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1 (9:08 a.m.)
 2 CHAIRMAN:
 3 Q. So before we proceed to Mr. Johnson, I
 4 understand there are some preliminary matters,
 5 Madam, which you wish to address.
 6 MS. PENNELL:
 7 Q. We have a few more undertakings this morning,
 8 Mr. Chair. We have Undertaking No. 16 which
 9 is the number of employees in Hydro in 2006
 10 and 2007. We have Undertaking 15B which are
 11 the divisional work plans for HROE for 2013,
 12 2014 and 2015, and we also have Undertaking
 13 No. 25 which is our process for recording time
 14 and we believe this also satisfies Undertaking
 15 No. 22. Thank you.
 16 CHAIRMAN:
 17 Q. Okay. So if there's nothing else, Mr.
 18 Johnson, I think we'll start with you.
 19 MR. ROBERT HENDERSON, MR. DARREN MOORE, MR. TERRY
 20 GARDINER, CROSS-EXAMINATION BY THOMAS JOHNSON, Q.C.
 21 (CONT'D)
 22 JOHNSON, Q.C.:
 23 Q. Thank you, sir. In relation to FTE growth for
 24 a few minutes, in the examination yesterday of
 25 Mr. O'Brien, Mr. Henderson, you were

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1 explaining how the different departments bring
 2 forward the requirement that they expect in
 3 order to execute the annual work plan, and you
 4 said that during that process, during
 5 budgeting, the managers are asked questions in
 6 order to challenge the managers as to whether
 7 they can find other ways of accomplishing the
 8 work without addition of additional resources.
 9 Can you cite any concrete examples where
 10 managers, departments, were told that you're
 11 not accepting FTE growth or where a department
 12 got smaller?
 13 MR. HENDERSON:
 14 A. In terms of where -- there have been a number
 15 of items in my experience where people have
 16 come forward with FTEs and they've been told,
 17 no, they will not be proceeding, that you need
 18 to go back. I'll say that that's happened in
 19 numerous, I'll say, cases that have been put
 20 forward to me with respect to both our --
 21 well, in our rural operations areas, in our
 22 thermal generation, our hydro generation, in
 23 each one of those. In the two years that I've
 24 been most involved with that process, that's
 25 happened regularly.

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1 JOHNSON, Q.C.:
 2 Q. So that -
 3 MR. HENDERSON:
 4 A. So the people have been asked. You asked also
 5 about whether there's been departments that
 6 have reduced in size. I don't recall any that
 7 have gone down, but there have been
 8 adjustments where in one area, for instance,
 9 we may move a position from one area of
 10 operations into another. For instance, in
 11 Labrador, we needed additional protection
 12 control technologist there and we reduced a
 13 position in the hydro generation area in order
 14 to provide that position in Labrador. Those
 15 types of things will happen. I also, in the
 16 customer services area, we've been
 17 implementing automatic meter reading and we've
 18 been eliminating positions there as well with
 19 respect to the implementation of automatic
 20 meter readings. As meter readers retired or
 21 left the company, we put in automatic meter
 22 reading and we did not refill those positions.
 23 JOHNSON, Q.C.:
 24 Q. Would it be fair to say that the tendency
 25 would be suggestions for FTE growth coming up

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1 to you at budget time as opposed to FTE
 2 retraction?
 3 MR. HENDERSON:
 4 A. In the last two years, there's been a number
 5 of areas where there's been growing
 6 requirements that we've had to address.
 7 JOHNSON, Q.C.:
 8 Q. So in terms of the growing requirements, this
 9 was an area that was touched upon again by Mr.
 10 O'Brien, and we saw, as you'll recall, that
 11 FTE levels were relatively steady from 2007 to
 12 2013. You recall that?
 13 MR. HENDERSON:
 14 A. Yes.
 15 JOHNSON, Q.C.:
 16 Q. And then in 2013, there were net 808 and then
 17 we see a net of 860 in 2014 and then a net 888
 18 in 2015, so a ten percent increase in the FTE,
 19 net FTEs from '13 to '15, right?
 20 MR. HENDERSON:
 21 A. It sounds about right.
 22 JOHNSON, Q.C.:
 23 Q. Now, would you characterize that as a fairly
 24 dramatically large increase in a short amount
 25 of time?

