covering accounting, 18 administrative, communications, environment, 19 finance, et cetera. The next big category is 20 engineers and recent engineering graduates. 21 The next one is skilled trades and 22 apprenticeship. The next one is technical, 23 okay? Now, would you take, subject to check, 24 that in that six-month period, Hydro received 25 unsolicited 1242 applications? Would you take</p>	<p>1 all right? 2 MR. ROBERTS: 3 A. Trust your math. 4 JOHNSON, Q.C.: 5 Q. Pardon me? 6 MR. ROBERTS: 7 A. I trust your math. 8 JOHNSON, Q.C.: 9 Q. Okay. And as it says in the footnote, "the 10 general applications do not include 11 applications in response to a specifically 12 advertised position." So now, and would this 13 be typical of any six-month interval at Hydro, 14 the number of unsolicited people who are 15 coming to you folks? 16 MR. ROBERTS: 17 A. Well, you'd have to be more definitive in 18 terms of the time period, but in recent times, 19 I mean, if that was in 2013, I'm not aware 20 that that has increased or declined in a 21 couple years prior or a couple years since. 22 JOHNSON, Q.C.: 23 Q. Yeah. Like for instance, would you know -- 24 and I don't know the answer and that's why I'm 25 asking, how many engineers total would</p>
<p>1 that, subject to check? 2 MR. ROBERTS: 3 A. Yes, I would. 4 JOHNSON, Q.C.: 5 Q. Okay. And would you also take, subject to 6 check, that includes 610 persons who applied 7 in relation to the various corporate services 8 categories? Would you again take that, 9 subject to check? 10 MR. ROBERTS: 11 A. Yes, I would. 12 JOHNSON, Q.C.: 13 Q. And similarly, would you take 148 engineers 14 and recent engineering graduates, subject to 15 check? 16 MR. ROBERTS: 17 A. Yes, I would. 18 JOHNSON, Q.C.: 19 Q. And for skilled trades and apprenticeship, 20 would you take 262, okay? 21 MR. ROBERTS: 22 A. Sure. 23 JOHNSON, Q.C.: 24 Q. And for technical, which would be CAD, civil, 25 electrical, instrumentation, mechanical, 222,</p>	<p>1 Memorial University graduate in a run of a 2 year? 3 MR. ROBERTS: 4 Q. I have no idea. 5 JOHNSON, Q.C.: 6 Q. Okay. And let's go to CA-252. Oh, that's the 7 same one? 8 MS. GRAY: 9 Q. That's the same one. 10 JOHNSON, Q.C.: 11 Q. No. Let's go to 251. Now, in this RFI, Hydro 12 was asked to "provide number, title and 13 location of positions which Hydro has publicly 14 advertised over each of the years 2010 to 15 2013, as well as the amount of time elapsed 16 from advertisement to the filling of the 17 positions." Now, if we could go down to the 18 chart, and these are in reverse chronological, 19 so the most recent is 2013 and as you keep 20 scrolling down, you go 2012, 2011, et cetera. 21 But let's just stay at page one of ten for a 22 moment. Now, if you look at job number 109, 23 I'll just focus on that for a second, NLH109 24 is one of the jobs there. It's a diesel plant 25 operator, a term position in Hopedale. And</p>

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1 you got -- you see that there?
 2 MR. ROBERTS:
 3 A. Yeah.
 4 JOHNSON, Q.C.:
 5 Q. You got 34 applications for a term position in
 6 Hopedale and it took eight weeks to fill,
 7 right?
 8 MR. ROBERTS:
 9 A. Looks that way, yeah.
 10 JOHNSON, Q.C.:
 11 Q. And that strikes me as a lot of applications
 12 for a remote community for a term position.
 13 Do you have any comment on that?
 14 MR. ROBERTS:
 15 A. No, not without looking into the competition
 16 file, assessing out whether or not those are
 17 all people within that community, whether
 18 there's a number of people inside that
 19 community that are unemployed and would be
 20 happy to have employment, where the
 21 applications came from and without looking
 22 into a particular competition, I can't really
 23 comment on the number of applications that
 24 came forward.
 25 JOHNSON, Q.C.:

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1 Q. Well, I see that it was filled in eight weeks.
 2 What does that tell you?
 3 MR. ROBERTS:
 4 A. That it was filled in eight weeks.
 5 JOHNSON, Q.C.:
 6 Q. No, but in terms of, you know, relative to
 7 other positions that we'll go through, that's
 8 fairly quick for you folks, right?
 9 MR. ROBERTS:
 10 A. Well, I think it depends. It depends on, you
 11 know, once we got the applications, the
 12 availability of the supervisor to review the
 13 applications to do the screening, as well as
 14 human resources, you know, the time frame we
 15 were under in terms of getting that position
 16 filled versus others, whether the person was
 17 still in that position when we were attempting
 18 to fill it, so we had more time or whether the
 19 person had been vacant for six months and we
 20 were really anxious to get it done real quick
 21 and it moved up the priority list. There's
 22 multiple factors that go into the timeframe
 23 and period which it takes to recruit a
 24 position.
 25 JOHNSON, Q.C.:

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1 Q. Yeah. But I think you confirm on page one of
 2 two, the final bullet on page one of two, that
 3 the number of weeks from advertise to
 4 employee's first day is generally 12 to 15
 5 weeks, right? That's generally.
 6 MR. ROBERTS:
 7 A. That sounds like a good average, yeah.
 8 JOHNSON, Q.C.:
 9 Q. Okay. And then -- and I don't intend to go
 10 through, you know, a vast number of these, to
 11 the relief of everybody, I'm sure, but in
 12 terms of market analyst, for instance, 03 1370
 13 is the competition, so here's the position in
 14 St. John's. 62 applicants for that position.
 15 MR. ROBERTS:
 16 A. Correct.
 17 JOHNSON, Q.C.:
 18 Q. One I found interesting, very interesting,
 19 especially for your panel. 2013 competition
 20 084, this is a human resources advisor,
 21 compensation and benefits, in St. John's, 133
 22 applications, took 21 weeks to fill. 133
 23 applications. It's one of the highest there.
 24 And I mean these are people who know -- you
 25 know, I found that interesting that the human

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1 relations -- resources advisor, I mean, major,
 2 major interest amongst that group and they
 3 would know -- they would know the scene inside
 4 out, wouldn't they?
 5 MR. ROBERTS:
 6 A. Well, again, you got to -- you're assuming
 7 whom the applicants are and how many of those
 8 are new graduates and so on and so forth. I'd
 9 like to think it's because of the great HR
 10 leadership we have inside the organization
 11 that there's so much interest in joining the
 12 HR organization inside of Newfoundland and
 13 Labrador Hydro, but again, you know, it comes
 14 down to the screening of those applications
 15 and seeing how many are actually there. I do
 16 think that -- and I follow the HR industry
 17 obviously closely, it's become more of a
 18 recognized profession over the last number of
 19 years. More and more people are going into
 20 the profession and more and more people are
 21 looking for opportunities. I think it's great
 22 that we had that kind of expression of
 23 interest.
 24 JOHNSON, Q.C.:
 25 Q. Okay. It's around 11, Mr. Chairman, if you

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1 want -

2 CHAIRMAN:

3 Q. Okay. We'll break.

4 (BREAK - 10:59 a.m.)

5 (RESUME - 11:37 a.m.)

6 CHAIRMAN:

7 Q. Well, first of all, on the matter in

8 contention respecting Hydro and non-Hydro, we

9 have decided that the key factor is only the

10 breakdown between Hydro and non-Hydro. The

11 Board doesn't think that it's going to help

12 our deliberations to have any further

13 information on the non-Hydro activities of

14 Nalcor. It's beyond our ambit. So as the old

15 saying goes, cobbler tend to thy lass, so we

16 shall.

17 JOHNSON, Q.C.:

18 Q. Okay. With that, Mr. Chair -

19 CHAIRMAN:

20 Q. So we're back to you again, Mr. Johnson, to

21 continue with your cross-examination.

22 JOHNSON, Q.C.:

23 Q. Thank you very much. If I could turn to

24 another topic here now. I take it, gentlemen,

25 that you will confirm that Hydro has not

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1 engaged an external consultant to complete a

2 specialized analysis or full comprehensive

3 review of your non-union compensation since

4 late 2010. Is that right?

5 MR. ROBERTS:

6 A. So, yes, we did one in late 2010-2011. We

7 would not have put out a request for proposals

8 to do a comprehensive review since that time.

9 We would just participate in the annual

10 surveys.

11 JOHNSON, Q.C.:

12 Q. Okay. And you indicated that you received the

13 Mercer Report. That was the last review that

14 you did, the review that we spoke about

15 yesterday?

16 MR. ROBERTS:

17 A. Again, that was the last time we did that kind

18 of comprehensive review.

19 JOHNSON, Q.C.:

20 Q. Right. And after that, you brought in salary

21 increases? That's what you were indicating

22 yesterday.

23 MR. ROBERTS:

24 A. Well, if I indicated that, I would have mis-

25 spoke. We used the survey and we'll do those

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1 types of surveys probably every four to five

2 years to make sure that the annual tracking of

3 the work that we're doing and the annual

4 increases to salary that we're providing are

5 staying within our benchmarks. So that's just

6 sort of another layer of scrutiny we place on

7 it to make sure that we're staying and

8 stewarding to our principles.

9 JOHNSON, Q.C.:

10 Q. I thought you indicated yesterday that there

11 was a discussion that there was an increase

12 that came about as a result of the Mercer

13 Report's recommendations, right?

14 MR. ROBERTS:

15 A. Oh yes, there was. There was a -- well, I

16 guess I'd classify it sort of a special market

17 adjustment we made to some of the job rates as

18 a result of the validation from that report

19 that we had fallen behind the other Atlantic

20 Canada utilities in terms of our compensation

21 structure.

22 JOHNSON, Q.C.:

23 Q. And I think you said that Mercer had suggested

24 or recommended that you get there immediately,

25 but you didn't do that. You got there in two

Page 100

1 years. Is that right?

2 MR. ROBERTS:

3 A. Yeah. So Mercer recommended that we, you

4 know, adjust the job rates and adjust people

5 accordingly, and what we did was we did adjust

6 the job rates. As I said, we adjusted them,

7 in some cases, less than they had recommended,

8 but nevertheless, we did do some adjustment to

9 Hay grades 11 through 18 and in doing so, we

10 then went about our normal salary

11 administration process using our salary

12 administration matrix to process salary

13 increases. So we didn't take the additional

14 adjustments that we made to those scales and

15 just apply them to people's salaries.

16 JOHNSON, Q.C.:

17 Q. Okay. So when they were -- when we say they

18 were, you know, brought up or you say they

19 were brought up within a two-year period, what

20 were they brought up to?

21 MR. ROBERTS:

22 A. So again, we took the job rates and we

23 adjusted them that same year, in terms of the

24 implementation, which I think -- I'm not sure

25 if that was 2011 or '12 now, I'd have to

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1 double check, but the year that we had the
 2 data and presented it to our Board and got
 3 approval, we made the adjustment to the job
 4 rates. So when I say the job rate, that's the
 5 pay scale. So the top of the pay scale, we
 6 moved the top of the pay scale up. But if the
 7 top of the pay scale went up by an additional
 8 two percent because Mercer recommended it go
 9 up by an additional two, we didn't put that
 10 additional two into people's salaries. What
 11 we did was if they were at the bottom of the
 12 pay scale and our salary administration matrix
 13 said that they were due to have five percent,
 14 then they moved five percent. They didn't get
 15 an additional two because of it. So we just
 16 adjusted -- we adjusted the job rates.
 17 JOHNSON, Q.C.:
 18 Q. Okay. So were you satisfied then that within
 19 the couple of years that your non-union people
 20 were where they should be, relative to others
 21 in Atlantic Canada?
 22 MR. ROBERTS:
 23 A. Yes, I would be satisfied that, you know, from
 24 a compensation philosophy standpoint, we would
 25 say that, you know, you want to make sure that

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1 your job rates are reflective of the market
 2 you're trying to compete with, and then beyond
 3 that, I consider a person's compensation to be
 4 fair and equitable as long as they're in the
 5 pay range, and you know, pay range is
 6 typically, at least in our organization and
 7 many others, anywhere from 80 percent of that
 8 job rate up to the full job rate, and so as
 9 long as they're in that band, I would consider
 10 them to be fairly and equitably paid.
 11 JOHNSON, Q.C.:
 12 Q. Okay. So now, I take it that you will
 13 obviously agree, based upon discussion this
 14 morning, that salary and wages are not the
 15 only aspects of compensation either, right?
 16 MR. ROBERTS:
 17 A. That's correct.
 18 JOHNSON, Q.C.:
 19 Q. Yeah. And now, is it really true to say that
 20 Mercer carried out a complete and
 21 comprehensive review of non-union
 22 compensation?
 23 MR. ROBERTS:
 24 A. So I'd have to dig out the report again. As I
 25 say, it was about four or five years ago.

