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1 SEPTEMBER 21, 2015  
 2 (9:07 a.m.)  
 3 CHAIRMAN:  
 4 Q. Good morning, everybody. I understand that  
 5 there are no preliminary matters and the point  
 6 of discussion -  
 7 MS. GLYNN:  
 8 Q. Just as a housekeeping, as you indicated, Mr.  
 9 Chair, that Undertaking 24 to generate the  
 10 numbers for the other lines of business has  
 11 been accepted by Hydro. There was discussions,  
 12 and I believe counsel has reached an agreement  
 13 on that, so it has been accepted.  
 14 CHAIRMAN:  
 15 Q. So, Mr. Coxworthy, if there are no other  
 16 preliminary matters, we're back to you, sir.  
 17 MR. COXWORTHY:  
 18 Q. We are, thank you, Mr. Chair, and just a quick  
 19 note, Mr. Porter will be joining us later on  
 20 this morning. His flight is getting in a bit  
 21 late.  
 22 MR. GERARD MCDONALD - CROSS-EXAMINATION BY MR. COXWORTHY:  
 23 MR. MICHAEL ROBERTS - CROSS-EXAMINATION BY MR. COXWORTHY:  
 24 MR. COXWORTHY:  
 25 Q. Mr. McDonald, Mr. Roberts, I'd like to turn -

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1 I don't think we need to turn to the exhibit  
 2 yet, but I will be referring to PUB-NLH- 228  
 3 eventually, but in relation to the time that's  
 4 being charged in and forecast to be charged in  
 5 for that position of VP Corporate  
 6 Communications and Shareholder Relations, but  
 7 before we go to PUB-NLH-228, I do want to turn  
 8 to Mr. Martin's evidence on September 11th,  
 9 page 78, and Mr. McDonald, Mr. Martin  
 10 indicated again that you would be the one who  
 11 could speak to why there would be an increase  
 12 in the VP Corporate Communications and  
 13 Shareholders Relations charged in 2014, 2015,  
 14 and 2016. So you've asked me in the past to  
 15 orient you towards Mr. Martin's comments, and  
 16 I'll do that this morning. So if one turns to  
 17 line 16, page 78, and I'm asking Mr. Martin,  
 18 "Because I do feel the need to point out in  
 19 relation to the VP Corporate Communications  
 20 and Shareholders Relations that, you know,  
 21 compared to the 2012 year, which is the first  
 22 year in which that position was created or -  
 23 so it's the first year we would expect any  
 24 time to be charged in, there's been a quite  
 25 dramatic increased forecast for 2015 and 2016

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1 in that role, so is all of that increase or  
 2 most of that increase", move on to page 79,  
 3 yes, thank you, "attributable to the VP  
 4 Corporate Communications and Shareholders  
 5 Relations work on the integration piece", and  
 6 Mr. Martin answers, "I think we're at the  
 7 stage where I'm going to have to refer you to  
 8 Mr. McDonald". So with that, if we could turn  
 9 to PUB-NLH-228.  
 10 MS. GRAY:  
 11 Q. Revision 4, Mr. Coxworthy?  
 12 MR. COXWORTHY:  
 13 Q. I'm sorry?  
 14 MS. GRAY:  
 15 Q. Revision 4?  
 16 MR. COXWORTHY:  
 17 Q. Yes, the most recent version, thank you, and  
 18 Attachment 1. Thank you, Ms. Gray. So we see  
 19 in the line items for VP Corporate  
 20 Communications in 2012, the first, I guess,  
 21 full year in which that position existed, a  
 22 rather rapid increase or dramatic increase in  
 23 time charged in. Certainly for 2014, we can  
 24 understand, given all our understanding of the  
 25 events of 2014 and why that would have been

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1 the case, so I'm going to focus on 2015 and  
 2 2016, 979 hours charged in for each of those  
 3 years, and if we could now turn, Ms. Gray, to  
 4 PUB-NLH-379, and Mr. McDonald, I thank you for  
 5 pointing me in the direction of that, you're  
 6 absolutely right, that that certainly answers  
 7 some questions with respect to some of the  
 8 positions, and why the time being charged in  
 9 in 2015 and 2016 is increasing, but I want to  
 10 move to the section of this response that  
 11 deals with the VP Corporate Communications, so  
 12 that starts at line 23 on page 2. So before  
 13 we get into the specific responses and some  
 14 questions that may come out of that, what was  
 15 your role, Mr. McDonald, in deciding that this  
 16 position needed to be created, the position of  
 17 VP Communications and Shareholder Relations?  
 18 It didn't exist before 2011. You were in a  
 19 position where you were responsible to at  
 20 least consult or advise on the organizational  
 21 structure of Nalcor. Could you provide some  
 22 insight as to the reasons why that position  
 23 was created?  
 24 MR. MCDONALD:  
 25 A. So that was around 2011/2012?

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1 MR. COXWORTHY:  
 2 Q. From PUB-NLH-228, that's my understanding that  
 3 it was created in October, 2011.  
 4 MR. MCDONALD:  
 5 A. Yeah. I was involved with the President and  
 6 CEO to a limited extent. My understanding of  
 7 the considerations at the time was that there  
 8 was a desire to bring together areas of the  
 9 company that were related to corporate  
 10 communications and corporate relations, in  
 11 particular, customer service and energy  
 12 efficiency inside system operations at the  
 13 time. So I think that would have been the  
 14 main consideration there. It was a big  
 15 portfolio pre-existing at that point in time,  
 16 in any event, given that it involved not just  
 17 internal communications, but external  
 18 communications and corporate relations with  
 19 various stakeholders. So that was added,  
 20 though, to the scope, and I think on that  
 21 basis the CEO felt it was important to create  
 22 an executive level role responsible for that  
 23 expanded scope.  
 24 MR. COXWORTHY:  
 25 Q. That portfolio before that position was

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1 created, was that under the responsibility of  
 2 a specific Vice President or other officer  
 3 position within Nalcor, or was it divided up  
 4 between different departments or different  
 5 lines of responsibility?  
 6 MR. MCDONALD:  
 7 A. The corporate communications and corporate  
 8 relations aspects of the role were Dawn's, who  
 9 later became the Vice President, as Manager of  
 10 Corporate Communications and Shareholder  
 11 Relations.  
 12 MR. COXWORTHY:  
 13 Q. So she held a lower level position, a manager  
 14 position, prior to being - with similar  
 15 responsibilities.  
 16 MR. MCDONALD:  
 17 A. Yes, it was not an executive level role, a  
 18 senior role, reporting directly to the  
 19 President, and the pieces that were added to  
 20 her role were formally in system operations,  
 21 if I recall correctly.  
 22 MR. COXWORTHY:  
 23 Q. The shareholder relations piece in that title,  
 24 who's the shareholder?  
 25 MR. MCDONALD:

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1 A. The province.  
 2 MR. COXWORTHY:  
 3 Q. Because we have had some - and certainly Mr.  
 4 Martin indicated that, but there was also some  
 5 evidence from Mr. Martin that within Nalcor,  
 6 at least in his mind, he thinks of the  
 7 citizens of the province as being shareholders  
 8 of Nalcor and Hydro.  
 9 MR. MCDONALD:  
 10 A. Uh-hm.  
 11 MR. COXWORTHY:  
 12 Q. Is that the shareholders that we're referring  
 13 to when we talk about shareholder relations in  
 14 the VP Corporate Communications position?  
 15 MR. MCDONALD:  
 16 A. I think in the context of the Vice President's  
 17 role, we understand the shareholder to be the  
 18 province, but we often use the term  
 19 "stakeholder" for sure to capture other groups  
 20 that are important to us, and obviously - I  
 21 mean, interchangeably, we often refer to  
 22 individual citizens and rate payers as  
 23 shareholders as well, but the shareholder is  
 24 the province. Stakeholders, though, is much  
 25 wider group of people who are important to us.

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1 MR. COXWORTHY:  
 2 Q. So in that VP Corporate Communications and  
 3 Shareholder Relations role, that VP, in  
 4 dealing with the shareholder, with the  
 5 province, are we talking about dealing with  
 6 the province at the highest levels or at  
 7 departmental levels? What level of government  
 8 is that VP responsible for those relations?  
 9 MR. MCDONALD:  
 10 A. Both. Mainly at two levels; with a department  
 11 that we, if you will, come under, the  
 12 Department of Natural Resources, so they're a  
 13 key point of interface with our shareholder,  
 14 and another, certainly at Ed's level, but  
 15 sometimes at Dawn's as well, is the Premier's  
 16 Office. So I would say between Cabinet and  
 17 DNR, those are our two main interface points.  
 18 MR. COXWORTHY:  
 19 Q. So turning then to, and we have it up on the  
 20 screen, PUB-NLH-379, page 2, line 23, and the  
 21 first paragraph, I think, other than  
 22 describing the position talks certainly about  
 23 the 2014 events. I wanted to move on to the  
 24 next paragraph, moving forward to 2015 and  
 25 beyond because what I'm interested in is the

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1 continued level of relatively high level of  
 2 charge in for that VP position being forecast  
 3 for 2015 and 2016. So if we look at line 6,  
 4 page 3 of PUB-NLH-379, "Moving forward to 2015  
 5 and beyond, the critical priorities of  
 6 planning for the interconnection and the  
 7 complexity of the post-interconnection  
 8 electricity system will continue to require  
 9 significant effort on both shareholder and  
 10 stakeholder engagement for the VP Corporate  
 11 Communications. The renewed emphasis on both  
 12 customer services, functions, and energy  
 13 efficiency program continue into 2015". So  
 14 can you expand on in relation to the  
 15 interconnection piece and the integration  
 16 piece that's going to be happening or is being  
 17 worked on in 2016, what responsibilities is  
 18 the VP Corporate Communications taking in that  
 19 regard, if you could expand on that answer  
 20 there?  
 21 (9:15 a.m.)  
 22 MR. MCDONALD:  
 23 A. There are two pieces to that answer that I  
 24 read, and when I read that again, but I'll  
 25 deal with the interconnection piece, as you've

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1 asked. So Dawn is one of those members of our  
 2 Transitional Operations Steering Committee  
 3 that I Chair and lead. I described it late  
 4 last week. She's part of that senior team  
 5 that oversees the activities generally of the  
 6 various tactical transitioning planning teams  
 7 that I described last week as well, but inside  
 8 of that a particularly important part of our  
 9 planning is - well, internal communication for  
 10 sure, but external communication and  
 11 engagement as well. So there is a priority  
 12 inside our integrated plan around developing  
 13 and executing on a robust stakeholder  
 14 engagement plan and communication plan around  
 15 interconnection. So Dawn is leading that  
 16 effort. We are using some external expertise  
 17 to assist us with that as well, but that's a  
 18 major piece that she's going to be handling  
 19 through the piece.  
 20 MR. COXWORTHY:  
 21 Q. So when you say "stakeholder", and you refer  
 22 to that, are you referring to the people in  
 23 the province?  
 24 MR. MCDONALD:  
 25 A. I include the people in the province inside

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1 stakeholder. You know, stakeholders will  
 2 include the people in the province, rate  
 3 payers and citizens, our shareholder  
 4 regulators and so on.  
 5 MR. COXWORTHY:  
 6 Q. So what information is she responsible to  
 7 communicate to the people of the province, the  
 8 rate payers, in relation to the  
 9 interconnection and the integration piece,  
 10 what information are you expecting is going to  
 11 be provided to rate payers and the public in  
 12 general emanating out of her position?  
 13 MR. MCDONALD:  
 14 A. Well, to be fair, I think that's part of what  
 15 we're determining or part of what she's  
 16 determining as part of the work that she's  
 17 doing and working with the consultant that we  
 18 engaged to assist us with that, so for that  
 19 reason and for the reason that I'm not Dawn,  
 20 my answer would be incomplete, to be honest  
 21 with you, but -  
 22 MR. COXWORTHY:  
 23 Q. And I realize your limits of - there may be  
 24 limits to what you know about her position.  
 25 MR. MCDONALD:

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1 A. Yeah.  
 2 MR. COXWORTHY:  
 3 Q. The consultant you're referring to, who is  
 4 that?  
 5 MR. MCDONALD:  
 6 A. National. That might be a little incomplete,  
 7 but National Public Relations perhaps, I'm not  
 8 sure.  
 9 MR. COXWORTHY:  
 10 Q. I'd like to move on, Mr. McDonald, and Mr.  
 11 Roberts, certainly if you have any comments to  
 12 add to this, I'd welcome them, but I want to  
 13 talk a little bit about the concept of  
 14 organizational effectiveness within your  
 15 respective roles, and perhaps before we get  
 16 into that, we had a little exchange at the end  
 17 on Thursday about I had suggested that, in  
 18 effect, really now the Nalcor organization was  
 19 using or employing two VP Human Resources and  
 20 Organizational Effectiveness. You made the  
 21 point, Mr. McDonald, that really the buck  
 22 stopped with Mr. Roberts in relation to those  
 23 issues, as he is now the Acting VP in that  
 24 role, but you still hold that position  
 25 officially with Nalcor, don't you, Mr.

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1 McDonald?  
 2 MR. MCDONALD:  
 3 A. That's correct.  
 4 MR. COXWORTHY:  
 5 Q. Your position hasn't changed in terms of its  
 6 name or -  
 7 MR. MCDONALD:  
 8 A. No.  
 9 MR. COXWORTHY:  
 10 Q. I realize you've been seconded to specific  
 11 projects?  
 12 MR. MCDONALD:  
 13 A. That's correct.  
 14 MR. COXWORTHY:  
 15 Q. So then moving on then to the operational  
 16 effectiveness piece, is there anything that  
 17 defines or sets out what the objectives or  
 18 goals for organizational effectiveness are for  
 19 Hydro, and before you answer that, I would  
 20 compare it to the HR function? I mean, you  
 21 have measures like the vacancy rate, FTEs,  
 22 and, I guess, perhaps - I don't know if you do  
 23 this, but you could have internal polling of  
 24 your employees to see what their satisfaction  
 25 is with their employment. Certainly you

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1 referred to exit or the attempt to have exit  
 2 interviews of employees. So there are various  
 3 things that are done to, I would suggest to  
 4 you, to measure the effectiveness of the HR  
 5 functions. Is there anything like that to  
 6 measure organizational effectiveness?  
 7 MR. MCDONALD:  
 8 A. I think we need to think about organizational  
 9 effectiveness on at least two levels. On one  
 10 level, you have the measures and targets that  
 11 are established by individual lines of  
 12 business and divisions within Hydro. So in  
 13 the case of Newfoundland and Labrador Hydro  
 14 corporately on a monthly basis, you know, they  
 15 set out in their plan for the year measures  
 16 and targets associated with reliability and  
 17 other things, the environment, safety, and so  
 18 on and so forth, and they are assessed and  
 19 measured throughout the year, so along the  
 20 business level, and then at a divisional level  
 21 as well. One example I'll give, for example,  
 22 is in each of the departments throughout the  
 23 company, in Project Execution and Technical  
 24 Services, for example, they would establish on  
 25 a project and then on an overall basis the

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1 measures they will use to assess their  
 2 effectiveness in project delivery, and  
 3 generally speaking, they tend to centre around  
 4 things like delivery and schedule, cost,  
 5 quality, and safety, not necessarily in that  
 6 order, but they're very standard in  
 7 engineering and project management work, but  
 8 I'm just using that as an example of how lines  
 9 of business and divisions set their measures  
 10 and targets, and assess and evaluate their  
 11 performance, and if necessary, develop  
 12 recovery plans in order to ensure that they're  
 13 met or exceeded. So what I'm getting at is  
 14 that one level, you know, from an operations  
 15 perspective and an ongoing business  
 16 perspective, that's done regularly to assess  
 17 effectiveness and identify opportunities for  
 18 improvement. Second, in relation to us more  
 19 specifically, and I was trying to describe  
 20 last week, I guess, organizational  
 21 effectiveness and the way in which we have  
 22 been used has tended to be not so much  
 23 ongoing, but more project related. I  
 24 explained last week that, you know, a very  
 25 important focus for us has been to focus on

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1 identifying opportunities for improving our  
 2 effectiveness in the organization, whatever  
 3 they might be. It can be very varied,  
 4 actually, and then mining those opportunities  
 5 and trying to improve how we're doing our  
 6 operations, but the tend to be project  
 7 focused, you know. You can't necessarily  
 8 predict as you going into a year. Sometimes  
 9 you can and they will show up in a plan as a  
 10 result, but sometimes you might not predict  
 11 what's coming, and we get involved either on  
 12 our own initiative, you know, in terms of  
 13 making a suggestion to the operations or  
 14 operations will come looking for some  
 15 assistance and guidance. So that's the best  
 16 way I can answer your question. I think at a  
 17 very important level in operations, they set  
 18 their targets and measures and, obviously,  
 19 that has everything to do with organizational  
 20 effectiveness and productivity, and then we  
 21 are involved more on a project basis in a  
 22 consulting kind of fashion.  
 23 MR. COXWORTHY:  
 24 Q. Thank you, Mr. McDonald. Would you agree that  
 25 an aspect of organizational effectiveness,

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1        though, would be clearly understanding within  
 2        an organization where the lines of authority  
 3        lie in terms of who is responsible for what,  
 4        who is answerable to who?  
 5 MR. MCDONALD:  
 6        A. Yes, and I think when we reviewed the  
 7        organizational principles last week, I think  
 8        that was itemized there as well.  
 9 MR. COXWORTHY:  
 10       Q. And as VP Corporate Communications and  
 11       Shareholders Relations, at least up until  
 12       2014, have you reviewed or compared the Nalcor  
 13       lines of authority in terms of how it's  
 14       structured with other public utilities? Have  
 15       you compared how other public utilities manage  
 16       their leadership roles, establish their  
 17       leadership roles, as compared to what Nalcor  
 18       and Hydro has done?  
 19 MR. MCDONALD:  
 20       A. You just referred to me as the VP of Corporate  
 21       Relations, by the way.  
 22 MR. COXWORTHY:  
 23       Q. I'm sorry.  
 24 MR. MCDONALD:  
 25       A. No problem. More on an ad hoc basis. We

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1        wouldn't have gone out and conducted or  
 2        finished a formal study of those things, but  
 3        certainly as we get involved in different  
 4        projects, you know, just going back to the  
 5        comment I made a moment ago, it wouldn't be  
 6        uncommon for us at all to go out and check  
 7        with other utilities across the country or  
 8        with industry generally to try and determine  
 9        what some prevailing practices are. That  
 10       wouldn't be uncommon at all. We would go out,  
 11       for example, and ask our - so one of the  
 12       mechanisms we have available to us is the HR  
 13       Committee of the Canadian Electricity  
 14       Association, and both Mike and I are actively  
 15       involved on that. So that would be one  
 16       mechanism or forum we would use for obtaining  
 17       information on prevailing practices in other  
 18       utilities. It could be very focused, you  
 19       know, related to what we're working on at the  
 20       time, or more general, or we might do it  
 21       differently. So in that way we would go out,  
 22       yeah.  
 23 MR. COXWORTHY:  
 24       Q. If I may interrupt because - yes, absolutely  
 25       on a very focused project based basis you

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1        would look at what other utilities have done  
 2        and take whatever lessons you can from that.  
 3        I was thinking more in terms of the overall  
 4        structure, though, Mr. McDonald, and overall  
 5        corporate structure and how the Nalcor/Hydro  
 6        structure in terms of the number of leadership  
 7        positions, how they interact with Hydro  
 8        leadership positions within Hydro itself, have  
 9        you done any comparison between how Nalcor and  
 10       Hydro have established that and what other  
 11       public utilities across Canada do.  
 12 MR. MCDONALD:  
 13       A. We would be aware of how some other utilities  
 14       are structured. We would be aware, for  
 15       example, how Fortis is structured and how  
 16       Newfoundland Power fits into that. We would  
 17       be familiar with how Emera is structured and  
 18       how Nova Scotia Power is structured into that.  
 19       We would be familiar with the history of  
 20       change at New Brunswick Power, for example,  
 21       where they've gone through significant  
 22       transition back to an earlier model over the  
 23       last couple of years, for example, so on and  
 24       so forth. They would all be inputs. One thing  
 25       we have found through experience is that even

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1        among utilities across the country, it's very  
 2        hard to find exact apples to apples. We're  
 3        all so different in terms of our service  
 4        territories. The lines of business that we're  
 5        actually involved in as between, for example,  
 6        generation and transmission and distribution,  
 7        the geography of our areas, you know, so on.  
 8        There's so many differences that the most you  
 9        can hope for, I think, in most cases is to  
 10       just have that information and be able to  
 11       glean from it what you know might be relevant  
 12       to what you're looking at at the time.  
 13 MR. COXWORTHY:  
 14       Q. Two of the examples you've given, I believe,  
 15       Mr. McDonald, I'm not sure about the status of  
 16       NB Power, but Emera and Fortis are not Crown  
 17       corporations, Nalcor is.  
 18 MR. MCDONALD:  
 19       A. Right.  
 20 MR. COXWORTHY:  
 21       Q. And so in terms of comparison to apples to  
 22       apples, what other Crown agencies that deliver  
 23       - public utilities deliver power to provincial  
 24       customers would have a structure similar to  
 25       Nalcor and Hydro, based on your comparison,

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1 and I'm asking you think in a Canadian context?  
 2 MR. MCDONALD:  
 3 A. To be honest with you, we wouldn't - Crown  
 4 versus non-Crown wouldn't be a primary  
 5 consideration for us. It's important to know,  
 6 it's potentially relevant, but, I mean, from a  
 7 business perspective and from an operations  
 8 perspective, what we find more instructive is  
 9 how those entities are set up that way, so,  
 10 you know, Fortis is not a Crown corporation,  
 11 nor is Newfoundland Power, nor is Nova Scotia  
 12 Power; understood, but, you know, there are  
 13 things to be learned from how they're set up  
 14 from an operations perspective. They're in  
 15 the electricity and energy businesses.  
 16 (9:30 a.m.)  
 17 MR. COXWORTHY:  
 18 Q. And I'm not suggesting that there isn't, but  
 19 is there another example, a Nalcor type, Hydro  
 20 structure, among Crown agencies that deliver  
 21 public utilities, electrical power to  
 22 provincial customers?  
 23 MR. MCDONALD:  
 24 A. I honestly can't say right now. I mean, there  
 25 are other utilities that we've looked at and

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1 obtained information from, but I'm not sure  
 2 we've even asked in those instances whether  
 3 they're a Crown or not.  
 4 MR. COXWORTHY:  
 5 Q. Mr. McDonald, and Mr. Roberts, again if you  
 6 have anything to add, please do. I want to  
 7 speak specifically about the matrix  
 8 organizational structure. Mr. Martin has  
 9 given some evidence about it and the sections  
 10 in your evidence that you previously indicated  
 11 that your panel is adopting refer to shared  
 12 services as being, I guess, maybe another way  
 13 of talking about the matrix organizational  
 14 structure.  
 15 MR. MCDONALD:  
 16 A. Yes.  
 17 MR. COXWORTHY:  
 18 Q. Is that unique to Nalcor or Hydro, or are  
 19 there other organizations out there who  
 20 acknowledge or represent that they are using a  
 21 matrix organizational structure?  
 22 MR. MCDONALD:  
 23 A. What I find probably is a bit more unique  
 24 about Nalcor is the terminology we've chosen  
 25 to use, to be honest with you. We've used the

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1 word "matrix", but having said that, a lot of  
 2 people in industry would be familiar with what  
 3 that concept is for sure. Really what it is,  
 4 is about shared services and how you avail of  
 5 shared services. Another term you can use, if  
 6 you like, people are a lot more familiar with  
 7 is whether you're decentralized or centralized  
 8 with respect to the provision of those  
 9 services. So the opposite end of the spectrum  
 10 would be, if you will, various lines of  
 11 business being totally equipped internally and  
 12 staffed up to independently service themselves  
 13 with those services. That's often referred to  
 14 as a centralized or decentralized model of  
 15 providing shared services. A more centralized  
 16 model is one where, you know, you're using  
 17 centralized corporate services and sharing  
 18 those across different entities. So matrix  
 19 shared services, centralized versus  
 20 decentralized, these are - I would describe it  
 21 as being very typical. I mean, I've worked in  
 22 organizations in the past that have operated  
 23 on a shared services model. At the university  
 24 where I came from before I came to Nalcor, you  
 25 know, the Human Resources Department that we

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1 ran there and others like Communications were  
 2 centralized. There were people in those  
 3 functional areas embedded throughout the  
 4 university, but we were highly centralized in  
 5 terms of the core services that we were  
 6 providing, so a long-winded answer, but I  
 7 think it's not atypical by any means.  
 8 MR. COXWORTHY:  
 9 Q. And if I may paraphrase, and you'll correct me  
 10 if I'm doing it inaccurately, I think you're  
 11 saying that with organization that have  
 12 multiple lines of business, if they have a  
 13 decentralized structure, they have separate  
 14 silos for each line of business and staff -  
 15 basically, the don't talk to each other and  
 16 don't need to talk to each other at the  
 17 operational level, let's say?  
 18 MR. MCDONALD:  
 19 A. They talk less to each other, they're self-  
 20 sufficient.  
 21 MR. COXWORTHY:  
 22 Q. Fair enough, and you're not saying that's the  
 23 Nalcor model. The Nalcor model is no one line  
 24 of business is necessarily self-sufficient, so  
 25 there is a fair amount of talk?