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1 MR. HENDERSON:
 2 A. That's a large amount relative to our history
 3 certainly and there's been -- we did a hard
 4 look at what we required moving forward.
 5 There's been requirement for additional people
 6 in order to manage our facilities to make sure
 7 that we complete all of our required
 8 maintenance and we have aging facilities that
 9 require additional work and attention, so we
 10 need to make sure that we have the right
 11 people there for that. We also have some
 12 growing demand on the power system that's also
 13 putting additional pressures on the
 14 requirement for additional people, so there's
 15 positions that have been added for those
 16 reasons too. So while there was a long period
 17 of stability, there has been some changes in
 18 the terms of our condition of our equipment
 19 and addition of equipment that we have to
 20 address.
 21 JOHNSON, Q.C.:
 22 Q. So in terms of the additions that were made, I
 23 take it that these were discussed and approved
 24 at the highest levels of Hydro's leadership?
 25 MR. HENDERSON:

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1 A. That's true.
 2 JOHNSON, Q.C.:
 3 Q. And it was a very deliberate process?
 4 MR. HENDERSON:
 5 A. Yes.
 6 JOHNSON, Q.C.:
 7 Q. And as part of this deliberate process, did
 8 the leadership have the benefit of any
 9 comprehensive analysis or comprehensive
 10 report, internal or external, as to the
 11 justification for the number of FTEs that you
 12 were looking to add to the company?
 13 MR. HENDERSON:
 14 A. We did an extensive discussion and review of
 15 the requirements to ensure that they were the
 16 ones that were required and that was an
 17 extensive discussion with each of the areas
 18 that had additional requirements to ensure
 19 that they were appropriate.
 20 JOHNSON, Q.C.:
 21 Q. And did it result in any type of comprehensive
 22 report that was brought up to say, look,
 23 here's where we are and here's the overall
 24 justification as to, you know, where we're
 25 going over the next couple of years?

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1 MR. HENDERSON:
 2 A. No, there was not a report with that in it.
 3 JOHNSON, Q.C.:
 4 Q. Now, you indicated that there had been a
 5 review of how well you were executing or Hydro
 6 was executing upon its operating requirements
 7 for asset management in light of aging assets
 8 and the like and you described yesterday that
 9 you went through a review in 2013-2014 where
 10 you identified areas that you needed to
 11 address. You recall that?
 12 (9:15 a.m.)
 13 MR. HENDERSON:
 14 A. Yes.
 15 JOHNSON, Q.C.:
 16 Q. Now, in terms of the work that was not getting
 17 done to your level of satisfaction, why wasn't
 18 the work getting done with the numbers of
 19 people you had out in the field already, a
 20 number that had remained constant from '07 to
 21 2013 more or less?
 22 MR. HENDERSON:
 23 A. There was -- I'll say there was a number of
 24 equipment breakdown issues that we were --
 25 people had to turn their attention to to

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1 ensure that the facilities were put back into
 2 service to restore power to customers, to
 3 restore equipment into operation. There was
 4 also the growing capital program which was
 5 drawing people from operational areas to
 6 assist and to oversee aspects of the
 7 implementation of new capital assets that were
 8 going in. So there was a combination of those
 9 things that were impacting that, so there was
 10 a -- the growth of capital and the age of the
 11 facilities that were resulting in additional
 12 breakdown, corrective maintenance that we had
 13 to address that was leading to an increase in
 14 the amount of work that was in our backlog.
 15 JOHNSON, Q.C.:
 16 Q. Was there any productivity issues identified
 17 as giving rise to why some of this work was
 18 not getting done?
 19 MR. HENDERSON:
 20 A. There were not particularly, but there was --
 21 what we had done is we looked at our work
 22 scheduling and planning to see if there was
 23 more that we could do in terms of integrating
 24 the capital work requirements and the
 25 operating work requirements and we saw there -

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1 - we identified that that was an area that we
 2 should pursue to try to better integrate the
 3 capital program with the operating program, so
 4 that there was a -- you know, in terms of the
 5 work that the project execution folks were
 6 looking after and the folks in the field who
 7 were looking after the maintenance to make
 8 sure that we fully integrated the plans. So
 9 over the last couple of years, we've put in a
 10 lot of effort to try to make that more robust,
 11 integrated plan so that all of the capital
 12 work and the operating work is all laid out,
 13 planned out at the beginning of the year, so
 14 that you have -- you know, everything is
 15 identified.