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1 But, the -
 2 JOHNSON, Q.C.:
 3 Q. Let's -- we could turn to what we have of it.
 4 MR. ROBERTS:
 5 A. Sure.
 6 JOHNSON, Q.C.:
 7 Q. If that would help.
 8 MR. ROBERTS:
 9 A. Sure.
 10 JOHNSON, Q.C.:
 11 Q. CA-266, Attachment 1, and page two of five.
 12 MR. ROBERTS:
 13 A. Sorry, if I could just finish reading that.
 14 JOHNSON, Q.C.:
 15 Q. Oh, I'm sorry.
 16 MR. ROBERTS:
 17 A. My apologies. Yeah, okay, thank you.
 18 JOHNSON, Q.C.:
 19 Q. Okay. So it indicates on page two of five
 20 that "Mercer has been asked by Nalcor to
 21 provide advise on non-union compensation,
 22 including," and we see there the fourth
 23 hyphen, "assessing the competitiveness of base
 24 salary, total cash compensation (salary plus
 25 short term incentives) and total direct

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1 compensation" which they have bracketed
 2 "(total cash plus the annualized value of long
 3 term incentives) for each non-union role and
 4 each non-union salary grade", okay. So that's
 5 what they were asked to assess in terms of
 6 competitiveness, right?
 7 MR. ROBERTS:
 8 A. That's correct, yes.
 9 JOHNSON, Q.C.:
 10 Q. Okay. So when increases were made by Hydro
 11 after receiving the Mercer Report, I take it
 12 no account was taken of how Hydro's employees
 13 compared on other benefits such as pensions
 14 and retirement allowances and the like? Would
 15 that be right?
 16 (11:45 a.m.)
 17 MR. ROBERTS:
 18 A. It would be a fair characterization that that
 19 was not in the purview of this particular
 20 piece of work, but it is something that we
 21 would regularly pay attention to and look at,
 22 in terms of our competitiveness in other areas
 23 of non-cash compensation, such as pensions and
 24 benefits.
 25 JOHNSON, Q.C.:

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1 Q. But to be clear now, you -- Hydro acted once
 2 it got the Mercer's Report and made salary and
 3 wage increases to certain non-union people,
 4 right?
 5 MR. ROBERTS:
 6 A. So I'll repeat myself. We made changes to the
 7 job rates as a result of Mercer's
 8 recommendations, so yes, we adjusted the job
 9 rates or the pay scale, if you will, the top
 10 of those pay scales, upon Mercer's
 11 recommendations based on the competitiveness
 12 that they were reporting back in terms of how
 13 others like Newfoundland Power, Nova Scotia
 14 Power and New Brunswick Power, as examples in
 15 our industry, would be paying their employees
 16 in terms of total cash compensation.
 17 JOHNSON, Q.C.:
 18 Q. Yes. So then you took their information and
 19 then you made pay increases to non-union
 20 employees, right?
 21 MR. ROBERTS:
 22 A. I can only give you the same answer I just
 23 gave.
 24 JOHNSON, Q.C.:
 25 Q. Okay. But now, let's put it this way.

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1 Mercer's report contained no analysis of
 2 anything other than cash compensation, right?
 3 MR. ROBERTS:
 4 A. That was the mandate that we gave them for
 5 this review, that's correct.
 6 JOHNSON, Q.C.:
 7 Q. Okay. So I guess I'll ask the question. Once
 8 the increases were made arising following the
 9 Mercer Report, how did that reflect other
 10 things that go into compensation, in terms of
 11 the availability of a defined benefit pension
 12 plan or any other type of fringe benefit?
 13 MR. ROBERTS:
 14 A. Right, so we would use the data that was
 15 provided by this consultant no different than
 16 we use data provided by other consultants and
 17 the rest of our intel around what others are
 18 doing in our industry in respects to any areas
 19 of compensation. So, the changes we
 20 implemented here were done with the
 21 understanding by our human resources team as
 22 to what the prevalent practices would have
 23 been in other areas of compensation and how
 24 they compared to ours.
 25 JOHNSON, Q.C.:

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1 Q. Okay. So you would have done an analysis of
 2 what other utilities in Atlantic Canada
 3 provide to employees by way of pensions and
 4 retirement allowances, severances, that type
 5 of thing?
 6 MR. ROBERTS:
 7 A. Yes. So we would be generally aware in terms
 8 of what pension plans the other utilities in
 9 Atlantic Canada offer, as well as to the
 10 extent possible, our best understanding of the
 11 insurance benefits provided by those same
 12 comparator groups, and I say to the extent
 13 possible because, in particular in group
 14 insurance, it's very hard sometimes to get an
 15 apples to apples comparison with respect to
 16 the type of formula areas and drug programs
 17 and everything else that's set up inside of a
 18 group benefit structure.
 19 JOHNSON, Q.C.:
 20 Q. Okay. So -
 21 CHAIRMAN:
 22 Q. Excuse me, Mr. Johnson. I mean, what you're
 23 talking about really is the payroll burden,
 24 are you? You got a salary -
 25 JOHNSON, Q.C.:

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1 Q. Yes.
 2 CHAIRMAN:
 3 Q. That's the way I always was told to think
 4 about it. If you got a salary say of 50,000
 5 bucks on your books, what's the payroll
 6 burden? What's the extra cost that the
 7 employer has to pay to put that -- to employ
 8 that person, and I mean, one figure I found to
 9 my greatest was 47 percent in one organization
 10 that I was once familiar with. So, you know,
 11 you're almost up to 50 percent. Do you have a
 12 ratio like that?
 13 MR. ROBERTS:
 14 A. I'm sure we'd know what our burden is. I
 15 don't personally know.
 16 CHAIRMAN:
 17 Q. I don't mean to interrupt, but I mean, that's
 18 what you're -- basically that captures all the
 19 non-monetary -- well, they're monetary, but
 20 all the non-salary, I guess, the non-salary
 21 benefits, and that's how you make your
 22 comparison with other -
 23 JOHNSON, Q.C.:
 24 Q. Yes.
 25 CHAIRMAN:

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1 Q. Anyway, I'm sorry for interrupting.
 2 JOHNSON, Q.C.:
 3 Q. No, no, no, that's fine. Because I guess it's
 4 just -- it just strikes me, gentlemen, that if
 5 you're just -- if you're looking at base
 6 salary like wage comparisons alone, you would
 7 be missing other valuable elements of the
 8 total compensation package, correct?
 9 MR. ROBERTS:
 10 A. I would absolutely agree with that. That's
 11 why we don't do that.
 12 JOHNSON, Q.C.:
 13 Q. Okay. And so has there been -- so was there a
 14 specific analysis undertaken as to the -- to
 15 taking into consideration the type of pensions
 16 that are offered at Hydro, retiring allowances
 17 and the like, how that changes the relative --
 18 I don't want to say status because that's not
 19 the right word, but level when you're
 20 comparing across utilities?
 21 MR. ROBERTS:
 22 A. Absolutely. I mean, we would take under
 23 advisement each category separately because
 24 you do need to be competitive in each category
 25 separately, but then we do look at it

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1 holistically as well and see how that comes
 2 out on balance. You know, and then we monitor
 3 that against, you know, expectations of
 4 employees in terms of being able to recruit
 5 and attract and which things people place more
 6 emphasis on in terms of that. But generally
 7 speaking, yes, we would look at the total
 8 package in terms of satisfying that we are
 9 competitive across the board where we need to
 10 be to attract Newfoundlanders and Labradorians
 11 and others in Atlantic Canada to our company.
 12 JOHNSON, Q.C.:
 13 Q. So would that analysis be, you know, a formal
 14 analysis in terms of something in a report or
 15 in writing?
 16 MR. ROBERTS:
 17 A. Well, so again, I'll use insurance benefits as
 18 an example. Every year we go through an
 19 annual review process and as part of that
 20 process, obviously we look at, you know, what
 21 we're paying for insurance benefits and what
 22 offerings we have versus other books of
 23 business in Atlantic Canada, and we would ask
 24 our consultants to sort of assess that. In
 25 2013 however, not unlike with this report, in

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1 2013, we did the same thing on group
 2 insurance. So we went out again and did a
 3 request for proposal and went to market on our
 4 group insurance programs and asked them to
 5 look at, you know, our cost structure but also
 6 look at, you know, what types of benefits we
 7 have inside of our insurance benefit program
 8 in comparison to those Atlantic Canada utility
 9 markets.
 10 JOHNSON, Q.C.:
 11 Q. Was there a specific analysis on the pension
 12 differences in the offerings amongst utilities
 13 in Atlantic Canada?
 14 MR. ROBERTS:
 15 A. No, I haven't engaged any consultants in terms
 16 of doing an analysis on the pensions, but I am
 17 generally aware of what the other utilities
 18 provide in the way of pension benefits.
 19 JOHNSON, Q.C.:
 20 Q. Okay. You referred as well yesterday to
 21 annual surveys like the Hay Group Planning
 22 Update, the Conference Board of Canada
 23 Planning Outlook, the Towers Watson Survey.
 24 Again, would these be looking at the
 25 competitiveness of base salary and total cash

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1 compensation?
 2 MR. ROBERTS:
 3 A. So without thumbing through them right now, I
 4 mean, typically again I'll say that on salary
 5 and wages, you know, the industry standard in
 6 terms of practice would be to take these
 7 annual salary surveys, participate in them,
 8 get data back and sort of confirm where you're
 9 headed in terms of application of economic
 10 increases to your salary administration
 11 structure. On insurance benefits, it's more
 12 apt to in terms of your renewal process of
 13 looking into where we're seeing our
 14 experiences and our costs and managing those
 15 costs in terms of the expectations of our
 16 insurance carriers or where they want rate
 17 increases to go or so forth, and making sure
 18 we manage costs. Insurance benefits is not
 19 necessarily the type of compensation benefit
 20 offering that you're retooling every year.
 21 But again, as I said, you do want to every so
 22 often, and we just recently completed it,
 23 where we go in and look at, you know, the
 24 types of benefits under our insurance benefit
 25 program, make sure they're competitive, and

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1 make sure that we're aggressively managing the
 2 costs inside of our insurance benefits to the
 3 best of our abilities.
 4 JOHNSON, Q.C.:
 5 Q. Just if I wasn't clear, I'm sorry, but the
 6 annual reports that you get, Mercer -- the Hay
 7 Group, the Conference Board of Canada, Towers
 8 Watson, do they look at, for instance,
 9 pensions and the difference between the
 10 pension offerings across -
 11 MR. ROBERTS:
 12 A. So the answer I gave was without thumbing
 13 through them, I can't say for certain. I
 14 don't think they do and I mean, again, pension
 15 benefits are another offering for example that
 16 don't change that often and I'm very well
 17 aware of what the pension arrangements are at
 18 the other comparators that we look at in terms
 19 of Newfoundland Power, Nova Scotia Power and
 20 New Brunswick Power as examples.
 21 JOHNSON, Q.C.:
 22 Q. Okay. So we do know that Hydro's employees,
 23 including their new hires, are members of a
 24 defined benefit pension plan, right?
 25 MR. ROBERTS:

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1 A. That's correct. As a Crown agency, we are
 2 covered by legislation under the Public
 3 Service Pension Plan.
 4 JOHNSON, Q.C.:
 5 Q. Okay. And in terms of the -- I guess I'd ask
 6 you the question, what pension type is more
 7 attractive to employees from the point of view
 8 of, you know, retirement planning and those
 9 type of things? Would it be the defined
 10 benefit?
 11 MR. ROBERTS:
 12 A. I think the answer to that question would be
 13 purely speculative on my part as to what all
 14 employees feel is the benefit. I can say as
 15 someone who spent 20 years in retirement
 16 savings, my opinion on that personally has
 17 changed over the 20 years. In the late '90s
 18 into the early 2000s, I would have much
 19 preferred to be in a defined contribution plan
 20 when markets were high and you were getting
 21 interest rates or return on your investments
 22 of the 15 to 20 percent variety. But
 23 certainly today, I'm glad to be a part of a
 24 defined benefit program where I see that the
 25 rate of returns on fund contribution type of

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1 investments aren't what they used to be right
 2 now and I feel more comfortable with a DB
 3 plan. But that's personal choice and I can't
 4 offer an answer for others.
 5 JOHNSON, Q.C.:
 6 Q. But generally speaking, I thought that it was
 7 pretty well accepted that, you know, employees
 8 regard and guard an entitlement to a defined
 9 benefit pension plan, you know, very jealously
 10 in the sense that this is something that's
 11 seen as having a lot more value to employees
 12 than defined contribution. Wouldn't that be
 13 correct?
 14 MR. ROBERTS:
 15 A. I give the same answer I did. I think that
 16 would be a generalization, but I'm not
 17 disagreeing that there's value and inherent
 18 value in a defined benefit plan and that that
 19 plan in fact is one of the key aspects to our
 20 ability to recruit and retain people. I would
 21 agree with that.
 22 JOHNSON, Q.C.:
 23 Q. Yes, okay. And you can confirm that, for
 24 instance, Nova Scotia Power, you're aware that
 25 they don't offer defined benefit for non-

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1 union? You're aware of that?
 2 MR. ROBERTS:
 3 A. I'd be aware that Nova Scotia Power now offers
 4 a defined contribution plan. I believe their
 5 defined benefit plan at Nova Scotia Power
 6 closed to new entrants in 2014, if I'm
 7 correct.
 8 JOHNSON, Q.C.:
 9 Q. Right, okay. And so it's -- so who is a
 10 defined contribution for now, everybody?
 11 MR. ROBERTS:
 12 A. I believe that is correct, without going back
 13 and checking. There are still -- so let me
 14 clarify. There's a great number of people in
 15 Nova Scotia Power, as I would understand it,
 16 that are still in a defined benefit program.
 17 What I understand is that since around 2014,
 18 it's been closed to new entrants. So as new
 19 people come on, they're going into a defined
 20 contribution plan, not a defined benefit plan.
 21 But I'm sure the vast majority of their
 22 employees are still in a DB plan. To my
 23 knowledge, they haven't wound up that plan.
 24 JOHNSON, Q.C.:
 25 Q. Is this the type of thing that you should be

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1 staying on top of, in terms of who's offering
 2 what?
 3 MR. ROBERTS:
 4 A. Well, as I said, as I understand it, since
 5 2014, Nova Scotia Power has moved to a defined
 6 contribution plan. Inside of New Brunswick
 7 Power, I know that they've recently moved into
 8 a shared risk model in terms of their plan.
 9 And I know that Newfoundland Power in 2004 --
 10 again, they still had people in their defined
 11 benefit plan, but subsequently to 2004 and go
 12 forward, they're now participating in a
 13 defined contribution plan.
 14 JOHNSON, Q.C.:
 15 Q. Yes, okay. Just if you turn to CA-249? This
 16 is for new hires, okay?
 17 MR. ROBERTS:
 18 A. That's right.
 19 JOHNSON, Q.C.:
 20 Q. And to your knowledge, the information we're
 21 seeing here, is that still valid, in terms of
 22 what Newfoundland Power, New Brunswick Power
 23 and Nova Scotia and Maritime Electric offered
 24 for new hires?
 25 MR. ROBERTS:

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1 A. Yes, I think that's consistent with what I
 2 just shared with you in terms of Newfoundland
 3 Power has many people on the defined benefit
 4 plan, but going forward as of, I think it was
 5 2004, they're offering now as that defined
 6 contribution plan, the group RSP that you see
 7 before you on that table.
 8 JOHNSON, Q.C.:
 9 Q. Yes.
 10 MR. ROBERTS:
 11 A. New Brunswick Power, they just recently, in
 12 the last couple of years, redefined their
 13 defined benefit pension plan to more of a
 14 shared risk model. And Nova Scotia Power, as
 15 I just said, they're in a defined contribution
 16 plan -- their union was in a defined benefit
 17 plan and I believe most recently in their
 18 contract negotiations in the last year or so,
 19 they may be negotiating that as well, and they
 20 may have completed that, and I would rely on
 21 my team to advise me when that -- when and if
 22 that change is made the next time we're
 23 discussing our pension plan.
 24 JOHNSON, Q.C.:
 25 Q. So I mention as well the idea of the retiring

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1 allowances. Newfoundland Hydro offers
 2 retiring allowances for its employees,
 3 including new hires, right?
 4 MR. ROBERTS:
 5 A. That's correct.
 6 JOHNSON, Q.C.:
 7 Q. And of course, you're aware that New Brunswick
 8 Power doesn't have these any more?
 9 MR. ROBERTS:
 10 A. I'm aware that they stopped it for their non-
 11 union in 2013.
 12 JOHNSON, Q.C.:
 13 Q. Right.
 14 MR. ROBERTS:
 15 A. And what they did, I believe, in doing so is
 16 they paid out the obligation that was owed to
 17 employees as a way of transferring away from
 18 that program and moving away from that
 19 liability. I'm also aware that, for example,
 20 others in our group, like Newfoundland Power,
 21 still offer that.
 22 JOHNSON, Q.C.:
 23 Q. Yes. And how about Nova Scotia Power and
 24 Maritime Electric, do they offer these?
 25 (12:00 p.m.)