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|---|--|
| <p>1 MR. MCDONALD:</p> <p>2 A. I would say Newfoundland and Labrador Hydro is</p> <p>3 largely self-sufficient. A lot of the shared</p> <p>4 services that are shared are resident inside</p> <p>5 Newfoundland and Labrador Hydro, but it's not</p> <p>6 a decentralized model, we share those</p> <p>7 services.</p> <p>8 MR. COXWORTHY:</p> <p>9 Q. Okay. So Newfoundland and Labrador Hydro with</p> <p>10 its own staffing is largely self-sufficient?</p> <p>11 MR. MCDONALD:</p> <p>12 A. I say largely because there are some people in</p> <p>13 Nalcor who share some services with</p> <p>14 Newfoundland and Labrador Hydro and with other</p> <p>15 lines of business.</p> <p>16 MR. COXWORTHY:</p> <p>17 Q. Including the people, I presume, in PUB-NLH-</p> <p>18 228, the leadership team?</p> <p>19 MR. MCDONALD:</p> <p>20 A. Correct.</p> <p>21 MR. COXWORTHY:</p> <p>22 Q. Do you know from your knowledge of other</p> <p>23 Canadian utilities that deliver electrical</p> <p>24 power to provincial customers, whether any of</p> <p>25 them have a shared services model to the</p>   | <p>1 dedicated to a particular industrial customer.</p> <p>2 Do you know anything about that initiative?</p> <p>3 MR. MCDONALD:</p> <p>4 A. Only in a general way, and only in the sense</p> <p>5 that I'm aware, for example, that that was</p> <p>6 identified as a key focus area for us last</p> <p>7 year. I do know that there were one or more</p> <p>8 actions put into our integrated action plan</p> <p>9 for Hydro for it to be done in that area as it</p> <p>10 relates to industrial customers specifically.</p> <p>11 I couldn't tell you where Dawn and her team</p> <p>12 are right now on that, except I could say</p> <p>13 generally that there's being progress made and</p> <p>14 have been completed in some respects at this</p> <p>15 point in time. I couldn't comment in any</p> <p>16 detail. I think the person who could answer</p> <p>17 that in more detail than I can would be Rob</p> <p>18 Henderson.</p> <p>19 MR. COXWORTHY:</p> <p>20 Q. Thank you, Mr. McDonald, Mr. Roberts, I have</p> <p>21 no further questions.</p> <p>22 MR. MCDONALD:</p> <p>23 A. Thank you.</p> <p>24 MR. ROBERTS:</p> <p>25 A. Thank you.</p> |
| <p>1 extent that Nalcor and Hydro do, and I'm</p> <p>2 including in that, private as well as Crown</p> <p>3 agencies?</p> <p>4 MR. MCDONALD:</p> <p>5 A. Yeah, I wouldn't know offhand, to be honest</p> <p>6 with you. I just don't have that detail.</p> <p>7 MR. COXWORTHY:</p> <p>8 Q. Mr. McDonald, I'd like to move on to a more</p> <p>9 focused issue, and I don't know to what extent</p> <p>10 you can answer this question, but I'll put it</p> <p>11 to you. Mr. Martin has indicated a renewed</p> <p>12 focus on customer service, that customer</p> <p>13 service is an important part of the</p> <p>14 Nalcor/Hydro business model and goals. We've</p> <p>15 been talking about the position of VP</p> <p>16 Corporate Communications and how in 2015/2016,</p> <p>17 a large piece of her work is going to be</p> <p>18 working on customers, and I want to talk about</p> <p>19 specifically the industrial customers and what</p> <p>20 efforts you may be aware of, or if you're not</p> <p>21 aware of them, who you can point us to who</p> <p>22 might be, regarding improving communications</p> <p>23 with industrial customers? I have heard</p> <p>24 references to establishing key account people,</p> <p>25 key account teams, that would be perhaps</p> | <p>1 MR. YOUNG:</p> <p>2 Q. Mr. Chair, just a small point, if we can pull</p> <p>3 up 228, please. There's something I meant to</p> <p>4 mention at the outset, Mr. Chair, and we</p> <p>5 started the morning on a humorous point and I</p> <p>6 find this somewhat humorous, the last column,</p> <p>7 the numbers are the same as 2015 and 2016, but</p> <p>8 the total is different, and I've been advised</p> <p>9 this morning - I meant to mention this</p> <p>10 earlier, that the 2016 number is incorrect and</p> <p>11 the 2015 number is the right total. What I</p> <p>12 find humorous is we've been looking at this</p> <p>13 for two weeks and it went unnoticed, so we're</p> <p>14 going to issue a correction on that.</p> <p>15 CHAIRMAN:</p> <p>16 Q. I guess we're all mathematically challenged.</p> <p>17 MR. YOUNG:</p> <p>18 Q. Mental math is not what it used to be, Mr.</p> <p>19 Chair.</p> <p>20 CHAIRMAN:</p> <p>21 Q. So you're finished, Mr. Coxworthy?</p> <p>22 MR. COXWORTHY:</p> <p>23 Q. We are, thank you, Mr. Chair.</p> <p>24 CHAIRMAN:</p> <p>25 Q. So I'm back to Mr. O'Reilly.</p>                                |

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1 O'REILLY, Q.C.:

2 Q. Thank you, Mr. Chairman.

3 MR. GERARD MCDONALD - CROSS-EXAMINATION BY O'REILLY,

4 Q.C.:

5 MR. MICHAEL ROBERTS - CROSS-EXAMINATION BY O'REILLY,

6 Q.C.:

7 O'REILLY, Q.C.:

8 Q. Good morning, Mr. McDonald.

9 MR. MCDONALD:

10 A. Good morning.

11 O'REILLY, Q.C.:

12 Q. My name is Tom O'Reilly, and with me is Denis

13 Fleming, and we represent the interest of Vale

14 Newfoundland and Labrador at this hearing.

15 I'm going to ask you if you could speak up a

16 little bit, it's a little difficult to hear

17 back here, and being last on the - not last,

18 but after the pecking order that's gone

19 through, I apologize in advance if there's any

20 repetition here. I try not to do that, but

21 cut me a little slack if there is.

22 MR. MCDONALD:

23 A. Understood.

24 O'REILLY, Q.C.:

25 Q. Now we have - Mr. Coxworthy ended up on

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1 something that, an exhibit that I just wanted

2 to leave on the screen for a moment. That

3 number - that exhibit 228, PUB-228, shows the

4 number of hours charged by the leadership team

5 to Hydro between 2008 and 2013, with a pretty

6 good forecast for 2015, is that correct?

7 MR. MCDONALD:

8 A. That's correct.

9 O'REILLY, Q.C.:

10 Q. Okay, and I gather these numbers that we're

11 looking at here are really a function of self-

12 reporting? In other words, the people who

13 expend the hours are responsible for recording

14 them and making sure that they're accurate

15 when they're charged to the regulated part of

16 the business, is that correct?

17 MR. MCDONALD:

18 A. That's correct.

19 O'REILLY, Q.C.:

20 Q. Is there - can you tell me, is there a written

21 policy as to how that is to be recorded? I

22 mean, is there a set procedure that those who

23 are responsible for recording their time and

24 making sure it gets on the Hydro books, that

25 there's something that you can look at, it can

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1 be audited from the outside, someone can look

2 at it and say, yeah, this is the way it's

3 supposed to be done? Is there a written

4 policy on that, or a written procedure, do you

5 know?

6 MR. MCDONALD:

7 A. There was a written set of guidelines and

8 instructions issued, as I recall, back in

9 2010.

10 O'REILLY, Q.C.:

11 Q. Okay.

12 MR. MCDONALD:

13 A. When the timesheet process was strengthened

14 and I don't know if that's in evidence right

15 now or not.

16 O'REILLY, Q.C.:

17 Q. Well, I haven't seen it, and with the volume

18 of paper, I'm reluctant to say, no, it hasn't

19 been, but would you undertake to look into

20 that and see if there is such a policy, the

21 policy of 2010, or guidelines, I should say,

22 and make sure we have a copy of that. Would

23 that be possible for you to do that?

24 MR. MCDONALD:

25 A. I can do that, yeah.

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1 MS. GLYNN:

2 Q. Noted on the record as an undertaking.

3 O'REILLY, Q.C.:

4 Q. Now I take it, both you and -

5 MR. MCDONALD:

6 A. Mr. Roberts.

7 O'REILLY, Q.C.:

8 Q. You recorded your time -

9 MR. MCDONALD:

10 A. Yes.

11 O'REILLY, Q.C.:

12 Q. In accordance with the policy, and your

13 numbers are showing up here on 228?

14 MR. MCDONALD:

15 A. Correct.

16 O'REILLY, Q.C.:

17 Q. Mr. Martin testified that he uses - he employs

18 his secretary to keep track of his time that

19 he uses. He uses that as a resource, I guess,

20 to record his time that should be charged. Is

21 that part of the policy, do you know that, or

22 am I getting ahead of myself here, and I'm

23 only asking because I know you follow that

24 policy?

25 MR. MCDONALD:

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1 A. Yes, we both share the same administrative  
 2 assistant or executive assistant, who records  
 3 mine as well. Practices may vary because it's  
 4 an online application that we use for  
 5 timekeeping. So Bev would use the same online  
 6 application as perhaps Mike would choose to  
 7 use on his own if he was recording his time.  
 8 O'REILLY, Q.C.:  
 9 Q. He would use his own?  
 10 MR. MCDONALD:  
 11 A. No, the same timesheeting system, but I'm just  
 12 saying that others may choose to go directly  
 13 online and enter their time directly as  
 14 opposed to using an EA, for example.  
 15 O'REILLY, Q.C.:  
 16 Q. Okay, online?  
 17 MR. MCDONALD:  
 18 A. Yes.  
 19 O'REILLY, Q.C.:  
 20 Q. And you do yours online?  
 21 MR. MCDONALD:  
 22 A. No, I don't. I've done it, but I generally  
 23 use my EA to do that for me.  
 24 O'REILLY, Q.C.:  
 25 Q. Executive Assistant to do that?

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1 MR. MCDONALD:  
 2 A. Yes.  
 3 O'REILLY, Q.C.:  
 4 Q. And so you tell her how much; today I was two  
 5 hours working on something that you feel  
 6 should be charged to Hydro?  
 7 MR. MCDONALD:  
 8 A. Well, we all use a standard timesheet that Bev  
 9 uses for Ed and myself, and I know Mike uses  
 10 the same one. In terms of format, it has all  
 11 the lines of business and other work codes  
 12 identified there, and we use it to - I do, to  
 13 write down and document my hours, and then  
 14 hand that to her and she enters it for me.  
 15 O'REILLY, Q.C.:  
 16 Q. And she enters it into the system?  
 17 MR. MCDONALD:  
 18 A. Correct.  
 19 O'REILLY, Q.C.:  
 20 Q. All right, so you'll undertake to get the  
 21 guidelines?  
 22 MR. MCDONALD:  
 23 A. I will, yes.  
 24 O'REILLY, Q.C.:  
 25 Q. Again leaving up the same document, 228, I

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1 understood from your evidence, and I'm  
 2 referring particularly to - we don't need to  
 3 go there, only if you disagree, it's taking a  
 4 lot of time going back and forth, that the  
 5 charges found in Revision 4, those are not the  
 6 charges that were entered for 2014/2015, were  
 7 in the 2015 test year, is that correct?  
 8 MR. MCDONALD:  
 9 A. That's correct.  
 10 O'REILLY, Q.C.:  
 11 Q. It's only those in Revision 1.  
 12 MR. MCDONALD:  
 13 A. Right.  
 14 O'REILLY, Q.C.:  
 15 Q. In other words, as I understand, Revision 4  
 16 includes the Dark NL numbers that were - is  
 17 that correct?  
 18 MR. MCDONALD:  
 19 A. So the numbers for 2014 and 2015 in Revision  
 20 4, which was produced in June of this year,  
 21 the 2014 numbers would have been actuals.  
 22 O'REILLY, Q.C.:  
 23 Q. They're actual?  
 24 MR. MCDONALD:  
 25 A. Yes, and we would have had the benefit of

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1 actual data for 2014 at that point in time.  
 2 O'REILLY, Q.C.:  
 3 Q. For 2015, you'd only have it up to a point,  
 4 agreed.  
 5 MR. MCDONALD:  
 6 A. Right, and in 2015, we would have had it up to  
 7 a point. We would have had the actuals for  
 8 2014, so that was a forecast that was  
 9 fashioned on the basis of that for 2015.  
 10 O'REILLY, Q.C.:  
 11 Q. But it's the 2014 actuals that are in the test  
 12 year, not 2015?  
 13 MR. MCDONALD:  
 14 A. No, the numbers that are in the test year are  
 15 the numbers that were initially in Revision 1.  
 16 O'REILLY, Q.C.:  
 17 Q. In Revision 1, not Revision 4?  
 18 MR. MCDONALD:  
 19 A. Correct.  
 20 O'REILLY, Q.C.:  
 21 Q. All right. Did you play any part in the  
 22 decision not to include the 2014 actuals in  
 23 forecasted 2015 costs in the test year? Did  
 24 you play any role in that?  
 25 MR. MCDONALD:

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1 A. No, I didn't.

2 O'REILLY, Q.C.:

3 Q. Who would be the person to ask in that?

4 MR. MCDONALD:

5 A. It would be the Finance Panel.

6 O'REILLY, Q.C.:

7 Q. Finance Panel?

8 MR. MCDONALD:

9 A. Yes.

10 O'REILLY, Q.C.:

11 Q. The Finance Panel?

12 MR. MCDONALD:

13 A. The Finance Panel, yes.

14 O'REILLY, Q.C.:

15 Q. Can you tell me, do you know whether the

16 charges set out in Revision 1 or 4 were

17 included in the 2014 revenue deficiency

18 calculations, can you tell me that?

19 MR. MCDONALD:

20 A. No, I can't.

21 O'REILLY, Q.C.:

22 Q. Okay, and again that would be?

23 MR. MCDONALD:

24 A. Finance Panel.

25 O'REILLY, Q.C.:

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1 Q. And, I guess, the same answer for whether or

2 not Revision 1, Revision 4 figures, were

3 included in the 2015 revenue interim rate

4 application, you don't know that either, do

5 you?

6 MR. MCDONALD:

7 A. No, you'd have to ask the Finance Panel.

8 (9:45 a.m.)

9 O'REILLY, Q.C.:

10 Q. I just want to have a brief word about the

11 vacancy factor. Now as I understand how this

12 works is the vacancy factor is really a credit

13 against the cost, is it not? That's how it

14 operates, is it?

15 MR. MCDONALD:

16 A. Essentially so.

17 O'REILLY, Q.C.:

18 Q. I'm trying to get it down to its simplest

19 terms so even I understand it, okay.

20 MR. MCDONALD:

21 A. Yes, I thin that's a fair characterization.

22 It's essentially an assumption that's made

23 with respect to Hydro's vacancy experience in

24 the run of a year.

25 O'REILLY, Q.C.:

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1 Q. So you estimate going forward how many full

2 time equivalents, FTEs, are going to be

3 required to do the work for Hydro during the

4 year?

5 MR. MCDONALD:

6 A. Correct.

7 O'REILLY, Q.C.:

8 Q. And then you take the very practical solution

9 that, well, yes, these are the positions that

10 we need to do all this, but history tells us

11 that we don't usually fill all those

12 positions, so we don't expend that amount of

13 money that we forecasted?

14 MR. MCDONALD:

15 A. No, and I'm going to ask Mike to help me here,

16 if necessary, but it's important to understand

17 if we're talking, for example, 40 FTEs, which

18 is the assumption and allowance that we use

19 right now, it wouldn't be 40 discreet

20 positions that we're saying have been filled

21 or don't need. That vacancy experience, if

22 you want to call it, and that's what we would

23 call it at the end of a year, that could be

24 the result of two or three times that number

25 of positions have been vacant at a point in

Page 40

1 time during the year. It's all accumulated in

2 that -

3 O'REILLY, Q.C.:

4 Q. I misspoke, and I understand how it works. So

5 you estimated - you assume that they're going

6 to be full time, but history tells you they're

7 not going to be employed full time?

8 MR. MCDONALD:

9 A. Only by virtue of the fact that we haven't

10 been able to recruit and fill the position

11 right away.

12 O'REILLY, Q.C.:

13 Q. Okay, and I understand as well that the full

14 time equivalent, each full time equivalent, is

15 worth about \$83,000.00, is that correct?

16 MR. MCDONALD:

17 A. That's the estimate that we -

18 O'REILLY, Q.C.:

19 Q. That's your estimate.

20 MR. MCDONALD:

21 A. Based on current rates, you know, and our

22 turnover experience.

23 O'REILLY, Q.C.:

24 Q. Now I understood that the estimate for 2015,

25 the vacancy rate, is 65?

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1 MR. MCDONALD:  
 2 A. I think what I indicated last week is that our  
 3 expectation right now is that by the end of  
 4 the year, we will have had a vacancy  
 5 experience for 2015 equivalent to 65 full time  
 6 equivalents.  
 7 O'REILLY, Q.C.:  
 8 Q. Okay.  
 9 MR. MCDONALD:  
 10 A. And I think, I might have testified as well,  
 11 that will - the amount of about 40 for sure  
 12 will largely be driven by the new positions  
 13 that have been added in 2015.  
 14 O'REILLY, Q.C.:  
 15 Q. Well, if that's the case, what is the  
 16 rationale for using 40?  
 17 MR. MCDONALD:  
 18 A. As I explained last week, we feel that in 2016  
 19 and beyond we're going to be able to get back  
 20 to that right number. The fact that we've  
 21 reached 65 in 2015, in our opinion at least,  
 22 is not an indication of what we can reasonably  
 23 expect which should be the standard on a  
 24 longer term basis.  
 25 O'REILLY, Q.C.:

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1 Q. But the 2015 test year is based on 40  
 2 vacancies?  
 3 MR. MCDONALD:  
 4 A. Correct.  
 5 O'REILLY, Q.C.:  
 6 Q. But you expect that it's going to be 65?  
 7 MR. MCDONALD:  
 8 A. For 2015. What I'm also saying is that in  
 9 2016 and beyond, we expect to be at 40 or  
 10 below.  
 11 O'REILLY, Q.C.:  
 12 Q. Right. Is there any plan, was there a  
 13 decision taken to develop a plan to get to  
 14 that 40? How was that - so 40 is a goal, but  
 15 it doesn't seem to be worked out in -  
 16 MR. MCDONALD:  
 17 A. Well, 40 is a goal, but it's been an  
 18 achievable goal over the last three to four  
 19 years. 2015, we're expecting will be an  
 20 exception. I know in the data that's showing  
 21 up in the table somewhere in evidence, we  
 22 might have been indicating an actual for 2014  
 23 of 52, but I indicated there were two  
 24 extraordinary factors that if you take them  
 25 into account, bring it down to 37. I talked

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1 about almost 10 apprentice positions that were  
 2 government funded that were not filled on a go  
 3 forward basis, and I talked about an  
 4 additional six positions in project execution  
 5 that were actually filled by contractors as  
 6 opposed to staff. So we're down to below 37.  
 7 Certainly 2015 will be an anomaly in our view.  
 8 I think to a very large extent that's being  
 9 driven by a continuation of the additional  
 10 effort required to get those additional new  
 11 positions filled. I think in 2016, we will  
 12 have had 2014 and 2015 largely behind us in  
 13 terms of a pretty significant infusion of new  
 14 additional full time equivalents into  
 15 Newfoundland and Labrador Hydro, and we're  
 16 trying to manage that as best we can on top  
 17 of, you know, the regular ongoing recruitment  
 18 associated with retirements and resignations,  
 19 and leaves of absence, and that kind of thing.  
 20 So it's a fairly large scope of work. One  
 21 thing I remember mentioning last week is that  
 22 we don't like to be in a position of talking  
 23 about 65 FTEs for 2015, but if you look at it  
 24 differently in terms of will those positions  
 25 be utilized and filled, I think I remember

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1 indicating last week is that literally there  
 2 will be less than a handful of those  
 3 positions, new positions that have been added  
 4 in 2014 and 2015 that will not be filled at  
 5 the end of the year. So the more important  
 6 indicator to me, or an important one,  
 7 obviously, is whether these positions are  
 8 required and needed in our organization and  
 9 I'm absolutely convinced that they are.  
 10 O'REILLY, Q.C.:  
 11 Q. I'm just trying to get an order of magnitude  
 12 for the - if your numbers are off by 10, let's  
 13 say, the vacancy is 50 and not 40 -  
 14 MR. MCDONALD:  
 15 A. Right.  
 16 O'REILLY, Q.C.:  
 17 Q. Then that would be the equivalent of  
 18 \$830,000.00 additional cost going into the  
 19 test year that Hydro didn't actually require,  
 20 is that -  
 21 MR. MCDONALD:  
 22 A. Yeah -  
 23 O'REILLY, Q.C.:  
 24 Q. Am I reading this wrong?  
 25 MR. MCDONALD:

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1 A. Perhaps.  
 2 O'REILLY, Q.C.:  
 3 Q. Perhaps what, perhaps I'm wrong?  
 4 MR. MCDONALD:  
 5 A. In the sense that we do know that in some  
 6 instances where approved positions haven't  
 7 been filled, or haven't been filled right  
 8 away, that there are other things that  
 9 operations are doing to make sure the work  
 10 gets done. For example, overtime or the use  
 11 of contractors, or other reassignment of work  
 12 inside the work plan, or whatever the case may  
 13 be. So some of those have costs associated  
 14 with them that you're not seeing play out in  
 15 terms of salary, but you'll see it in another  
 16 area. So, you know, in Holyrood, for example,  
 17 we do know that there have been instances of,  
 18 I think, and I can't remember if I mentioned  
 19 it last week or not, but we do know that in  
 20 2014, for example - I think I have my years  
 21 correct here, it's been an ongoing challenge  
 22 in Holyrood to make sure we're recruiting and  
 23 retaining people we need to run that  
 24 operation, and the closer we get to the point  
 25 in time where the plan is re-purposed, I mean,

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1 those challenges will continue in terms of  
 2 getting people to come, but we've been able to  
 3 isolate, for example, four situations, four  
 4 positions that have been filled completely  
 5 through overtime. So that's why I can't say  
 6 that if you say that you've got additional  
 7 FTEs that are showing up as vacancies for the  
 8 year, that we're not incurring cost to make  
 9 sure the work is getting done, we are.  
 10 O'REILLY, Q.C.:  
 11 Q. Right. Do you track - have you tracked the  
 12 actuals for 2015? Do you have that  
 13 information?  
 14 MR. MCDONALD:  
 15 A. Actuals for?  
 16 O'REILLY, Q.C.:  
 17 Q. 2015.  
 18 MR. MCDONALD:  
 19 A. For?  
 20 O'REILLY, Q.C.:  
 21 Q. Vacancy.  
 22 MR. MCDONALD:  
 23 A. For 2015?  
 24 O'REILLY, Q.C.:  
 25 Q. Yeah.

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1 MR. MCDONALD:  
 2 A. We track it and look at it reasonably  
 3 regularly.  
 4 O'REILLY, Q.C.:  
 5 Q. Okay.  
 6 MR. MCDONALD:  
 7 A. On a year to year basis.  
 8 O'REILLY, Q.C.:  
 9 Q. So how is that - your forecast for 65, this is  
 10 what it's based on, what you're tracking as  
 11 you go through?  
 12 MR. MCDONALD:  
 13 A. Yes.  
 14 O'REILLY, Q.C.:  
 15 Q. Do you feel comfortable that we're going to  
 16 have a 65 - a vacancy factor of 65?  
 17 MR. MCDONALD:  
 18 A. That's a fairly recent forecast that was based  
 19 on the most recent data available to us, let's  
 20 say, two or three weeks ago, and that involves  
 21 as well, if I might add, not just reflecting  
 22 on what the experience has been to date, but  
 23 talking with operations as well in terms of  
 24 their intentions and requirements and needs.  
 25 So we're reasonably confident in the number at

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1 this point.  
 2 O'REILLY, Q.C.:  
 3 Q. Mr. McDonald, do you know what vacancy rate  
 4 was used to calculate the 2014 revenue  
 5 deficiency - what number of vacancy rate went  
 6 into the 2014 revenue deficiency calculation?  
 7 Do you know that?  
 8 MR. MCDONALD:  
 9 A. I'm not familiar with the revenue deficiency.  
 10 O'REILLY, Q.C.:  
 11 Q. Okay, that would be - you defer that.  
 12 MR. MCDONALD:  
 13 A. The Finance Panel. I would prefer to do that,  
 14 yeah.  
 15 O'REILLY, Q.C.:  
 16 Q. And in the 2015 revenue deficiency calculation  
 17 in the interim rate application, again the  
 18 same -  
 19 MR. MCDONALD:  
 20 A. The same answer, yeah.  
 21 O'REILLY, Q.C.:  
 22 Q. So it's better to put that question to someone  
 23 in Finance?  
 24 MR. MCDONALD:  
 25 A. Yes.

|  |   |
|--|---|
| <p style="text-align: right;">Page 49</p> <p>1 O'REILLY, Q.C.:</p> <p>2 Q. Mr. Coxworthy asked you some questions about</p> <p>3 the role of - your role as having</p> <p>4 responsibility for organizational</p> <p>5 effectiveness, and whether or not there was</p> <p>6 any comparisons or inquiries made as to</p> <p>7 similarities of organizational structure</p> <p>8 similar to that that exists between Nalcor and</p> <p>9 Hydro, and it would seem to me that one of the</p> <p>10 principal differences between the regulated</p> <p>11 and unregulated side is that the unregulated</p> <p>12 side would not be as risk adverse as the</p> <p>13 regulated side of the business? In other</p> <p>14 words, you have - Hydro has a statutory</p> <p>15 obligation to deliver an efficient, cost</p> <p>16 effective, and safe power and electricity to</p> <p>17 its customers, and the other parts of the</p> <p>18 Nalcor operation don't have that stricture,</p> <p>19 they can take economic risks and so on, and</p> <p>20 they're driven by the profit motive as opposed</p> <p>21 to Hydro is more regulated on those lines. In</p> <p>22 your view, is this organizational structure</p> <p>23 under which Hydro operates now, in your view,</p> <p>24 is it the most effective and appropriate</p> <p>25 organization?</p> | <p style="text-align: right;">Page 51</p> <p>1 commit ourselves to making sure that we're not</p> <p>2 locked in on a particular model without from</p> <p>3 time to time making sure we're considering the</p> <p>4 impact of some of these changes on Hydro, in</p> <p>5 particular, as a regulated electricity</p> <p>6 provider, and on the other lines of business.</p> <p>7 I do believe it's the right model, not just</p> <p>8 for cost reasons, but for others as well. I</p> <p>9 think Hydro is getting the appropriate support</p> <p>10 and I can assure you as we speak, as we're</p> <p>11 looking at how we should be organizing</p> <p>12 ourselves and how Hydro should be organized</p> <p>13 inside Nalcor on the longer term basis post-</p> <p>14 interconnection, you know, that's been looked</p> <p>15 at very closely. Hydro's interest will always</p> <p>16 be front and centre. We've always said that</p> <p>17 to ourselves is that Hydro's interests are</p> <p>18 important, and the only thing I would say from</p> <p>19 a risk perspective is that, I think, one of</p> <p>20 the things we've been able to evolve</p> <p>21 considerably over the last four to five years,</p> <p>22 in particular, is the framework and strategy</p> <p>23 we use in around risk management inside the</p> <p>24 company. So I would say we're well organized,</p> <p>25 I'll even suggest perhaps best practice in</p> |
| <p style="text-align: right;">Page 50</p> <p>1 MR. MCDONALD:</p> <p>2 A. Yes, I do.</p> <p>3 O'REILLY, Q.C.:</p> <p>4 Q. Okay.</p> <p>5 MR. MCDONALD:</p> <p>6 A. And different reasons for that. I think it</p> <p>7 has served Hydro well. The vast majority of</p> <p>8 the positions that we do use to share</p> <p>9 services, not all, but many of them, or most</p> <p>10 of them, I should say, are in Hydro. So</p> <p>11 they're in the place where they should be, you</p> <p>12 know, in terms of where they spend most of</p> <p>13 their time. I believe, Hydro has benefitted</p> <p>14 as being appropriately supported from a shared</p> <p>15 services perspective. The point I would make,</p> <p>16 though, is that, you know, and I think Mr.</p> <p>17 Martin may have indicated the same thing,</p> <p>18 organizations do change over time, you know,</p> <p>19 their environment evolves over time. The</p> <p>20 environment around Hydro is going to change</p> <p>21 significantly over the next two to three years</p> <p>22 leading into interconnection and subsequently,</p> <p>23 and it's changed a lot over the last few years</p> <p>24 as well with the evolution of some of these</p> <p>25 other lines of business. So, I guess, we</p>   | <p style="text-align: right;">Page 52</p> <p>1 terms of the framework we have in place around</p> <p>2 risk management and using the tools and</p> <p>3 processes that enable us, Hydro included, to</p> <p>4 identify those and plan for them</p> <p>5 appropriately.</p> <p>6 O'REILLY, Q.C.:</p> <p>7 Q. Yeah, I think earlier, I don't know if it was</p> <p>8 your testimony or Mr. Martin's testimony,</p> <p>9 talked about the evolution of Nalcor, the seed</p> <p>10 organization was Hydro?</p> <p>11 MR. MCDONALD:</p> <p>12 A. Yes.</p> <p>13 O'REILLY, Q.C.:</p> <p>14 Q. Right, and the leadership team essentially</p> <p>15 came out of Hydro and went to Nalcor, and now</p> <p>16 it's a shared service. The leadership costs</p> <p>17 are a shared service or a shared cost with</p> <p>18 Nalcor and its other operations, is that</p> <p>19 correct?</p> <p>20 MR. MCDONALD:</p> <p>21 A. That's correct, yes.</p> <p>22 O'REILLY, Q.C.:</p> <p>23 Q. So was it - in that respect, was it - to your</p> <p>24 knowledge, was that a considered organization</p> <p>25 or did it just grow that way and now you're</p>  |

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1 looking at it and seeing is it effective? In  
 2 other words, was it designed to be an  
 3 effective organization from the very beginning  
 4 that was just a thought concept or did it just  
 5 grow out of that and now you're looking at it  
 6 to see does it work, do you know what I mean?  
 7 MR. MCDONALD:  
 8 A. I think I do, and I would say it was a very  
 9 considered decision. I think, all the  
 10 decisions we've made along the way as our  
 11 organization has grown, both Nalcor's and  
 12 Hydro's, we've been very thoughtful about it,  
 13 you know. We've revisited our guiding  
 14 principles around organizational change, we've  
 15 made sure we understand the principles and  
 16 drivers that are at play, you know, in terms  
 17 of what's driving us to now re-look at our  
 18 organizational structure. So it wasn't just  
 19 adopting something off the shelf, if you will,  
 20 in terms of a known business model. I mean,  
 21 certainly matrix and shared services models  
 22 are not atypical by any means, but we just  
 23 didn't adopt it without giving it a lot of  
 24 thought, and I'm being honest, I think we've  
 25 always been very thoughtful and measured and

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1 we've been very thoughtful too about the pace  
 2 of change in our organization in terms of  
 3 managing it effectively. So a long-winded  
 4 answer, but again it's a definite "yes" to  
 5 your question.  
 6 (10:00 a.m.)  
 7 O'REILLY, Q.C.:  
 8 Q. What if any other models were considered? I  
 9 mean, organizational models.  
 10 MR. MCDONALD:  
 11 A. At any particular point in time?  
 12 O'REILLY, Q.C.:  
 13 Q. Yes, at the inception when it was decided that  
 14 Nalcor would be formed and that the seed  
 15 organization was Hydro, and this is the  
 16 organizational structure that there would be a  
 17 shared service model, what other, if any,  
 18 models that you're aware were considered and  
 19 rejected?  
 20 MR. MCDONALD:  
 21 A. I think generally we would have spoken about  
 22 two or three obvious options. One was the one  
 23 that we adopted, you know -  
 24 O'REILLY, Q.C.:  
 25 Q. The one you did.