16 We also put in additional efforts in the
 17 outage planning and scheduling through the
 18 system operations group which are the people
 19 who have to identify when equipment can come
 20 out of service to ensure continued reliability
 21 of the power system. They look at the cost of
 22 generation and when's the best time to do it.
 23 So, they're balancing all that. So we took a
 24 much more robust and integrated approach over
 25 the last two years in merging all that

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1 together, which results in resources being
 2 there when they're required, equipment being
 3 there or material being there when required.
 4 So all of those things we've identified as
 5 that there's a benefit by integrating all of
 6 that.

7 JOHNSON, Q.C.:
 8 Q. Was there an assessment made as to how much
 9 work you ought to be able to expect, for
 10 instance out of one of your maintenance crew?

11 MR. HENDERSON:
 12 A. There were -- in some areas, we had looked at
 13 how effective we were in terms of how many --
 14 what I'll say is how much work is being done
 15 per FTE, that type of thing, to help when we
 16 were making assessment on what the FTE
 17 requirements were that we looked at that to
 18 determine what improvements we can make in the
 19 productivity, but also with the growing demand
 20 and how there is a backlog of -- a growth in
 21 the backlog of work that we had to do. So, we
 22 did that and that was all part of the budget
 23 review process was for each people in the
 24 field who were managing this work to
 25 demonstrate to me that there was a need here;

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1 it wasn't just putting more people at it.
 2 There is a growing demand and a demonstration
 3 of the growth in the backlog work. So that
 4 was all laid out and dealt with in the review
 5 process through discussion.

6 JOHNSON, Q.C.:
 7 Q. So in terms of the work that wasn't getting
 8 done, I understand from your testimony
 9 yesterday, that you were aware that there was
 10 work not being done for a number of years
 11 prior to 2014. Would that be correct?

12 MR. HENDERSON:
 13 A. What I would say is that when we looked at the
 14 work -- when I came into the position in 2013,
 15 looking at the work and the challenges we were
 16 having in completing our annual capital
 17 program and getting our preventative
 18 maintenance up to a higher level, we said that
 19 one of the areas we need to do is better
 20 integration of the capital and the operating
 21 work and so, in the fall of 2013, we initiated
 22 that process of improvement for going forward
 23 to better integrate that work.

24 JOHNSON, Q.C.:
 25 Q. But you were aware that -- you were obviously

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1 aware that the work was not getting done prior
 2 to 2014?

3 MR. HENDERSON:
 4 A. I was aware that there was challenges. I
 5 didn't have specific metrics, if you like, but
 6 I knew that from the managers' level that we
 7 were having -- not getting as high a level and
 8 effective level in the preventative
 9 maintenance work, but also the capital
 10 program, and we were constantly putting
 11 pressure on our schedules with respect to our
 12 outages. There was a constant concern about,
 13 you know, trying to get work done within the
 14 timeframe that we had for outages. The
 15 overtime costs were going up and that was
 16 driven by the fact that people were trying to
 17 get the work done within the tight windows
 18 that we had for outages. So, all of those
 19 were areas that we -- were apparent to me that
 20 we said we need to address, and so it was
 21 through that we were trying to do this greater
 22 integration.

23 JOHNSON, Q.C.:
 24 Q. So you indicate you didn't have metrics on
 25 that, but then after the events of January

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1 2014, there was basically metrics developed,
 2 was there?
 3 MR. HENDERSON:
 4 A. After January 2014, what was required was for
 5 all of the work execution managers and the
 6 planners and schedulers to put forward a clear
 7 picture of the work for the year and how
 8 they're progressing against that. So, each
 9 week there's a report provided to me
 10 indicating how that work has been progressing
 11 during the week and are they meeting plan,
 12 what adjustments they're making for things
 13 that are unknown, unforeseen that happen
 14 during that week and how they're going to
 15 correct to stay on track to complete the
 16 maintenance program and all of the work that's
 17 in the annual work plan.
 18 JOHNSON, Q.C.:
 19 Q. Okay. And prior to that, you had just been
 20 getting a monthly verbal?
 21 MR. HENDERSON:
 22 A. Prior to that, I was getting an update on how
 23 the capital program was progressing. I was
 24 getting a monthly update on operating expenses
 25 and also getting a verbal update on the