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1 MR. ROBERTS:
 2 A. Nova Scotia Power I believe as well got out of
 3 the retirement allowance in 2007. I can't
 4 speak to Maritime Electric. I don't have
 5 facts in front of me on that.
 6 JOHNSON, Q.C.:
 7 Q. Okay. Would it be difficult to find out what
 8 Maritime Electric does?
 9 MR. ROBERTS:
 10 A. Well, I could inquire I suppose by calling
 11 Maritime Electric and asking.
 12 JOHNSON, Q.C.:
 13 Q. Okay. Could you undertake to do that and
 14 advise us?
 15 MR. ROBERTS:
 16 A. Sure can.
 17 JOHNSON, Q.C.:
 18 Q. Thank you. And -
 19 MS. GLYNN:
 20 Q. Noted on the record.
 21 JOHNSON, Q.C.:
 22 Q. Okay. And in terms of the costs of these
 23 retiring allowances, customers rates obviously
 24 bear the cost of those, right?
 25 MR. ROBERTS:

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<p>1 A. If you're asking me does the, I guess roughly 2 100 to 125, \$130,000 a year that we might pay 3 out in retirement allowance impact the rate 4 payer, I would say very minimally, but yes, it 5 would be into the rate base. So at least than 6 a quarter percent of a payroll cost, but it 7 would be there.</p> <p>8 JOHNSON, Q.C.:</p> <p>9 Q. What did you say the amount was per year?</p> <p>10 MR. ROBERTS:</p> <p>11 A. I'm estimating off the top of my head now, but 12 I think it would be in the magnitude of 130 or 13 \$140,000 a year perhaps in paying out that 14 benefit to employees whom have retired from 15 the company. I should clarify that as well 16 because while people are earning and getting 17 entitled to it, they only get that benefit and 18 get that payout if they actually retire from 19 Newfoundland and Labrador Hydro. So that 20 means that they've become eligible to go onto 21 the pension plan. Otherwise, if they work 22 with the company for 20 years and leave, they 23 get nothing.</p> <p>24 JOHNSON, Q.C.:</p> <p>25 Q. Right. Just on the amount, could you turn to</p>	<p>1 JOHNSON, Q.C.:</p> <p>2 Q. I guess you'd be aware as Vice-President of 3 Human Relations -- Resources, sorry, that the 4 Federal Government has also moved to eliminate 5 such benefits from RCMP, Canadian Forces and 6 non-union people in core public 7 administration? Are you aware of that as 8 well?</p> <p>9 MR. ROBERTS:</p> <p>10 A. If you say it, I believe it. I don't look to 11 those to be industry comparators, but -</p> <p>12 JOHNSON, Q.C.:</p> <p>13 Q. But there's a trend.</p> <p>14 MR. ROBERTS:</p> <p>15 A. - if you say so.</p> <p>16 JOHNSON, Q.C.:</p> <p>17 Q. There seems to be a trend going that way. 18 Like New Brunswick's done it. The Federal 19 Government has done it, right?</p> <p>20 MR. MCDONALD:</p> <p>21 A. The only observation I'd make is that well, we 22 don't know. So we don't know that to be the 23 case, but as happened in New Brunswick Power, 24 where obviously there was an arrangement made 25 to compensate for that loss of benefit. We</p>
<p>Page 122</p> <p>1 CA-NLH-244, Revision 1? This asked for each 2 of union and non-union employees, please state 3 the amounts paid or forecast by way of 4 retirement allowances, and this was updated 5 December 31st.</p> <p>6 MR. ROBERTS:</p> <p>7 A. Yes, okay.</p> <p>8 JOHNSON, Q.C.:</p> <p>9 Q. So it's much higher than 100,000, isn't it? 10 Isn't it a total in 2014 forecast of 1.1 11 million and in 2015 of 1.4 million?</p> <p>12 MR. ROBERTS:</p> <p>13 A. Yes, so I would have mis-spoke. I apologize 14 for that. Like I said, without having the 15 data in front of me, I didn't think it was 16 that large number, but again, those types of 17 number would represent less than one percent 18 of payroll, but to your point, you know, again 19 I would say that it's an important part of our 20 compensation in terms of our retention 21 strategy for employees and consistent with, 22 again, some of the other utilities past 23 practice and still consistent with practice of 24 our utility in our own backyard, Newfoundland 25 Power.</p>	<p>Page 124</p> <p>1 don't know what has transpired with the RCMP 2 or these other organizations that you've 3 talked about, so we wouldn't know, for 4 example, whether there was an offset of any 5 kind built into what happened.</p> <p>6 JOHNSON, Q.C.:</p> <p>7 Q. If you could go to CA-247? The question I've 8 asked that you confirm that the Government of 9 Canada's Economic Action Plan 2012 tabled by 10 then late Minister O'Flaherty said that the 11 Government is taking action to bring Federal 12 Public Service compensation in line with that 13 of other public and private sector employees, 14 including the elimination of the accumulation 15 of severance for voluntary resignation and 16 retirement, et cetera. Are you familiar with 17 that reply?</p> <p>18 MR. ROBERTS:</p> <p>19 A. I haven't read that Action Plan, if that's 20 what you're asking.</p> <p>21 JOHNSON, Q.C.:</p> <p>22 Q. But can you confirm though that they did in 23 fact eliminate the accumulation of severance 24 benefits for those groups?</p> <p>25 MR. ROBERTS:</p>

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1 A. Is it written here or is it written in the
 2 report?
 3 JOHNSON, Q.C.:
 4 Q. I don't know. Maybe what we'll do is if you
 5 could -- you don't have to do it now, but if
 6 you could read the report and undertake to let
 7 us know that you can confirm what was put to
 8 you in that question?
 9 MR. ROBERTS:
 10 A. I'll say this. If that's what you read in the
 11 report, then I have no reason to believe it's
 12 not true.
 13 JOHNSON, Q.C.:
 14 Q. No, I'd -- if I could, I'd like you to confirm
 15 that what it is is -- what I've said in that
 16 question is true. Could you undertake to do
 17 that?
 18 MR. ROBERTS:
 19 A. Well, what I would say to you is, again, I'm
 20 questioning the relevancy because while it
 21 might be a trend inside of the Federal
 22 Government and that might be a commitment.
 23 We're going to look to what's happening in our
 24 utility industry and mind that and take that
 25 into consideration as we go forward and

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1 continue to monitor that. But we don't know
 2 again what some of these other jurisdictions
 3 might be doing in the way of adding benefits
 4 that we might not be adding.
 5 JOHNSON, Q.C.:
 6 Q. And just to be clear, I'm not necessarily
 7 advocating that they go, but I'm trying to
 8 point out that these things have value and
 9 others are not offering it, so just to
 10 clarify.
 11 MR. ROBERTS:
 12 A. I wouldn't dispute that point, that they have
 13 value and others don't offer them.
 14 JOHNSON, Q.C.:
 15 Q. Okay. If you could go to Chart 2.3 at page
 16 2.29 of your evidence?
 17 MS. GRAY:
 18 Q. Sorry, Mr. Johnson, if you could assist with a
 19 page reference, if you had a page reference?
 20 JOHNSON, Q.C.:
 21 Q. I'm sorry, 2.29. There's -- this chart
 22 compares Hydro with other industry and
 23 construction 2013 hourly rates and the reason
 24 I'm focusing on this a little bit is that
 25 there's a footnote there pertaining to the

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1 CLRA Construction Labour Relations
 2 Association. There's a footnote number one
 3 that says their hourly rates are gross hourly
 4 rates, including allowances for vacation,
 5 holidays, pension, insurance, training, et
 6 cetera. And I'm wondering -- and we're not --
 7 we don't see the Newfoundland Hydro or the
 8 Atlantic Utility average rates with that
 9 included obviously. I'm wondering is it
 10 possible to show us what these graphs would
 11 look like if you included all of the
 12 allowances such as CLRA includes in their
 13 gross hourly rate to be able to compare the
 14 two?
 15 MR. MCDONALD:
 16 A. I'll answer because I was involved in the
 17 construction of this information.
 18 JOHNSON, Q.C.:
 19 Q. Yeah.
 20 MR. MCDONALD:
 21 A. The answer to your question is yes.
 22 JOHNSON, Q.C.:
 23 Q. Okay.
 24 MR. MCDONALD:
 25 A. The reason we've footnoted in that way and

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1 showed the rate as a gross hourly rate is that
 2 that's typically how you would find the rates
 3 quoted in construction. Same thing in Western
 4 Canada. What you don't see obviously in the
 5 hydro rates are the same build up, you know,
 6 in terms of the additional value of those
 7 additional benefits. So it can be provided,
 8 but one of the rationales for showing the
 9 gross hourly rate for construction is that
 10 from a competitiveness standpoint, I guess,
 11 part of our experience has been that people
 12 who are attracted to construction and to the
 13 extent that construction might take people
 14 away, they won't necessarily think in terms of
 15 the net hourly rate. They will look at the
 16 gross hourly rate and what's available to them
 17 in their pay packet. So that's why it's
 18 presented that way and then footnoted to note
 19 that it doesn't include those -- it does
 20 include those fold-in benefits. Hydro's rates
 21 don't.
 22 JOHNSON, Q.C.:
 23 Q. Okay. And maybe if you could undertake to
 24 provide a re-representation of Chart 2.3
 25 except using 2014 and 2015 hourly rates, test

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1 year rates? Would that be okay? Can you
 2 undertake to provide this chart but except --
 3 instead of using 2013 hourly rates use a chart
 4 for 2014 and a chart for 2015, building in
 5 those things to the Hydro rates?
 6 MR. MCDONALD:
 7 A. For all of the importers and sectors
 8 represented on that chart?
 9 JOHNSON, Q.C.:
 10 Q. Well, I mean, I thought that you could
 11 represent graphically what the Hydro line
 12 would look like if it included the allowances
 13 for the things that the CLRA gross wage
 14 includes. I thought you said you could do
 15 that. Did I misunderstand?
 16 MR. MCDONALD:
 17 A. No, what I stated was is that the value of
 18 those additional benefits is not reflected in
 19 the hourly rate.
 20 JOHNSON, Q.C.:
 21 Q. Yeah, just for Hydro now, that's what I'm
 22 talking about, right.
 23 MR. MCDONALD:
 24 A. No, I understand. I was just stating,
 25 restating what I thought I said was. They're

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1 not reflected in the Hydro hourly rates. I
 2 think that could be done. It wouldn't happen
 3 overnight. I mean, this involves going back
 4 and some work at calculating and presenting
 5 the right accurate fair value of those
 6 benefits.
 7 JOHNSON, Q.C.:
 8 Q. Right, okay. If you could do that and that
 9 would be much appreciated.
 10 MR. CASS:
 11 Q. If I might just observe, Mr. Chair, this again
 12 is a type of thing that could have been asked
 13 in an RFI where there would have been more
 14 time to put the answer together, but we'll do
 15 it as quickly as can be done in the
 16 circumstances.
 17 MR. YOUNG:
 18 Q. And just -- sorry, Mr. Chair, for chiming in
 19 here, but I'm just curious to make sure we
 20 understand. There's two elements here? One
 21 is the updating and the other is the sort of
 22 realignment with relation to the other costs?
 23 Is that right? So you want it for 2014 and
 24 '15, right, and the other point is the point
 25 that you've just discussed with Mr. McDonald?

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1 JOHNSON, Q.C.:
 2 Q. Yeah, and build it in and show it graphically.
 3 MR. YOUNG:
 4 Q. Okay. Yeah, thank you.
 5 JOHNSON, Q.C.:
 6 Q. Thank you. You make the point further up on
 7 2.29 -
 8 MS. GLYNN:
 9 Q. Tom, just going to interrupt to note that on
 10 the record as an undertaking.
 11 JOHNSON, Q.C.:
 12 Q. Okay. I'll pass on for the moment and move to
 13 another matter. Mr. Roberts, you mentioned
 14 yesterday in your testimony that the hourly
 15 rates for a line worker in 2015 at Hydro were
 16 38.17, Newfoundland Power was 39.10 and the
 17 Atlantic Canada average was 38.42. Could you
 18 -- and I take it that this -- if you could
 19 turn to CA-358 for a second? This RFI asked
 20 to file a comparison of hourly rates for 2015
 21 as soon as same becomes available, and at that
 22 point, you were not able, as I understood it,
 23 to report because you didn't have all of the
 24 data from the Atlantic Canada utilities. Is
 25 that right?

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1 MR. ROBERTS:
 2 A. Well, we wouldn't have had the data because
 3 those collective bargaining agreements hadn't
 4 been finalized. They've subsequently been
 5 finalized.
 6 JOHNSON, Q.C.:
 7 Q. Okay. So if you just scroll down for a
 8 second, we see Hydro versus other industry and
 9 construction hourly rates, and I'm wondering
 10 now with the latest information you have --
 11 because I think you were waiting on
 12 Newfoundland Power collective bargaining to
 13 end, right?
 14 MR. ROBERTS:
 15 A. Well, we would have been wanting to make sure
 16 we had enough people to put into the average.
 17 I'm not sure if it was Newfoundland Power
 18 actually or if it was Nova Scotia Power or
 19 maybe even New Brunswick Power, because I know
 20 the timeframe in which they actually completed
 21 Newfoundland Power, but I'm not as sure off
 22 the top of my head when Nova Scotia and/or New
 23 Brunswick might have finished theirs, but that
 24 would have been what we were waiting on to get
 25 an average.