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1 MR. MCDONALD:  
 2 A. That we did adopt.  
 3 O'REILLY, Q.C.:  
 4 Q. I'm worried about the - I'm asking you about  
 5 the other ones.  
 6 MR. MCDONALD:  
 7 A. Yes. So a couple of other variations that we  
 8 would have thought about would have been the  
 9 other end of the spectrum, the opposite from  
 10 that, and that is to say we're going to adopt  
 11 a model under which each one of our lines of  
 12 businesses will be staffed, to be self-  
 13 sufficient, and we will not be using a shared  
 14 services model. There may be some unification  
 15 of how we do things on a standard basis at the  
 16 very top of Nalcor, let's say. So that was  
 17 the other end of the spectrum, and I think  
 18 probably we would have looked at whether there  
 19 should be some place in between, whether any  
 20 one of our lines of business, for example,  
 21 Hydro, should be treated differently than any  
 22 of the others were.  
 23 O'REILLY, Q.C.:  
 24 Q. Yeah.  
 25 MR. MCDONALD:

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1 A. I would say all three of those were assessed  
 2 and thought about at length, and we felt, and  
 3 still do at this particular point in our  
 4 evolution, that although there's a lot of  
 5 thinking going into our longer term model now  
 6 for electricity operations, I have to say,  
 7 that that was the right decision to make, the  
 8 right approach.  
 9 O'REILLY, Q.C.:  
 10 Q. Right, and the fact that the regulated versus  
 11 non-regulated aspects of some of Nalcor's  
 12 operations didn't dissuade anybody that this  
 13 was an inappropriate model to have, the shared  
 14 service model across all lines of business,  
 15 both regulated and unregulated, is that  
 16 correct?  
 17 MR. MCDONALD:  
 18 A. That's correct.  
 19 O'REILLY, Q.C.:  
 20 Q. Okay. Now I'm looking at the - I want to move  
 21 on to another question here now. On the  
 22 witness list, your position and area of  
 23 responsibility, along with Mr. Roberts, to a  
 24 certain extent, Human Resources and  
 25 Organizational Effectiveness is the heading

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1 that's used, and one of the sub-bullets under  
 2 that is safety, okay. Now when you were  
 3 talking about safety, are we talking about  
 4 inter-company safety or are we talking about  
 5 public safety, or are we talking both? I  
 6 guess, the question I have is, is there  
 7 anybody - does the role of safety of the  
 8 public, does that come under your general  
 9 heading, or is it just, you know, accidents,  
 10 employee safety?  
 11 MR. MCDONALD:  
 12 A. Safety in our organization refers to both  
 13 employee safety and public safety.  
 14 O'REILLY, Q.C.:  
 15 Q. And public safety.  
 16 MR. MCDONALD:  
 17 A. And we -- you know, so safety is one of our  
 18 corporate values. I can play it back to you  
 19 this way, you know, it's about -- we call a  
 20 relentless commitment to protecting ourselves,  
 21 our colleagues and the general public.  
 22 O'REILLY, Q.C.:  
 23 Q. And is there -- I can appreciate that there's  
 24 probably a system for measuring company  
 25 safety. I mean, you have, you know, lost time

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1 accidents and this kind of thing. That's a  
 2 way of measure. How is the aspect of public  
 3 safety measured? Is there a template or some  
 4 way to judge that or to make an assessment?  
 5 MR. MCDONALD:  
 6 A. The way we would track and address and public  
 7 safety concerns would be mainly in two ways.  
 8 Through public reports, so you know, for  
 9 example, if a contractor in Happy Valley-Goose  
 10 Bay takes down a conductor because he had his  
 11 boom up to high or whatever the case may be, I  
 12 mean that's -- that would -- we wouldn't miss  
 13 anything like that. I mean, that would be  
 14 reported publicly and it would come into our  
 15 system and several of those have over the  
 16 years, you know. We've adopted, in  
 17 partnership with some other agencies and  
 18 organizations, a deliberate program around  
 19 awareness and so on with respect to those.  
 20 O'REILLY, Q.C.:  
 21 Q. Okay.  
 22 MR. MCDONALD:  
 23 A. Otherwise, the main tool we would rely on is  
 24 what we refer to as our safe workplace  
 25 observation program. SWAP is the acronym, but

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1 basically it's a safety reporting system  
 2 inside our organization that everyone of us  
 3 have an obligation to use and we do. It's  
 4 used a lot. That is used to report any  
 5 incident or event in our organization, whether  
 6 it's internal involving an employee or  
 7 external involving a member of the public or a  
 8 contractor, whatever the case may be. And it  
 9 would be captured through that system.  
 10 Anything that's of any real significance or  
 11 danger, if you will, or high risk will get  
 12 elevated and escalated under established  
 13 procedures. It would be investigated as  
 14 appropriate and depending on the level of risk  
 15 and seriousness, it would be elevated as well  
 16 to our monthly safety meeting, for example.  
 17 So it gets aired out. As a minimum, it would  
 18 be seen and reviewed by our corporate safety  
 19 and health department in conjunction with the  
 20 safety people in the area.  
 21 O'REILLY, Q.C.:  
 22 Q. Is there a component of the safety umbrella  
 23 for which you're responsible? Is there a  
 24 component of that that applies to the public?  
 25 I mean, you're talking about employees and

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1 you're talking about contractors, but to the  
 2 public, and the question comes up that as a  
 3 result of power outages and stuff like that,  
 4 is there any measurement of that or is that --  
 5 is there a safety element to that for the  
 6 public that falls under your area of concern?  
 7 MR. MCDONALD:  
 8 A. NO, I think there isn't a measure per se, but  
 9 I think we would definitely view public safety  
 10 -- because the interface there is between  
 11 operations, generally speaking, you know, our  
 12 terminal stations, lines, structures and  
 13 meters and so on and so forth. That's all in  
 14 the domain of operations obviously. That's  
 15 something they would deal with and measure and  
 16 assess.  
 17 O'REILLY, Q.C.:  
 18 Q. So it would be under operations?  
 19 MR. MCDONALD:  
 20 A. Yes.  
 21 O'REILLY, Q.C.:  
 22 Q. Okay. So, for example, as a result of --  
 23 would there be any inquiry made or would you  
 24 look into any adverse event that may have  
 25 occurred as a result of the unplanned outages

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1 that occurred in January of 2014, that sort of  
 2 thing? Would that be something that would be  
 3 -- occupy any attention of your area of  
 4 responsibility?  
 5 MR. MCDONALD:  
 6 A. Yes, to the extent for sure that, you know,  
 7 any one of those events may have potentially  
 8 involved a risk to our own people.  
 9 O'REILLY, Q.C.:  
 10 Q. Oh, to your own people?  
 11 MR. MCDONALD:  
 12 A. Yes, in a response situation.  
 13 O'REILLY, Q.C.:  
 14 Q. But I'm talking more of the public.  
 15 MR. MCDONALD:  
 16 A. We rely on operations to make sure that those  
 17 were identified and raised and addressed as  
 18 appropriate.  
 19 O'REILLY, Q.C.:  
 20 Q. Okay. And were any -- to your knowledge, were  
 21 any of them identified? Any reports from  
 22 operations to you, for example?  
 23 MR. MCDONALD:  
 24 A. No, I don't recall any.  
 25 O'REILLY, Q.C.:

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1 Q. You don't recall any. Thank you, Mr.  
 2 McDonald. Thank you.  
 3 MR. MCDONALD:  
 4 A. Thank you. You're welcome.  
 5 CHAIRMAN:  
 6 Q. Mr. Luk, you're on now.  
 7 MR. LUK:  
 8 Q. I believe I'm next in the order, but with  
 9 gratitude to the panel, we have no questions  
 10 from Innu Nation.  
 11 CHAIRMAN:  
 12 Q. Okay. And I guess it's now our turn.  
 13 MR. GERARD MCDONALD AND MR. MICHAEL ROBERTS, CROSS-  
 14 EXAMINATION BY MAUREEN GREENE, Q.C.  
 15 GREENE, Q.C.:  
 16 Q. Good morning, Mr. McDonald and Mr. Roberts.  
 17 MR. MCDONALD:  
 18 A. Good morning.  
 19 GREENE, Q.C.:  
 20 Q. I'd like to begin by following up on some  
 21 questions that you were asked this morning  
 22 relating to the current organizational  
 23 structure and Hydro refers to that as the  
 24 matrix organizational structure and I believe  
 25 in some of your response this morning, you

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1 indicated that that terminology may be unique  
 2 to Hydro. Is that correct?  
 3 MR. MCDONALD:  
 4 A. No, excuse me, what I think I said was that  
 5 that terminology is probably more unique to  
 6 people generally. I wasn't saying that it was  
 7 a unique concept to Hydro.  
 8 GREENE, Q.C.:  
 9 Q. Not the concept, but the terminology to  
 10 describe the structure.  
 11 MR. MCDONALD:  
 12 A. Yeah, it's not unique to Hydro. I didn't  
 13 intend to say that, no.  
 14 GREENE, Q.C.:  
 15 Q. I believe, Mr. McDonald, you've testified that  
 16 you were directly involved with the President  
 17 and CEO in developing, back in 2006 and '07,  
 18 the organizational structure. Is that  
 19 correct?  
 20 MR. MCDONALD:  
 21 A. That's correct, yes.  
 22 GREENE, Q.C.:  
 23 Q. And you've already been asked some questions  
 24 about how you went about doing that and I'd  
 25 like to follow up on those.

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1 MR. MCDONALD:  
 2 A. Um-hm.  
 3 GREENE, Q.C.:  
 4 Q. With respect to the other types of  
 5 organizations that you looked at, you said  
 6 that you were generally aware of the  
 7 structures for other utilities. I'd like to  
 8 ask if you specifically looked at the  
 9 structure that is in place here in this  
 10 jurisdiction between Fortis as the holding  
 11 company and Newfoundland Power as a regulated  
 12 utility?  
 13 MR. MCDONALD:  
 14 A. We would definitely have been aware of that  
 15 structure at the time.  
 16 GREENE, Q.C.:  
 17 Q. From your perspective, having been directly  
 18 involved in the development of the structure,  
 19 could you please outline what you saw as the  
 20 advantages and disadvantages of that  
 21 structure?  
 22 MR. MCDONALD:  
 23 A. Of the structure in place at -  
 24 GREENE, Q.C.:  
 25 Q. Between Fortis and Newfoundland Power.

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1 MR. MCDONALD:  
 2 A. Well, we saw a number of differences. Maybe  
 3 I'll start there in answering your question.  
 4 We saw a company that was involved in both the  
 5 electricity industry and non-electric  
 6 industries. We saw a company that was  
 7 operating in multiple Canadian jurisdictions  
 8 and American jurisdictions as well. We knew,  
 9 as well, although I don't think this was  
 10 really any factor, that Newfoundland Power was  
 11 not a Crown corporation. I think the first  
 12 two things that I mentioned in particular come  
 13 to mind right away as differences we would  
 14 have appreciated between Fortis and  
 15 Newfoundland and Labrador Hydro at the time.  
 16 So in contrast, Newfoundland and Labrador  
 17 Hydro, electricity or energy, all located in  
 18 the Province. So those were some key  
 19 considerations for us in terms of differences  
 20 we saw. And so we saw an opportunity as a  
 21 result to be able to utilize a shared services  
 22 model far more easily when everybody that we  
 23 were talking about was essentially in the one  
 24 place and in the one company and  
 25 geographically localized or centralized.

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1 GREENE, Q.C.:  
 2 Q. One difference you just mentioned was that  
 3 Hydro is engaged in electricity and energy.  
 4 In your opinion and during your review, did  
 5 you see a distinction between the oil and gas  
 6 business units in Hydro and Bull Arm  
 7 Fabrication as being somehow different than  
 8 Fortis' other involvements other than  
 9 Newfoundland Power?  
 10 MR. MCDONALD:  
 11 A. I think the key difference there -- so yes, I  
 12 mean obviously they're not electricity per se,  
 13 but a key difference between ourselves and  
 14 Fortis at the time, I guess, would be where  
 15 those businesses were in their life cycle.  
 16 You know, neither Bull Arm or oil and gas were  
 17 at a level of maturity in terms of longer term  
 18 operations as compared to, you know, Fortis'  
 19 business units. So, they were there. They  
 20 were becoming part of Nalcor but they were far  
 21 from being established as long-term  
 22 operations. So we viewed ourselves even in  
 23 those early days as essentially dealing with  
 24 electricity.  
 25 GREENE, Q.C.:

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1 Q. And in your opinion, those differences were  
 2 significant enough for you to have rejected  
 3 that model?  
 4 MR. MCDONALD:  
 5 A. Rejected the Fortis model?  
 6 GREENE, Q.C.:  
 7 Q. The model, calling it the Fortis model, and  
 8 what I mean by that is that the parent  
 9 company, in your case Nalcor, would have been  
 10 a holding company with the regulated utility  
 11 being a stand-alone entity within the group.  
 12 MR. MCDONALD:  
 13 A. Yes. And to be honest, I think it was a  
 14 combination of two things. I mean, to the  
 15 extent we would have looked at Fortis or any  
 16 other Canadian utility, we would have said  
 17 "that doesn't match us. That doesn't  
 18 necessarily meet our needs" and then the flip  
 19 side of that coin though is looking at it a  
 20 different way, what are the benefits to be  
 21 extracted from utilizing a shared services  
 22 model because, you know, our minds went there  
 23 pretty early in the game in terms of really  
 24 evolving and building upon the model that had  
 25 been in place for many, many years as it

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1 relates to Hydro servicing CF(L)Co through  
 2 Hydro.  
 3 GREENE, Q.C.:  
 4 Q. Was that the primary driving factor, the  
 5 existence of the relationship between Hydro  
 6 and CF(L)Co?  
 7 MR. MCDONALD:  
 8 A. No, it wouldn't have been a primary driving  
 9 factor, no.  
 10 GREENE, Q.C.:  
 11 Q. What weight did you give it in your  
 12 consideration?  
 13 MR. MCDONALD:  
 14 A. You know, I couldn't put a percentage on that  
 15 because various factors came into play. I  
 16 would say it was a consideration. We knew,  
 17 based on the experience with that model, that  
 18 it could be done, that the processes could be  
 19 developed to ensure that Hydro was, if you  
 20 will, not negatively impacted from either a  
 21 cost perspective or otherwise, from an  
 22 operations perspective or otherwise, by being  
 23 in a position to share services and support  
 24 another entity. So we saw ourselves basically  
 25 evolving that on the basis of that experience

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1 and fully expecting that we would realize  
 2 similar kinds of benefits on a long-term  
 3 basis. So, you know, it wasn't a driving  
 4 consideration for us, but we knew we were  
 5 going to evolve and grow as a Nalcor  
 6 organization and we thought let's go with  
 7 something that we understand, that we know has  
 8 worked and bearing in mind that as time goes  
 9 by, we may have to evolve and tweak as we go.  
 10 GREENE, Q.C.:  
 11 Q. And to this point, you haven't evolved  
 12 further? Is that correct? It's still the  
 13 same model that was put in place?  
 14 MR. MCDONALD:  
 15 A. Yes, correct.  
 16 GREENE, Q.C.:  
 17 Q. That continues to exist today?  
 18 MR. MCDONALD:  
 19 A. Yes.  
 20 GREENE, Q.C.:  
 21 Q. Okay. I wonder if we could look at PUB-316,  
 22 please? And I wanted to bring your attention  
 23 to lines 12 to 15 and here we see that Hydro,  
 24 in looking at the organization, did consider -  
 25 - I'll read lines 12 to 15. "However, how

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1 Nalcor should be organized to best serve its  
 2 interest as a growing and diversifying energy  
 3 company has always been balanced against the  
 4 need to ensure that the best structure is in  
 5 place to serve the interest of its regulated  
 6 business, Newfoundland and Labrador Hydro."  
 7 And my question is how did you do that in all  
 8 of your considerations?  
 9 MR. MCDONALD:  
 10 A. Various ways. It's been very customary for us  
 11 as we begin any discussion around  
 12 organizational change or the potential for it  
 13 to make sure, as I was stating earlier, that  
 14 we clearly understand our drivers for getting  
 15 into the conversation in the first place.  
 16 What are the business imperatives, either for  
 17 Hydro or for Nalcor or both, that are causing  
 18 us to have the conversation about  
 19 organizational structure and organizational  
 20 change. And we've tended to be very  
 21 deliberate about that because, you know, among  
 22 the worst things you can do is embrace  
 23 organizational change and make structural  
 24 changes when there's no business driver  
 25 imperative behind it and no purpose is being

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1 served, so number one. Number two, we've been  
 2 very deliberate too about revisiting our  
 3 organizational design guiding principles and I  
 4 think they were on the screen sometime last  
 5 week and I recall that, you know, inside of  
 6 those we would have stressed once again that,  
 7 you know, in all that we do and think about  
 8 and consider that, you know, the needs of the  
 9 regulated business are kept in view and so  
 10 those needs are, you know, those are  
 11 resourcing needs. Those are the way planning  
 12 is done inside Hydro, how operations are done  
 13 inside Hydro to ensure that its mission is  
 14 accomplished, you know, providing safe, least  
 15 cost, reliable power.  
 16 So that's the best way I can answer your  
 17 question is that we always think about why  
 18 we're talking about organizational change and  
 19 what are the potential implications for  
 20 Newfoundland and Labrador Hydro, in  
 21 particular, as our core electricity business  
 22 and our regulated entity.  
 23 (10:15 a.m.)  
 24 GREENE, Q.C.:  
 25 Q. You mentioned one of the principles was the

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1 business drivers, what was driving the need to  
 2 look at the structure.  
 3 MR. MCDONALD:  
 4 A. Yes.  
 5 GREENE, Q.C.:  
 6 Q. Would you agree that what was driving the need  
 7 to change the structure was the creation of  
 8 Nalcor with its focus on other non-regulated  
 9 utility business: oil and gas, Bull Arm  
 10 Fabrication, new -  
 11 MR. MCDONALD:  
 12 A. Yes. I'll qualify, but yes, I mean, this was  
 13 around 2008, so a couple of things had  
 14 happened at the time that would have caused us  
 15 to put our minds around how we were going to  
 16 fit these new entities inside our growing  
 17 parent company was oil and gas and Bull Arm  
 18 Fabrication, which came over to us from the  
 19 Province. But the flip side of that, of  
 20 course, would have been to make sure that  
 21 inside of all of that, as I mentioned a moment  
 22 ago, Hydro was -- their needs were considered  
 23 as well.  
 24 GREENE, Q.C.:  
 25 Q. Did you seek any external advice with respect

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1 to how best to achieve it? I know we've  
 2 already seen an answer where you said that you  
 3 had no external consultants assist, because  
 4 that was asked for in the response, was there  
 5 was none.  
 6 MR. MCDONALD:  
 7 A. Right.  
 8 GREENE, Q.C.:  
 9 Q. Did you seek any advice with respect to  
 10 whether the structure met the needs for a  
 11 regulated utility?  
 12 MR. MCDONALD:  
 13 A. No.  
 14 GREENE, Q.C.:  
 15 Q. You've described the model as a shared  
 16 services model and you've also described it as  
 17 where there is, in the case of Hydro, a vice-  
 18 president who is accountable for the regulated  
 19 Hydro and shared leadership with respect to  
 20 the services that are provided to that  
 21 regulated entity and I wanted to talk a little  
 22 bit about what that really means. And we  
 23 certainly have heard a lot of discussion to  
 24 date about shared leadership and how it  
 25 functions. What is the extent of the Vice-

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1 President of Hydro's responsibility if for --  
 2 and that's what I want to explore with you.  
 3 In your opinion, would the Vice-President of  
 4 Hydro have the authority to go and request  
 5 proposals for human resources or financial  
 6 services so that he could assess whether the  
 7 services currently provided can be met in a  
 8 more effective or a cheaper way from a third  
 9 party provider? Does he have that authority,  
 10 in your opinion?  
 11 MR. MCDONALD:  
 12 A. Would he -- so your question was would he have  
 13 the authority to just initiate that and  
 14 complete that as a project?  
 15 GREENE, Q.C.:  
 16 Q. Um.  
 17 MR. MCDONALD:  
 18 A. He would certainly have the authority to  
 19 initiate the discussion. That would be a  
 20 perfect example, I think, of something that  
 21 would be shared between myself and Rob  
 22 Henderson, in terms of a decision.  
 23 GREENE, Q.C.:  
 24 Q. And have you ever discussed that?  
 25 MR. MCDONALD:

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1 A. I'm checking with Mike because I'm certain in  
 2 our past, and I'm reflecting over the last  
 3 seven or eight or nine years now, that we  
 4 would have occasion internally, yes, to talk  
 5 about whether there were alternatives to -- in  
 6 certain areas of HR, whether there were  
 7 alternatives to having those resources inside  
 8 versus outside, and it wouldn't have been Rob  
 9 Henderson at the time because I think this  
 10 does go back several years, but it would have  
 11 been someone like Jim Haynes, for example, who  
 12 we would have had that dialogue with, in terms  
 13 of whether that was prudent to follow up or  
 14 not.  
 15 GREENE, Q.C.:  
 16 Q. And in your response, you indicated that you  
 17 had discussion around a particular service  
 18 within human resources. My question was if  
 19 there was a need to look at all of human  
 20 resources services, because it is out in the  
 21 industry where those types of services are  
 22 provided by third party provider. So have you  
 23 had discussions relating to all of HR  
 24 services, not just a discreet part of HR?  
 25 MR. MCDONALD:

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1 A. No, we haven't.  
 2 GREENE, Q.C.:  
 3 Q. Okay. How does Mr. Henderson assess whether  
 4 the services that are being provided by Human  
 5 Resources are the most effective services at  
 6 the lowest cost for rate payers?  
 7 MR. MCDONALD:  
 8 A. Well, I think he looks at different indicators  
 9 of our performance. So if we're talking human  
 10 resources specifically, he would look at his  
 11 experience in getting positions filled,  
 12 getting positions filled with good, qualified,  
 13 suitable people. He would look at his  
 14 experience with the support he gets in other  
 15 areas of HR. He would look at the quality of  
 16 the service he gets from a payroll perspective  
 17 and how effectively we run that and whether  
 18 there's any significant level of errors that  
 19 are encountered or missed payroll, whatever  
 20 the case may be, which there haven't been to  
 21 any meaningful extent. He would look at the  
 22 experience that he's had in other areas of HR,  
 23 like our performance management, our  
 24 performance review process. If he had a  
 25 reason to believe that that wasn't being run

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1 effectively or facilitated and supported  
 2 effectively or wasn't sort of compliant with  
 3 best practice in industry, then he would have  
 4 some early indicators of that, I think, if  
 5 that wasn't the case, that's for sure, in that  
 6 area in particular.  
 7 If we're to move outside HR and talk  
 8 about the areas of environment, if he had any  
 9 indication that he wasn't getting anything  
 10 less than the best of service from the staff  
 11 in that area in terms of their support they  
 12 provide to capital project or operations from  
 13 a regulatory perspective, permitting  
 14 perspective, on-site monitoring perspective,  
 15 if he had any indication that he wasn't  
 16 getting any less than the best of service from  
 17 the safety group in terms of the  
 18 investigations they facilitated, supported and  
 19 that kind of thing, Rob wouldn't -- or any --  
 20 I mean, I wouldn't expect any VP responsible  
 21 for Hydro would have any hesitancy in raising  
 22 those issues in the appropriate places, or Jim  
 23 Haynes prior to him as the VP of regulated  
 24 operations, and there are for for doing that.  
 25 You know, there are for in the Hydro

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1 leadership team meeting and the Nalcor  
 2 leadership team meeting and otherwise.  
 3 GREENE, Q.C.:  
 4 Q. I would describe what you just outlined as  
 5 qualitative measures. If there's a problem,  
 6 he will identify that there is a particular  
 7 issue and he would raise that issue. But in  
 8 terms of an objective measure for that  
 9 assessment to occur, can you turn or provide  
 10 us with any information?  
 11 MR. MCDONALD:  
 12 A. Well, I think -- so I wouldn't want to  
 13 minimize, first of all, the qualitative  
 14 measures. It's very often the exceptions that  
 15 get people's attention and cause the  
 16 conversation to begin with respect to are we  
 17 getting what we really need to meet our needs  
 18 and requirements here. So I wouldn't downplay  
 19 or minimize those at all. But I want to go  
 20 back to something that Mike alluded to last  
 21 week in response to someone's question with  
 22 respect to the work plan we put together on an  
 23 annual basis.  
 24 So, in addition to the lines of business,  
 25 each one of the functional areas of

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1 Newfoundland and Labrador Hydro, us included,  
 2 have the same obligation. We put together a  
 3 detailed divisional plan, if you will, that's  
 4 very highly integrated with the needs and  
 5 priorities and requirements of our various  
 6 lines of business. The corporate planning  
 7 process is a very highly integrated process.  
 8 Inside our division, for example, we actually  
 9 identify people who will specifically  
 10 interface with Newfoundland and Labrador Hydro  
 11 on their needs with respect to operations or  
 12 environment or safety, whatever the case may  
 13 be.  
 14 So I'm just trying to make the point that  
 15 we develop a work plan every year that has  
 16 very specific targets and initiatives built  
 17 into it in support of Newfoundland and  
 18 Labrador Hydro. That is a key tool that Rob  
 19 Henderson, or for that matter, Ed Martin,  
 20 would have to make some assessment as to  
 21 whether, in our case HROE, is servicing the  
 22 business and getting done what we committed  
 23 that we would get done, bearing in mind that  
 24 there's a high level of collaboration when  
 25 that plan is put together around the right