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1 maintenance plan or the execution of the
 2 annual work plan and how that was progressing.
 3 JOHNSON, Q.C.:
 4 Q. And that old approach was obviously not -- it
 5 was insufficient, wasn't it?
 6 MR. HENDERSON:
 7 A. So what we were -- this was -- in order to
 8 ensure I was fully aware of it, I needed more
 9 information and that's why I looked for more
 10 information.
 11 JOHNSON, Q.C.:
 12 Q. The employees who have gone on to the Lower
 13 Churchill Project, you've indicated in your
 14 evidence there was a number of them, many of
 15 whom you worked with for many years, et
 16 cetera. What's the plan in terms of their
 17 role? Are they going to come back once the
 18 project's construction is wound down or how's
 19 that going to work?
 20 MR. HENDERSON:
 21 A. For each of those folks who are Nalcor
 22 employees, they will be coming back into the
 23 company in different roles. That's part of
 24 our getting ready for operations, our
 25 transition to operations review is how we will

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1 be integrating those folks back into the
 2 operations. There's a number of different
 3 aspects of that. The Holyrood thermal plant
 4 will be going into a standby state once the
 5 project is complete and there's also the
 6 people who are Holyrood. We've made a
 7 commitment to all of the permanent employees
 8 that were working there at Holyrood at the
 9 time of the decision to proceed that we would
 10 be integrating them into the operation. There
 11 is a significant requirement for additional
 12 people because there is a large growth in our
 13 asset infrastructure and a changing
 14 requirement going from a thermal plant
 15 operation into HVDC operation and another
 16 hydro plant with additional transmission lines
 17 and also through the system operations group,
 18 which will have a significant change because
 19 they are now going to be regularly
 20 communicating with neighbouring utilities and
 21 the exchange of power. There's a fair bit of
 22 change that's going to happen. So, all of
 23 these folks will be integrated back into the
 24 operation and will have different roles. Many
 25 of the engineering design folks I'd expect

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1 would end up back in our project execution
 2 technical services group.
 3 JOHNSON, Q.C.:
 4 Q. So how many people are we talking about
 5 reintegrating?
 6 MR. HENDERSON:
 7 A. I don't have that number with me.
 8 JOHNSON, Q.C.:
 9 Q. Can you offer an approximate?
 10 MR. HENDERSON:
 11 A. I'm not sure. I don't know, Terry, if you
 12 know?
 13 MR. GARDINER:
 14 A. There's about -- there's approximately 15
 15 engineering design, and I stand to be
 16 corrected, but as I understand, there's about
 17 15 people that would be integrated, and Mr.
 18 Johnson, I've been tasked to work with the
 19 team to find -- and HR -- to integrate those
 20 people back in and in the next three years,
 21 we'll be working on the plan through
 22 recruitment and retention and retirements of
 23 how we would integrate those people back into
 24 project execution and technical services in
 25 their areas.