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1 JOHNSON, Q.C.:

2 Q. Okay. So -

3 MR. ROBERTS:

4 A. And so we have since then.

5 JOHNSON, Q.C.:

6 Q. So you could now populate this graph for us?

7 MR. ROBERTS:

8 A. I could update the Atlantic Canada utility

9 average for the 2015, yes.

10 JOHNSON, Q.C.:

11 Q. Okay. And I take it -- would it be difficult

12 to just add another column just showing

13 Newfoundland Power, so we got a home-based

14 example? Could you do that?

15 MR. ROBERTS:

16 A. Yes, we could.

17 JOHNSON, Q.C.:

18 Q. Okay, thank you.

19 MS. GLYNN:

20 Q. Again, noted as an undertaking.

21 JOHNSON, Q.C.:

22 Q. Thank you very much. If you could turn to CA-

23 234.

24 MS. GRAY:

25 Q. Revision 1, Mr. Johnson, or -

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1 JOHNSON, Q.C.:

2 Q. Pardon me?

3 MS. GRAY:

4 Q. Revision 1?

5 JOHNSON, Q.C.:

6 Q. Yes, that would be the one. Originally the

7 question was further to the Board's question

8 in PUB-028, and in this question we asked for

9 Hydro to state the cumulative increase given

10 to non-union positions over the period

11 2007/2012, and in this revised response filed

12 March 24th, it was indicated that the total

13 cumulative increase for non-union positions

14 from '07 to 2015 forecast was 56.9 percent,

15 with the average increase each year over this

16 period being 6.3 percent, and I wonder, given

17 that we are trying to get a sense of what's

18 happening in the rest of Atlantic Canada in

19 the utility scene, are you able to provide to

20 us what has been the increases year by year

21 and cumulatively for non-union for these other

22 utilities?

23 (12:15 p.m.)

24 MR. ROBERTS:

25 A. No, I would not be able to do that.

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1 JOHNSON, Q.C.:

2 Q. That's not something that you track?

3 MR. ROBERTS:

4 A. No, as I've explained already, when we go out

5 - because to explain the difference between

6 union and non-union, the union environment

7 things are much more easily accessible.

8 JOHNSON, Q.C.:

9 Q. Right.

10 MR. ROBERTS:

11 A. You have union contracts that are made public,

12 so you can do direct comparisons. In the non-

13 union context things aren't as transparent in

14 terms of some of the others having that

15 information easily accessible, and so as a

16 result of that, that's why we would engage,

17 for example, Mercer Consulting, to come in and

18 do that analysis for us under the auspices

19 that they can go in and have all that data

20 collected and still remain some level of

21 confidentiality, if you will. So I would not

22 be able to tell you what other utilities have

23 - how they have specifically escalated, to

24 answer that question.

25 JOHNSON, Q.C.:

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1 Q. How do you all get a sense or - because, I

2 think, as was explained yesterday, you guys

3 are providing the salary, the wages, you've

4 indicated the FTE is something that's coming

5 from Hydro. So this is your area, and what's

6 your - can we put this 56.9 percent in a

7 perspective in terms of saying, you know,

8 well, this is how - you know, 56.9 percent

9 obviously looks like a large number, and is

10 there something that you can provide to give

11 us perspective on that number over that period

12 of time?

13 MR. ROBERTS:

14 A. Can you be more descriptive in terms of what

15 exactly you'd be looking for?

16 JOHNSON, Q.C.:

17 Q. Well, I guess, what I'm asking is do you have

18 a frame of reference to tell us - this 56.9

19 percent is obviously a high figure, right, and

20 I guess, what I'm trying to get at, not well

21 it appears, is if you could point to some

22 other area where wages have grown that high

23 over that period of time because I know it's

24 not inflation, we can't look to inflation, it

25 exceeds inflation because the annual increases

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1 over that period, as set out in 234 is 6.3
 2 percent?
 3 MR. MCDONALD:
 4 A. There is additional context, to answer your
 5 question, that we can provide and I can think
 6 of three ways of doing that. First of all, my
 7 understanding of that number, you can really
 8 break it down into three or four categories
 9 that contribute to that overall percentage.
 10 One would be what we call our economic
 11 adjustments, you know, so these would be
 12 general salary scale adjustments to all our
 13 salary scales, economic adjustments. Then
 14 what has also contributed to that are the
 15 market adjustments that we negotiated with our
 16 union personnel. So we did market adjustments
 17 between 2007 and 2009, and then again in 2010.
 18 Number three, there would be people who are on
 19 their salary scales, but not yet at the job
 20 rate, which is the top of the scale, which is
 21 the rate we use for comparative purposes, but
 22 very often people come in below the job rate,
 23 so we allow them obviously to progress to the
 24 job rate over a period of four to five years,
 25 let's say. Depending on where they come in, it

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1 could be a shorter period of time. So each
 2 year then there will be some additional cost
 3 of salaries associated with progression on
 4 scale, in addition to the normal economic
 5 adjustment that everybody gets. The number
 6 four, and this will be a small category,
 7 inside our salary administration matrix that
 8 Mr. Roberts has described, we do allow for a
 9 small amount of merit for people who are rated
 10 through our performance review process as
 11 either exceeding expectations or exceptional
 12 performance. So that's what comprises that
 13 full number there. The two other references
 14 points, I guess, I'd mention for context would
 15 be if you look at the economic adjustments
 16 piece of that, if I remember correctly, and I
 17 don't know if it's showing the table there -
 18 maybe if you could just scroll down there,
 19 Jen, if you wouldn't mind. I don't think it
 20 is, so it may be somewhere else, but what we
 21 know is that the cumulative increase in the
 22 average wage index in this province over the
 23 same period that we're comparing here, so for
 24 the total cumulative amount of our economic
 25 adjustments over that period was around 37

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1 percent, don't hold me to the number
 2 precisely. Then the cumulative increase in
 3 the average wage index in this province over
 4 that same period of time was around 36
 5 percent. The cumulative increase in the rates
 6 for heavy, civil, and engineering construction
 7 was 60 percent or in excess of that number. So
 8 these are all - that's some context that we
 9 can supply for that number.
 10 JOHNSON, Q.C.:
 11 Q. And these documents, I guess, these are in-
 12 documents that you're referring to?
 13 MR. MCDONALD:
 14 A. I'm not sure we've broken it down that way in
 15 any of the responses we provided to RFIs, and
 16 I can't recall that the two references I made
 17 to the average wage index and the construction
 18 industry index are indicated in evidence or
 19 RFI responses either, but -
 20 JOHNSON, Q.C.:
 21 Q. I think it would be useful to have by way of
 22 an undertaking. I don't think they're here.
 23 MR. MCDONALD:
 24 A. Mike just corrected me, at least with respect
 25 to the construction industry reference, so if

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1 you look at page 1.25 in our evidence, Section
 2 1.3.4, there's a reference in the last part of
 3 the paragraph there, the last two sentences
 4 refer to Chart 1.11, and refer to that
 5 cumulative increase in wages in the
 6 construction industry of 60 percent, and Chart
 7 1.11 must follow that, I would assume.
 8 MR. ROBERTS:
 9 A. And the average weekly earnings one can be
 10 found on the Government of Newfoundland and
 11 Labrador's website.
 12 JOHNSON, Q.C.:
 13 Q. Perhaps you should file that as an
 14 undertaking.
 15 MR. ROBERTS:
 16 A. No problem.
 17 MS. GLYNN:
 18 Q. Duly noted on the record.
 19 JOHNSON, Q.C.:
 20 Q. Now I think there was a point that was made in
 21 Hydro's evidence that - this is in discussion
 22 around the CLRA wage that we spoke about a
 23 second ago, 2.29.
 24 MR. MCDONALD:
 25 A. Mr. Johnson, Mike and I were just talking

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1 here. We're back to that figure of 59 percent,
 2 I think, and we will check to verify that
 3 inside of that cumulative increase in the cost
 4 of salaries and wages is new FTEs as well, but
 5 I need to check and confirm that. So that
 6 would be in addition to the other four salary
 7 escalation drivers that I talked about. We
 8 will check and confirm.
 9 JOHNSON, Q.C.:
 10 Q. Bear with me, Mr. Chairman, I just need to
 11 look up an RFI. Could you bring up 234, CA-
 12 234. Just scroll up, if you would. Does this
 13 response assist you in coming to answer what
 14 the 56.9 percent is actually comprised of?
 15 MR. ROBERTS:
 16 A. Sir, I may have misled Mr. McDonald. I'm not
 17 100 percent sure. It would appear that that
 18 was pure for the reasons that he gave. I may
 19 have confused the matter by thinking that
 20 there was extra percentage increase to do with
 21 FTE, so I apologize if that were the case, but
 22 I'll double check it anyway just to make sure.
 23 JOHNSON, Q.C.:
 24 Q. And if I could just bring your attention to
 25 page 2.29 of the Application, and scroll up,

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1 if you would. At line 7, it indicates that
 2 Chart 2.3 presents a comparison of 2013 rates
 3 between Hydro, the average across Atlantic
 4 Canada electric utilities, and the provincial
 5 construction rates, using Electrical A and
 6 Mechanical A as reference points, and then it
 7 says, "While it is not necessary to fully
 8 match the construction rates in order to be
 9 competitive, it is imperative that the company
 10 wage rates are in reasonable proximity from
 11 recruitment and retention standpoint", and, I
 12 guess, why did you highlight that there was no
 13 need to full match the construction rates to
 14 be competitive?
 15 MR. MCDONALD:
 16 A. I don't think that you can assume that anybody
 17 who's in a mechanical or electrical trade as
 18 an industrial mechanic millwright, or an
 19 industrial electrician, would be, first of
 20 all, interested in working in construction,
 21 which is a different industry that's more
 22 cyclical and seasonal, and it's just different
 23 work, and plus, you know, even though they're
 24 actually certified as different trades, you
 25 know, industrial electrician versus

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1 construction electrician, as you probably
 2 know, so there's a question of immediate
 3 transferability as well in terms of moving one
 4 way or the other both ways, but mainly, I
 5 think, it's a question of people will make a
 6 choice as to whether they want to leave an
 7 industrial environment, a regular stable
 8 working environment, regular stable hours of
 9 work, you know, and all that that brings with
 10 it, versus working in the construction
 11 industry and chasing higher rates associated
 12 with it. There's a certain percentage of
 13 people that will. So for that reason mainly,
 14 and some others, I don't think any one of us
 15 in the utility industry or an industry
 16 generally would view it as being necessary to
 17 fully match the construction industry rates
 18 from a recruitment and retention standpoint,
 19 it's just not necessary. Mr. Johnson, can I
 20 make another point? I apologize for this, by
 21 the way, back to Chart 2.3. As we were
 22 talking later, I was reflecting on the point
 23 we were talking about with respect to what's
 24 included in construction and project rates
 25 here versus Newfoundland Power, and

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1 Newfoundland Hydro, for example, and North
 2 Atlantic Refining. I mentioned one reason to
 3 you why we showed the construction industry
 4 rates as totally folded in, the thing I wanted
 5 to point out is that another reason was that
 6 the rates from Newfoundland and Labrador
 7 Hydro, as they would for Newfoundland Power,
 8 would have the value of vacation, holidays,
 9 and pension contributions made by employees
 10 and the insurance contributions by employees
 11 into the rate that you see there, if you see
 12 what I'm getting at.
 13 JOHNSON, Q.C.:
 14 Q. Okay.
 15 MR. MCDONALD:
 16 A. So if we tried to do a comparison by building
 17 up the Hydro rates, we're not going to be
 18 building them up by very much, if anything, to
 19 directly compare against the construction
 20 industry rates because they're already
 21 involved in the value of the salary and wages
 22 that we've paid the people. Do you see my
 23 point?
 24 JOHNSON, Q.C.:
 25 Q. Yes.

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1 MR. MCDONALD:
 2 A. Yeah.
 3 JOHNSON, Q.C.:
 4 Q. Finally, I'd like to turn to incentive pay,
 5 and for this if I could bring you to
 6 Undertaking 2.
 7 MS. GRAY:
 8 Q. 2013, Mr. Johnson?
 9 (12:30 p.m.)
 10 JOHNSON, Q.C.:
 11 Q. 2014, if I could. Now this happens to be Mr.
 12 Henderson's performance contract, but there's
 13 a couple of points I'd like to discuss with
 14 you. I notice that as regards safety first of
 15 all on the Part A Corporate KPIs, 20 percent
 16 of the 30 percent, is that the way we should
 17 view it?
 18 MR. MCDONALD:
 19 A. That's correct.
 20 JOHNSON, Q.C.:
 21 Q. Okay, and then if you'll turn over again to
 22 the more divisional targets, we see safety
 23 again showing up under two categories. One is
 24 regulated ops of Hydro and non-regulated
 25 Exploits Menihek, 14.29 percent, and then

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1 there's another category under safety called
 2 "Felt Leadership", 14.29 percent, and the
 3 amount on safety, and don't get me wrong,
 4 safety is very, very important, but just to
 5 get your comments on the relative weight of
 6 safety versus things that go to controlling
 7 costs, or versus things that concern
 8 reliability performance indicators, can I get
 9 you to comment because Hydro is in the
 10 business of providing safe, reliable
 11 electricity, that's their core mandate, and at
 12 least cost, and I tend to see quite an
 13 emphasis when it comes to incentives on the
 14 safety and not so much on those other
 15 headings. Can I get you to comment on that?
 16 MR. MCDONALD:
 17 A. Can we just go up to Part A there for a
 18 second, Jenny. I think you refer to financial
 19 performance, so I think you see indicators in
 20 both Part A and Part B, but Part B
 21 specifically as it would relate to performance
 22 from a line of business perspective -
 23 JOHNSON, Q.C.:
 24 Q. Right.
 25 MR. MCDONALD:

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1 A. Certainly has an appropriate weight to it, no
 2 question safety has a focus put on it, but
 3 when I'd look at other matrix in there,
 4 they're not specifically referred to as
 5 reliability performance indicators, I can see
 6 things in both Part A and Part B as they
 7 relate to Mr. Henderson that are directly
 8 relevant and related to providing, you know,
 9 reliable system performance. So there's no
 10 question in my mind that, for example, asset
 11 management there is a key performance
 12 indicator in Part A, and project execution is
 13 as well. Those two, in particular, in my
 14 view, have a direct bearing on Newfoundland
 15 and Labrador Hydro and its performance with
 16 respect to system reliability. Project
 17 execution is all about, you know, executing a
 18 growing capital program on time and on budget,
 19 and from a quality perspective as well, and
 20 the lion's share of that capital program is
 21 obviously Hydro. Asset management, any work
 22 that's done in that area, obviously, will have
 23 a bearing on Hydro for an asset management and
 24 maintenance perspective. And then similarly
 25 down in Part B, I think, there are other key

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1 performance indicators there as well that -
 2 there are several actually that - I'm just
 3 looking at this for the first time in a while,
 4 but I see reliability, forced outages,
 5 generation contingency reserve requirements,
 6 operation and maintenance plan for winter
 7 readiness, capital budget project completion,
 8 complete line of business, asset management
 9 initiatives - scroll down there further,
 10 Jenny, and all other Hydro corporate plan, so
 11 that's less specific, that's more general, but
 12 the ones that I just mentioned, you know,
 13 really do connect to Rob and his role and
 14 reliability for the corporation, I really do,
 15 and if you added those up, I think,
 16 cumulatively they come to the right kind of
 17 weight, I think, inside his performance
 18 contract.
 19 JOHNSON, Q.C.:
 20 Q. And there's nothing here on customer
 21 satisfaction, I don't think. Did you notice
 22 that? I don't believe so.
 23 MR. MCDONALD:
 24 A. So there's - I don't know what's in that last
 25 catchall indicator, "all other Hydro corporate

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1 plan initiatives, completion". He's in the
 2 best position probably to address that.
 3 JOHNSON, Q.C.:
 4 Q. Okay.
 5 MR. MCDONALD:
 6 A. But I'm not sure what would be in that.
 7 That's intended to catch everything else that
 8 might be inside his Hydro corporate plan for
 9 the coming year, number one, and number two,
 10 what we're not seeing here necessarily are
 11 performance indicators that have been built
 12 into performance contracts for his subordinate
 13 reports, and theirs as well in the system.
 14 JOHNSON, Q.C.:
 15 Q. How about - you know, we've spent a good bit
 16 of last two days talking about a controllable
 17 cost item, and there is - get your sense of
 18 how much emphasis you see in these targets,
 19 either corporate or on a divisional level, as
 20 regards incenting people to control costs,
 21 those costs that management can exercise
 22 control over?
 23 MR. MCDONALD:
 24 A. There are two things, I guess, two ways of
 25 looking at how we measure performance, so

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1 there are other performance contracts that
 2 individuals have, including Mr. Henderson, and
 3 there are - I referred to two aspects, I
 4 guess, that relate to financial performance,
 5 both in Part B and Part A, so I think -
 6 obviously, they're there and assist in
 7 incenting Mr. Henderson, in this case, around,
 8 you know, financial management and maintaining
 9 the budget. I can assure you that beyond that
 10 on a monthly basis when Hydro's performance is
 11 reviewed at their regular monthly meetings,
 12 and Nalcor as well because it all flows up in
 13 terms of the financial performance of Nalcor's
 14 various lines of business, that performance
 15 relative to budget is something that's
 16 discussed and watched very, very closely, and
 17 Mr. Henderson would certainly feel that
 18 accountability.
 19 JOHNSON, Q.C.:
 20 Q. Thank you, panel. Mr. Chairman,
 21 Commissioners, subject to anything that arises
 22 further to what we talked about this morning,
 23 I'm complete with the panel.
 24 CHAIRMAN:
 25 Q. Okay. You're on, sir.

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1 MR. COXWORTHY:
 2 Q. Thank you, Mr. Chair.
 3 MR. MICHAEL ROBERTS - CROSS-EXAMINATION BY MR. PAUL
 4 COXWORTHY:
 5 MR. GERARD MCDONALD - CROSS-EXAMINATION BY MR. PAUL
 6 COXWORTHY:
 7 MR. COXWORTHY:
 8 Q. Mr. McDonald, Mr. Roberts, Paul Coxworthy, my
 9 colleague, Dean -
 10 MR. PORTER:
 11 Q. Happens to me all the time.
 12 MR. COXWORTHY:
 13 Q. Thank you, Mr. Porter, for the industrial
 14 customer group.
 15 CHAIRMAN:
 16 Q. You haven't even got the excuse of age.
 17 MR. COXWORTHY:
 18 Q. I'm older than I look. I'd like to start with
 19 the Newfoundland and Labrador Hydro witness
 20 topic list that was filed on August 28, 2015,
 21 if that could be brought up.
 22 MR. HAYES:
 23 Q. August 28th correspondence, Jen.
 24 MR. COXWORTHY:
 25 Q. Thank you.

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1 (12:40 p.m.)
 2 (RECESS)
 3 (12:42 p.m.)
 4 MR. COXWORTHY:
 5 Q. Mr. McDonald, Mr. Roberts, you'll have on the
 6 screen there in front of you the GRA witness
 7 topic list. So your panel has been called to
 8 give evidence to the Board on corporate
 9 structure, and then on a number of other items
 10 which I'd characterize, and I'd ask you to
 11 correct me if you think wrongly, as the human
 12 resources piece of your respective functions,
 13 and corporate structure really goes to
 14 primarily the organizational effectiveness
 15 part of your function, would you agree with
 16 that?
 17 MR. MCDONALD:
 18 A. Yes, I would say, OE and HR tend to be highly
 19 related, but, I mean -
 20 MR. COXWORTHY:
 21 Q. Okay fair enough. I shouldn't be drawing any
 22 sharp distinctions between the two?
 23 MR. MCDONALD:
 24 A. No, no, please.
 25 MR. COXWORTHY:

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1 Q. I'd like to move on then. It's part of the
 2 same document, but it's the annotated issues
 3 list that Newfoundland Hydro prepared in
 4 relation to the issues list of the Consumer
 5 Advocate. I don't think it's page numbered,
 6 but I think that - yes, absolutely, and I
 7 don't think there's a lot of disagreement
 8 between the parties as to what the issues are.
 9 How they should be resolved is a different
 10 matter, but as I go through this list, there
 11 are only two items that were specifically
 12 identified as being for your panel to respond
 13 to, as you may already be familiar with, and
 14 one of those was number 14, is the vacancy
 15 factor properly applied, but the other is 55,
 16 and if Ms. Gray could turn to number 55. This
 17 is a mixed panel policy, so I would understand
 18 that would have been primarily the evidence of
 19 Mr. Martin, but also yourselves with respect
 20 to management decision making in the matrix
 21 organization, including the level of
 22 participation in Hydro matters by the CEO, by
 23 Mr. Martin himself. So you're aware of that
 24 and you would agree that your panel has been
 25 called to give evidence in relation to that

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1 issue?
 2 MR. MCDONALD:
 3 A. Yes.
 4 MR. COXWORTHY:
 5 Q. And there's no one else being called to speak
 6 to that issue?
 7 MR. MCDONALD:
 8 A. Well, you know, I think what this was, was a
 9 list indicating, you know, based on our best
 10 assessment coming into the hearings, who would
 11 be available to address questions related to
 12 these topics, and as hearings evolve, I guess,
 13 you know, it might turn out that other people
 14 are identified as being appropriate witnesses.
 15 MR. COXWORTHY:
 16 Q. Sure, and as we go through my questions,
 17 perhaps you'll be able to do that.
 18 MR. MCDONALD:
 19 A. Possibly, yes.
 20 MR. COXWORTHY:
 21 Q. Sure.
 22 MR. YOUNG:
 23 Q. Mr. Chair, perhaps I can chime in here a
 24 little. I'm scripted, I realize, but this is
 25 not an exact science. It was dead-reckoning,

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1 the best we could do.
 2 MR. COXWORTHY:
 3 Q. So moving on then with respect to
 4 organizational effectiveness and the issues of
 5 corporate structure that you'll be testifying
 6 or giving evidence to, and that's not just
 7 Hydro's corporate structure, is it, it also
 8 includes Nalcor's corporate structure to the
 9 extent that Hydro fits into and interacts with
 10 the wider structure?
 11 MR. MCDONALD:
 12 A. That's correct.
 13 (12:45 p.m.)
 14 MR. COXWORTHY:
 15 Q. If we could turn to Hydro's evidence, page
 16 3.39, Section 3.7.3, the creation of the
 17 Nalcor entity.
 18 MS. GRAY:
 19 Q. Sorry, Mr. Coxworthy, what page was that?
 20 MR. COXWORTHY:
 21 Q. It's at page 3.39, Section 3.7.3, the creation
 22 of the Nalcor entity. That's it, absolutely,
 23 thank you. Mr. Young at the outset of your
 24 evidence asked if you were adopting - confirm
 25 that you were adopting the evidence for which

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1 your panel was responsible for as filed by
 2 Hydro. Would you confirm that this is one of
 3 the areas of the evidence that you were
 4 adopting, this Section 3.7.3 in relation to
 5 the creation of the Nalcor entity?
 6 MR. MCDONALD:
 7 A. Yes, I would.
 8 MR. COXWORTHY:
 9 Q. And his speaks to shared services, and there's
 10 also a reference in the third line, line 18,
 11 I'm sorry, to the matrix organizational model,
 12 so I want to ask some questions about that.
 13 If we could turn to Table 3.14, which is - I'm
 14 sorry, I don't have a page number, but if you
 15 scroll down in that section, it's not too far.
 16 MR. HAYES:
 17 Q. 3.43?
 18 MR. COXWORTHY:
 19 Q. 3.14, sorry, Table 3.14. If you'll scroll up
 20 a little bit higher to the beginning, thank
 21 you. This is a table in relation to inter-
 22 company costs, so not charging in of employee
 23 or leadership time, but actual expenses. What
 24 I would like to ask you, both of you, are you
 25 aware - is there any similar template made

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1 available to Nalcor employees, either in
 2 particular lines of business or Nalcor
 3 employees per se, that similarly gives any
 4 guidance as to when a charge should be
 5 allocated to another line of business, such as
 6 Hydro, or when it should stay within Nalcor,
 7 or whether it should otherwise be docketed on
 8 your timesheet?
 9 MR. MCDONALD:
 10 A. Are you talking about time charges now or
 11 these things of things?
 12 MR. COXWORTHY:
 13 Q. I'm asking if there's anything similar to this
 14 table in relation to time charges, docketed
 15 time?
 16 MR. MCDONALD:
 17 A. Not that I'm aware of. Are you?
 18 MR. COXWORTHY:
 19 Q. Mr. Roberts?
 20 MR. ROBERTS:
 21 Q. Not that I'm aware of either.
 22 MR. COXWORTHY:
 23 Q. So there's been no effort to develop a similar
 24 table to provide guidance?
 25 MR. MCDONALD:

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1 A. I'm not aware of a table. I can't say for
 2 sure because I don't know whether any effort
 3 has been made to develop one.
 4 MR. COXWORTHY:
 5 Q. If you're not aware of it, Mr. McDonald, or
 6 Mr. Roberts, I take it you're not aware
 7 either, who would be?
 8 MR. MCDONALD:
 9 A. People in our Finance Department, so the
 10 Finance Panel, if you want to address that
 11 specific question.
 12 MR. COXWORTHY:
 13 Q. May I ask for an undertaking for inquiries to
 14 be made to the Finance Department to see if
 15 there is such a template either in existence
 16 or under development?
 17 MR. CASS:
 18 Q. Sir, the Finance Panel will be coming up, and
 19 I would think it would be appropriate to put
 20 these questions to them.
 21 MR. COXWORTHY:
 22 Q. Certainly, but if it exists, Mr. Chair, it
 23 would be nice to have the template before the
 24 Finance Panel is called, I would think.
 25 CHAIRMAN:

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1 Q. Sure.
 2 MS. GLYNN:
 3 Q. Noted as an undertaking.
 4 MR. COXWORTHY:
 5 Q. Thank you. I'd like to now turn to the
 6 evidence of Mr. Martin on September 11th, is
 7 Ms. Gray could please bring that up, at page
 8 72. At page 72, line 15, and I don't intend
 9 to read through it, but I posed a question to
 10 Mr. Martin in relation to my sense that he
 11 would be the Board's only window into the
 12 Nalcor leadership contribution that's charged
 13 into Hydro, and there's been reference to PUB-
 14 NLH-228 in relation to this, and when I'm
 15 talking about Nalcor leadership contribution
 16 charged into Hydro, I'm really referring to
 17 that particular document, which you've already
 18 been referred to, and I'm sure you're familiar
 19 with, and if we could scroll on then to page
 20 73. Thank you, Ms. Gray. I asked Mr. Martin,
 21 because he was also being presented to the
 22 Board to provide evidence on this issue, some
 23 questions in relation to PUB-NLH-228, and in
 24 relation, if one continues on page 73, down to
 25 line 14, "Hours and the associated dollars for

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1 the positions noted above have been restated
 2 to reflect the activity in 2014 actual, but
 3 are not included in the 2015 test year", and
 4 you spoke to this issue at the outset. Mr.
 5 Cass asked you some questions in relation to,
 6 and perhaps now it would be helpful for the
 7 witnesses if I could ask Ms. Gray to bring up
 8 PUB-NLH-228. So what I just read out there
 9 from page 73 was footnote number 6 to
 10 Attachment 1, and as I said, you were asked
 11 some questions by Mr. Cass about this, and I
 12 understood your answers to be that you were
 13 confirming that in relation to the 2015 test
 14 year, that one should look to Revision 1 and
 15 Revision 2, as being the numbers that were
 16 included in the 2015 test year, as opposed to
 17 Revision 4?
 18 MR. MCDONALD:
 19 A. Correct.
 20 MR. COXWORTHY:
 21 Q. What I didn't understand from Mr. Cass's
 22 question, though, was why, why has Hydro opted
 23 or decided that the Revision 1, Revision 2
 24 numbers are the appropriate ones to include in
 25 the 2015 test year, and not Revision 4?