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1 priorities for Newfoundland and Labrador  
 2 Hydro. I mean, that's -- and that's -- those  
 3 are things that can be measures and verified.  
 4 GREENE, Q.C.:  
 5 Q. Do you use the services of an external  
 6 consultant for benefit services?  
 7 MR. ROBERTS:  
 8 A. So I think testified to that last week. We  
 9 have a consultant that helps us with our  
 10 annual renewal process and then from time to  
 11 time, and as we did in 2013, we would utilize  
 12 the benefit again and in this particular case,  
 13 we had Morneau support us in going out for  
 14 requests for proposals to the marketplace.  
 15 GREENE, Q.C.:  
 16 Q. And do you periodically go to tender with  
 17 respect to your external services?  
 18 MR. ROBERTS:  
 19 A. Yes. So, in my tenure in the eight years, we  
 20 decided that we would do that in 2013 and it  
 21 would be my aspiration that we would go to  
 22 market usually every four to five years,  
 23 unless we saw that something was a driving  
 24 reason to do it sooner.  
 25 GREENE, Q.C.:

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1 Q. So with respect to your own internal -- your  
 2 own external consultants, you do do a process  
 3 of verifying in the marketplace the services  
 4 and costs they're providing?  
 5 MR. ROBERTS:  
 6 A. That's correct.  
 7 GREENE, Q.C.:  
 8 Q. So I come back, Mr. McDonald, why wouldn't you  
 9 do it with respect to internal services that  
 10 are provided to the regulated business?  
 11 MR. MCDONALD:  
 12 A. I think I've already answered that. The only  
 13 thing I would add to it, in terms of that,  
 14 would be that we've been very satisfied, based  
 15 on other information that we would have  
 16 supplied as part of this proceeding and other  
 17 analysis we would have conducted that Hydro  
 18 has been well served, both from a resourcing  
 19 standpoint and a cost standpoint, in terms of  
 20 utilizing a shared services model. I think  
 21 we've seen lots of evidence of the fact that  
 22 we've been able to optimize our available  
 23 resources for Hydro's benefit and others  
 24 through the process. So our starting point,  
 25 and it continues to be the case until such

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1 time as there's obviously a reason to change  
 2 paths, you know, for Hydro's benefit or for  
 3 Nalcor's benefit or both, that it's a model  
 4 that works.  
 5 GREENE, Q.C.:  
 6 Q. And we will come back to the benefit to Hydro.  
 7 I wanted to, while still on this issue of the  
 8 accountability, you mentioned -- I want to  
 9 talk about what you referred to as a  
 10 riverbanks document.  
 11 MR. MCDONALD:  
 12 A. Yes.  
 13 GREENE, Q.C.:  
 14 Q. Again, another use of terminology I wasn't  
 15 familiar with. The riverbanks document, I  
 16 understood it was guidance from HR for those  
 17 functional areas you are responsible for to  
 18 the lines of business. Is that correct?  
 19 MR. MCDONALD:  
 20 A. That's correct, yes.  
 21 GREENE, Q.C.:  
 22 Q. And in your particular case, it would be  
 23 guidance with respect, would it, to such  
 24 matters as safety, environment, recruitment?  
 25 You mentioned some of it -- might be something

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1 in there with respect to the policy of  
 2 inclusion and equity. Is that correct?  
 3 MR. MCDONALD:  
 4 A. Want to handle that?  
 5 MR. ROBERTS:  
 6 A. Yeah, sure. So basically, there's a number of  
 7 processes that get kicked off. As a team,  
 8 Newfoundland and Labrador Hydro would have a  
 9 corporate planning process where they're  
 10 putting together a corporate plan to which  
 11 Human Resources would be a partner in that or  
 12 HROE would be a partner in that and  
 13 contributing to goals. One being safety, two  
 14 environment and four, people. So we have, you  
 15 know, a lot of contribution in terms of inside  
 16 of that planning process to support Mr.  
 17 Henderson in their formulation of their  
 18 corporate plan.  
 19 Then, in addition to that, as stewards  
 20 for those three areas, we would be  
 21 contemplating areas of focus that we believe  
 22 need to be driven through for functional  
 23 excellence inside the organization and for  
 24 Hydro, and so we would be putting inputs into,  
 25 as described, sort of a riverbanks document,

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1 if you will, to provide guidance to each of  
 2 those different entities, in terms of things  
 3 that we would be looking for, and again,  
 4 that's a two-way street because the lines of  
 5 business would be inputting into that process  
 6 and suggesting whether or not those were  
 7 reasonable riverbanks, if you will.  
 8 And then, flowing from that becomes our  
 9 own functional or divisional corporate plan  
 10 that we would be executing on, again with full  
 11 alignment through each of the lines of  
 12 business, and specifically in this case with  
 13 Newfoundland and Labrador Hydro. And then  
 14 finally from that, we would create our  
 15 divisional work plan to break out who's going  
 16 to do what, in terms of meeting those  
 17 obligations.  
 18 GREENE, Q.C.:  
 19 Q. So from a -- bringing down the theory of how  
 20 you give the guidance, would Mr. Henderson, as  
 21 the Vice-President of Hydro, be able to reject  
 22 a direction that had come from HR with respect  
 23 to one of the matters within your area?  
 24 MR. ROBERTS:  
 25 A. I wouldn't go so far as to say he would need

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1 to reject it, because we would seek alignment  
 2 before we put it there. But he has full  
 3 accountability for what Newfoundland and  
 4 Labrador Hydro is going to take on.  
 5 MR. MCDONALD:  
 6 A. That's correct.  
 7 GREENE, Q.C.:  
 8 Q. Can you provide an example of how that would  
 9 work?  
 10 (10:30 a.m.)  
 11 MR. ROBERTS:  
 12 A. So you know, one of the areas we talked about,  
 13 for example, was diversity and inclusion and  
 14 the company feels very strongly in its support  
 15 of that inside of all of its lines of  
 16 business. So in particular when we're  
 17 planning with Newfoundland and Labrador Hydro,  
 18 one of the activities, for example, might be  
 19 that we're going to put all of our employees  
 20 through education awareness program around  
 21 what diversity and inclusion means. So, you  
 22 know, we might suggest to Mr. Henderson, for  
 23 example, that we'd want to get 50 percent of  
 24 the employees through in one year and 50  
 25 percent of those employees through the

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1 training in the second year. I do recall that  
 2 Mr. Henderson, with balancing the workload  
 3 inside of his work plan, for example, looked  
 4 at that and said "we need to spread it out  
 5 over three years, not two," because it was too  
 6 ambitious to try to get it done inside of two  
 7 years with everything else that was in their  
 8 work plan. So that's how we would have  
 9 dialogue in terms of, in the first instance,  
 10 whether they saw value in it, which of course  
 11 they did, and then in the second instance, how  
 12 we'd go about executing that work.  
 13 GREENE, Q.C.:  
 14 Q. And if there was a conflict, and I believe,  
 15 Mr. McDonald, in response to a question last  
 16 week, you indicated that in your memory, you  
 17 cannot recall any instance of a disagreement  
 18 or a conflict that required -- that involved  
 19 your services and those of the regulated  
 20 operations. Is that correct? You were asked  
 21 if -- how conflict would be dealt with and  
 22 your answer was you couldn't recall that there  
 23 had been conflict about -- or disagreement  
 24 about a particular matter?  
 25 MR. MCDONALD:

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1 A. Yeah, I think that was in the context of  
 2 questions I was being asked around the third  
 3 line from Bay d'Espoir to Western Avalon, and  
 4 I can certainly remember, you know, around  
 5 commercial decisions like that and capital  
 6 decisions, no, I don't have a recall.  
 7 GREENE, Q.C.:  
 8 Q. So in other areas then, can you recall where  
 9 there may have been a conflict or a  
 10 disagreement about a policy direction where HR  
 11 wanted to go or anything else? So how from a  
 12 practical level that gets resolved in the  
 13 current structure for Hydro?  
 14 MR. MCDONALD:  
 15 A. No, you know, I can't say that there hasn't  
 16 been, but you know, the fact that no examples  
 17 are coming to my mind right now tells me that  
 18 -  
 19 GREENE, Q.C.:  
 20 Q. You're all a pretty agreeable bunch, is it?  
 21 MR. MCDONALD:  
 22 A. Well, it takes a lot of work. I wouldn't say  
 23 we're a pretty agreeable bunch, but I mean, I  
 24 guess, the processes we've put in place to  
 25 make sure we're, you know, coming out the

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1 other end agreeing on the right course of  
 2 action and that we're aligned on it, I guess  
 3 speaks for itself. That's what we work  
 4 really, really hard on.  
 5 GREENE, Q.C.:  
 6 Q. I wonder if we could look at PUB-NLH-138,  
 7 Revision 2, please? And I'd like to look at  
 8 page four. We did look at this earlier in  
 9 your evidence and I have additional follow-up  
 10 questions. As we have already discussed, the  
 11 orange blocks are used to denote that these  
 12 positions are Nalcor employees. Is that  
 13 correct?  
 14 MR. MCDONALD:  
 15 A. That's correct.  
 16 GREENE, Q.C.:  
 17 Q. I also believe you've testified that all of  
 18 the -- for the vast majority of employees  
 19 below the managers are Hydro employees. Is  
 20 that correct?  
 21 MR. MCDONALD:  
 22 A. That's correct.  
 23 GREENE, Q.C.:  
 24 Q. Are there any employees who report into these  
 25 managers who are not shown on this chart?

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1 MR. MCDONALD:  
 2 A. I'm sorry, the question again? Are there any  
 3 employees -  
 4 GREENE, Q.C.:  
 5 Q. Who report into these managers in HR who are  
 6 not illustrated here on this chart?  
 7 MR. MCDONALD:  
 8 A. There are. I think an undertaking from last  
 9 week was that we would produce a chart for  
 10 Human Resources and Organizational  
 11 Effectiveness that showed those people and the  
 12 relationships.  
 13 GREENE, Q.C.:  
 14 Q. I understood that was an internal chart that  
 15 was used to show how support, but you're  
 16 saying it will also show additional employees?  
 17 MR. MCDONALD:  
 18 A. Yes.  
 19 GREENE, Q.C.:  
 20 Q. And how many of those would there be?  
 21 MR. MCDONALD:  
 22 A. So this is going to be an estimate, I'd say  
 23 mainly what that will indicate are people in  
 24 the functional areas of safety, environment or  
 25 human resources that are not located

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1 corporately but are located in the field, as  
 2 we say, you know, in operations. So, total  
 3 combination of those would be somewhere around  
 4 20 to 30.  
 5 MR. ROBERTS:  
 6 A. That sounds about right.  
 7 GREENE, Q.C.:  
 8 Q. So these are actually Hydro employees who are  
 9 in the field who support the implementation of  
 10 various policies, whether it's safety or  
 11 environment? Is that correct?  
 12 MR. MCDONALD:  
 13 A. For the most part. It might include -- that  
 14 number might include the small team over on  
 15 the Lower Churchill Project as well. But for  
 16 the most part, these will be people in Hydro  
 17 operations.  
 18 GREENE, Q.C.:  
 19 Q. And they are Hydro employees?  
 20 MR. MCDONALD:  
 21 A. Correct.  
 22 GREENE, Q.C.:  
 23 Q. Okay. My question in trying to understand the  
 24 structure is why are the managers Nalcor  
 25 employees if all of the people who report to

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1 them, with very minor exceptions -- you just  
 2 mentioned even though the ones that aren't on  
 3 the chart are actually Hydro employees, why  
 4 are the managers Nalcor employees, if all of  
 5 the people who they manage are Hydro  
 6 employees?  
 7 MR. MCDONALD:  
 8 A. I think the essential reason there, and it  
 9 would apply in my case as well, I guess, is  
 10 that at the manager level, we view those  
 11 people as being the functional leaders in  
 12 their respective areas. So the manager of  
 13 safety and health, the manager of  
 14 environmental services, the manager of human  
 15 resources and labour relations, these are the  
 16 most senior people in our organization with a  
 17 focused functional accountability in those  
 18 areas. You could find him other divisions as  
 19 well. And we view those people as providing  
 20 that functional leadership, both from, if you  
 21 will, an operations perspective and a  
 22 strategic perspective across all lines of  
 23 business, and you know, it's not easy to say  
 24 in any one of those cases that -- well, it's  
 25 not possible actually in any one of those

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1 cases to say that they're primarily associated  
 2 with Hydro in their roles. I mean, they do  
 3 provide a lot of support to Hydro through  
 4 their subordinate organizations, but that's  
 5 essentially the reason why they're in Nalcor.  
 6 They're supplying that expertise across the  
 7 organization.  
 8 GREENE, Q.C.:  
 9 Q. But the people who work for them aren't?  
 10 MR. MCDONALD:  
 11 A. Correct.  
 12 GREENE, Q.C.:  
 13 Q. Could we go to page seven of the same  
 14 document?  
 15 MR. MCDONALD:  
 16 A. Just one qualification on that, by the way.  
 17 Bear in mind that the people beneath those  
 18 people are people who are providing support to  
 19 non-Hydro lines of business as well. They  
 20 charge their time when that's appropriate to  
 21 do so.  
 22 GREENE, Q.C.:  
 23 Q. But the majority of their time is for the  
 24 Hydro regulated business? That's why they're  
 25 in Hydro. Is that correct?

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1 MR. MCDONALD:  
 2 A. That's correct.  
 3 GREENE, Q.C.:  
 4 Q. So is there a similar explanation here as  
 5 well? And I just picked two charts, but you  
 6 will see it's common throughout the  
 7 organization that all managers are Nalcor  
 8 employees, even though all of their workers  
 9 are doing work for Hydro and are Hydro  
 10 employees?  
 11 MR. MCDONALD:  
 12 A. Yeah.  
 13 GREENE, Q.C.:  
 14 Q. So is it the same explanation for the IT?  
 15 MR. MCDONALD:  
 16 A. Yes. I think we've been pretty consistent on  
 17 that across the organization, as you just  
 18 noted, for the reasons that I mentioned a  
 19 moment ago.  
 20 GREENE, Q.C.:  
 21 Q. And the reason again is the managers actually  
 22 do work for the other entities, but their  
 23 employees do not?  
 24 MR. MCDONALD:  
 25 A. No, I didn't say that. In fact, I noted a

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1 moment ago that most or all people inside the  
 2 HROE organization supply services and support  
 3 to non-Hydro lines of business as well.  
 4 GREENE, Q.C.:  
 5 Q. Yes.  
 6 MR. MCDONALD:  
 7 A. We're not saying they don't. We all know they  
 8 do. So, you know, with the manager of  
 9 Information Systems, and just repeating myself  
 10 here, we locate those people inside Hydro  
 11 because we cannot uniquely relate their  
 12 mandate, which is both a tactical and a  
 13 strategy one, and I put emphasis on the last  
 14 one because these are the people inside our  
 15 organization -- when we talk about safety and  
 16 health, yes, I'm the VP who is accountable for  
 17 that at the executive table, but the person we  
 18 rely on heavily obviously to guide the  
 19 organization from a strategy perspective, as  
 20 it relates to safety and health, and the same  
 21 could be said for the manager of information  
 22 systems or for the manager of human resources,  
 23 are those senior functional leads, and that is  
 24 the basis and rationale for locating them  
 25 inside Hydro.

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1 MR. ROBERTS:  
 2 A. Nalcor.  
 3 MR. MCDONALD:  
 4 A. Nalcor, I should say. And in the meantime, to  
 5 the extent that they provide support directly  
 6 to Hydro, as we've already testified, that  
 7 time gets charged to Hydro or to any other  
 8 line of business.  
 9 GREENE, Q.C.:  
 10 Q. In terms of the strategic input that these  
 11 managers provide between the various lines,  
 12 business lines, what would be the most  
 13 significant percentage of their time, for  
 14 example, that the manager of safety spends?  
 15 Would it be strategic leadership for Hydro or  
 16 for if you have to break it down among the  
 17 other lines of business?  
 18 MR. MCDONALD:  
 19 A. So that would, you know, vary somewhat, I  
 20 would think, between different managers, but  
 21 for all our managers, you know, generally what  
 22 you should see inside our performance  
 23 management system, for example, is the  
 24 identification of, you know, up to five key  
 25 responsibility areas. So I'll talk about the

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1 manager of safety and health because that's a  
 2 role I know a fair amount about.  
 3 GREENE, Q.C.:  
 4 Q. And perhaps, Ms. Gray, we could go back to  
 5 page four please?  
 6 MR. MCDONALD:  
 7 A. Sure. So the manager of safety and health,  
 8 among that person's key responsibility areas  
 9 is the first one, strategic thought leadership  
 10 around safety and health inside Nalcor and  
 11 across its various lines of business. Then  
 12 there are four others that flow from that that  
 13 are identified as well and these are the KRAs,  
 14 we call them, against which we have  
 15 discussions around performance and execution.  
 16 But the fact that the first one is around  
 17 strategic leadership and thought leadership on  
 18 safety and health, that's for a reason,  
 19 because it's first and foremost a key mandate  
 20 for the role is to provide that strategic  
 21 leadership in that particular functional area.  
 22 So you know, there are five there. I mean, I  
 23 wouldn't say they're equal, in terms of the  
 24 weighting, but certainly, the first one is a  
 25 key one.

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1 GREENE, Q.C.:

2 Q. You mentioned in your response KAR?

3 MR. MCDONALD:

4 A. KRA.

5 GREENE, Q.C.:

6 Q. KRA, sorry.

7 MR. MCDONALD:

8 A. Key responsibility area.

9 GREENE, Q.C.:

10 Q. And in providing the leadership, I think

11 you've agreed that Hydro is the main business

12 unit. Is that correct?

13 MR. MCDONALD:

14 A. That's correct.

15 GREENE, Q.C.:

16 Q. Okay. But you still, in developing the

17 structure, you determined that the strategic

18 leadership should reside in Nalcor? Is that

19 correct?

20 MR. MCDONALD:

21 A. Yes, and one of the main reasons for that that

22 you would have seen on our list of guiding

23 principles last week is that we were intent,

24 as we went to a shared services model, in

25 making sure that -- a couple of things that

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1 come to mind right away. First of all, that

2 we were consistent and standardized in terms

3 of how we, if you want to put it this way, did

4 safety and health inside Nalcor. So, in other

5 words, the tools and processes and policies

6 and standards that we would adopt around

7 safety and health for Hydro would be the same

8 you would find anywhere else, because we felt

9 that was really important in defining, if you

10 will, a Nalcor way or a Hydro way around

11 safety and health.

12 Number two, in doing that, we felt that

13 provided the best opportunity for implementing

14 best practices inside our organization and

15 leveraging the expertise of all our available

16 people. So for those two key reasons, I mean,

17 we've made it -- our focus actually is to be

18 as consistent a standard across our

19 organization as possible.

20 GREENE, Q.C.:

21 Q. Turning to time reporting, and we've had some

22 discussion about that already, and I have some

23 follow-up questions. The first is, Mr.

24 McDonald first, how frequently do you record

25 your time?

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1 MR. MCDONALD:

2 A. On average about every four to six weeks.

3 GREENE, Q.C.:

4 Q. Can you put a little bit more context around

5 that answer? Do you mean you sit down at the

6 end of four weeks and say "gee, I wonder what

7 I did the last four weeks?" or do -

8 MR. MCDONALD:

9 A. It would be a combination of the two, but I

10 mean, so the answer to your question, I would

11 say on average every month I will sit down and

12 get caught up on my timesheeting. Sometimes

13 it's more frequent than that. But that's

14 generally what I do.

15 GREENE, Q.C.:

16 Q. And you mentioned already that you record it

17 but you do not input it. Your executive

18 assistant actually inputs it into your time

19 reporting system. Is that correct?

20 MR. MCDONALD:

21 A. That's correct.

22 GREENE, Q.C.:

23 Q. So how do you record your time? On a piece of

24 paper?

25 MR. MCDONALD:

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1 A. There's a standard template that I use for

2 that purpose that I know is used by others as

3 well, as I said earlier, that identifies all

4 the various codes that I would typically use

5 to assign my time, all the required codes. If

6 there was ever an occasion where I needed one,

7 I'd go -- I'd look for it, but generally

8 speaking, that has not been the case. So it's

9 the same form that I use for every -- all my

10 recording of time and then for each day of the

11 week, in that week, I'll just sign my time and

12 then that's what Bev would use to input it.

13 GREENE, Q.C.:

14 Q. And you'd do that once monthly?

15 MR. MCDONALD:

16 A. On average.

17 GREENE, Q.C.:

18 Q. Mr. Roberts, can you indicate how often you

19 record your time?

20 MR. ROBERTS:

21 A. I would average every two, maybe three weeks.

22 GREENE, Q.C.:

23 Q. For your managers in HR who also record their

24 time to charge back to Hydro, the Nalcor

25 managers, to your knowledge, what is their

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1 practice with respect to the frequency of  
 2 their time reporting?  
 3 MR. ROBERTS:  
 4 A. So I can speak to recent history. Three of  
 5 them report to me, so it varies. It never  
 6 usually goes beyond three or four weeks, again  
 7 on average, because every week I'm triggered  
 8 with a reminder if they haven't submitted  
 9 their timesheet. So I might let one slip, but  
 10 after the second one, I start sending them my  
 11 own reminders to get their timesheet in.  
 12 GREENE, Q.C.:  
 13 Q. Do you have any concern with respect to the  
 14 accuracy of the data, if it's done historic  
 15 looking back?  
 16 MR. ROBERTS:  
 17 A. I don't. That's why I don't let it go too  
 18 long. I have my calendar and my notes from my  
 19 notebook throughout that period of time that I  
 20 can rely on and will note specifically, it'll  
 21 stand out when I'm doing work specific for  
 22 Hydro.  
 23 (10:45 a.m.)  
 24 GREENE, Q.C.:  
 25 Q. Is there any level of detail required when you

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1 input your time as to the type of service you  
 2 are doing? I know you've mentioned work  
 3 orders, but that would simply be. Can you  
 4 give us an example of -- one would be a code  
 5 for Hydro. Are there -- underneath that, is  
 6 there a breakdown of specific codes? You  
 7 mentioned if you were doing labour relations,  
 8 there's one. If I use that as an example,  
 9 below collective bargaining, do you have to  
 10 provide any level of detail for the services  
 11 you've done for collective bargaining?  
 12 MR. ROBERTS:  
 13 A. No. So I mean, the detail level would be  
 14 typically if I'm working on a project such as  
 15 GRA or collective bargaining for Hydro, those  
 16 would have their associated work orders that I  
 17 would charge my time. If I spent, as I said,  
 18 you know, a full day of bargaining with Hydro,  
 19 it would just be bargaining. It wouldn't have  
 20 details underneath what part of bargaining,  
 21 whether it was conciliation or exchange of  
 22 proposals or so forth. And then there could  
 23 be an occasion when, you know, I'm requested  
 24 to have a meeting with an employee from Hydro  
 25 in terms of some issue that they're having or

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1 a supervisor with an issue they're having with  
 2 their employee, and that's a Hydro supervisor  
 3 and a Hydro employee and they've come to sit  
 4 with me for an hour to discuss those issues,  
 5 then I would charge that hour to Hydro, but it  
 6 wouldn't be a specific work order obviously  
 7 for that.  
 8 GREENE, Q.C.:  
 9 Q. Mr. McDonald, you've already given evidence  
 10 that the time you charge to Hydro is the time  
 11 that is identified as being specific to Hydro.  
 12 Is that correct?  
 13 MR. MCDONALD:  
 14 A. That's correct.  
 15 GREENE, Q.C.:  
 16 Q. How do you make that determination, if  
 17 something is specific to Hydro?  
 18 MR. MCDONALD:  
 19 A. It's usually very apparent. I mean, another  
 20 example I would have given along the lines  
 21 that Mike was just talking about is the outage  
 22 inquiry, for example. So separate work order  
 23 number. So my time that was spent working on  
 24 that would have been charged to that time  
 25 code. I've never encountered a situation

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1 where there was a question in my own mind as  
 2 to whether it was uniquely Hydro or any other  
 3 line of business. I mean, it's apparent from  
 4 the scope of work that's involved and the work  
 5 order number. So I don't run into those kinds  
 6 of issues. It's usually fairly easy.  
 7 GREENE, Q.C.:  
 8 Q. So those are the ones that are obvious that  
 9 it's only Hydro. How do you determine if  
 10 there's benefit to more than one? Asset  
 11 management I believe you've indicated that  
 12 wasn't charged because it benefited more than  
 13 Hydro. Is that correct?  
 14 MR. MCDONALD:  
 15 A. No, I think the work on asset management --  
 16 so, I'd have to check to confirm -- was  
 17 charged to Hydro. Bear in mind, this was in  
 18 2007-2008. We very deliberately adopted -- in  
 19 the early part of that process, we were very  
 20 conscious in saying this to ourselves that  
 21 this was about electricity. This was about  
 22 Hydro, in terms of the work we were doing on  
 23 asset management at the time.  
 24 GREENE, Q.C.:  
 25 Q. Were the same principles applied to CF(L)Co?

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1 The same principles for asset management that  
 2 you spent your time on in helping to design  
 3 the asset management plan, is that plan  
 4 followed by CF(L)Co?  
 5 MR. MCDONALD:  
 6 A. Yes.  
 7 GREENE, Q.C.:  
 8 Q. How did you make the determination that  
 9 CF(L)Co is not receiving any benefit from it  
 10 then?  
 11 MR. MCDONALD:  
 12 A. I didn't say that they weren't. I didn't say  
 13 that they weren't, I just acknowledged that  
 14 CF(L)Co was part of that initial focus on  
 15 asset management. I just started making a  
 16 note to myself. What I'd like to do is have  
 17 an undertaking to go back and check how the  
 18 time was charged back in 2008.  
 19 GREENE, Q.C.:  
 20 Q. Sure. So you're not certain if all of your  
 21 asset management time was charged to Hydro?  
 22 Is that correct?  
 23 MR. MCDONALD:  
 24 A. Correct.  
 25 GREENE, Q.C.:

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1 Q. But that's your recollection at this point?  
 2 MR. MCDONALD:  
 3 A. Right.  
 4 GREENE, Q.C.:  
 5 Q. What would be another example of work that you  
 6 have done that you believe benefited more than  
 7 Hydro so you did not charge the time? Your  
 8 safety plan, is that another?  
 9 MR. MCDONALD:  
 10 A. Any work done from, you know, a divisional  
 11 plan perspective, and so anything associated  
 12 with corporate planning or leadership team  
 13 meetings, our monthly safety leadership team  
 14 meeting, for example. These are all things  
 15 that are not charged to Hydro.  
 16 GREENE, Q.C.:  
 17 Q. Is there anything other than attendance at  
 18 meetings where there are topics discussed that  
 19 are of interest to more than one business  
 20 line? Is there anything more than attendance  
 21 at those sorts of meetings that aren't  
 22 charged?  
 23 MR. MCDONALD:  
 24 A. The only thing I can think of is time that I  
 25 cannot identify as being uniquely related to

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1 Hydro. That defaults to Nalcor.  
 2 GREENE, Q.C.:  
 3 Q. I guess my question was can you think of any  
 4 others? I gave -- attendance at meetings  
 5 appears to be a common one that if it's a  
 6 leadership meeting where there's lots  
 7 discussed then that isn't charged to Hydro.  
 8 Are there other types of examples that you can  
 9 think of now?  
 10 MR. MCDONALD:  
 11 A. You know, if I had my calendar I could  
 12 probably give them to you fairly easily and  
 13 one that I can think of, just as an example,  
 14 is I can remember some months ago we were  
 15 sitting down to have a conversation about  
 16 physical security.  
 17 GREENE, Q.C.:  
 18 Q. Pardon?  
 19 MR. MCDONALD:  
 20 A. Physical security, both at Hydro Place and our  
 21 various premises around the system, for  
 22 example, in light of some of the events of  
 23 last year in Ottawa and so on and so forth.  
 24 So, you know, when we sat down -- I can  
 25 remember sitting with Mike and John Hollohan

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1 at the time to have a dialogue about this, and  
 2 we probably met more than once, but that  
 3 didn't go to Hydro, you know, and there are  
 4 many examples of those kinds of things that we  
 5 end up having a conversation about on a daily  
 6 basis that you cannot uniquely relate to  
 7 Hydro. So they're not going to get charged to  
 8 Hydro.  
 9 GREENE, Q.C.:  
 10 Q. And I -  
 11 MR. MCDONALD:  
 12 A. Things that get charged to Hydro are uniquely  
 13 related to Hydro, where I can clearly identify  
 14 that it's Hydro that it's Hydro that's being  
 15 serviced.  
 16 GREENE, Q.C.:  
 17 Q. And I understand. What I'm trying to do, and  
 18 you must appreciate by now -  
 19 MR. MCDONALD:  
 20 A. Yeah.  
 21 GREENE, Q.C.:  
 22 Q. - based on the questions for the last three  
 23 weeks, there's not a total clarity in this  
 24 room around how this actually works. So it's  
 25 to try to get a better understanding among the

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1 stakeholders. So, that's the reason I'm  
 2 asking these questions. So you've mentioned  
 3 one example where you had a discussion around  
 4 physical security. Is there another example  
 5 you can think of where you didn't charge the  
 6 time to Hydro, but it may have benefited  
 7 Hydro?  
 8 MR. ROBERTS:  
 9 A. Maybe I can offer up a few examples. So for  
 10 example, inside of performance management, I  
 11 would work closely with the talent management  
 12 team inside the company to identify and review  
 13 periodically what is the trend, what are the  
 14 best practices in terms of how to administer  
 15 performance management inside the company and  
 16 in doing so, that time would just get charged  
 17 to Nalcor because it's benefiting all lines of  
 18 business in terms of bringing best practice  
 19 forward in terms of performance management.  
 20 Another example is to recruitment and the  
 21 tools and techniques we use inside of  
 22 recruitment, whether it's using behavioural  
 23 based interviews or how we're going to conduct  
 24 our reference checks and so on and so forth,  
 25 and I can keep going. Compensation and

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1 benefits, same way. When we explore those  
 2 things from a practice perspective for Nalcor,  
 3 that would all default to my Nalcor code.  
 4 Now, if I was asked to participate in a  
 5 recruitment of a manager inside of Hydro, to  
 6 support regulated Hydro, and I sat in on those  
 7 interviews and conducted interviews with the  
 8 associated managers or report Rob Henderson  
 9 himself as Vice-President, then that time  
 10 would get charged to Hydro because I was  
 11 specifically recruiting for Hydro. Or if I  
 12 sat in on a performance review process where I  
 13 helped facilitate and coordinate the  
 14 performance review process and what we call a  
 15 calibration of performance ratings inside that  
 16 line of business and I was specifically that  
 17 afternoon with Hydro, then that would be  
 18 charged to Hydro.  
 19 GREENE, Q.C.:  
 20 Q. So there are quite a number of services for  
 21 which Hydro benefits, is your evidence, that  
 22 you do not actually charge Hydro for? You  
 23 would agree with that statement?  
 24 MR. MCDONALD:  
 25 A. Yes.