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<p>1 JOHNSON, Q.C.:</p> <p>2 Q. Okay. Just to turn for a moment to capital</p> <p>3 budget performance, in terms of meeting the</p> <p>4 capital budget spending envelope, if you will.</p> <p>5 You indicated in cross-examination with Mr.</p> <p>6 O'Brien, when he asked you about achieving</p> <p>7 your capital budget spending level, that you</p> <p>8 were satisfied that Hydro would be within ten</p> <p>9 percent variance going forward in 2015. Do</p> <p>10 you recall that testimony?</p> <p>11 MR. HENDERSON:</p> <p>12 A. Yes.</p> <p>13 JOHNSON, Q.C.:</p> <p>14 Q. Now, Mr. Henderson, these were matters that</p> <p>15 had been measured and tracked and targeted in</p> <p>16 the company's internal targets in both 2013</p> <p>17 and 2014, correct?</p> <p>18 MR. HENDERSON:</p> <p>19 A. Yes.</p> <p>20 JOHNSON, Q.C.:</p> <p>21 Q. And in 2013, your target, I think you'll</p> <p>22 agree, was to deliver upon 90 percent of the</p> <p>23 project? Is that right?</p> <p>24 MR. HENDERSON:</p> <p>25 A. That sounds right.</p>	<p>1 Q. Subject to check?</p> <p>2 MR. HENDERSON:</p> <p>3 A. Subject to check, but my understanding that it</p> <p>4 was higher than that.</p> <p>5 JOHNSON, Q.C.:</p> <p>6 Q. Okay. If we could go to Undertaking 6? And I</p> <p>7 think it's page eight, if I'm not mistaken.</p> <p>8 Yes. This is 2014 target, yeah. You had it</p> <p>9 there. Now you have it. On project</p> <p>10 execution, Mr. Henderson, you see that?</p> <p>11 MR. HENDERSON:</p> <p>12 A. This is 2000 and -</p> <p>13 JOHNSON, Q.C.:</p> <p>14 Q. '04, I believe. Or 2014, I'm sorry.</p> <p>15 MR. HENDERSON:</p> <p>16 A. '14?</p> <p>17 JOHNSON, Q.C.:</p> <p>18 Q. Yes.</p> <p>19 MR. HENDERSON:</p> <p>20 A. Okay.</p> <p>21 JOHNSON, Q.C.:</p> <p>22 Q. So do you accept now it's 85 percent?</p> <p>23 MR. HENDERSON:</p> <p>24 A. That's what it says there, although I was of</p> <p>25 the understanding it was very close to 90</p>
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<p>1 JOHNSON, Q.C.:</p> <p>2 Q. And what was achieved was less than 90, it was</p> <p>3 about 82 percent?</p> <p>4 MR. HENDERSON:</p> <p>5 A. I can't recall the number in 2013.</p> <p>6 JOHNSON, Q.C.:</p> <p>7 Q. Would you take, subject to check, it was 82</p> <p>8 percent?</p> <p>9 MR. HENDERSON:</p> <p>10 A. Sure.</p> <p>11 JOHNSON, Q.C.:</p> <p>12 Q. Okay. And 2014, the goal was similarly to</p> <p>13 achieve delivery of 90 percent?</p> <p>14 MR. HENDERSON:</p> <p>15 A. That's correct.</p> <p>16 JOHNSON, Q.C.:</p> <p>17 Q. That goal wasn't met in 2014?</p> <p>18 MR. HENDERSON:</p> <p>19 A. It was very close to that.</p> <p>20 JOHNSON, Q.C.:</p> <p>21 Q. Okay. I think the record would indicate that</p> <p>22 it was about 85 percent achieved.</p> <p>23 MR. HENDERSON:</p> <p>24 A. I'll -</p> <p>25 JOHNSON, Q.C.:</p>	<p>1 percent.</p> <p>2 JOHNSON, Q.C.:</p> <p>3 Q. In terms of the target for 2015, because in</p> <p>4 2013 and 2014, there were actually numerical</p> <p>5 targets, but I understand 2015 no longer has a</p> <p>6 numerical target on delivery on project</p> <p>7 execution. Is that correct?</p> <p>8 MR. HENDERSON:</p> <p>9 A. We were -- we've done a review of the targets</p> <p>10 for 2015 and there are numeric targets, but</p> <p>11 what was presented there was high level that</p> <p>12 there would be specifically measurable targets</p> <p>13 with respect to safety, quality, schedule and</p> <p>14 costs and we were doing a -- did a review of</p> <p>15 those this year to establish, I'll say, a more</p> <p>16 robust measurement on that and so, we've been</p> <p>17 working through that and I think we're pretty</p> <p>18 well there now. Terry and I have been working</p> <p>19 through that, along with the project execution</p> <p>20 team, as well as finance, to ensure that it's</p> <p>21 clearer as to what's expected, and so the --</p> <p>22 and again, we're at the 90 percent target, but</p> <p>23 it was -- part of the explanation for that is</p> <p>24 that we've experienced a number of</p> <p>25 supplemental capital applications and so when</p>

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1 we established the target at the beginning of
 2 the year, there's a program that we put
 3 forward to the Public Utilities Board for our
 4 capital program, but there's also
 5 supplementals that are added during the year
 6 that have an impact and the expectation is to
 7 be delivering the supplementals. So, there
 8 was a -- we had to consider how we reflected
 9 those in the targets, so that's what the
 10 discussion has been primarily around is those
 11 changes that go through the year.
 12 There's also acceptable changes that
 13 could occur during the year for good reasons.
 14 If you -- we've had some projects that we've
 15 cancelled because we've done some condition
 16 assessment or when we did some additional
 17 work, we identified that the requirement could
 18 be deferred. And so all of those things would
 19 be things that we would consider and weigh
 20 whether they are, I'll say, good reasonable
 21 reasons to change and what does that mean in
 22 terms of what we -- the standard in which
 23 we're holding ourselves to in terms of
 24 completion. The important thing is what we
 25 say and set out to do that we complete and we