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1 MR. MCDONALD:
 2 A. I think what I understood after I looked into
 3 this is that what we realized in retrospect is
 4 that we had not filed numbers for 2014 and
 5 2015 that reflected our intention with respect
 6 to what would be the rate base and the test
 7 year for 2015. It was clearly indicated in
 8 Revision 1, I believe it was, because I don't
 9 think the original of 228 indicated any hours
 10 for 2014 or 2015, and so Revision 1 did, and
 11 so what I've been advised is what I'm advising
 12 you, is while it wasn't filed, it should have
 13 been, the intent is that the 1312 as indicated
 14 in 2012 was the intended number for 2015.
 15 MR. COXWORTHY:
 16 Q. You say you had been advised, advised by whom?
 17 MR. MCDONALD:
 18 A. By people in human resources and I would
 19 expect they probably talked to people in
 20 finance as well.
 21 MR. COXWORTHY:
 22 Q. Would you agree the result of that is that
 23 what's being included in the 2015 test year is
 24 less than would be the case if one used the
 25 Revision 4 numbers?

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1 MR. MCDONALD:
 2 A. The impact would be less in what context?
 3 MR. COXWORTHY:
 4 Q. In terms of the number of hours being shown as
 5 being charged into Hydro?
 6 MR. MCDONALD:
 7 A. I think the hours that are shown in 2014 or
 8 2015 were--what we were showing there is our
 9 forecast of the actual hours based on our best
 10 knowledge at the time. So that wasn't
 11 intended though, in the meantime, to be our
 12 indication of the test year number for 2015 is
 13 what I understand.
 14 MR. COXWORTHY:
 15 Q. And when we look--we're looking at Revision 4
 16 here now, we can turn to Revision No. 1 if
 17 necessary, but isn't the result of that the
 18 2015 test year numbers, the numbers that are
 19 being used for the test year as charged into
 20 Hydro is a lower number than if we used
 21 Revision 4?
 22 MR. MCDONALD:
 23 A. It's a lower number, but I think that's the
 24 number that's been used in the application.
 25 MR. COXWORTHY:

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1 Q. Back when it was filed in November of 2014.
 2 MR. MCDONALD:
 3 A. And currently.
 4 MR. COXWORTHY:
 5 Q. So is that the only reason why the Revision
 6 No. 2 number is being used or Revision No. 1
 7 for the 2015 test year?
 8 MR. MCDONALD:
 9 A. That's the reason, yeah.
 10 MR. COXWORTHY:
 11 Q. Mr. McDonald, at the outset of my questioning
 12 I asked whether corporate structure from the
 13 evidence that you're going to be speaking to,
 14 whether that wasn't just about Hydro but also
 15 in relation to Nalcor to the extent that Hydro
 16 fits in within that wider Nalcor structure,
 17 and I'm conscious here, Mr. Chair, that I'm
 18 revisiting an issue that the Consumer Advocate
 19 raised and that the Board has ruled on. I do
 20 think I have a different question though,
 21 although that maybe subject to interpretation,
 22 and that's the question of the distinction
 23 between time charged in to the regulated
 24 functions of Nalcor, Hydro, and time charged
 25 in by the Nalcor leadership group because

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1 that's my focus again in relation to PUB-NLH-
 2 228, charged into non-regulated divisions of
 3 Nalcor, so that distinction. The Chair has
 4 given a ruling on that. The question I have
 5 which I believe is a different question is--
 6 there's evidence, I should say by a preamble
 7 and it's come from Mr. Martin, I think it's
 8 come from yourselves as well, that there is a
 9 lot of time spent by people in the Nalcor
 10 leadership group which is considered to be
 11 time that is to the benefit of all the lines
 12 of business, including Hydro and that time
 13 doesn't get charged into Hydro in terms of
 14 what's reflected in PUB-NLH-228.
 15 MR. MCDONALD:
 16 A. Right.
 17 MR. COXWORTHY:
 18 Q. So you're aware of that.
 19 MR. MCDONALD:
 20 A. That's what I testified, myself.
 21 MR. COXWORTHY:
 22 Q. Is there a docketing entry, and gentlemen I
 23 think you said you docket your time on
 24 timesheets, for that type of work do you
 25 designate on your timesheet this is an all

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1 lines of business task and that's how I'm
 2 going to docket it on my timesheet?
 3 MR. MCDONALD:
 4 A. Our timesheets are set up and identify work
 5 order codes, if you will, or codes that are
 6 associated with our lines of business and
 7 different projects that we might potentially
 8 charge our time to, so I think the answer is
 9 yes, you know, Hydro has one of those or it
 10 could be more on one, depending on what's
 11 going on, and the other lines of business
 12 would as well. So that's the guidance, you
 13 know, that we use to charge our time.
 14 MR. COXWORTHY:
 15 A. Before I continue on along that line, you just
 16 said something about your timesheets having
 17 codes associated with them and perhaps it's
 18 not the same thing, but it brings me back to
 19 my template question and undertaking in terms
 20 of what those codes are, is there a legend,
 21 you know, is the code AB and AB means such and
 22 such? How are those codes documented?
 23 MR. MCDONALD:
 24 A. I think they're self descriptive.
 25 MR. COXWORTHY:

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1 Q. Okay, but is there a document somewhere that,
 2 within Hydro, within Nalcor that we can see to
 3 understand what those codes are?
 4 MR. MCDONALD:
 5 A. It would be the finance group who would
 6 maintain those codes, obviously, but as I
 7 said, the codes that appear on timesheets that
 8 we use are self descriptive. I mean, there's
 9 no trouble knowing what you're charging off
 10 what you're charging off to, in my view.
 11 MR. COXWORTHY:
 12 Q. I guess what I would ask, would getting a
 13 copy, a blank copy of one of your timesheets
 14 tell me whether, what the codes were in terms
 15 of allocations of time to all lines of
 16 business verses allocation of time to just
 17 Hydro? If I had a blank copy of one of your
 18 timesheets, would I be able to know what those
 19 codes were?
 20 MR. MCDONALD:
 21 Q. You know, I'm not sure of the purpose of the
 22 question, I think, if I can say it this way
 23 and what I have already said is that we all
 24 use that timesheet process, we track our time,
 25 we record our time, we report our time and

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1 it's all accounted for.
 2 MR. COXWORTHY:
 3 Q. Sure. How do you know what code to use?
 4 Where is it written down?
 5 MR. MCDONALD:
 6 A. I think I've answered that as well, but if my
 7 time goes to Hydro, there's a time code there
 8 for the line of business "Hydro".
 9 MR. COXWORTHY:
 10 Q. How do you know, your first day of work, what
 11 do you need, what are you provided with to
 12 know what codes do I allocate to what type of
 13 work? Is there a document?
 14 MR. ROBERTS:
 15 A. So I can speak for myself, I mean, so there's
 16 lots of different time codes, obviously, so I
 17 don't have a full docket of all the time
 18 codes, but you know, I have a list of a dozen
 19 or more that I would use regularly and then if
 20 I'm asked to work on a particular project for
 21 a particular line of business, I'll say, okay,
 22 I can do some work on that, but I need the
 23 time code in order to charge my time and
 24 they'll provide me with one. And so I have
 25 one that's, at the end of the day, Nalcor

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1 admin., and so to answer your question I think
 2 you posed to Mr. McDonald is that if I do
 3 something that I believe to be for the benefit
 4 of all companies, I would charge it to Nalcor
 5 admin.
 6 MR. COXWORTHY:
 7 Q. Sure, and is there a list somewhere of all
 8 these codes or is it changing all the time?
 9 MR. ROBERTS:
 10 A. Well I would expect because as projects comes
 11 and goes, work orders and codes will change,
 12 so I have a list in my desk drawer of a dozen
 13 codes that I regularly use and then from time
 14 to time if I'm on to a different thing, I'll
 15 go to finance to look for that particular one.
 16 MR. COXWORTHY:
 17 Q. So finance maintains a master list that
 18 changes over time of those codes?
 19 MR. ROBERTS:
 20 A. I would expect that they'd have list of all
 21 the codes you could charge time to.
 22 MR. COXWORTHY:
 23 Q. And if you tell me "I'm working on project
 24 "X"", they'll send you the code, they'll
 25 communicate somehow the code that you should

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<p>1 use?</p> <p>2 MR. ROBERTS:</p> <p>3 A. Well if I'm working with a particular project</p> <p>4 manager inside of operations, I'll ask that</p> <p>5 project manager the code, I won't necessarily</p> <p>6 go to finance.</p> <p>7 MR. COXWORTHY:</p> <p>8 Q. And do you know then when you get that</p> <p>9 information about the code whether that's</p> <p>10 Hydro, work that's going to be charged into</p> <p>11 Hydro as opposed to whether that's going to be</p> <p>12 work that's going to be charged to all lines</p> <p>13 of business?</p> <p>14 MR. ROBERTS:</p> <p>15 A. So, as an example, I would set up, I have a</p> <p>16 time code that I can charge Newfoundland and</p> <p>17 Labrador Hydro and then I would set up a work</p> <p>18 order for something, for example, like</p> <p>19 collective bargaining and so when I enter in</p> <p>20 my timesheet that I'm going to do some work</p> <p>21 for collective bargaining, I'll enter in the</p> <p>22 Hydro time code, along with the work order</p> <p>23 specific to bargaining.</p> <p>24 MR. COXWORTHY:</p> <p>25 Q. Sure, and collective bargaining, you probably</p>	<p>1 MR. ROBERTS:</p> <p>2 A. Yes, maybe I'm not doing a good job answering</p> <p>3 your question, but the same time code with a</p> <p>4 work order that I'm able to track in terms of</p> <p>5 the hours I spent on that particular project.</p> <p>6 MR. COXWORTHY:</p> <p>7 Q. Could I have an undertaking to produce your</p> <p>8 list of 12 commonly used codes?</p> <p>9 MR. CASS:</p> <p>10 Q. Mr. Chair, really I'm lost to understand how</p> <p>11 this malevolent detail about the codes or the</p> <p>12 timesheets are going to be of use to the</p> <p>13 Board, it perhaps satisfies some general</p> <p>14 curiosity, but I don't understand what use the</p> <p>15 Board would make of this in its deliberations.</p> <p>16 MR. COXWORTHY:</p> <p>17 Q. Mr. Chair, I'm prepared to speak to that.</p> <p>18 CHAIRMAN:</p> <p>19 Q. Sure.</p> <p>20 MR. COXWORTHY:</p> <p>21 Q. Mr. Chair, this panel has been called to give</p> <p>22 information with respect to the matrix</p> <p>23 organization. What that means is that we have</p> <p>24 officers within the non-regulated business who</p> <p>25 are charging in work into the regulated</p>
<p>Page 170</p> <p>1 know that code, you don't need to check with</p> <p>2 anybody to understand who it should be</p> <p>3 allocated to, is that fair?</p> <p>4 MR. ROBERTS:</p> <p>5 A. That's correct.</p> <p>6 MR. COXWORTHY:</p> <p>7 Q. Okay, but when you're doing work that's going</p> <p>8 to be charged into Hydro, do you always know</p> <p>9 what code you should be using for that time or</p> <p>10 do you have to check with somebody?</p> <p>11 MR. ROBERTS:</p> <p>12 A. No, I would know.</p> <p>13 MR. COXWORTHY:</p> <p>14 Q. You would always know, it would be in that</p> <p>15 list of 12 that you commonly use?</p> <p>16 MR. ROBERTS:</p> <p>17 A. So again, I would have one set up for myself</p> <p>18 for executive administration into Hydro, a</p> <p>19 one-time code for Hydro for general purposes.</p> <p>20 I would use a work order for more specific</p> <p>21 projects.</p> <p>22 MR. COXWORTHY:</p> <p>23 Q. And those more specific projects, they could</p> <p>24 be ones where time is going to be charged into</p> <p>25 Hydro specifically?</p>	<p>Page 172</p> <p>1 business. We don't have any guidance at this</p> <p>2 point as to how they do that, other than the</p> <p>3 evidence that we've heard, viva voce evidence</p> <p>4 of Mr. Martin and now this panel. If there is</p> <p>5 some internal guidance that is given to these</p> <p>6 gentlemen and gentlewomen about how to do</p> <p>7 this, I think that's information that's</p> <p>8 relevant to understand whether the time that's</p> <p>9 being charged in under PUB-NLH-228, whether</p> <p>10 that's reasonable, whether it's reasonably</p> <p>11 tracked and whether it's reasonable to charge</p> <p>12 it into Hydro.</p> <p>13 CHAIRMAN:</p> <p>14 Q. And I think you're correct, so I think that</p> <p>15 should be provided unless there's vehement</p> <p>16 objection from Hydro, but I -</p> <p>17 MR. YOUNG:</p> <p>18 Q. No, the explanation Mr. Coxworthy just gave is</p> <p>19 generally accepted and understood. The</p> <p>20 question that Mr. Cass raised and the question</p> <p>21 I had in my mind as I was listening to the</p> <p>22 discussion and to be fair to both Mr. McDonald</p> <p>23 and Roberts and Mr. Coxworthy, I understand</p> <p>24 the answer and I was dumbfounded that the</p> <p>25 impression wasn't getting back and forth, but</p>