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1 GREENE, Q.C.:  
 2 Q. Okay. You said this morning, and I was going  
 3 to follow up on this anyway, that you are  
 4 satisfied that Hydro is getting the right  
 5 level of services. Is that correct?  
 6 MR. MCDONALD:  
 7 A. Yes.  
 8 GREENE, Q.C.:  
 9 Q. What we've heard for the last period of time  
 10 is that there are services being provided to  
 11 Hydro from which they benefit but are not  
 12 charged to Hydro if there has -- if another  
 13 entity benefits as well. So how, in looking  
 14 at this, can we look at and see what are the  
 15 services that Hydro actually receives and  
 16 whether they are reasonable? You're  
 17 satisfied. What can we, the Board, in looking  
 18 at this new matrix organizational structure,  
 19 what can we look at to say what are the actual  
 20 services being provided to Hydro and they're  
 21 reasonable?  
 22 MR. MCDONALD:  
 23 A. Well, I think what you ultimately have to look  
 24 at is what are the -- and we've talked about  
 25 this. From an operations perspective,

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1 relative to its mandate to provide safe,  
 2 reliable, cost effective power and  
 3 electricity, there are obviously indicators of  
 4 that in terms of Hydro's success in delivering  
 5 on that mandate. That's what I think you look  
 6 at. You know, from a shared services  
 7 perspective, I think what we have adopted is a  
 8 method of doing that and allocating costs when  
 9 necessary that's fair to everybody concerned  
 10 but including Hydro. I'll acknowledge that  
 11 one of the ways in which Hydro is benefiting  
 12 is that, you know, when you do things, Mike  
 13 and I in our respective roles, do things that  
 14 benefit not just Hydro but other lines of  
 15 business, that's not a cost, but I mean, Hydro  
 16 is deriving the benefit of that as well. I  
 17 acknowledge that and it's hard to quantify.  
 18 But ultimately, I suppose, what everybody  
 19 needs to be concerned about is how is Hydro  
 20 delivering on its mandate, you know, and is  
 21 the way we provide services and support to the  
 22 organization any kind of factor or variable in  
 23 that. And if we're going to say yes, what is  
 24 the basis for saying that?  
 25 GREENE, Q.C.:

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1 Q. So do I take from your answer that the primary  
 2 way of doing it is to look at the outcomes,  
 3 look at the measures, see how Hydro is  
 4 performing, look at the measures that are in  
 5 place to do that?  
 6 MR. MCDONALD:  
 7 A. I think that is what I'm saying and I'm  
 8 acknowledging at the same time that it's hard  
 9 to quantify completely the service that Hydro  
 10 is getting from shared services.  
 11 GREENE, Q.C.:  
 12 Q. In your role in helping to develop the  
 13 organizational structure, did you consider the  
 14 need for transparency with respect to the  
 15 regulated business?  
 16 MR. MCDONALD:  
 17 A. Yes.  
 18 GREENE, Q.C.:  
 19 Q. And how what we have just discussed fits into  
 20 that requirement for transparency, could you  
 21 provide us with your thoughts on that? We  
 22 know there's services you can't quantify.  
 23 Hydro requires them to actually operate. We  
 24 don't know exactly what they are. We don't  
 25 know how they're being charged. There is a

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1 judgment call that these are of benefit to  
 2 more than one. So with that background, how  
 3 is the Board to view this as a transparent  
 4 transaction or transparent relationship  
 5 between Hydro and Nalcor?  
 6 MR. MCDONALD:  
 7 A. Well, there's two things going on there. I  
 8 mean, I think, first and foremost, we had the  
 9 obligation and the challenge, I guess, as a  
 10 leadership team to decide as we were evolving  
 11 as a growing organization under a mandate  
 12 provided by the Province, to do that in the  
 13 most effective way we could think of doing it  
 14 without, as I've said before, making sure that  
 15 the needs and requirements of the regulated  
 16 entity were respected and met at all times.  
 17 So that's a decision we had to make. I guess  
 18 what I've tried to explain is that we felt the  
 19 best decision was to utilize a shared services  
 20 model. I think I've said that I believe that  
 21 served Hydro well. So, I think that's  
 22 important to say.  
 23 From a transparency perspective, in the  
 24 organizational work that we did, and you would  
 25 have seen this on our list of guiding

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1 principles as well, important considerations  
 2 in that regard were making sure, first of all,  
 3 that there was a clear, single point  
 4 accountable for all of our lines of business.  
 5 That included Hydro as well. You saw our  
 6 guiding principles speak to the need to ensure  
 7 that there was a good match between authority  
 8 and accountability in all our senior  
 9 leadership roles in our various lines of  
 10 business. And I might be missing one or two  
 11 others, but those two that I mentioned are  
 12 pretty key to ensuring transparency so that,  
 13 you know, you and the regulator can have some  
 14 assurance that, yeah, we know who's  
 15 accountable for Hydro. We know there is a  
 16 single point accountable for Hydro and we know  
 17 that the company has always said to itself  
 18 that the needs and requirements or the core  
 19 business, the regulated entity, will always be  
 20 kept in mind when we step through these  
 21 various processes.  
 22 For better or worse, we've adopted the  
 23 shared services model and we felt it has been  
 24 for the better. It was studied closely. It  
 25 was thoughtful and we absolutely believe that

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1 Hydro has been well served by it because we've  
 2 always kept Hydro front and centre. It's  
 3 always been the case.  
 4 GREENE, Q.C.:  
 5 Q. Mr. Chair, it's 11:00.  
 6 CHAIRMAN:  
 7 Q. We shall take a break.  
 8 (BREAK - 10:59 a.m.)  
 9 (RESUME - 11:40 a.m.)  
 10 CHAIRMAN:  
 11 Q. Okay. I think there's a -- you have some  
 12 comments.  
 13 MR. YOUNG:  
 14 Q. Mr. Chair, Hydro requested and was granted by  
 15 Board counsel a brief delay in restarting at  
 16 this point because we have some undertakings  
 17 to distribute. We had some logistics to deal  
 18 with, printing and whatnot, which is now done.  
 19 I'm going to ask Ms. Pennell to speak to  
 20 those.  
 21 MS. PENNELL:  
 22 Q. Good morning, Mr. Chair and Commissioners.  
 23 The first undertaking that we have to file --  
 24 Undertakings actually No. 8 and No. 9, which  
 25 are answers to the questions that Mr.

|   |  |
|---|--|
| <p style="text-align: right;">Page 117</p> <p>1 Dumaresque posed to Mr. Martin when he was on<br/>2 the stand.</p> <p>3 The next one that we have is Undertaking<br/>4 number 12 and that shows the internal<br/>5 organizational charts of HROE showing where<br/>6 there are other embedded employees in Hydro.</p> <p>7 The next one is Undertaking No. 18 and<br/>8 that is about the retirement allowances that<br/>9 Maritime Electric may have had in 2007.</p> <p>10 And the final one that we have to file is<br/>11 Undertaking No. 23 which is Mr. Roberts'<br/>12 commonly used work codes. I believe he<br/>13 indicated that there were 12, but there are<br/>14 actually 11.</p> <p>15 MR. ROBERTS:<br/>16 A. I apologize.</p> <p>17 CHAIRMAN:<br/>18 Q. Okay. So I guess we're back to continue our<br/>19 cross-examination.</p> <p>20 GREENE, Q.C.:<br/>21 Q. Thank you, Mr. Chair. On the issue of time<br/>22 reporting, I wonder if we could bring up our<br/>23 now famous PUB-NLH-228. It's a number we will<br/>24 all remember. And I wanted to ask what was<br/>25 the role of HR with respect to forecast for</p>                        | <p style="text-align: right;">Page 119</p> <p>1 MR. ROBERTS:<br/>2 A. Probably only to the fact that we in HR, the<br/>3 HR team, might help facilitate and support<br/>4 finance in the acquiring of that information<br/>5 put in through the budgeting process.</p> <p>6 GREENE, Q.C.:<br/>7 Q. And could you provide some more detail as to<br/>8 what that would be?</p> <p>9 MR. ROBERTS:<br/>10 A. So similarly, I guess, it may very well be,<br/>11 and I'd have to verify it, but I think our HR<br/>12 team were probably the ones who facilitate<br/>13 this through the budgeting process, where they<br/>14 go around asking others for their forecasted<br/>15 hours for the upcoming year.</p> <p>16 GREENE, Q.C.:<br/>17 Q. So questions related to the forecast hours are<br/>18 best directed to the Finance panel? Is that<br/>19 correct? Other than your division.</p> <p>20 MR. ROBERTS:<br/>21 A. Well probably each person would be able to<br/>22 answer it, but I would think, yes, it's part<br/>23 of a budgeting process that Finance, you know,<br/>24 uploads and it sends out the budget<br/>25 requirements, but again, I think it's HR that</p> |
| <p style="text-align: right;">Page 118</p> <p>1 the hours that are shown at this time to have<br/>2 been forecast for 2014, '15 and '16?</p> <p>3 MR. ROBERTS:<br/>4 A. So again, as part of the budgeting process<br/>5 each year, we would be asked to sort of<br/>6 indicate based on the previous year's actuals<br/>7 what we expect to be our hours worked in the<br/>8 coming year, and so for those years, again<br/>9 that's what we would have been asked to<br/>10 describe through the budgeting process is<br/>11 anything different from the previous year.<br/>12 Was there something specifically in the<br/>13 particular year that might have drove that<br/>14 number up or down for us to input into<br/>15 forecasting for the future.</p> <p>16 GREENE, Q.C.:<br/>17 Q. And that, I understand your answer to be with<br/>18 respect to your own division, Human Resources.<br/>19 Is that correct?</p> <p>20 MR. ROBERTS:<br/>21 A. That's correct.</p> <p>22 GREENE, Q.C.:<br/>23 Q. Do you have any role with respect to the<br/>24 forecast for the other members of the Nalcor<br/>25 executive that are shown on that RFI response?</p> | <p style="text-align: right;">Page 120</p> <p>1 actually is the one who provides them this<br/>2 input by collecting that information.</p> <p>3 GREENE, Q.C.:<br/>4 Q. I'm sorry, I misunderstood your answer then in<br/>5 light of your previous one. HR takes the<br/>6 data? Is that what you're saying? You input<br/>7 it into the -- there's a budget prepared. Who<br/>8 would input it into the budget for 2016, those<br/>9 hours?</p> <p>10 MR. ROBERTS:<br/>11 A. So it's a collaborative effort between Finance<br/>12 and HR in terms of budget preparation for each<br/>13 year and it's my understanding that Human<br/>14 Resources actually go out -- members of my<br/>15 team will go out and solicit the information<br/>16 that they require in order to put it into the<br/>17 forecast for the upcoming year.</p> <p>18 GREENE, Q.C.:<br/>19 Q. So HR would go and ask those various members<br/>20 of the executive what they were forecasting as<br/>21 Hydro requirements for the next year for<br/>22 budget purposes? Is that -</p> <p>23 MR. ROBERTS:<br/>24 A. That's correct.</p> <p>25 GREENE, Q.C.:</p>  |

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1 Q. Can you explain then the basis for the 2015  
 2 numbers? We've heard some testimony, and I  
 3 understand that they are not in the test year  
 4 requirement, so I'm not -- and we'll talk to  
 5 Finance about that, so that's not the issue,  
 6 but how were those numbers derived? If you  
 7 look at the footnote, they were done in  
 8 November. So does that mean that for 2014, it  
 9 was basically historic information?  
 10 (11:45 a.m.)  
 11 MR. ROBERTS:  
 12 A. So if I'm reading that correctly, it says  
 13 "numbers shown have been free forecast based  
 14 on actuals to November 2014". So, for 2015 --  
 15 is your question how do we derive the hours  
 16 for 2015?  
 17 GREENE, Q.C.:  
 18 Q. Yes.  
 19 MR. ROBERTS:  
 20 A. Forecast?  
 21 GREENE, Q.C.:  
 22 Q. I went by 2014 because to me it appeared that  
 23 by the time you did this forecast shown on  
 24 Revision 4, you actually had actuals. So it's  
 25 really not a forecast. One month forecast, 13

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1 actuals. So how did you come up with the 2015  
 2 forecast of 1121?  
 3 MR. ROBERTS:  
 4 A. So the 1121 would have been a combination of  
 5 both myself and Gerard providing input as to  
 6 the hours we anticipate spending in 2015  
 7 towards Newfoundland and Labrador Hydro.  
 8 GREENE, Q.C.:  
 9 Q. That's for Human Resources.  
 10 MR. ROBERTS:  
 11 A. Because you asked about the 1121 for Human  
 12 Resources, right?  
 13 GREENE, Q.C.:  
 14 Q. For that. And now for the others, for the  
 15 other members of the leadership team to get to  
 16 the total, which I guess is the correct total,  
 17 3462, how is that arrived at?  
 18 MR. ROBERTS:  
 19 A. That would be my understanding is that they  
 20 would have provided input or estimates into  
 21 what they anticipated spending towards Hydro  
 22 in 2015.  
 23 GREENE, Q.C.:  
 24 Q. Who did they give the estimates to? Was it to  
 25 you? I understood from your previous answer,

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1 HR played a role and collected the  
 2 information.  
 3 MR. ROBERTS:  
 4 A. Correct, but it's not me personally. I  
 5 wouldn't oversee that.  
 6 GREENE, Q.C.:  
 7 Q. No, well -  
 8 MR. ROBERTS:  
 9 A. But members of our team, I believe, would have  
 10 been the ones collecting that information, and  
 11 it can be verified either later or by the  
 12 Finance panel, I'm sure.  
 13 GREENE, Q.C.:  
 14 Q. When that information is collected by your  
 15 staff, what supporting documentation or  
 16 evidence is given to support the numbers or is  
 17 it just a number that's given to you by the  
 18 other members? And when I say "you" I don't  
 19 mean you personally, I mean your division.  
 20 MR. ROBERTS:  
 21 A. So what supporting information is given to  
 22 them?  
 23 GREENE, Q.C.:  
 24 Q. Yes.  
 25 MR. ROBERTS:

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1 A. It may vary by individual, and I can't say  
 2 with certainty. All I could speak to with  
 3 certainty is what I would have provided.  
 4 GREENE, Q.C.:  
 5 Q. Is there any role for Human Resources in  
 6 validating or verifying the forecast as given  
 7 to you by the other members of the Nalcor  
 8 leadership team as a forecast?  
 9 MR. ROBERTS:  
 10 A. No, in terms of verification, I mean, what we  
 11 would be doing is providing them with the  
 12 previous year's numbers and asking them to  
 13 reflect on what they think in the upcoming  
 14 year based on a corporate planning process and  
 15 the work that they know they're going to be  
 16 undertaking, you know, they're best judgment  
 17 as to where they think -- how much time they  
 18 think they'll allocate to Newfoundland and  
 19 Labrador Hydro and then take it from there. I  
 20 mean, I don't think there'd be a way that we  
 21 could actually audit that.  
 22 GREENE, Q.C.:  
 23 Q. So you simply take the information and input  
 24 it? That's how I understand your answer.  
 25 MR. ROBERTS:

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1 A. Correct.  
 2 GREENE, Q.C.:  
 3 Q. Okay. Also on the issue of time reporting, I  
 4 don't know if it's actually in the system yet,  
 5 Ms. Gray, but Undertaking 23, the response to  
 6 that. Is it there? Is Undertaking -- the  
 7 response to Undertaking No. 23 there  
 8 electronically yet, Ms. Gray?  
 9 MS. GRAY:  
 10 Q. Yes.  
 11 GREENE, Q.C.:  
 12 Q. Thank you. You have already both given  
 13 evidence that anything that's not directly  
 14 related to a line of business, and that's  
 15 directly charged to that line of business,  
 16 defaults to Nalcor. Is that correct?  
 17 MR. ROBERTS:  
 18 A. That's correct.  
 19 GREENE, Q.C.:  
 20 Q. Is that code 776414 Nalcor General  
 21 Administration what I would call the default  
 22 code?  
 23 MR. ROBERTS:  
 24 A. That's correct.  
 25 GREENE, Q.C.:

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1 Q. So you actually do record your time? It's not  
 2 just the balance that's left? Is that  
 3 correct?  
 4 MR. ROBERTS:  
 5 A. Well, what I would do is -- and inscribing it  
 6 as default is that I would have parcelled out  
 7 to each of the lines of business any specific  
 8 work done just for that line of business and  
 9 then the remaining hours would be put towards  
 10 that Nalcor General Administration.  
 11 GREENE, Q.C.:  
 12 Q. Yes, that's what I meant by -  
 13 MR. ROBERTS:  
 14 A. Yeah.  
 15 GREENE, Q.C.:  
 16 Q. Whatever is not assigned to the other codes  
 17 there would end up in Nalcor General  
 18 Administration? Is that correct?  
 19 MR. ROBERTS:  
 20 A. That is correct.  
 21 GREENE, Q.C.:  
 22 Q. Okay. Also on this issue of the structure and  
 23 reporting, if we could look at the response to  
 24 Undertaking No. 12? And I would like one of  
 25 you to explain what this chart is showing us.

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1 MR. MCDONALD:  
 2 A. That's showing what we refer to as the HROE  
 3 team and it includes, as you can see,  
 4 resources that are in the same functional  
 5 areas that are located in Hydro, for the most  
 6 part, but in some other areas as well. So at  
 7 the top, you've seen a lot of this before,  
 8 starting with the Vice-President and then the  
 9 three managers reports to the Vice-President  
 10 in Safety and Health, Environmental Services  
 11 and Human Resources and Labour Relations.  
 12 Those boxes, as we've seen previously, are  
 13 double bordered to indicate that they're  
 14 corporate. They're located in Hydro Place.  
 15 They're Nalcor positions. Then there are a  
 16 number of positions that are corporate as  
 17 well, if you will. They're located in Hydro  
 18 Place and they are located in Hydro. So under  
 19 each of the three managers, you'll see a  
 20 mixture of employees who are located in Nalcor  
 21 or Hydro, and then you'll see some that are in  
 22 dotted line boxes and the dotted line boxes  
 23 are meant to indicate resources in those  
 24 functional areas that are located in  
 25 operations.

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1 So if I were to use Safety and Health as  
 2 an example, on the left-hand side there you'll  
 3 see work method specialist, safety health and  
 4 environment coordinator TRO, safety training  
 5 officer TRO, and so on. These are resources  
 6 that are located in the field, if you will,  
 7 that are embedded in operations as opposed to  
 8 being located corporately in head office, so  
 9 to speak.  
 10 And then same thing over in Environmental  
 11 Services. A lot of positions there that are  
 12 located corporately, for the most part Hydro,  
 13 and then some dotted line boxes that are meant  
 14 to indicate resources that are embedded in  
 15 operations. And in some cases between  
 16 Environmental Services and Safety and Health,  
 17 you'll see lines drawn to both Safety and  
 18 Health and Environmental Services. So if you  
 19 look at Manager of Health, Safety and  
 20 Environment and TRO, that person would have a  
 21 relationship corporately with both Safety and  
 22 Health and Environmental Services and the  
 23 reason is probably apparent. I mean, that  
 24 manager in TRO has both safety and health and  
 25 environment in his mandate, so he has those

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1 relationships corporately.  
 2 And then same thing over in Human  
 3 Resources and Labour Relations, you know, the  
 4 corporate people are located there, including  
 5 Hydro, and then you'll see a couple of other  
 6 lines of business referred to there. NECF is  
 7 Nalcor Energy Churchill Falls and that  
 8 individual has a human resources and labour  
 9 relations team up there. They're not  
 10 itemized, but there's probably about five  
 11 people underneath that HR/LR lead. And over  
 12 on the Lower Churchill Project, the lead over  
 13 there is called a corporate integration  
 14 manager, Nalcor Energy Lower Churchill, and he  
 15 has an HR/LR industrial benefits and training  
 16 team over there as well.  
 17 So the purpose of this internal chart is  
 18 to indicate, you know, all the resources in  
 19 those three key functional areas that are part  
 20 of the HROE team, showing the relationships to  
 21 the field and all those people who are  
 22 embedded in operations obviously would have a  
 23 relationship with their respective operations  
 24 leaders and ultimately the VP of Hydro as  
 25 well, in the case of Hydro, or the VP of

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1 another line of business as appropriate.  
 2 So I'll stop there. You may have some  
 3 questions.  
 4 GREENE, Q.C.:  
 5 Q. So the use of the dotted line is to show where  
 6 the physical location of the employee is? Is  
 7 that how I understood your answer? You talked  
 8 about it in terms of being embedded in the  
 9 operations.  
 10 MR. MCDONALD:  
 11 A. Yes. What you're not seeing here are any  
 12 lines indicating relationship to the  
 13 operations leader. So, in the case of those  
 14 positions that are embedded in Hydro  
 15 operations, for example, what you're not  
 16 seeing on the chart, because we treat this as  
 17 an HROE chart only, you're not seeing lines  
 18 that indicate the relationship between those  
 19 roles and the senior operations managers or  
 20 for that matter, the VP of Hydro, although  
 21 they do exist. We use though dotted line  
 22 boxes just to indicate the resources that are  
 23 embedded in operations just as a distinction.  
 24 But if we were draw a line say between the  
 25 work method specialist and the SHE Coordinator

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1 and TRO and so on and so forth, they would be  
 2 dotted lines back to their respective  
 3 operations managers or the VP of Hydro as  
 4 appropriate.  
 5 GREENE, Q.C.:  
 6 Q. So if we just stay with the example you last  
 7 used, the work method specialist, who does  
 8 that person or position report to and get  
 9 direction from? Let's start with report. Who  
 10 do they report from -- to, who do they  
 11 actually report to?  
 12 MR. MCDONALD:  
 13 A. They have reporting relationships with  
 14 essentially two people. Locally in operations  
 15 I think that person probably reports to -- to  
 16 be confirmed, but I think that person reports  
 17 to the Manager of Health, Safety and  
 18 Environment in Transmission and Rural  
 19 Operations. And then -  
 20 GREENE, Q.C.:  
 21 Q. So that's a Hydro employee?  
 22 MR. MCDONALD:  
 23 A. Yes.  
 24 GREENE, Q.C.:  
 25 Q. Okay. So this chart is showing us where these

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1 positions, as you say what the resources are  
 2 in the area, but they do not show any --  
 3 whether they're Hydro employees of Nalcor  
 4 employees and they don't show how they -- what  
 5 the reporting -- how they provide services to  
 6 the other areas that they are supporting.  
 7 MR. MCDONALD:  
 8 A. They do show whether or not they're inside  
 9 Hydro, but what you wouldn't see there is the  
 10 reporting relationship between the work method  
 11 specialist, let's say, and the manager of  
 12 Health, Safety and Environment in TRO. It can  
 13 be drawn on there but it'd be a much bigger  
 14 chart, but that person does have that  
 15 reporting relationship to operations locally.  
 16 That person has a reporting relationship as  
 17 well to corporate. So you can see there that  
 18 there's a line between the work method  
 19 specialist and the team lead of safety and  
 20 health in Hydro Place. So, you know, we use a  
 21 solid line to indicate that relationship.  
 22 That relationship, reporting relationship is  
 23 in the context of corporate standards policies  
 24 and priorities, if you will. So, the nature  
 25 of that relationship is to ensure that this

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1 person is accountable to corporate for  
 2 compliance with corporate standards and  
 3 policies around safety and health. The  
 4 reporting relationship between that person,  
 5 using that again as an example, and the health  
 6 safety manager -- health, safety and  
 7 environment manager TRO is an operations  
 8 accountability. So on a day-to-day basis,  
 9 that work method specialist, and this person  
 10 happens to be located in Bishops Falls, is  
 11 reporting to and working with the Health,  
 12 Safety and Environment Manager in TRO on an  
 13 operations basis, assisting in the execution  
 14 of all operations activities that have any  
 15 bearing on health, safety and environment. So  
 16 that's the nature of that relationship there  
 17 locally and then corporately, as I said, it's  
 18 not that kind of accountability. It's an  
 19 accountability to corporate for compliance and  
 20 consistency with corporate standards and  
 21 policies. And that would be the same in all  
 22 other cases as well. That's the distinction  
 23 between the two sets of accountabilities.  
 24 GREENE, Q.C.:  
 25 Q. And this position is a non-union position, is

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1 it? Is it a non-union?  
 2 MR. MCDONALD:  
 3 A. I believe it is, yes.  
 4 GREENE, Q.C.:  
 5 Q. Okay. Who actually will perform the  
 6 evaluation of the performance of that  
 7 individual for the year?  
 8 MR. MCDONALD:  
 9 A. It would be shared, but in the first instance,  
 10 it would be conducted by the Manager of  
 11 Health, Safety and Environment.  
 12 GREENE, Q.C.:  
 13 Q. So would it be considered that he reports in  
 14 to the TRO manager of Health, Safety -  
 15 MR. MCDONALD:  
 16 A. He does.  
 17 GREENE, Q.C.:  
 18 Q. I still don't get from this who -- where you  
 19 will consider him to be directly reporting.  
 20 MR. MCDONALD:  
 21 A. He, in this case, has two reporting  
 22 relationships, which I just tried to describe,  
 23 but locally and operationally, clearly that  
 24 person reports to the Health, Safety and  
 25 Environment Manager in TRO, and to the extent

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1 when it comes to performance review time, and  
 2 this would happen in other cases as well,  
 3 where, you know, people in those capacities,  
 4 performance review input is provided by  
 5 corporate people as well.  
 6 GREENE, Q.C.:  
 7 Q. And these are all Hydro employees that are  
 8 certainly under -  
 9 MR. MCDONALD:  
 10 A. Under safety and health, there are a couple of  
 11 positions towards the bottom there, you can  
 12 see a safety management system coordinator  
 13 that's located in Churchill Falls and you can  
 14 see another one there that's located on the  
 15 Lower Churchill Project. So where they're not  
 16 Hydro, it's indicated, but most of them are  
 17 Hydro.  
 18 GREENE, Q.C.:  
 19 Q. Do the other divisions within Hydro have  
 20 similar internal charts with dotted lines,  
 21 like Finance?  
 22 MR. MCDONALD:  
 23 A. Finance, yes, I'm pretty sure they do.  
 24 GREENE, Q.C.:  
 25 Q. And I had understood, perhaps incorrectly,

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1 that we were going to see the charts for the  
 2 other areas as well, which would provide  
 3 shared services. So can I ask for an  
 4 undertaking that we get the charts for the  
 5 other divisions?  
 6 MR. CASS:  
 7 Q. That can be done, Mr. Chair. Thanks.  
 8 GREENE, Q.C.:  
 9 Q. Moving to another topic, performance measures.  
 10 Could we look at Undertaking No. 6 please?  
 11 Because this was 2012, I'll ask Mr. McDonald.  
 12 What was your role in developing these  
 13 measures that are being used internally at  
 14 Hydro to monitor and evaluate performance?  
 15 (12:00 p.m.)  
 16 MR. MCDONALD:  
 17 A. I would have been involved in several of  
 18 those. I can see as I'm reading there that  
 19 there are a couple of others that other vice-  
 20 presidents would clearly have had some input  
 21 on. So, for example, the last one on the list  
 22 there referring to conservation and demand  
 23 management, I'm sure the Vice-President of  
 24 Corporate Relations would have been -- would  
 25 have had a similar level of input on that as I

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1 would have had on the others. To some extent,  
 2 some of these targets in safety, for example,  
 3 have been established for some time. So the  
 4 first three that you're seeing there are very  
 5 typical in the industry. It's how we  
 6 standardize and normalize our safety  
 7 performance, if you will, for comparison  
 8 purposes against other utilities or other  
 9 industry using frequency rates. So all injury  
 10 frequency rate, long term injury frequency  
 11 rate, we would have established a benchmark  
 12 for ourselves maybe seven or eight or nine  
 13 years ago in terms of our longer term goal  
 14 there and we defined it. I think Mr. Martin  
 15 may have referred to this as well, frequency  
 16 rates of .5 on all injuries and .15 or less on  
 17 lost time injuries. We defined that basically  
 18 as best practice globally.