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<p>1 it's probably because I work in the company. 2 To answer the question, I think we can provide 3 an undertaking with respect to the time codes 4 that Mr. Roberts typically uses for Hydro. I 5 just don't know how it's going to illuminate 6 anything. We can do that, but I thought the 7 explanation provided a complete answer, but if 8 Mr. Coxworthy would like to see the codes, 9 just to see how it works - 10 VICE-CHAIR WHALEN: 11 Q. It wasn't clear to me. 12 MR. YOUNG: 13 Q. Okay, and that was my concern, actually, 14 that's why I raised the fact that it made 15 total sense to me because I work in the 16 company, but - 17 CHAIRMAN: 18 Q. No, I think it would be instructive, I mean, 19 there's, you know, we've heard evidence that 20 there might be some subjectivity here, I 21 guess, and I guess the codes may help resolve 22 it, I don't know, but I think it's worthwhile. 23 MR. COXWORTHY: 24 Q. Thank you, Mr. Chairman. You're not 25 vehemently opposed?</p>	<p>1 A. I think, I'll go back to my answer to Mr. 2 O'Brien yesterday, he was asking pretty well 3 the same questions with respect to how that 4 works and what I remember explaining was the 5 codes that we're talking about clearly 6 indicate, you know, by line of business and 7 then if necessary work codes or work orders 8 associated with each of those lines of 9 business if necessary and appropriate, but if 10 it's clear to us that we've done work 11 specifically for Hydro or for oil and gas or 12 for another line of business that's uniquely 13 related to those lines of business, maybe it 14 might be a subordinate work order number, but 15 we know which line of business it is, that's 16 where the time is charged. By default, any 17 time remaining is in to Nalcor administration, 18 that's the code we use. 19 MR. COXWORTHY: 20 Q. And I want to explore what you mean by 21 "default" and perhaps it will help to use 22 specific examples at this point, again 23 referring to PUB-NLH-228 and looking at your 24 time because it would have been your time at 25 that time, correct me if I'm wrong, to 2012</p>
<p>Page 174</p> <p>1 MR. YOUNG: 2 Q. No, no, it wasn't a matter of not being able 3 to produce it, it was just a matter of 4 understanding what it was and essentially why 5 it was required. 6 CHAIRMAN: 7 Q. Yes. 8 MS. GLYNN: 9 Q. So it's noted on the record as an undertaking. 10 MR. COXWORTHY: 11 Q. Thank you. I think Mr. Young has articulated 12 what I'm looking for. So to go back to how I 13 started going down that rabbit hole, and 14 that's talking about whether you record on 15 your timesheets time that's going to be 16 allocated across all the lines of business as 17 opposed to being allocated or, in part or in 18 whole, to just Hydro, and I think the answer 19 is yes, there are some time codes under which 20 you would enter your time and that would be 21 docketed as time that is benefiting all across 22 the lines of business and is not to be charged 23 in whole or in part to Hydro, am I right in 24 that? 25 MR. MCDONALD:</p>	<p>Page 176</p> <p>1 and 2013 that was before Mr. Roberts stepped 2 into your position. 3 MR. MCDONALD: 4 A. Yes, yes. 5 MR. COXWORTHY: 6 Q. And that is time that has been allocated, 7 charged in specifically to Hydro. Would it be 8 possible to generate a number for 2012 and 9 2013 for you from your docketed time for time 10 that was charged in for all lines of business 11 work, if I can call it that, not something 12 specific to oil and gas, not something 13 specific to CF(L)Co, I'm not looking for that, 14 but time that would have been docketed for all 15 lines of business work, if I can call it that. 16 Would that be possible to generate? 17 MR. MCDONALD: 18 A. It is possible because that's part of the 19 timesheet. 20 MR. COXWORTHY: 21 Q. Again I would ask for an undertaking if we 22 could have those numbers for 2012 and 2013 for 23 Mr. McDonald. 24 MR. CASS: 25 Q. Mr. Chair, again I don't know where this is</p>

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1 taking us. I believe Mr. Martin has said, Mr.
 2 Roberts has said, Mr. McDonald has said that
 3 work done for multiple lines of business goes
 4 into Nalcor. I don't know how useful it's
 5 going to be then to produce this number that
 6 goes into Nalcor. This is a discussion we've
 7 already had and I think the Board indicated a
 8 desire to see generally utility and non-
 9 utility, but beyond that, I don't see where
 10 this is taking us.

11 CHAIRMAN:
 12 Q. Mr. Coxworthy.

13 MR. COXWORTHY:
 14 Q. I have two substantial answers, we have
 15 evidence that the time that is entered in
 16 under all lines of business is in part time
 17 that is spent to benefit Hydro. In fact, the
 18 point has been made emphatically that oh,
 19 don't think that this is all the time we spent
 20 on Hydro as you see in PUB-NLH-228, this other
 21 time that we spend across all lines of
 22 business, a lot of that is also to Hydro's
 23 benefit. So I think to understand these
 24 numbers if PUB-NLH-228, to test them for their
 25 reasonableness, it's reasonable to ask for

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1 that information. I'm not asking to know
 2 specifically what's allocated to oil and gas
 3 or other non-regulated, but this is time that
 4 is spent in relation to the regulated utility.
 5 The other thing I would say is these time
 6 entries have changed over time. It's not as
 7 if it's been 300 hours every year, it's been
 8 consistent and it is what it is. It
 9 fluctuates, it's gone up and down and to
 10 understand why it's gone up and down, I think
 11 it would be useful to know what that other
 12 measure is in terms of how much time was being
 13 spent on the all lines of business work.

14 MR. CASS:
 15 Q. Mr. Chair, if I might try to, one more time,
 16 first of all I think it's clear this time that
 17 is charged to Nalcor for multiple lines of
 18 business, it's not in the revenue requirement,
 19 it's not part of what the Board is considering
 20 in the revenue requirement. Second, to the
 21 extent that it is recorded and Nalcor it's for
 22 multiple lines of business, I think Mr. Martin
 23 explained the reason for that is it would be
 24 very difficult to take that and proportion it
 25 out and it's much simpler to do it to Nalcor

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1 than to try and proportion it out, so one
 2 would have this general number with no ability
 3 to proportion it out to Hydro out of the other
 4 lines of business. I don't know what one
 5 could do with--I'll leave it at that.

6 MR. YOUNG:
 7 Q. Perhaps, Mr. Chair, if I can add--not willing
 8 to leave it at that. I think what Mr.
 9 Coxworthy might be seeking is, for example,
 10 how much is given to Bull Arm, how much is to
 11 oil and gas, how much is to Churchill Falls,
 12 et cetera, as a break out of the other parts
 13 and I don't see -

14 MR. COXWORTHY:
 15 Q. I'm not asking for that, Mr. Chair, I have to
 16 say, I'm asking for the global figure for all
 17 lines of business entries.

18 CHAIRMAN:
 19 Q. Are you finished Mr. -

20 MR. COXWORTHY:
 21 Q. That wouldn't include time that was charged
 22 into Bull Arm.

23 MR. YOUNG:
 24 Q. Right, and so I think I'm getting a better
 25 understanding and yet I'm still not sure if

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1 it's completely relevant, so I apologize for
 2 the dialogue Mr. Coxworthy and I are having,
 3 Mr. Chair -

4 CHAIRMAN:
 5 Q. That's all right.

6 MR. YOUNG:
 7 Q. If it's non Hydro, we can provide it and what
 8 I'm not clear is whether the breakdown beyond
 9 non-Hydro that you would like to get, that you
 10 think it would be useful, is it anything
 11 that's charged to a specific company or is it
 12 just anything that's non Hydro?

13 MR. COXWORTHY:
 14 Q. Anything that's docketed as being all lines of
 15 business of Nalcor time. So not specifically
 16 charged in like this Hydro time to CF(L)CO,
 17 I'm not looking for that. What I'm looking
 18 for is any time that's docketed, I'll call it
 19 as Nalcor time, I'll call it Nalcor time.

20 MR. O'BRIEN:
 21 Q. If I could, Mr. Chair, I think it was the
 22 default position was what Mr. Coxworthy was
 23 talking about.

24 MR. COXWORTHY:
 25 Q. Well that's right, absolutely.

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1 MR. YOUNG:
 2 Q. And this is what I'm, it just occurs to me
 3 that that's what it is and I appreciate the
 4 clarity and I ask your indulgence on that.
 5 What I'd like to say, Mr. Chairman, before I
 6 actually make an indication whether we can
 7 undertake on this is to consider this taken
 8 under advisement. This does touch upon
 9 regulatory jurisdictional areas of the Board.
 10 I understand the question. If we can get back
 11 to the parties after we've had a chance to
 12 consider whether we think this is appropriate
 13 or not, it might be useful. I'd like to have
 14 the discussion and get instructions on this.
 15 CHAIRMAN:
 16 Q. So we'll postpone consideration of this matter
 17 until -
 18 MR. YOUNG:
 19 Q. If that pleases the Board, that's what I would
 20 ask to do.
 21 CHAIRMAN:
 22 Q. Is that okay with you, Mr. -
 23 MR. COXWORTHY:
 24 Q. Absolutely, Mr. Chairman, that's perfectly
 25 reasonable.

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1 MR. YOUNG:
 2 Q. And again, I apologize for the to'ing and
 3 fro'ing, but I do now understand the question
 4 better.
 5 CHAIRMAN:
 6 Q. No, no, that's fine. So we'll have an answer
 7 on that, we'll take it up on--do you have any
 8 comments on any of this?
 9 MS. GLYNN:
 10 Q. Thank you for asking, but no, we can discuss
 11 further on Monday once counsel has had an
 12 opportunity to discuss it.
 13 CHAIRMAN:
 14 Q. Yes, I think we're going to need to have a
 15 chat about this too, obviously, so we'll await
 16 a final determination on Monday, is that
 17 acceptable to everybody?
 18 MR. YOUNG:
 19 Q. It is to Hydro, thank you, Mr. Chair.
 20 MR. COXWORTHY:
 21 Q. It is acceptable, thank you, Mr. Chair.
 22 CHAIRMAN:
 23 Q. All right, sir, you can -
 24 MR. COXWORTHY:
 25 Q. Thank you, Mr. Chair. Mr. Roberts, Mr.

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1 McDonald, still in PUB-NLH-228 and I can take
 2 you to Mr. Martin's evidence, if necessary,
 3 about this, but Mr. Martin gave me to
 4 understand that more specific questions about
 5 this chart and the various positions in it
 6 might be better put to your panel and
 7 specifically to yourself, Mr. McDonald, rather
 8 than answered by Mr. Martin. So I'd like to
 9 start with the VP Project Execution and
 10 Technical Services position, and the first
 11 thing I would like to note is it's the only
 12 one that doesn't have associated with it the
 13 footnote hours and associated (unintelligible)
 14 positions that have been restated to reflect
 15 the level of the 2014 actual but are not
 16 included in 2015 test year, so that doesn't
 17 apply to the VP Project Execution and
 18 Technical Services, is that correct?
 19 MR. MCDONALD:
 20 A. That is correct.
 21 MR. COXWORTHY:
 22 Q. Can you illuminate why that's the case, why
 23 his time or time being charged in, I'm sorry,
 24 to Hydro is being treated differently in terms
 25 of test year?

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1 (1:15 p.m.)
 2 MR. MCDONALD:
 3 A. No, I can't. I do know that there is an RFI
 4 response, I'm going to say 379 off the top off
 5 my head, but it might not be the exact number,
 6 but if I remember correctly, it explains the
 7 increase in hours for the CEO, the Vice
 8 President of Corporate Relations and the VP
 9 Finance, CFO, if I remember correctly, so it
 10 doesn't address the VP PETS. I can't answer
 11 your question. I was going to ask you, by the
 12 way, maybe you can refer me back to Mr.
 13 Martin's evidence because I was aware that he
 14 referred to me as being in a position to talk
 15 more about the matrix organization and our
 16 organizational structure, but I wasn't aware
 17 that he was deferring to me -
 18 MR. COXWORTHY:
 19 Q. So let's go back to September 11th, page, I
 20 think 73. And that RFI reference, that's
 21 something, you may not want to hear this, but
 22 I don't think I'll be finishing today, so
 23 we'll have an opportunity to track that down
 24 over the weekend, but turning to the evidence.
 25 So I had made my way about midway down page

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1 73, so if you continue on then, you'll see
 2 that the question I asked and that--this is at
 3 line 18, "And that appears to apply in terms
 4 of that footnote, appears across from every
 5 position other than the VP Project Execution
 6 and Technical Services" and I also make a
 7 reference to another VP but that's not
 8 relevant for this question. But I note that
 9 he's only charged--sorry, can you explain to
 10 me the thinking behind why--this is at very
 11 bottom of page 73, continuing on to page 74,
 12 "one of those officers, leadership
 13 contribution is being included in the test
 14 year in Revision 4, I should say, and not the
 15 others." And Mr. Martin then says, "I refer
 16 you, I think we have an HR panel, I believe,
 17 with Mr. McDonald and Mr. McDonald would be
 18 the one to talk about that." So that's why
 19 I'm asking you that question.
 20 MR. MCDONALD:
 21 A. Okay. Can we see that table again?
 22 MR. COXWORTHY:
 23 Q. PUB-NLH-228. I don't think I'll forget that.
 24 MR. MCDONALD:
 25 A. No, I've got it as well. So the only thing I

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1 can surmise, I'm saying it this way because
 2 that table wasn't constructed by HR as far as
 3 I know, okay. I would--I definitely provided
 4 input as Mike would have with respect to the
 5 time allocated for the VP of HR organizational
 6 effectiveness. The only thing I can surmise
 7 is that it would have been someone's
 8 conclusion that, you know, with the hours that
 9 were showing up--I hope I'm addressing your
 10 question, the hours that showed up in 2015
 11 test year, which are the same as the hours
 12 allocated in 2012 and would have been the
 13 basis for saying no change required. And then
 14 the other one that doesn't have that footnote
 15 is the VP strategic planning and business
 16 development, I don't see any hours there at
 17 all for 2012.
 18 MR. COXWORTHY:
 19 Q. Yeah, and you know, I'm not, myself, concerned
 20 about that in terms of, given the number of
 21 hours that are there.
 22 MR. MCDONALD:
 23 A. Yes.
 24 MR. COXWORTHY:
 25 Q. So just to surmise, you don't have the

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1 information and Mr. Martin was mistaken in
 2 that regard or at least mistaken at least in
 3 terms of the intent that I was looking for in
 4 terms of information. Perhaps it is not a
 5 fair question for you, Mr. Roberts, Mr.
 6 McDonald, but is this the finance panel that
 7 can answer this question in more depth or
 8 perhaps your counsel can speak to that.
 9 MR. ROBERTS:
 10 A. So perhaps we can take it under advisement and
 11 talk to our HR support team and see whether or
 12 not they can provide us with some benefit or
 13 clarification and we can respond to you on
 14 Monday.
 15 MR. COXWORTHY:
 16 Q. Absolutely.
 17 MR. ROBERTS:
 18 A. In which I share your disappointment that you
 19 won't be finished today.
 20 MR. COXWORTHY:
 21 Q. So moving on then with respect to--I'm not
 22 going to ask you any more questions about the
 23 VP Project Execution, there doesn't appear to
 24 be any point, at least not at this stage. I
 25 will ask generally and I guess it could apply

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1 to the VP Project Execution but it also
 2 applies to your own time as charged into
 3 Hydro. Is there any process at the beginning
 4 of the year of deciding that a certain
 5 percentage of your time is going to be
 6 allocated to time that's going to be charged
 7 into Hydro? Is there anything done
 8 periodically, whether it's the beginning of
 9 the year or at some point in the year to say,
 10 look, over the next quarter or over the next
 11 12 months because we know these issues are
 12 coming up on our horizon, we're going to
 13 budget, if I can put it that much, 20 percent
 14 of my time to those issues and we know that
 15 those are issues that are going to be charged
 16 into Hydro directly, is there any process like
 17 that that's followed by the Nalcor leadership
 18 team or any members of them, by you,
 19 personally?
 20 MR. MCDONALD:
 21 A. I mean, I've been contacted from time to time
 22 in the budgeting context to give some estimate
 23 or indication of, you know, the time I expect
 24 to be charging into Hydro, that would have
 25 been particularly the case in 2014 and 2015.