19 So really, from that point forward, it's  
 20 been every year we assess how we've done  
 21 relative to those targets and according to a  
 22 five-year plan that's refreshed every year,  
 23 the target is either confirmed as being the  
 24 same one, if we didn't reach it in the  
 25 previous year or it's increased or decreased

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1 however you might want to look at it.

2 The same thing with the safety lead/lag  
 3 ratio. We've prescribed that for ourselves in  
 4 terms of where we want to get to and we deal  
 5 with it the same way, on an annual basis.

6 Some of these other things like complete  
 7 planned 2000 activities related to the work  
 8 protection code, for example, grounding and  
 9 bonding, work methods for high risk tasks,  
 10 task-based risk assessment, they would be very  
 11 good examples of initiatives that we would  
 12 have, in corporate Safety and Health,  
 13 identified as key priorities in consultation  
 14 with Hydro operations. So I know you've heard  
 15 the term used a lot, but really, it truly is a  
 16 collaborative effort of working with the lines  
 17 of business to understand what they view their  
 18 priorities to be from a safety and health  
 19 perspective. We input to that as well based  
 20 on our knowledge of, you know, how it's been  
 21 going and safety risks and what's going on in  
 22 other utilities and in the industry generally  
 23 to sort of come up with a plan of key things  
 24 that we can work on to improve safety in the  
 25 organization. So I think they would be good

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1 examples of those kinds of initiatives.  
 2 And the same thing applies to  
 3 environment. So, we would have, and I would  
 4 have had a lot of input into that through the  
 5 corporate planning process, in particular, and  
 6 through -- and then these are the kinds of  
 7 things too you might see in the boundaries  
 8 document that we were talking about a little  
 9 while ago.

10 GREENE, Q.C.:  
 11 Q. Without getting into each of the measures,  
 12 from a policy level, do you have direct  
 13 accountability for any of the measures as  
 14 Vice-President Human Resources or is this a  
 15 shared leadership responsibility for the  
 16 measures and the outcomes?

17 MR. MCDONALD:  
 18 A. I think it is a shared leadership and a share  
 19 of responsibility around the measures  
 20 themselves. In terms of performance, clearly  
 21 we look to operations and our divisions. I  
 22 mean, all our functional divisions are held to  
 23 certain targets as well around safety  
 24 performance. We are in HROE, for example, but  
 25 certainly in operations, they are as well.

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1 And so I wouldn't have that accountability for  
 2 outcomes related to safety in operations in  
 3 Hydro. I mean, that's something that Mr.  
 4 Henderson spends a lot of time worrying about  
 5 and his various operations managers and his  
 6 people.

7 GREENE, Q.C.:  
 8 Q. So you're not accountable for the outcomes,  
 9 but you are key in developing the measures?

10 MR. MCDONALD:  
 11 A. Yes.

12 GREENE, Q.C.:  
 13 Q. Just before the break, one of the things you  
 14 said we could look at to determine whether the  
 15 effectiveness of the current structure was the  
 16 outcomes. Is this what you're talking about?  
 17 Not in -- if you look at the measures Hydro  
 18 uses each year and it's only 2012 on this  
 19 screen, but we also have them for '13 and '14.  
 20 Is this what you referred to?

21 MR. MCDONALD:  
 22 A. Yes. These -- I'm just trying to understand  
 23 what this is an extract from, but in any event  
 24 -

25 GREENE, Q.C.:

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|--|--|
| <p>1 Q. This was in response to Mr. Martin where he<br/>2 had indicated he used measures other than the<br/>3 measures that the Board reviews to assess<br/>4 performance.<br/>5 MR. MCDONALD:<br/>6 A. Yes.<br/>7 GREENE, Q.C.:<br/>8 Q. And he had said there was senior leadership<br/>9 measures and this was filed in response to<br/>10 that.<br/>11 MR. MCDONALD:<br/>12 A. Yes, and they certainly look familiar to me<br/>13 and in answer to your question, I think it<br/>14 would be these for sure and others that would<br/>15 be in Hydro's corporate plan. So each year,<br/>16 there's a corporate plan put together in the<br/>17 manner that was described by Mr. Roberts and<br/>18 that would contain targets and initiatives<br/>19 associated with each one of our five corporate<br/>20 goals. Operations excellence obviously is<br/>21 goal number three, but we would have targets<br/>22 and initiatives in place in relation to all<br/>23 five that forms Hydro's corporate plan and it<br/>24 would be that corporate plan of which these<br/>25 measures are an important subset, I think,</p> | <p>1 So, I'll be advised after I leave the stand<br/>2 whether I'm right in this, but I'm pretty sure<br/>3 that's what we refer to as the corporate quilt<br/>4 for Newfoundland and Labrador Hydro. So that<br/>5 is a new term.<br/>6 GREENE, Q.C.:<br/>7 Q. A new term, corporate quilt.<br/>8 MR. MCDONALD:<br/>9 A. Yeah.<br/>10 CHAIRMAN:<br/>11 Q. Quilt?<br/>12 MR. MCDONALD:<br/>13 A. Quilt.<br/>14 CHAIRMAN:<br/>15 Q. Wow.<br/>16 MR. MCDONALD:<br/>17 A. So it is a summary page that's used on a<br/>18 monthly basis by Newfoundland and Labrador<br/>19 Hydro inside their leadership team meetings to<br/>20 track and discuss performance in relation to<br/>21 each of our five goals. You can see all the<br/>22 targets that are set out there. And we use<br/>23 that as a summary document and we use a<br/>24 dashboard, a coloured dashboard, to indicate<br/>25 or Rob and his team do each month, and that</p> |
| <p>Page 142</p> <p>1 that would be measured on a monthly basis and<br/>2 evaluated as the year went by.<br/>3 GREENE, Q.C.:<br/>4 Q. So these are -- this is Hydro's corporate plan<br/>5 for each of these years? Is that correct?<br/>6 MR. MCDONALD:<br/>7 A. I don't think this forms the complete<br/>8 corporate plan.<br/>9 GREENE, Q.C.:<br/>10 Q. If you want to scroll down, Ms. Gray.<br/>11 MR. MCDONALD:<br/>12 A. Is that the full document, Jenny?<br/>13 MS. GRAY:<br/>14 Q. (Inaudible).<br/>15 MS. GLYNN:<br/>16 Q. Mr. McDonald, there is paper copies of the<br/>17 undertakings.<br/>18 MR. MCDONALD:<br/>19 A. Oh, is there?<br/>20 MS. GLYNN:<br/>21 Q. Yes.<br/>22 MR. MCDONALD:<br/>23 A. In the undertaking binder. No, that looks to<br/>24 be what we refer to as our -- could you just<br/>25 scroll up again there, Jenny, for a second?</p>   | <p>Page 144</p> <p>1 enables us to focus in on the things that, you<br/>2 know, may be behind target. But in any event,<br/>3 we see progress to date up there.<br/>4 GREENE, Q.C.:<br/>5 Q. So this is one way the leadership team reviews<br/>6 what is the plan for the year and how you're<br/>7 doing throughout the year?<br/>8 MR. MCDONALD:<br/>9 A. Absolutely, yes.<br/>10 GREENE, Q.C.:<br/>11 Q. So that would be one of the measures you use<br/>12 for outcome?<br/>13 MR. MCDONALD:<br/>14 A. Yes.<br/>15 GREENE, Q.C.:<br/>16 Q. And I'm sorry, I can't resist, but has Hydro<br/>17 developed a manual for the various acronyms<br/>18 and jargons you use? Have you? If so, I<br/>19 would like an undertaking that it be filed.<br/>20 MR. YOUNG:<br/>21 Q. If one exists, I'd like to have one too, but I<br/>22 don't think there is one.<br/>23 MR. MCDONALD:<br/>24 A. No.<br/>25 GREENE, Q.C.:</p>                 |

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1 Q. I like the quilt one though.  
 2 CHAIRMAN:  
 3 Q. What are you doing to the English language?  
 4 MR. YOUNG:  
 5 Q. It's evolving.  
 6 MR. MCDONALD:  
 7 A. Yes.  
 8 GREENE, Q.C.:  
 9 Q. I wanted to move from the corporate measures  
 10 for Hydro and your role, which I understand  
 11 that you view your role in developing these  
 12 measures as a shared responsibility. Is that  
 13 -- have I -  
 14 MR. MCDONALD:  
 15 A. That's correct.  
 16 GREENE, Q.C.:  
 17 Q. Okay. Can we look at the incentive plan,  
 18 Undertaking No. 2, which was Mr. Henderson's,  
 19 and it's only for the purpose of using that as  
 20 the template. So Undertaking No. 2, 2014.  
 21 What was your role, Mr. McDonald, in the  
 22 development of this incentive plan for Hydro?  
 23 MR. MCDONALD:  
 24 A. It would have been a fairly significant role.  
 25 So I, and the Human Resources team, would have

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1 been extensively involved in formalizing that.  
 2 In actuality, it's a template to a large  
 3 extent that pre-existed to my arrival at Hydro  
 4 and it pre-existed the CEO's arrival at Hydro.  
 5 So that system of short-term incentives, if  
 6 you will, built around a performance contract,  
 7 was a process that was already in place. I  
 8 think it would be fair to say that what we've  
 9 done since then is we've evolved it over time.  
 10 It's something that we check in with the Board  
 11 of Directors on an annual basis, just to  
 12 confirm that it's still working for us and  
 13 that kind of thing, but it would be HROE that  
 14 would be bringing that forward. It would be  
 15 HROE who would be in discussion with the CEO  
 16 in particular and the leadership team  
 17 discussing whether we need to make any  
 18 modifications.  
 19 Obviously we would depend -- we would  
 20 rely on the lines of business or divisions as  
 21 appropriate to indicate appropriate  
 22 descriptors for threshold, target and  
 23 opportunity, because they're documented  
 24 obviously as part of that.  
 25 GREENE, Q.C.:

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1 Q. Is it HR's role to actually do the  
 2 calculations at the end of the year based on  
 3 the assessment?  
 4 MR. MCDONALD:  
 5 A. Yes, it is.  
 6 GREENE, Q.C.:  
 7 Q. You mentioned that you built on an incentive  
 8 plan that was already in existence at Hydro.  
 9 To your knowledge, were the bonus payments  
 10 paid under that plan included in the revenue  
 11 requirement in the 2002 and 2004 GRAs?  
 12 MR. MCDONALD:  
 13 A. I don't know honestly. I can't answer that  
 14 question.  
 15 GREENE, Q.C.:  
 16 Q. So that's best asked to the Finance panel?  
 17 MR. MCDONALD:  
 18 A. I think so.  
 19 GREENE, Q.C.:  
 20 Q. Or the 2007 GRA, okay.  
 21 MR. MCDONALD:  
 22 A. I don't know.  
 23 GREENE, Q.C.:  
 24 Q. With respect to -- again, I'm at the  
 25 philosophy level. Why did HR or what was your

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1 role in recommending that 30 percent of the  
 2 targets would be related to the overall Nalcor  
 3 performance?  
 4 MR. MCDONALD:  
 5 A. Well -  
 6 GREENE, Q.C.:  
 7 Q. And if you look at, for example, financial  
 8 performance, the target is 108.4 million for  
 9 net income, which is not a Hydro target. If  
 10 you go down to Oil and Gas Exploration  
 11 Strategy and Lower Churchill Project, these  
 12 are non-specific Hydro activities. So what  
 13 was the rationale for including 30 percent of  
 14 the bonus, including items that are not  
 15 specifically or of direct benefit to Hydro?  
 16 MR. MCDONALD:  
 17 A. Okay, I agree with the first part of that and  
 18 not the second part. They're not specifically  
 19 related to Hydro. You can look at other  
 20 examples here as well, including safety,  
 21 health, and environment, so obviously - but no  
 22 direct benefit to Hydro, that's the part that  
 23 I'm going to comment on right now. So the  
 24 philosophy and thinking behind it was, first  
 25 of all, we had to recognize that our various

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1 lines of business, in the case Hydro, and the  
 2 various managers and employees who work within  
 3 Hydro, do contribute to performance, overall  
 4 Nalcor performance in a very meaningful way,  
 5 Hydro, in particular. So you can choose any  
 6 one of those with the possible exception of  
 7 Oil & Gas, but every one of the others clearly  
 8 falls into that category, in my view, and  
 9 again back to Hydro, there's no question that  
 10 Hydro's performance from a safety perspective  
 11 or in terms of how we achieve our  
 12 environmental targets, are financial  
 13 performance, asset management, and project  
 14 execution as well, you know, the people of  
 15 Hydro make a very significant contribution to  
 16 the performance of Nalcor in that overall  
 17 context. So we had to find a way of  
 18 acknowledging that, but at the same time do it  
 19 inside a broader Nalcor envelope, but in the  
 20 meantime, having said that, we recognized as  
 21 well in terms of the overall structure of this  
 22 thing that the majority of the weight needs to  
 23 go against performance at the line of business  
 24 or divisional or departmental level. So what  
 25 you should find are targets and initiatives

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1 and so on in Part "B" for anybody's  
 2 performance contract that are more uniquely  
 3 related to their scope of responsibility, if  
 4 you will.  
 5 GREENE, Q.C.:  
 6 Q. And we'll come to Part "B", but for Part -  
 7 MR. MCDONALD:  
 8 A. I thought you might, yeah.  
 9 GREENE, Q.C.:  
 10 Q. For Part "A", in your answer you talked about  
 11 how Hydro contribute to Nalcor's overall  
 12 performance, and perhaps - I wrote down what  
 13 you said, and in looking at it, and then  
 14 hearing your answer, this was viewed as a  
 15 Nalcor - from the perspective of a Nalcor  
 16 employee? You wanted to reward Hydro's  
 17 contribution to Nalcor's overall success.  
 18 MR. MCDONALD:  
 19 A. Right.  
 20 GREENE, Q.C.:  
 21 Q. And so that shows up in the 30 percent  
 22 corporate?  
 23 MR. MCDONALD:  
 24 A. I'm not sure I'm following you. I was trying  
 25 to say -

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1 GREENE, Q.C.:  
 2 Q. I'm just trying to make sure that I understood  
 3 your answer in the context in which you gave  
 4 it before I moved to the next question because  
 5 I certainly want to be fair to you.  
 6 MR. MCDONALD:  
 7 A. Yeah, I'm not sure I understand the question.  
 8 Part "A" would be seen by both our Hydro  
 9 people and our Nalcor people as being relevant  
 10 to them both. I think in Rob Henderson's  
 11 case, for example, I mean, he obviously first  
 12 and foremost is the executive lead for  
 13 Newfoundland and Labrador Hydro, and Hydro's  
 14 performance on its operations, but I don't  
 15 think Rob or any of the other VPs view  
 16 themselves being limited to just Hydro. I  
 17 mean, we're all part of the Nalcor leadership  
 18 team as well and we have a common interest in  
 19 making sure that the goals and objectives of  
 20 Nalcor are achieved as well.  
 21 GREENE, Q.C.:  
 22 Q. And what I'm trying to explore with you is the  
 23 concept that this is included in a bonus  
 24 payment paid for by Hydro, which I understand  
 25 ends up in the total incentive payment, which

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1 ends up in the revenue requirement. It's not  
 2 a question of whether it's right or wrong.  
 3 MR. MCDONALD:  
 4 A. Yes, I understand.  
 5 GREENE, Q.C.:  
 6 Q. The question I'm going to is from a  
 7 theoretical regulatory perspective, what was  
 8 your thinking, as one of the chief architects  
 9 in the design of this plan, why rate payers  
 10 should end up paying any portion of this?  
 11 MR. MCDONALD:  
 12 A. I'm going to let Mike address this, I think,  
 13 because he may have the information to be able  
 14 to address that particular aspect of your  
 15 question. I was misunderstanding you in terms  
 16 of where the costs are going associated with  
 17 these short term incentive payments as they  
 18 relate to Hydro, and I'll let Mike take over  
 19 on that. Are you okay with that?  
 20 MR. ROBERTS:  
 21 A. Oh, yeah, yeah. So I think what Mr. McDonald  
 22 is trying to articulate is in terms of we view  
 23 the senior leadership to be one of a shared  
 24 leadership, and as he described, you know, Mr.  
 25 Henderson has a role to play, obviously

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1 predominantly in how Newfoundland and Labrador  
 2 Hydro performs, but he does contribute  
 3 obviously to how Nalcor performs, and so there  
 4 are - and the majority of this Part "A", in  
 5 fact, would be geared towards Newfoundland and  
 6 Labrador Hydro, it being our largest entity,  
 7 of course, but there are components that you  
 8 could pick out like Oil and Gas, for example,  
 9 that arguably wouldn't necessarily benefit the  
 10 rate payer. That said, if you were to take my  
 11 performance contract, for example, one of the  
 12 things that were in mine last year was to  
 13 bargain a new collective agreement for  
 14 Newfoundland and Labrador Hydro. That would  
 15 have been in my Part "B", and that, for  
 16 example, wouldn't have gotten charged to the  
 17 rate payer because I'm in Nalcor. So there's  
 18 some to'ing and fro'ing in that regards. The  
 19 amounts are small enough that I don't think,  
 20 you know, warrants a different design  
 21 principle, if you will.  
 22 GREENE, Q.C.:  
 23 Q. So just go back again. You said that your  
 24 time spent in collective bargaining, you  
 25 charged your time to Hydro?

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1 MR. ROBERTS:  
 2 A. I charged my time to Hydro, but my performance  
 3 contract payment, which I had a specific  
 4 target in mind, as just an example, was to  
 5 negotiate that contract for Hydro. I would  
 6 have received a performance contract payment,  
 7 but that payment would have been charged to  
 8 Nalcor because I'm in Nalcor, right.  
 9 GREENE, Q.C.:  
 10 Q. And are you familiar with how the charges then  
 11 from Nalcor to Hydro come and what's included  
 12 in the indirect charge, or is that a better  
 13 question, and I will be following through with  
 14 the Finance Panel what that's tracked through.  
 15 MR. ROBERTS:  
 16 A. Sure, right.  
 17 MR. MCDONALD:  
 18 A. My understanding is that performance contracts  
 19 go against the line of business where the  
 20 person is - the home business unit.  
 21 GREENE, Q.C.:  
 22 Q. And I guess, it goes into what gets charged  
 23 into the overhead charge, and we will be  
 24 following up with Finance.  
 25 MR. ROBERTS:

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1 A. That's right.  
 2 MR. MCDONALD:  
 3 A. That will be a second question, yeah. That's  
 4 both our understanding, actually.  
 5 GREENE, Q.C.:  
 6 Q. Okay, so when you come back to the 30 percent  
 7 corporate for Mr. Henderson, which is included  
 8 as a bonus payment by Hydro, which is in the  
 9 revenue requirement, though, it's because of a  
 10 benefit to Nalcor flowing from the shared  
 11 leadership, is it, or where is the benefit to  
 12 Hydro from those aspects?  
 13 MR. ROBERTS:  
 14 A. Well, maybe another way to think about it is  
 15 in terms of other members of the Nalcor  
 16 leadership team, for example, the Vice  
 17 President of Oil and Gas, who would sit at  
 18 some of those meetings and contribute and  
 19 provide value and imput at those meetings in  
 20 terms of how it could benefit Hydro  
 21 strategically in terms of what they're trying  
 22 to accomplish. So he would be in turn trying  
 23 to provide assistance. I mean, what we're  
 24 after here is an element inside of the  
 25 compensation design where everybody is

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1 supporting each other and one another and  
 2 trying to build that collaborative type of  
 3 relationship amongst the leaders in the  
 4 company.  
 5 GREENE, Q.C.:  
 6 Q. And I can see why that is something that  
 7 Nalcor would want to encourage. The question,  
 8 and maybe it's better for the Finance Panel,  
 9 is should the rate payer pay for that portion  
 10 of it that's non-related to Hydro. If we move  
 11 to Part "B", which are the divisional ones,  
 12 and I understood from your answer, and also  
 13 Mr. Martin had said you were the person to ask  
 14 about this, is weightings within the Part "B".  
 15 I wonder if we could look at Undertaking 5(a).  
 16 This was in response to a request from the  
 17 Consumer Advocate that Hydro indicate the  
 18 percentage of the bonus that was paid to  
 19 various people related to reliability for 2014  
 20 performance. If we could go to 5(b), because  
 21 Hydro includes asset performance within a  
 22 reliability performance, and I wanted help in  
 23 understanding 5(a) and 5(b). I'll tell you  
 24 first how I read it, and you can tell me if I  
 25 got it correct or not might be the fastest

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1 way. If we can scroll down to the Vice  
 2 President. The second last one, and this is  
 3 asset management, and we need to see the top,  
 4 Ms. Gray, for Mr. McDonald. It's asset  
 5 management and we see that for Part "A",  
 6 because when you reviewed with Mr. Johnson  
 7 what were the measures that payment was made  
 8 for asset management and reliability, you  
 9 referred to a number of subjects on Mr.  
 10 Henderson's performance contract. So when  
 11 this was filed, it was asked what percentage  
 12 of the bonus was related to asset management  
 13 and reliability. If I look at Mr. Henderson,  
 14 what it's telling me is that for the target  
 15 out of Part "A" was .6 percent, and he  
 16 received the full .6 percent for 2014  
 17 performance for Part "A", and Part "B", the  
 18 target was 4 percent and he received 2.75  
 19 percent. So is that - first to make sure I  
 20 understand it, was that 4 percent of the bonus  
 21 related to asset management within his  
 22 division for 2014? Is that how I'm supposed  
 23 to read that? That's the way I read it.  
 24 MR. ROBERTS:  
 25 A. I wouldn't mind seeing a copy of the contract

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1 as well, but what I'm reading out of this is  
 2 that out of the total 20 percent of his target  
 3 -  
 4 GREENE, Q.C.:  
 5 Q. Now for corporate is 30 percent, not 20.  
 6 MR. ROBERTS:  
 7 A. Yes, sorry, it's 30 percent of 20 percent,  
 8 right.  
 9 GREENE, Q.C.:  
 10 Q. 30 percent of -  
 11 MR. ROBERTS:  
 12 A. So his target is 20 percent of his base  
 13 salary, and that Part "A" represents 30  
 14 percent of the 20 percent.  
 15 GREENE, Q.C.:  
 16 Q. Yes.  
 17 MR. ROBERTS:  
 18 A. Whatever that happens to be, and this would be  
 19 .6 of that.  
 20 GREENE, Q.C.:  
 21 Q. Okay.  
 22 MR. ROBERTS:  
 23 A. For this particular Part "A", and in Part "B",  
 24 again it's 70 percent of the 30 percent.  
 25 Might need a calculator shortly. That 4

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1 percent is 4 percent of that amount, right.  
 2 GREENE, Q.C.:  
 3 Q. So it would still be correct to say that the  
 4 targets for Mr. Henderson for asset management  
 5 for 2014 was 4.6 percent?  
 6 MR. MCDONALD:  
 7 A. Out of the 20 percent.  
 8 MR. ROBERTS:  
 9 A. Right.  
 10 GREENE, Q.C.:  
 11 Q. All right, well, this is getting confusing.  
 12 What I want is a response to the undertaking  
 13 that shows how much percentage of the bonus  
 14 was related to asset management and to  
 15 reliability for 2014. So you're saying it's  
 16 not 4.6 percent for asset management. I have  
 17 to take 4 percent of 20 percent of 30 percent?  
 18 MR. MCDONALD:  
 19 A. No, no, what we're saying is that his target  
 20 performance contract payment for the year is  
 21 20 percent of base salary. So what you're  
 22 seeing there - you said it correctly just a  
 23 moment ago, that combined .6, plus 4, 4.6  
 24 percent inside his performance contract, his  
 25 target would have been - the 4.6 of the 20

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1 percent or roughly one quarter of his  
 2 performance contract entitlement, 5 percent of  
 3 20 percent would be one quarter of his  
 4 performance contract entitlement - almost one  
 5 quarter of his performance entitlement would  
 6 have been devoted to asset management.  
 7 GREENE, Q.C.:  
 8 Q. I still -  
 9 MR. MCDONALD:  
 10 A. It's easy to get confused if you go inside the  
 11 performance contract itself, look at the 30,  
 12 the 70, and the weightings, so on and so  
 13 forth, but ultimately all the math brings it  
 14 down to 4.6 percent in total of his 20 percent  
 15 entitlement was associated with asset  
 16 management inside his performance contract.  
 17 GREENE, Q.C.:  
 18 Q. So 4.6 percent of 20 percent is what Mr.  
 19 Henderson received for his asset management  
 20 performance in 2014?  
 21 MR. MCDONALD:  
 22 A. That would have been his target.  
 23 GREENE, Q.C.:  
 24 Q. His target, right.  
 25 MR. MCDONALD:

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1 A. And then the next column, payment paid, of  
 2 that 4.6 percent, he received 3.35, is it, or  
 3 whatever that adds up to, .6, plus 2.75.  
 4 GREENE, Q.C.:  
 5 Q. And if we go back to 5(a).  
 6 MR. MCDONALD:  
 7 A. Yes.  
 8 GREENE, Q.C.:  
 9 Q. For reliability.  
 10 MR. MCDONALD:  
 11 A. Same thing. So if I'm looking at - the last  
 12 one there, Vice President of Hydro, and I  
 13 think this is Part "B", Part "B" measures  
 14 only, but in any event, the same thing, 2  
 15 percent of his 20 percent would have been  
 16 reliability, specifically reliability focused.  
 17 GREENE, Q.C.:  
 18 Q. Okay, so another undertaking would be please  
 19 provide what percentage of the bonus was  
 20 actually paid that relates to those numbers,  
 21 reliability - I just want to make sure  
 22 everyone is clear on this, what percentage,  
 23 and we can do the calculation here on the  
 24 stand or you can provide it in an undertaking,  
 25 but to me the point seems to be that there's

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1 not very much weight was placed on asset  
 2 management and reliability performance at an  
 3 incentive in the incentive plan, is that - am  
 4 I taking - is that a correct interpretation of  
 5 this date or do you have something else to  
 6 offer to me?  
 7 MR. MCDONALD:  
 8 A. Well, the addition of the two numbers from a  
 9 target perspective would have been 4.6 plus 2,  
 10 so that's 6.6.  
 11 GREENE, Q.C.:  
 12 Q. Yes.  
 13 MR. MCDONALD:  
 14 A. Of the 20 percent associated with asset  
 15 management and reliability indicators  
 16 specifically. I'd have to see his full  
 17 performance contract, and I'd have to compare  
 18 because I haven't looked at it lately, to see  
 19 whether there's anything else in here that can  
 20 be related to reliability.  
 21 GREENE, Q.C.:  
 22 Q. You did not have any input with respect to  
 23 developing the response to this undertaking,  
 24 which was to provide what the targets and  
 25 outcomes were related to those in 2014?

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1 MR. MCDONALD:  
 2 A. I wouldn't - Mike and the HR team would have  
 3 put that together.  
 4 MR. ROBERTS:  
 5 A. And I can't seem to find it in the binder.  
 6 It's suggests it's Undertaking 3, but I can  
 7 find everybody's contract except Mr.  
 8 Henderson's.  
 9 GREENE, Q.C.:  
 10 Q. The response for his actual contract is 2.  
 11 MR. ROBERTS:  
 12 A. Oh, it's number 2?  
 13 GREENE, Q.C.:  
 14 Q. Yes, number 2. There's two years there. We  
 15 were looking at 2014 just to make it apples to  
 16 apples.  
 17 MR. MCDONALD:  
 18 A. While Mike is looking at that, I can think of  
 19 an example here. I mean, I'll look at it  
 20 myself in a moment, but it sounds like asset  
 21 management in both Parts "A" and "B" were  
 22 looked at, and it looks like specific  
 23 reliability indicators or measures in Part "B"  
 24 were looked at to make that 6.6 percent, but  
 25 if I were to look at Part "A", for example,

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1 look at project execution and the execution of  
 2 the capital program, you know, in all respects  
 3 in terms of cost, schedule, and quality, to me  
 4 that absolutely has a bearing on reliability  
 5 and reliable system performance. So it's not  
 6 in here, and to me, if someone had asked me  
 7 what's in Mr. Henderson's performance contract  
 8 that relates to reliability of the system,  
 9 that to me would be something I would include.  
 10 GREENE, Q.C.:  
 11 Q. I don't want to take any more time to do this  
 12 now because I know everyone is anxious to move  
 13 on to the next panel, but can I have an  
 14 undertaking from Hydro in respect -  
 15 Undertaking 5, what is the total percentage of  
 16 the bonus that was paid that relates to asset  
 17 management and reliability for 2014, and in  
 18 fairness to Mr. McDonald, if Mr. McDonald  
 19 believes that things were not included in that  
 20 response, please feel free to file an  
 21 additional undertaking which would indicate  
 22 what it was.  
 23 MR. MCDONALD:  
 24 A. Okay.  
 25 GREENE, Q.C.:

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1 Q. I had assumed that, of course -  
 2 MR. YOUNG:  
 3 A. We can provide that.  
 4 GREENE, Q.C.:  
 5 Q. Okay. So again we're going back to the  
 6 appropriate design and incentive plan and what  
 7 should be for rate payers, what they should be  
 8 asked to pay for, and also whether the  
 9 measures are actually correct and whether they  
 10 incent behaviours, that's the reason for lines  
 11 of questions. At any point in time, Mr.  
 12 McDonald, was there any consideration given  
 13 that some of the costs of the bonus should be  
 14 paid by the shareholder and not the rate  
 15 payer?  
 16 MR. MCDONALD:  
 17 A. For Hydro, you mean?  
 18 GREENE, Q.C.:  
 19 Q. Yes, only Hydro, my only concern is Hydro.  
 20 MR. MCDONALD:  
 21 A. Right. I don't recall any - I don't recall  
 22 being involved in that kind of conversation.  
 23 GREENE, Q.C.:  
 24 Q. Okay, moving to my last line of questioning,  
 25 could I see PUB-302, please. This question

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1 asked for what the comparative groups were in  
 2 Hydro, and I believe you've already given  
 3 evidence that the Atlantic utility average was  
 4 selected as the comparator group. I'd like to  
 5 turn to page 2, beginning at line 1, the  
 6 benchmark group for the executive level is not  
 7 the Atlantic utilities average, though, is it?  
 8 MR. ROBERTS:  
 9 A. No, that's correct. It would have - I would  
 10 have been speaking specifically to the non-  
 11 union, and when I reference non-union, I'm  
 12 including the executive in that particular  
 13 group.  
 14 GREENE, Q.C.:  
 15 Q. You don't include the executive?  
 16 MR. ROBERTS:  
 17 A. Well, they are non-union, obviously, but when  
 18 we talk internally, we talk about sort of non-  
 19 union staff, then executive staff, and union  
 20 staff, so I apologize if I lead to a  
 21 misunderstanding there, but we do look at the  
 22 national as a suggestion in our rate  
 23 application here in terms of the benchmark for  
 24 executives to be different.  
 25 GREENE, Q.C.:

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1 Q. And why was a different comparator group  
 2 chosen for the executive versus the non-union  
 3 group?  
 4 MR. ROBERTS:  
 5 A. Primarily, because again it's looking at where  
 6 we would be looking to attract and retain  
 7 people, from what industry, what marketplaces,  
 8 and it was at the executive level, quite often  
 9 more broadly based on terms of that, but when  
 10 we look specifically - even when we're  
 11 considering, for example, the compensation of  
 12 our Vice President of Newfoundland and  
 13 Labrador, our primary market would be the  
 14 national Canadian average, but our secondary  
 15 market that we look at is the utility  
 16 specifically.  
 17 GREENE, Q.C.:  
 18 Q. Just going back for a moment, Mr. Roberts,  
 19 were you involved in any discussion with  
 20 respect to whether there should be any  
 21 consideration of the shareholder picking up a  
 22 portion of the bonus incentive payments that  
 23 were paid? I didn't ask you that question.  
 24 Were you?  
 25 MR. ROBERTS:

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1 A. No, I was not part of any of those  
 2 conversations.  
 3 GREENE, Q.C.:  
 4 Q. So coming back to this, it said a broad cross  
 5 section of the Canadian industry, and you said  
 6 who was excluded. Can you tell us who's  
 7 included?  
 8 MR. ROBERTS:  
 9 A. This would only apply to - this particular  
 10 benchmark would only apply to executive level  
 11 positions, Vice Presidents, as we've been  
 12 reviewing through this process.  
 13 GREENE, Q.C.:  
 14 Q. And Mr. Henderson is one of those, is he?  
 15 MR. ROBERTS:  
 16 A. Correct.  
 17 GREENE, Q.C.:  
 18 Q. And is Mr. Humphries one of those?  
 19 MR. ROBERTS:  
 20 A. He would be.  
 21 GREENE, Q.C.:  
 22 Q. And in terms of the back charge of hours from  
 23 the Nalcor leadership, that would affect the  
 24 amount back charged as well, would it, their  
 25 hours, their rates, in terms of - so there is

|  |   |
|--|---|
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| <p>1 an impact on Hydro of this comparative group?</p> <p>2 MR. ROBERTS:</p> <p>3 A. In a context that this is how we benchmark</p> <p>4 salaries for this particular group, yes, to</p> <p>5 the context that that's our reference point,</p> <p>6 but I think you're making the assumption that</p> <p>7 the Canadian industry numbers as opposed to</p> <p>8 the utility numbers would always be higher. I</p> <p>9 don't think you'll always find that to be the</p> <p>10 case.</p> <p>11 GREENE, Q.C.:</p> <p>12 Q. Okay, so why were they chosen?</p> <p>13 MR. ROBERTS:</p> <p>14 A. Because again I come back to it's not based on</p> <p>15 the outcome, it's based on where are you</p> <p>16 trying to attract and retain people from, and</p> <p>17 at the executive level we're looking at a</p> <p>18 national search. For example, if we're looking</p> <p>19 for another Vice President of Newfoundland and</p> <p>20 Labrador Hydro tomorrow, we would look</p> <p>21 nationally to try to find that incumbent, both</p> <p>22 internally, but if we went externally, it</p> <p>23 would be nationally.</p> <p>24 GREENE, Q.C.:</p> <p>25 Q. Okay, and the types of companies that you</p> | <p>1 GREENE, Q.C.:</p> <p>2 Q. So they're all included, but those excluded.</p> <p>3 MR. ROBERTS:</p> <p>4 A. That's the way Mercer would characterize it,</p> <p>5 correct.</p> <p>6 GREENE, Q.C.:</p> <p>7 Q. And did you have a report done with respect to</p> <p>8 executive compensation?</p> <p>9 MR. ROBERTS:</p> <p>10 A. Yes, we did.</p> <p>11 GREENE, Q.C.:</p> <p>12 Q. And that's not on the record, is it?</p> <p>13 MR. ROBERTS:</p> <p>14 A. Not to my knowledge.</p> <p>15 GREENE, Q.C.:</p> <p>16 Q. Okay. With respect to recruitment, is the</p> <p>17 Vice President of Project Execution the only</p> <p>18 position that has been recruited from outside</p> <p>19 the province at the current leadership team?</p> <p>20 MR. ROBERTS:</p> <p>21 A. I'm just trying to - so from the current</p> <p>22 leadership, where they came from, the current</p> <p>23 Vice Presidents on a team today?</p> <p>24 MR. MCDONALD:</p> <p>25 A. I think so -</p> |
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| <p>1 include in that benchmark? As I said, you've</p> <p>2 told us who's excluded. Who's included was my</p> <p>3 question?</p> <p>4 MR. ROBERTS:</p> <p>5 A. Oh, inside of this?</p> <p>6 GREENE, Q.C.:</p> <p>7 Q. Yes.</p> <p>8 MR. ROBERTS:</p> <p>9 A. It would be whatever is not excluded, so all</p> <p>10 other sectors.</p> <p>11 GREENE, Q.C.:</p> <p>12 Q. So all others, every other company, whether</p> <p>13 it's - all right, so it's Canadian industry to</p> <p>14 begin with, is it?</p> <p>15 MR. ROBERTS:</p> <p>16 A. Correct.</p> <p>17 GREENE, Q.C.:</p> <p>18 Q. Do you offhand any types of comparators you</p> <p>19 would have in there? You exclude financial,</p> <p>20 so I guess we exclude the banks. You exclude</p> <p>21 teachers.</p> <p>22 MR. ROBERTS:</p> <p>23 A. So if you want to pick a different industry</p> <p>24 other than those and exclude it, they should</p> <p>25 be included, anything else.</p>   | <p>1 GREENE, Q.C.:</p> <p>2 Q. One of the reasons is you have to attract from</p> <p>3 outside.</p> <p>4 MR. MCDONALD:</p> <p>5 A. John is the only from outside the province,</p> <p>6 yeah.</p> <p>7 MR. ROBERTS:</p> <p>8 A. That came into that position, yeah. Like, I</p> <p>9 know our Chief Legal Counsel, Mr. Chamberlain,</p> <p>10 for example, was from New Brunswick, but now I</p> <p>11 don't think he was recruited at that level</p> <p>12 from New Brunswick.</p> <p>13 GREENE, Q.C.:</p> <p>14 Q. No.</p> <p>15 MR. ROBERTS:</p> <p>16 A. So I just want to make sure I understood.</p> <p>17 GREENE, Q.C.:</p> <p>18 Q. No, and he was recruited 29 years ago.</p> <p>19 MR. ROBERTS:</p> <p>20 A. I know. I doubt he was recruited as the as</p> <p>21 the junior counsel then.</p> <p>22 GREENE, Q.C.:</p> <p>23 Q. So the current leadership team, the only one</p> <p>24 is Mr. MacIsaac, is that correct?</p> <p>25 MR. ROBERTS:</p>                 |

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1 A. To date, yes.  
 2 GREENE, Q.C.:  
 3 Q. Thank you. Those are all of my questions.  
 4 Thank you very much.  
 5 MR. ROBERTS:  
 6 A. Thank you.  
 7 MR. MCDONALD:  
 8 A. Thank you.  
 9 CHAIRMAN:  
 10 Q. I think we're back to - do you have any -  
 11 MS. DAWSON:  
 12 Q. No, Mr. Chair, I don't have any questions.  
 13 CHAIRMAN:  
 14 Q. Okay, I think we're back to us.  
 15 MS. WHALEN:  
 16 Q. No questions, thank you, panel.  
 17 CHAIRMAN:  
 18 Q. No. Do you have anything?  
 19 MR. OXFORD:  
 20 Q. No, no questions.  
 21 CHAIRMAN:  
 22 Q. I don't have anything, so, I guess, now we're  
 23 -  
 24 MR. CASS:  
 25 Q. I have a few questions in re-examination, Mr

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1 Chair, if I may.  
 2 CHAIRMAN:  
 3 Q. Yeah.  
 4 MR. GERARD MCDONALD - RE-EXAMINATION BY MR. CASS:  
 5 MR. MICHAEL ROBERTS - RE-EXAMINATION BY MR. CASS:  
 6 MR. CASS:  
 7 Q. Panel, during Mr. O'Brien's examination, you  
 8 were taken to some numbers showing annual  
 9 percentage increases in employee compensation.  
 10 Now during your evidence, you also indicated  
 11 that your benchmark is the Atlantic average.  
 12 Can you elaborate on why if your benchmark is  
 13 the Atlantic average, we saw the annual  
 14 percentage increases that Mr. O'Brien took you  
 15 to?  
 16 MR. ROBERTS:  
 17 A. If I understand your question correctly - I  
 18 thought I was out of here. So again, you  
 19 know, what goes into making up the salary  
 20 increases from 2007 to 2015 is, on the union  
 21 side, in particular, reviewing and seeing  
 22 what's happening inside of those collective  
 23 bargaining agreements, and we've set a  
 24 benchmark for ourselves to be at the median of  
 25 those. So when you take Nova Scotia Power,

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1 New Brunswick Power, and Newfoundland Power,  
 2 for example, and you take their rates, say,  
 3 for a journeyman line worker and you  
 4 average them, then we're stewarding to be  
 5 around that, and that's where you try to  
 6 position yourself, so that's the reason for  
 7 that focus.  
 8 MR. MCDONALD:  
 9 A. Specifically, in 2006, I think back then we  
 10 might have been behind the average, number  
 11 one, and number two, other utilities had begun  
 12 to negotiate market adjustments which were  
 13 above and beyond the regular cost of living  
 14 adjustments, and they were pretty meaningful,  
 15 so we had to keep that in mind. That was what  
 16 was driving the average as well.  
 17 MR. CASS:  
 18 Q. Thank you. Now the Consumer Advocate took you  
 19 to some evidence that showed the number of  
 20 applicants for particular job openings. Is  
 21 there anything meaningful to be taken from the  
 22 number of applicants or those job openings?  
 23 MR. ROBERTS:  
 24 A. I guess, it's good to see that we're getting  
 25 applicants, but it always comes down to the

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1 quality of the applicants we're receiving,  
 2 and, you know, you do have a fraction of  
 3 people who will apply to every posting we put  
 4 out, whether they're qualified or not, and  
 5 obviously, you know, that varies. So from  
 6 competition to competition, I don't read too  
 7 much into the number of applicants. I think  
 8 what's more important is the number of  
 9 qualified applicants, and those are far less,  
 10 obviously, than the total.  
 11 MR. CASS:  
 12 Q. And lastly, the Consumer Advocate also asked  
 13 you some questions about the type of pension  
 14 benefits, defined benefits available to Hydro  
 15 employees, and he asked you to consider that,  
 16 and your response indicated that you look at  
 17 the compensation package holistically, if you  
 18 recall that. Can you just elaborate on how  
 19 you look at the compensation package  
 20 holistically to take into account things like  
 21 pension benefits?  
 22 MR. ROBERTS:  
 23 A. So I think the answer I would have given at  
 24 the time was that you have to look at each one  
 25 individually, comparatively, and then you look

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1 at the sum of the total parts, I guess, to  
 2 always keep that in view. So inside of our  
 3 pension plan, obviously we're part of a crown  
 4 corporation, part of the Public Service  
 5 Pension Plan, thus very happy to be part of  
 6 that program. So knowing that and knowing  
 7 where the other Atlantic Canada utilities sit  
 8 in terms of their retirement savings, we just  
 9 want to make sure that we're competitive and  
 10 then we do the same thing with group  
 11 insurance, do the same thing on the salary  
 12 thing, salary administration. We don't  
 13 necessarily always aspire to be anything  
 14 different than in the middle of that group, if  
 15 you will, so that we can remain competitive  
 16 amongst that group, so hopefully that answers  
 17 your question.  
 18 MR. CASS:  
 19 Q. Okay, thank you. Those are the re-examination  
 20 questions, Mr. Chair, thank you.  
 21 CHAIRMAN:  
 22 Q. Okay, so I guess we're ready for the next  
 23 panel, are we?  
 24 MS. GLYNN:  
 25 Q. We're going to break for a couple of minutes,

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1 Mr. Chair, just to set up for the panel.  
 2 CHAIRMAN:  
 3 Q. Okay, sure.  
 4 MS. GLYNN:  
 5 Q. Five minutes.  
 6 (BREAK - 12:38 P.M.)  
 7 (RESUMED - 12:49 P.M.)  
 8 CHAIRMAN:  
 9 Q. So, Mr. Young, are you going to introduce the  
 10 panel?  
 11 MR. YOUNG:  
 12 Q. Mr. Cass will, yes.  
 13 CHAIRMAN:  
 14 Q. Oh, okay, all right.  
 15 MR. CASS:  
 16 Q. Mr. Chair, for the record, the operations'  
 17 witness panel is: sitting closest to the  
 18 Board, Darren Moore, then Mr. Rob Henderson  
 19 and then finally Terry Gardiner and they are  
 20 already to be sworn, sir.  
 21 MR. DARREN MOORE (SWORN)  
 22 MR. ROBERT HENDERSON (SWORN)  
 23 MR. TERRY GARDINER (SWORN)  
 24 EXAMINATION-IN-CHIEF BY MR. FRED CASS  
 25 MR. CASS:

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1 Q. Mr. Chair, I have only a few questions to  
 2 introduce the witnesses. Starting with you,  
 3 Mr. Moore, could you confirm the position you  
 4 hold and just give a brief overview of your  
 5 work experience?  
 6 MR. MOORE:  
 7 A. Yes, I can. My name is Darren Moore. My  
 8 current role is General Manager of our  
 9 Transmission and Rural Operations Group. I  
 10 work out of Bishop's Falls, Bishop's Falls  
 11 office. I am accountable for safety, asset  
 12 management, environmental management for all  
 13 of our transmission, rural operation assets,  
 14 which includes transmission lines throughout  
 15 the province, our distribution systems, our  
 16 fleet, microwave sites, our terminal stations  
 17 and isolated diesel systems. I joined Hydro  
 18 back in 1992, actually, it was a temporary  
 19 contractual role with our engineering group  
 20 and moved on then to Bay D'Espoir to become  
 21 the plant electrical engineer with our Hydro  
 22 generation team. I stayed there until 2004  
 23 and eventually moved into the asset manager's  
 24 role, I guess, with Hydro generation and then  
 25 moved on to transmission rural operations in

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1 2004 where I progressed to the general manager  
 2 role in 2011. I'm a professional engineer and  
 3 graduated from Memorial University in 1991  
 4 with a Bachelors of Electrical Engineering.  
 5 MR. CASS:  
 6 Q. And Mr. Henderson, I'm sure everyone knows you  
 7 very well, but perhaps if you could confirm  
 8 your position and a brief overview of your  
 9 work experience?  
 10 MR. HENDERSON:  
 11 A. Sure. It's Rob Henderson and I've been with  
 12 Newfoundland and Labrador Hydro for 33 years.  
 13 I started in 1982, I'm an electrical engineer,  
 14 also graduating from Memorial University. For  
 15 most of my career I was involved with the  
 16 system operations group at Newfoundland and  
 17 Labrador Hydro, 29 years actually in that  
 18 department. I was manager from about 1995 up  
 19 until 2013. In 2013, I was appointed to my  
 20 current role as vice-president of Newfoundland  
 21 and Labrador Hydro. In that role, I guess as  
 22 Mr. Martin indicated, I'm accountable for the  
 23 operation of Hydro and for all aspects of  
 24 Hydro's operation. I have, as my direct  
 25 reports, the chief operating officer for

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1 Hydro, the general manager for gas turbines  
 2 and diesels and also the manager responsible  
 3 for building the production organization for  
 4 Muskrat Falls and the Labrador Island Link  
 5 Interconnection. In my role I also chair the  
 6 Hydro leadership team and I believe there's  
 7 evidence before the Board on the membership of  
 8 the Hydro leadership team and I meet with that  
 9 group on a monthly basis and we cover off the  
 10 issues affecting Hydro in its monthly progress  
 11 towards its annual plan and any issues that  
 12 may come up with Hydro. So that's a brief  
 13 overview of my responsibilities and  
 14 accountability and my experience with Hydro.  
 15 MR. CASS:  
 16 Q. Thank you. And Mr. Gardiner, same question  
 17 for you, please.  
 18 MR. GARDINER:  
 19 A. Yes, thank you. My name is Terry Gardiner, my  
 20 current role is manager of Engineering and  
 21 Project Services with the Project Execution  
 22 and Technical Services division. In my role,  
 23 I'm accountable for the technical services and  
 24 engineering to do with the civil transmission  
 25 and distribution, safety, drafting, surveys

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1 and properties, as well as project services.  
 2 Just a little bit about myself and my career,  
 3 I'm a professional engineer with PEGNL here in  
 4 the province. I do serve on the Registration  
 5 Board and Experience View Committee as part of  
 6 that commitment to our professional engineers.  
 7 Although I've been in my current role for the  
 8 last five years, I joined Hydro in 1987 as  
 9 part of the transmission group as a  
 10 transmission and distribution engineer and  
 11 that's where I remained until we became  
 12 Engineering Services and then transmission  
 13 became part of the broader Engineering  
 14 Services Group. And in 2010, we became  
 15 Project Execution and we've grown since then.  
 16 A lot of my career, Mr. Chair, has been with  
 17 the Engineering Group and function with their  
 18 company to date. Thank you.  
 19 MR. CASS:  
 20 Q. And Mr. Henderson, can you summarize the area  
 21 of evidence for which this panel is  
 22 responsible?  
 23 MR. HENDERSON:  
 24 A. Well, Darren will be covering primarily the  
 25 areas of transmission and rural operations, so

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1 I'll cover in the areas of his responsibility  
 2 and the evidence regarding that, and Terry  
 3 will be primarily regarding the Project  
 4 Execution, our capital program, primarily  
 5 those areas. Myself, I'll speak to the  
 6 generation operations areas, as well as the  
 7 general Hydro leadership activities in a  
 8 general sense.  
 9 MR. CASS:  
 10 Q. And do you adopt the written evidence in those  
 11 areas?  
 12 MR. HENDERSON:  
 13 A. I do.  
 14 MR. CASS:  
 15 Q. Thank you, Mr. Chair. That's the examination-  
 16 in-chief.  
 17 CHAIRMAN:  
 18 Q. Well I guess we'll start with Newfoundland  
 19 Power then.  
 20 MR. ROBERT HENDERSON, CROSS-EXAMINATION BY MR. LIAM  
 21 O'BRIEN  
 22 Q. Thank you, Mr. Chair. I wonder if we could  
 23 bring up the witness list, the latest witness  
 24 list just with the overview of what the panel  
 25 would be speaking to, just so we can get a

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1 handle on that. That's the August 14th one.  
 2 I think there's a later one.  
 3 MR. COXWORTHY:  
 4 Q. August 28th, I think.  
 5 MR. O'BRIEN:  
 6 Q. August 28th. So if we go down here, we have  
 7 the Operations heading there, so asset  
 8 management, who would be speaking to that,  
 9 would all members be responsible for speaking  
 10 of that?  
 11 MR. HENDERSON:  
 12 A. That would be correct, we all have  
 13 responsibilities regarding asset management.  
 14 MR. O'BRIEN:  
 15 Q. Okay, and energy supply expenses, is that  
 16 something under your purview, Mr. Henderson,  
 17 or would it be the whole panel?  
 18 MR. HENDERSON:  
 19 A. I'll be able to speak to those at a high level  
 20 and I would expect that some of the more  
 21 detailed information that would be requested  
 22 in that area would probably be dealt with by  
 23 the System Operations and Planning Panel.  
 24 MR. O'BRIEN:  
 25 Q. Okay, all right. And how about Exploit's?