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1 MR. COXWORTHY:
 2 Q. So you don't have a recollection of it being
 3 necessarily something you would have been
 4 asked in previous years?
 5 MR. MCDONALD:
 6 A. I honestly can't remember, to be honest with
 7 you. I don't think so, but I honestly can't
 8 remember.
 9 MR. COXWORTHY:
 10 Q. Does the docketing entries that get charged
 11 into Hydro, does that get translated into an
 12 invoice that's submitted to Hydro? I say that
 13 because when we were looking at that table
 14 that dealt with allocated cost, you know, some
 15 of them were--you mentioned direct billed or
 16 allocated, is there an invoice or the word,
 17 maybe a different word is used, but something
 18 that itemizes the particular charges and work
 19 that's being billed by Nalcor to Hydro?
 20 MR. MCDONALD:
 21 A. No, I think how that's transacted from an
 22 accounting perspective and so on, I wouldn't
 23 know. I don't generate an invoice, I can
 24 assure you.
 25 MR. COXWORTHY:

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1 Q. You wouldn't personally.
 2 MR. MCDONALD:
 3 A. But I docket my time on a timesheet.
 4 MR. COXWORTHY:
 5 Q. And you don't know whether Nalcor does or
 6 whether the corporate structure generates
 7 anything like that?
 8 MR. MCDONALD:
 9 A. I just don't know. I don't know that process.
 10 MR. COXWORTHY:
 11 Q. So I'd like to move on, Mr. McDonald, to your
 12 own position, such as it was and then as we
 13 move on, Mr. Roberts' evidence may become more
 14 relevant, but your own position of VP with
 15 human resources and organizational
 16 effectiveness, and I was struck by the fact as
 17 represented by this table, PUB-NLH-228, that
 18 if you look at 2008, 2009, 2010, you have a
 19 fairly high level of time being charged in for
 20 Hydro and you've told us the reasons why. But
 21 that was also a period of time when the VP
 22 Project Execution and Technical Services was
 23 also charging in a relatively high level of
 24 time and they both drop significantly in 2011.
 25 I'm going back already on my indication I

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1 wouldn't ask you any questions about the VP
 2 Project Execution, but is that a coincidence
 3 that there was that drop in 2011 or was there
 4 a decision taken within Nalcor to be more
 5 rigorous or strict about time being charged in
 6 to Hydro.
 7 MR. MCDONALD:
 8 A. No, it's not the latter and in this particular
 9 instance I can probably shed some light on
 10 what transpired with the VP Project Execution
 11 Technical Services, I think I've explained why
 12 I was transitioning there, but I'll repeat it
 13 again, because something similar happened
 14 inside in context of the reorganization.
 15 Below me inside our organization nature, we
 16 became more organized around how we are going
 17 to support and dedicate support to Hydro in
 18 certain areas, you've heard me talk about it,
 19 so you know, that's a factor there. A key
 20 change that was made inside our organizational
 21 structure for Project Execution when it was
 22 implemented in 2010 was to create two new
 23 senior level roles inside that organization,
 24 direct reporting to the VP of Project
 25 Execution, one was a dedicated role for non-

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1 regulated capital and the other one was a
 2 dedicated role for regulated, i.e.
 3 Newfoundland and Labrador Hydro capital, and
 4 so--and that was an important change that we
 5 made inside of that structure. It was an
 6 additional level of leadership that was added
 7 in there and the role of that person, that
 8 mandate was to be exactly that, the first
 9 point of contact for the VP of Hydro in all
 10 matters pertaining to Project Execution
 11 Technical Services and so we feel that was an
 12 improvement that was made and I think that
 13 enabled John MacIsaac, as the VP, to be able
 14 to rely on that person in the first instance
 15 to conduct the necessary work that he probably
 16 previously was more involved in, I have no
 17 doubt about that.
 18 MR. COXWORTHY:
 19 Q. So correct me if I'm being too simplistic
 20 here, but a way of thinking about it then, in
 21 terms of the VP Project Execution is if you
 22 look at the difference between 2010 and 2011
 23 and the difference in hours there, it's
 24 because there's someone that--a new position,
 25 that's been created within Hydro that has

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<p>1 taken on much of the responsibilities that 2 would earlier have fallen on the shoulders of 3 the VP Project Execution, is there a shifting 4 of, at least hours spent on tasks to this new 5 position within Hydro? 6 MR. MCDONALD: 7 A. Yes, to a meaningful extent, but the other 8 thing when you look beyond 2011 and look at 9 the future years here as well for the VP of 10 Project Execution, I mean, that was one of the 11 important changes we made in that structure, 12 but clearly the one thing that new VP of PETS 13 brought to the new organization were processes 14 around project execution, project planning and 15 project execution that were, you know, I would 16 say, a step change from those that we were 17 operating with previously. So he made 18 important improvements, I think, in terms of 19 how we were organizing our work and planning 20 and executing all the capital program that we 21 had which was growing at a pretty rapid pace 22 too. So I think, you know, two of those 23 things combined at least that enabled him to 24 be able to rely on those improved processes 25 and new additional senior leadership there to</p>	<p>1 No. 2 in that regard. So I'll give you a 2 chance, in June 2014 the VP HR/OE, I 3 understand that's you, Mr. McDonald, was 4 seconded to lead the co-ordination re: outage 5 and electricity system reviews for Hydro. 6 MR. MCDONALD: 7 A. Right. 8 MR. COXWORTHY: 9 Q. And there was some questions asked earlier 10 about that 2014 number there for that 11 position, 1462.5, I think it was Mr. O'Brien 12 who asked the question. You know, whether 13 that was a mix of your time and Mr. Roberts' 14 time and I think the answer was "yes". 15 MR. MCDONALD: 16 A. Yes. 17 MR. COXWORTHY: 18 Q. And you weren't able to provide a split, a 19 definitive split of that, but you were 20 comfortable that it was a mix of both your 21 times. 22 MR. MCDONALD: 23 A. It counts for both of us, yes. 24 MR. COXWORTHY: 25 Q. And so, what happened when you were seconded</p>
<p>1 help him. 2 MR. COXWORTHY: 3 Q. Let me put it another way, the VP Project 4 Execution Technical Services, the work that's 5 done by him and under him with Hydro, did that 6 increase after 2010 as compared to 2011, was 7 there more work to be done or less or the 8 same. 9 MR. MCDONALD: 10 A. More for sure, I mean and I'm just simply 11 linking back to the growth in our capital 12 program for Newfoundland and Labrador Hydro. 13 MR. COXWORTHY: 14 Q. And that would at least be one way of linking 15 the growth in the work would be looking at how 16 the capital program has increased over that 17 time? 18 MR. MCDONALD: 19 A. Absolutely and it drove growth in our 20 resourcing as well. 21 MR. COXWORTHY: 22 Q. So going back to your entry, the entries for 23 yourself and then in the later years from Mr. 24 Roberts for the VP of Human Resources, and I 25 want to explore the significance of footnote</p>	<p>1 in June 2014 to Hydro, Mr. McDonald? Is your 2 salary being paid by Hydro? Is that a way of 3 thinking about it as opposed to being paid by 4 Nalcor? 5 MR. MCDONALD: 6 A. No, it continues to be paid by Nalcor, I'm 7 charging my time to Hydro when appropriate. 8 MR. COXWORTHY: 9 Q. Okay, so how is that different from before 10 when you were Nalcor VP HO/RE and you were 11 charging your time into Hydro? 12 MR. MCDONALD: 13 A. No different really and one thing I'd like to 14 correct, I think it's been said I was seconded 15 to Hydro, so that would be an inaccurate 16 statement in the sense that - 17 MR. COXWORTHY: 18 Q. Sure, well I think the footnote--you're right, 19 it doesn't say "seconded to Hydro", I agree. 20 MR. MCDONALD: 21 A. Just "seconded". 22 MR. COXWORTHY: 23 Q. Just seconded for that project. 24 MR. MCDONALD: 25 A. There were two projects, actually, the outage</p>

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<p>1 inquiry plus there was an overall electricity 2 system review being done by the Province as 3 well that was initiated around the same time 4 early last year.</p> <p>5 MR. COXWORTHY: 6 Q. So that footnote should be understood, should 7 it, as an explanation of why your time has 8 gone up, why there's so much more HO/RE time 9 being spent in 2014--one of the reasons.</p> <p>10 MR. MCDONALD: 11 A. Yes.</p> <p>12 MR. COXWORTHY: 13 Q. And then in 2015 and 2016, does that continue 14 to be a mix of yours and Mr. Roberts' time or 15 is it just Mr. Roberts' time before forecast 16 to be charged, I mean, you would know for 2015 17 at least up to this quarter?</p> <p>18 MR. MCDONALD: 19 A. A mixture of both.</p> <p>20 MR. COXWORTHY: 21 Q. Mixture of both. Has the mix changed?</p> <p>22 MR. MCDONALD: 23 A. I think the mix in 2015 is roughly 50/50.</p> <p>24 MR. COXWORTHY: 25 Q. 50/50.</p>	<p>1 review of our electricity system that the 2 Province is conducting with the assistance of 3 a consultant and I'm continuing in a co- 4 ordination role there as well that's ongoing 5 and as I explained yesterday, even last year 6 but certainly to a greater extent than the 7 latter part of last year and going into this 8 year and it continues to a great extent as we 9 speak is my involvement in what we refer to as 10 transition operation planning. I described 11 yesterday, you know, the process we've 12 mobilized to get ourselves organized around 13 planning for, you know, the technical and 14 operations integration of those new assets in 15 2017 and 2018. So that certainly has 16 increased over the year and that's been 17 charged to Hydro as well. So a continuation 18 of the two major reasons I was seconded in the 19 first place and more that's been added.</p> <p>20 MR. COXWORTHY: 21 Q. Isn't in the case, though, that what we're 22 seeing in 2014, 2015, 2016 is two VP HR/OES 23 providing services that are being directly 24 charged into Hydro? Is there a need for two? 25 Can you expand on why two as opposed to why</p>
<p style="text-align: right;">Page 198</p> <p>1 MR. MCDONALD: 2 A. It was probably more in my favour in 2014, if 3 you will, in terms of time.</p> <p>4 MR. COXWORTHY: 5 Q. And how about for 2016?</p> <p>6 MR. MCDONALD: 7 A. I think we just assume the same number in 2016 8 as we did for 2015.</p> <p>9 MR. COXWORTHY: 10 Q. So is that still involvement with the 11 secondment for the outage on your part, Mr. 12 McDonald, is it still involvement in the 13 outage and electricity system reviews or are 14 there other reasons why you're still heavily 15 involved in work that's being directly charged 16 into Hydro?</p> <p>17 MR. MCDONALD: 18 A. Yeah, so I think I described all of that to 19 Mr. O'Brien yesterday, but yes, I guess work 20 continued certainly into 2015 related to the 21 outage inquiry. My particular involvement was 22 very heavily weighted on phase one of that 23 entire process. I had some involvement in 24 phase two as well to the extent that that 25 occurred earlier in the year. The overall</p>	<p style="text-align: right;">Page 200</p> <p>1 Mr. Roberts couldn't fulfil these functions.</p> <p>2 MR. MCDONALD: 3 A. Well absolutely, I mean there are two very 4 different buckets of service of support that 5 are being provided to Hydro here. Mike is the 6 VP of HR/OE right now, I am not. I think I 7 explained that yesterday as well. He has the 8 accountability.</p> <p>9 MR. COXWORTHY: 10 Q. But it's your skillset or, if I can put it 11 that way.</p> <p>12 MR. MCDONALD: 13 A. Well it's his skillset--he wouldn't have gone 14 in as active VP.</p> <p>15 MR. COXWORTHY: 16 Q. I'm not saying it's not Mr. Roberts' skillset, 17 but it's also yours?</p> <p>18 MR. MCDONALD: 19 A. Absolutely, but the point I am making here is 20 he is the vice-president of Human Resources 21 and Organizational Effectiveness right now on 22 an acting basis until such time as that 23 changes. He's got accountability for that, 24 that functional accountability inside our 25 company right now. Do we talk from time to</p>

1 time? Sure, you know, and maybe on occasion I
 2 charge my time in on that basis, but I'm very
 3 focussed on the work that I was seconded to
 4 work on and that work continues, there's no
 5 question about it. From time to time I charge
 6 some time off to other lines of business if I
 7 get involved in something, because I'm not
 8 exclusively concerned with those three things
 9 that I talked about, but no question, you
 10 know, those are two different things. So
 11 Hydro continues to need services and support
 12 it requires from the HR/OE division, that's
 13 Mike's accountability.

14 MR. COXWORTHY:

15 Q. What you're doing is over and above what would
 16 normally be required.

17 MR. MCDONALD:

18 A. I wouldn't say it's over and above, I'd say
 19 it's next to, over here, it's another bucket
 20 of support that we provide--that I'm providing
 21 to Hydro.

22 MR. COXWORTHY:

23 Q. Mr. Chair, I see it's after 1:30. I will not
 24 conclude today and I don't think an extra ten
 25 or fifteen minutes would make the difference

1 there, so I would request or suggest that now
 2 might be a good time to break.

3 CHAIRMAN:

4 Q. We shall adjourn until Monday.
 5 Upon conclusion at 1:35 p.m.

1 CERTIFICATE
 2 I, Judy Moss, hereby certify that the foregoing is a true
 3 and correct transcript of a hearing in the matter of
 4 Newfoundland and Labrador Hydro's General Rate
 5 Application heard on the 17th of September, A.D., 2015
 6 before the Commissioners of the Public Utilities Board,
 7 St. John's, Newfoundland and Labrador and was transcribed
 8 by me to the best of my ability by means of a sound
 9 apparatus.
 10 Dated at St. John's, Newfoundland and Labrador
 11 this 17th day of September, A.D., 2015
 12 Judy Moss

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