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1 MR. HENDERSON:  
 2 A. I'll be able to address the current situation  
 3 there.  
 4 MR. O'BRIEN:  
 5 Q. And the frequency convertor, I'm not sure, is  
 6 that something that's in your purview as well,  
 7 Mr. Henderson or is that something -  
 8 MR. HENDERSON:  
 9 A. At a high level. Darren or Mr. Moore would be  
 10 able to speak to any detail regarding that.  
 11 MR. O'BRIEN:  
 12 Q. Okay, all right. And Labrador West  
 13 transmission, I guess that falls under the  
 14 transmission for Mr. Gardiner, is that right  
 15 or is that something you -  
 16 MR. HENDERSON:  
 17 A. That would be more primarily Mr. Moore,  
 18 actually.  
 19 MR. O'BRIEN:  
 20 Q. Okay, all right. And would you, Mr.  
 21 Henderson, looking after the management of the  
 22 rural deficit at a high level, is that  
 23 something you could speak to?  
 24 MR. HENDERSON:  
 25 A. That would be correct and Mr. Moore would be,

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1 really has a lot of direct responsibility for  
 2 the rural operations, which is involved with  
 3 us, and he will be able to provide additional  
 4 detail.  
 5 MR. O'BRIEN:  
 6 Q. Okay, and operating expenses, would you be  
 7 dealing with those at a high level or is it  
 8 down to the detail, is that something we'd  
 9 have to take up with finance?  
 10 MR. HENDERSON:  
 11 A. I would say that there'll probably be some  
 12 things that we would defer to the finance  
 13 panel, but on a general sense of the operating  
 14 expenses, particularly with our transmission  
 15 and rural operations area and our generation  
 16 operations area we'd be able to speak to.  
 17 MR. O'BRIEN:  
 18 Q. And certainly reliability and safety  
 19 performance, that's something that you could  
 20 speak to as well, Mr. Henderson?  
 21 MR. HENDERSON:  
 22 A. Yes.  
 23 MR. O'BRIEN:  
 24 Q. Okay. Well what I'm going to start with, I  
 25 guess, I want to jump right in, Mr. Henderson,

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1 on this idea and you've mentioned it in your  
 2 direct of accountability and in particular the  
 3 phrase "single point of accountability".  
 4 We've heard some witnesses speak to that  
 5 phrase a bit and it appears from, at least  
 6 from Mr. Martin's perspective and even from  
 7 Mr. McDonald's perspective, you would be that  
 8 single point of accountability for Hydro's  
 9 operations, is that right?  
 10 MR. HENDERSON:  
 11 A. That's correct.  
 12 (1:00 p.m.)  
 13 MR. O'BRIEN:  
 14 Q. Okay, so that's a fair assessment. In terms  
 15 of the organizational structure of Hydro then,  
 16 if we could turn up PUB-138, Revision 2 and if  
 17 you look at page 2 of the attachment, when you  
 18 mention in your direct leadership team and  
 19 chairing the leadership team for Hydro, is  
 20 this the leadership team you were talking  
 21 about?  
 22 MR. HENDERSON:  
 23 A. No, this here is the Nalcor leadership team  
 24 people who have responsibilities for aspects  
 25 of Hydro, so this here is the group that

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1 reports to Mr. Martin.  
 2 MR. O'BRIEN:  
 3 Q. Okay. So this group here that we see, this is  
 4 the group that we see in terms of a leadership  
 5 in the matrix structure that we're talking  
 6 about, the organizational structure?  
 7 MR. HENDERSON:  
 8 A. That's correct.  
 9 MR. O'BRIEN:  
 10 Q. That's correct? Okay. And that this  
 11 organizational structure is not a new  
 12 arrangement, we've heard from some witnesses  
 13 it's sort of evolved since 2008. Your  
 14 position right now, you were in your position  
 15 right now as VP of Hydro since 2013, around  
 16 April of 2013, is that right?  
 17 MR. HENDERSON:  
 18 A. That's correct.  
 19 MR. O'BRIEN:  
 20 Q. And your position prior to that, you were a  
 21 manager with Hydro?  
 22 MR. HENDERSON:  
 23 A. That's correct.  
 24 MR. O'BRIEN:  
 25 Q. And what exactly was your role in your

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1 previous position?  
 2 MR. HENDERSON:  
 3 A. My previous--immediately prior to assuming  
 4 this role, I was manager of System Operations  
 5 and Integration Support. So in that role, I  
 6 was responsible for the day-to-day operations  
 7 of the power system, the grid, the control  
 8 centre, the engineers who support the  
 9 operation of the power system, so that was  
 10 primarily the day-to-day 24 hour operation of  
 11 the power system and the integration support  
 12 aspect of the role was providing support and  
 13 I'll say working with the Lower Churchill  
 14 Project team to be able to provide, I'll say  
 15 operational information and enable them to  
 16 understand the full operation of the power  
 17 system and also work with them to ensure  
 18 what's being undertaken there will work well  
 19 within the operations once it comes into  
 20 service.  
 21 MR. O'BRIEN:  
 22 Q. And how does that--how did that position, say,  
 23 differ from the position that Mr. Humphries  
 24 holds right now?  
 25 MR. HENDERSON:

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1 A. The difference would be the level of  
 2 accountability related to the integration  
 3 activities that Mr. Humphries has right now,  
 4 because it has evolved. A lot of what I was  
 5 doing prior to that was oversight, I'll say  
 6 with working, like I said, with the team on a  
 7 number of different issues that were evolving  
 8 during that time, in terms of there was  
 9 negotiations with respect to a number of  
 10 different agreements that were going on and  
 11 being involved with the operational aspects of  
 12 those.  
 13 MR. O'BRIEN:  
 14 Q. And Mr. Humphries' role right now is, I  
 15 understand from Mr. Martin's testimony he  
 16 would report in to you or be accountable to  
 17 you for the operations side of his piece, is  
 18 that right?  
 19 MR. HENDERSON:  
 20 A. That's right. Mr. Humphries and I would, we  
 21 work very closely together in most aspects of  
 22 his role, but in particular with respect to  
 23 Hydro and the day-to-day operations of Hydro,  
 24 I work with Mr. Humphries with regard to the  
 25 system operations activities, activities that

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1 I was involved with prior to assuming this  
 2 role, I'd be working with him closely on that,  
 3 as well as the rest of his team, to address  
 4 any emerging issues or anything that may have  
 5 occurred.  
 6 MR. O'BRIEN:  
 7 Q. Okay, and I'm going to get back to that in a  
 8 little bit. I do want to ask you in terms of  
 9 your role back in 2008 when you were involved  
 10 as a manager of systems operations and  
 11 integration support, were you involved in the  
 12 process of developing the organizational  
 13 structure that we now see for Hydro and  
 14 Nalcor?  
 15 MR. HENDERSON:  
 16 A. No, I was not. The structure, which we refer  
 17 to as a matrix structure, that was something I  
 18 was not involved with at that time.  
 19 MR. O'BRIEN:  
 20 Q. Okay, you weren't a consultant at all in terms  
 21 of that?  
 22 MR. HENDERSON:  
 23 A. I was informed at certain points along the way  
 24 how things were going and any, you know, just  
 25 from my background experience I may have been

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1 consulted in terms of how I, not my opinion  
 2 maybe on certain aspects, but it was, you  
 3 know, I'll say a fairly minor role in that  
 4 aspect of it.  
 5 MR. O'BRIEN:  
 6 Q. And since your, I guess your being, since  
 7 you've been a VP now of Hydro, have you been  
 8 involved at all in terms of looking at that  
 9 structure and whether it works for Hydro?  
 10 MR. HENDERSON:  
 11 A. I would be involved with anything that impacts  
 12 on Hydro that I felt needed to be addressed  
 13 where I would speak to the other executives or  
 14 others on the Hydro leadership team to address  
 15 any issues, but my experience has been it's  
 16 working well, that everything that Hydro  
 17 requires to be addressed was addressed  
 18 properly and within expectations. So, like I  
 19 said, in terms of reviewing the structure  
 20 there has been some changes since I came in  
 21 that I was involved with, for instance, one  
 22 area was the change in finance, which the  
 23 Finance Panel will be able to explain, but  
 24 there is a change there in which a number of  
 25 positions were moved from Nalcor into Hydro

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1 and so that occurred since my time. That  
 2 would probably be the most significant. There  
 3 may have been some minor adjustments here and  
 4 there and then also in addition to that with  
 5 respect to, we added a position last year, the  
 6 chief operating officer in Hydro, again to  
 7 help really provide a strong focus on our  
 8 operations areas and somebody reporting to me  
 9 who I could expect to be in the field working  
 10 with our folks in the field.

11 MR. O'BRIEN:  
 12 Q. Is that something that you felt was missing at  
 13 the time when you added that role?

14 MR. HENDERSON:  
 15 A. The decision at that time was really  
 16 reflective of, I'll say the fairly significant  
 17 regulatory activities that we were having and  
 18 a need for me to spend a considerable amount  
 19 of time to address those, and that we were  
 20 finding it was consuming a fair bit of my  
 21 time, so in order to ensure that we were  
 22 providing the proper focus on our field  
 23 operations, we made that--brought in that  
 24 extra position and it allowed me to have a  
 25 little bit more broader view of everything

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1 that's happening with Hydro. So it was a  
 2 reflection of what was happening at that time  
 3 and sort of an evolving thinking.

4 MR. O'BRIEN:  
 5 Q. Did it take away from any of your day-to-day  
 6 role or were you able to delegate, then, any  
 7 part of your day-to-day role to this  
 8 individual? Was that the thought process?

9 MR. HENDERSON:  
 10 A. Well that would be the net result of that, is  
 11 that there was, particularly activities where  
 12 I felt the need for a strong active field  
 13 presence from, in a number of different areas,  
 14 would be beneficial, so part of the COO's role  
 15 is spending time in our operational areas in  
 16 Labrador and the Northern Peninsula, Bay  
 17 D'Espoir and in Central to again, work with  
 18 them to ensure good, I'll say responsibility  
 19 in terms of keeping things going the way they  
 20 should be.

21 MR. O'BRIEN:  
 22 Q. And was that something that you were unable to  
 23 do at that time or finding hard to find the  
 24 time to do that kind of thing or--I'm just  
 25 trying to get a sense of -

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1 MR. HENDERSON:  
 2 A. Sure. So it was a matter of ensuring that  
 3 that focus was occurring and like I said, the  
 4 regulatory area was probably, through the  
 5 outage that we experienced in 2014 and the  
 6 subsequent outage inquiry, the ongoing GRA,  
 7 all of those things were taking a considerable  
 8 amount of my time that required a priority  
 9 addressing and so in order to do that, this  
 10 role was essential to ensure that ongoing  
 11 operational focus was there.

12 MR. O'BRIEN:  
 13 Q. And when was that role established, what year  
 14 was that?

15 MR. HENDERSON:  
 16 A. It was in 2014 and it would have been  
 17 approximately middle of the year.

18 MR. O'BRIEN:  
 19 Q. We go back to the matrix organization and  
 20 prior to you coming into your role as the  
 21 vice-president, obviously you had a timeframe  
 22 where you would have been, I guess, a manager  
 23 within that matrix organization. Did you see,  
 24 in your role there as a manager, anything that  
 25 raised concern for you, in terms of reporting

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1 or in terms of who has got accountability,  
 2 that kind of thing? Is there anything there  
 3 that you had any concerns with that needed to  
 4 be addressed?

5 MR. HENDERSON:  
 6 A. No, there was nothing. It was very clear,  
 7 actually, as to who you went to for whatever  
 8 issues or concerns you had and I don't recall  
 9 anything there at all. It was very clear as  
 10 to who, if you had to address somebody with  
 11 respect to a HR issue, there was a clear  
 12 person who I would be dealing with who had  
 13 accountability for HR issues for Hydro, for  
 14 instance.

15 MR. O'BRIEN:  
 16 Q. Well how about in terms of a single point of  
 17 accountability? Who was the single point of  
 18 accountability prior to you?

19 MR. HENDERSON:  
 20 A. That would have been Mr. Haynes, Jim Haynes  
 21 was the vice-president of regulated  
 22 operations. That was the title that he had at  
 23 that time.

24 MR. O'BRIEN:  
 25 Q. Okay, and that title changed when you took

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1 over the role, is that right?  
 2 MR. HENDERSON:  
 3 A. That's correct.  
 4 MR. O'BRIEN:  
 5 Q. Okay. Let's talk about sort of what you feel  
 6 the idea of single point of accountability  
 7 means for you. What do you take from it,  
 8 what's your role when someone points to you as  
 9 a single point of accountability?  
 10 MR. HENDERSON:  
 11 A. Well, what it means is that I am expected in  
 12 my role to, I'll say ensure that the goals and  
 13 objectives of Hydro are met, that we're  
 14 working with Mr. Martin, agree to the annual  
 15 plan from Hydro and that would be my  
 16 responsibility is to deliver the annual plan,  
 17 as well as being involved with future  
 18 planning, in terms of the--we do a five-year  
 19 planning process in looking forward into the,  
 20 over the next five years, establishing our  
 21 objectives to meet our long-term goals, so  
 22 working with all of the areas within the  
 23 company, that this would be all of the  
 24 functional areas, as well as the operating  
 25 areas that would be report to me directly,

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1 taking all of those into consideration,  
 2 ensuring that we move forward, our objectives,  
 3 to meet our corporate goals.  
 4 MR. O'BRIEN:  
 5 Q. And why is it important to have that single  
 6 point of accountability within this  
 7 organization, this matrix organization?  
 8 MR. HENDERSON:  
 9 A. It's to ensure that there is somebody that is  
 10 watching, making sure all of the things that  
 11 are required to be done are happening. It's  
 12 to keep basically that focus at all times on  
 13 those particular things.  
 14 MR. O'BRIEN:  
 15 Q. So you're looking to ensure that there's clear  
 16 leadership there for the organization, is that  
 17 right?  
 18 MR. HENDERSON:  
 19 A. That would be correct.  
 20 MR. O'BRIEN:  
 21 Q. And that there's clear focus on the priorities  
 22 or the organization, that would be correct?  
 23 MR. HENDERSON:  
 24 A. Correct.  
 25 MR. O'BRIEN:

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1 Q. And would you agree with me, Mr. Henderson,  
 2 it's not enough just to say that an individual  
 3 is the single point of accountability, they'd  
 4 have to be given the authority to act in that  
 5 capacity, is that right?  
 6 MR. HENDERSON:  
 7 A. That's correct.  
 8 MR. O'BRIEN:  
 9 Q. And are you satisfied you've been given that  
 10 authority to act in that capacity in terms of  
 11 Hydro's operations?  
 12 MR. HENDERSON:  
 13 A. Yes, I am.  
 14 MR. O'BRIEN:  
 15 Q. Well how about with respect to the other  
 16 divisions, the functional divisions then of  
 17 Hydro's organizations, like say Human  
 18 Resources, what sort of authority would you  
 19 have over the Human Resources Department as it  
 20 pertains to Hydro?  
 21 MR. HENDERSON:  
 22 A. So I would be working with the Hydro lead for  
 23 Human Resources in development of the annual  
 24 plan for Hydro--the five-year plan, I should  
 25 say, and ensuring that the interests of Hydro

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1 are included in that plan. There would be a  
 2 considerable amount of discussion on those  
 3 activities, where the priorities should be in  
 4 the plan. They would also be shared--well,  
 5 like I said, for each one of those functional  
 6 areas, I would be involved with the planning  
 7 processes, it would be the primary first  
 8 activity for the year would be to ensure that  
 9 we agree on where the priorities are for Hydro  
 10 in each one of those areas, and then from that  
 11 point forward, it's about executing that plan  
 12 and working with them very closely to ensure  
 13 that all things that are required are being  
 14 delivered.  
 15 MR. O'BRIEN:  
 16 Q. So that sounds, just based on how you've  
 17 described it, that there is a collaboration  
 18 between you and those other lines of,  
 19 functional lines, is that right?  
 20 MR. HENDERSON:  
 21 A. It would be, it is a, I'll say it's a  
 22 collaborative, but in terms of if the decision  
 23 making on terms of priority and addressing the  
 24 priorities, then where those decisions have to  
 25 be made, they would fall to me.

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|--|---|
| <p>1 MR. O'BRIEN:</p> <p>2 Q. Okay, that was my question, okay. When you</p> <p>3 started in your role in 2013, was there any</p> <p>4 sort of orientation into this idea of you now</p> <p>5 becoming the single point of accountability?</p> <p>6 Did you have meetings with Mr. Martin? Did</p> <p>7 you have meetings with Mr. Haynes about what</p> <p>8 that would require for you--from you, I should</p> <p>9 say.</p> <p>10 (1:15 p.m.)</p> <p>11 MR. HENDERSON:</p> <p>12 A. I had discussions with Mr. Haynes and Mr.</p> <p>13 Martin. I also, prior to accepting the role,</p> <p>14 I had opportunities to act in the role at</p> <p>15 times when Mr. Haynes was away, so I received</p> <p>16 orientation through that process as well in</p> <p>17 the prior couple of years.</p> <p>18 MR. O'BRIEN:</p> <p>19 Q. And we talked with some of the evidence, some</p> <p>20 questions to Mr. Martin, as well as Mr.</p> <p>21 McDonald about this idea of a matrix guardian,</p> <p>22 someone to look after the interests of Hydro</p> <p>23 going forward within the matrix model. Mr.</p> <p>24 Martin had indicated that that individual</p> <p>25 might be Mr. McDonald, but I didn't get the</p>  | <p>1 Q. But in terms of, I guess, who sort of looks</p> <p>2 out to make sure Hydro's interests are</p> <p>3 dominant going forward within that matrix,</p> <p>4 would that come to you or would that go to Mr.</p> <p>5 McDonald?</p> <p>6 MR. HENDERSON:</p> <p>7 A. Well, in terms of making sure Hydro's</p> <p>8 interests are taken care of, that would be</p> <p>9 with me and it would be made aware to me if</p> <p>10 there were anything that, in terms of issues</p> <p>11 or concerns with the way that, I'll say people</p> <p>12 were addressing Hydro issues or, you know,</p> <p>13 with respect to whether you were getting</p> <p>14 sufficient support to make sure that Hydro's</p> <p>15 agenda is moving forward, that would be</p> <p>16 brought to my attention. I would--of if I saw</p> <p>17 it myself, of course, I would have to deal</p> <p>18 with that.</p> <p>19 MR. O'BRIEN:</p> <p>20 Q. Okay, and are there any ways for you to</p> <p>21 measure how Hydro is being, I guess how the</p> <p>22 organization is effective within this</p> <p>23 structure? Is there anything you look at to</p> <p>24 see whether or not that the organization, and</p> <p>25 I mean Hydro is effective within this</p>  |
| <p>Page 202</p> <p>1 impression from Mr. McDonald that he was</p> <p>2 indicating he was that individual. He more or</p> <p>3 less suggested that that's something that</p> <p>4 falls on you. How do you see that?</p> <p>5 MR. HENDERSON:</p> <p>6 A. Well, the way that that has worked, in my</p> <p>7 experience, is that I would be working closely</p> <p>8 with Mr. McDonald, anything that would come up</p> <p>9 in that regard, but there hadn't been no</p> <p>10 issues, but you know, Mr. McDonald is on the</p> <p>11 same floor, we speak to each other regularly,</p> <p>12 so if there were anything and with respect to</p> <p>13 that, that's how it would be dealt with and</p> <p>14 Mr. McDonald would be the one who would</p> <p>15 probably address that from a Nalcor leadership</p> <p>16 team perspective or that kind of a discussion</p> <p>17 would happen, so in a way Mr. Martin was</p> <p>18 correct in that Mr. McDonald would resolve any</p> <p>19 issues or highlight those and facilitate and</p> <p>20 if any corrections, but there were none under</p> <p>21 my experience, but if there were anything, I</p> <p>22 would highlight it and it would come to my</p> <p>23 attention if there were any issues, and then</p> <p>24 we would address them that way.</p> <p>25 MR. O'BRIEN:</p> | <p>Page 204</p> <p>1 structure?</p> <p>2 MR. HENDERSON:</p> <p>3 A. I would suggest that the primary manner in</p> <p>4 which that is done is through the ongoing</p> <p>5 monitoring of our performance throughout the</p> <p>6 year to identify, through our monthly meetings</p> <p>7 that we have, how well Hydro is achieving its</p> <p>8 objectives for the year, any initiatives, and</p> <p>9 has--so if there was anything to come up, it</p> <p>10 would come up there in terms of we would see,</p> <p>11 perhaps, issues with respect to performance</p> <p>12 that weren't meeting expectations.</p> <p>13 MR. O'BRIEN:</p> <p>14 Q. And when you say "monthly meetings", who would</p> <p>15 be at those meetings? Is this the Nalcor</p> <p>16 leadership team, is it the Hydro leadership</p> <p>17 team you talked about being a chair of, who</p> <p>18 would be at those meetings?</p> <p>19 MR. HENDERSON:</p> <p>20 A. The Hydro leadership team is where we review</p> <p>21 in detail Hydro's initiatives, how we're doing</p> <p>22 with respect to our annual objectives, looking</p> <p>23 at the company's performance, so they would</p> <p>24 get discussed at that time and if there were</p> <p>25 issues with respect to the functional support,</p> |

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1 which comes, I'll say through a matrix  
 2 organization, that's where those would get  
 3 discussed, but the people who are at that  
 4 table are people who have direct  
 5 responsibility for the Hydro activities in  
 6 their functional areas and they resolve those,  
 7 if there are any and I may not even be aware  
 8 of anything that they may have done because  
 9 they would come--they had not been brought to  
 10 my attention that there was an issue.

11 MR. O'BRIEN:  
 12 Q. Well if there are issues that, so you're  
 13 talking about the Hydro leadership team, if we  
 14 go to page 2 here of PUB-138, first of all  
 15 just try to figure out, is this the Hydro  
 16 leadership team, regulated operations?

17 MR. HENDERSON:  
 18 A. This is the organization that reports directly  
 19 to me and this does reflect the change with  
 20 the Chief Operating Officer included.

21 MR. O'BRIEN:  
 22 Q. Okay.

23 MR. HENDERSON:  
 24 A. I'll probably direct you to PUB-NLH-328.

25 MR. O'BRIEN:

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1 Q. Sure, let's bring that up if we can.

2 MR. HENDERSON:  
 3 A. And if you scroll down through that to the  
 4 second page--or you can see here, under  
 5 "Newfoundland and Labrador Hydro", these are  
 6 the people who are on the Hydro leadership  
 7 team and I'll just read down through them so  
 8 you get a sense -

9 MR. O'BRIEN:  
 10 Q. Sure.

11 MR. HENDERSON:  
 12 A. Vice-President of Newfoundland and Hydro,  
 13 myself and I would chair the meeting. Vice-  
 14 President of System Operations and Planning;  
 15 the General Manager of Finance and Corporate  
 16 Services, it's the General Manager of Hydro  
 17 Finance. The one change that we've made since  
 18 this RFI was responded is that the Chief  
 19 Operating Officer is now shown on this and the  
 20 Chief Operating Officer attends the meetings  
 21 in place of the next four positions, which  
 22 would be the Manager of Thermal Generation;  
 23 General Manager of TRO; Manager of Hydro  
 24 Generation; and the Manager of Exploits in  
 25 Menihek.

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1 MR. O'BRIEN:  
 2 Q. Okay.

3 MR. HENDERSON:  
 4 A. And then we have the Divisional Controller and  
 5 the Electric Utilities' title is not there any  
 6 longer, it's just the Divisional Controller  
 7 for Hydro. Right now instead of the Manager  
 8 of Project Execution, Mr. Gardiner is under  
 9 Hydro leadership team in his role. We have--  
 10 the Senior Communication's Advisor is not on  
 11 that team any longer, it's the Vice-President  
 12 of Corporate Relations. There's the Manager  
 13 of Human Resources and Labour Relations; the  
 14 Manager of Safety and Health; the Manager of  
 15 Environmental Services and the Manager of  
 16 Rates and Regulation; Manager of Internal  
 17 Audit; Hydro Senior Legal Counsel; and Senior  
 18 Corporate Planning Analyst.

19 MR. O'BRIEN:  
 20 Q. So of all those individuals and I guess taking  
 21 an account for the ones that have changed  
 22 since, how many are Hydro employees and how  
 23 many are Nalcor employees? Are you able to--  
 24 maybe you start with the Nalcor ones.

25 MR. HENDERSON:

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1 A. Well what I could, if we could just scroll  
 2 back up and I'll say that the Vice-President  
 3 of Hydro is Hydro; the Vice-President of  
 4 System Operations and Planning is Hydro; the  
 5 General Manager of Finance is Hydro; the COO  
 6 is Hydro.

7 MR. O'BRIEN:  
 8 Q. All right.

9 MR. HENDERSON:  
 10 A. The Project Execution representative, Mr.  
 11 Gardiner, is Nalcor. The Vice-President of  
 12 Corporate Relations is Nalcor. I believe the  
 13 next three are Nalcor. The Manager of Rates  
 14 and Regulation would be Hydro; the Manager of  
 15 Internal Audit is Nalcor; Senior Legal Counsel  
 16 is Hydro; and the Senior Corporate Planning  
 17 Analyst is Nalcor.

18 MR. O'BRIEN:  
 19 Q. Okay, so these monthly meetings then, and  
 20 you'd look at how Hydro was doing, in terms of  
 21 its goals and objectives throughout the year,  
 22 is that how that works?

23 MR. HENDERSON:  
 24 A. That's correct.

25 MR. O'BRIEN:

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|--|---|
| <p>1 Q. And in the event that there are issues that<br/>2 arise with respect to Hydro as it sits in the<br/>3 matrix organization of Nalcor, okay, not just<br/>4 Hydro as its operations are plugging along,<br/>5 but sort of how it sits within the structure<br/>6 of Nalcor, if something arises then, do you<br/>7 then take it to the Nalcor leadership team?<br/>8 Is that how that goes?<br/>9 MR. HENDERSON:<br/>10 A. Well, I attend the monthly Nalcor leadership<br/>11 meeting and at that meeting, I would provide a<br/>12 report to the Nalcor leadership team on the<br/>13 progress that Hydro is making with respect to<br/>14 its initiatives and goals, objectives for the<br/>15 year, and they would be reviewed at the Nalcor<br/>16 team level. That could bring about some<br/>17 discussion at the Nalcor team level of things<br/>18 that we are doing in Hydro to adjust or<br/>19 recover in terms of anything that is not<br/>20 tracking in accordance with our plan, and so<br/>21 it would be a discussion there and that open<br/>22 discussion could be very much focussed on<br/>23 Hydro for a period of time, in which there<br/>24 would be a sharing of ideas or suggestions<br/>25 that may come from members of the Nalcor</p> | <p>1 MR. HENDERSON:<br/>2 Q. So, that would be, again, pretty much as I<br/>3 just said, in terms of its monitoring how well<br/>4 Hydro is performing and also looking out in a<br/>5 forward looking manner in terms of the future<br/>6 and how things may be changing in Hydro in the<br/>7 way it's doing its business, so that that<br/>8 would be a part of discussion that I would<br/>9 have with Mr. Martin with respect to any<br/>10 change that would be required because of an<br/>11 evolving or changing situation.<br/>12 MR. O'BRIEN:<br/>13 Q. I'm assuming you would agree with me that the<br/>14 interests of Hydro wouldn't necessarily on all<br/>15 instances align with the interests of Nalcor<br/>16 or there wouldn't be a reason to have to<br/>17 balance those interests, is that correct?<br/>18 MR. HENDERSON:<br/>19 A. There could be issues, I'm struggling with<br/>20 thinking of an example because of the way that<br/>21 it has functioned is a very strong focus on<br/>22 the needs of Hydro and making sure that they<br/>23 are addressed, so I don't have an example to<br/>24 say that there has been a conflict.<br/>25 MR. O'BRIEN:</p> |
| <p>1 leadership team to help. There could also--<br/>2 well I'll say it's an open discussion at those<br/>3 teams on any issues within Hydro, so in some<br/>4 months there may not be much; in other months<br/>5 there may be some with respect to the Hydro<br/>6 activities.<br/>7 MR. O'BRIEN:<br/>8 Q. I'm going to ask that we turn to PUB-316 for a<br/>9 minute, and lines 12 to 15. There's a comment<br/>10 there and we've reviewed that with Mr. Martin<br/>11 as well as Mr. McDonald. Lines 12 to 15,<br/>12 "however, how Nalcor should be organized to<br/>13 best serve its interest as a growing and<br/>14 diversifying energy company has always been<br/>15 balanced against the need to ensure that the<br/>16 best structure is in place to serve the<br/>17 interests of its regulated business,<br/>18 Newfoundland and Labrador Hydro". Are you the<br/>19 individual to make sure, going forward then,<br/>20 that those interests are balanced for Hydro?<br/>21 MR. HENDERSON:<br/>22 Q. That would be correct.<br/>23 MR. O'BRIEN:<br/>24 Q. And how do you do that, practically, how do<br/>25 you do that?</p>  | <p>1 Q. Well in terms of the interest that Hydro has<br/>2 in its obligation, your obligation to look<br/>3 after those, what interest would you consider<br/>4 those to be, the key priorities?<br/>5 MR. HENDERSON:<br/>6 A. Well Hydro's responsibility is to deliver<br/>7 least cost reliable electricity in a safe<br/>8 manner to its customers.<br/>9 MR. O'BRIEN:<br/>10 Q. Perhaps we could stop here, I guess, Mr.<br/>11 Chair. I think we're right on 1:30.<br/>12 CHAIRMAN:<br/>13 Q. Okay, we'll adjourn until tomorrow morning.</p>   |

CERTIFICATE

1  
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 21st 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 21st day of September, A.D., 2015  
12 Judy Moss

|  |  |  |  |  |
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