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1 want to make sure that's right.
 2 (9:30 a.m.)
 3 JOHNSON, Q.C.:
 4 Q. Just for clarity on the point, if you could go
 5 to page 11 of Undertaking 6, and this is the
 6 extract from the 2015 leadership team
 7 measures, page 11. Yeah, project execution,
 8 safety, quality, schedule, and costs. So I
 9 think you said that there was going to be 90
 10 percent in 2015.
 11 MR. HENDERSON:
 12 A. I think that's -
 13 MR. GARDINER:
 14 A. Yes, it is, yeah.
 15 MR. HENDERSON:
 16 A. Yeah.
 17 JOHNSON, Q.C.:
 18 Q. It's going to be 90 percent in 2015?
 19 MR. GARDINER:
 20 A. That's correct.
 21 JOHNSON, Q.C.:
 22 Q. So this topic is still being worked on,
 23 developed?
 24 MR. HENDERSON:
 25 A. Well, no, it's settled now.

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1 JOHNSON, Q.C.:
 2 Q. Settled now.
 3 MR. HENDERSON:
 4 A. It's -- but it was something that had been
 5 under discussion because of the -- as I just
 6 explained, the types of things that were
 7 changing during the year, the target that was
 8 set at the beginning of the year, what are we
 9 measuring as things change during the year.
 10 JOHNSON, Q.C.:
 11 Q. If I could turn to the topic of consultants
 12 costs for a moment, and to do this, I might
 13 ask that we bring up Table 2.7 of the
 14 company's evidence at 2.39 of Volume 1, Tab 2.
 15 MS. GRAY:
 16 Q. Sorry, Mr. Johnson, what page again?
 17 JOHNSON, Q.C.:
 18 Q. It's page 2.39. Mr. O'Brien touched on this
 19 topic as well, but I just want to be clear.
 20 Your 2014 test year costs for consultants,
 21 that includes outage inquiry costs, does it
 22 not, of about two million dollars?
 23 MR. HENDERSON:
 24 A. That's correct.
 25 JOHNSON, Q.C.:

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1 Q. And so that'll be subject to prudence, right?
 2 MR. HENDERSON:
 3 A. I believe the -- well, the 2014, I'm going to
 4 say, deferral revenue, shortfall deferral,
 5 includes that, so that large piece of costs is
 6 subject to review.
 7 JOHNSON, Q.C.:
 8 Q. Right. And then if I look at GRA and Board
 9 related costs in test year 2014, there's 3.5
 10 million. Does that include costs for both the
 11 original and the amended GRA?
 12 MR. HENDERSON:
 13 A. That would include our full estimate of the
 14 costs for the 2014 test year. It's for all
 15 costs.
 16 JOHNSON, Q.C.:
 17 Q. Yeah, so that would -- so to answer my
 18 question, the costs associated with both the
 19 original filing and the amended filing?
 20 MR. HENDERSON:
 21 A. Yeah, it would be all of the costs associated
 22 with the filing.
 23 JOHNSON, Q.C.:
 24 Q. Okay. Now Mr. Henderson, I mean, it's not --
 25 it wasn't customers fault that Hydro pulled

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1 the application in 2014, you know, just a
 2 month or so before the thing was supposed to
 3 get under way, and I'm looking for the
 4 justification as to why, you know, there would
 5 be costs for sort of a doubling up of effort,
 6 if you will. There was a lot of stranded
 7 costs when there was a decision made to put
 8 the brakes on the first application. Get you
 9 to comment on that.

10 MR. HENDERSON:
 11 A. You just want a comment on that?

12 JOHNSON, Q.C.:
 13 Q. Yeah. I mean, what's -- you know, if these
 14 costs, test year costs include costs for both
 15 original and the amended GRA, I'd like an
 16 explanation for that.

17 MR. HENDERSON:
 18 A. It's because that's what it cost to go through
 19 the regulatory process for this application.

20 JOHNSON, Q.C.:
 21 Q. Yeah, but I guess, to address my point that we
 22 were on the eve and everybody was all geared
 23 up and we're on the eve of a hearing
 24 practically when Hydro made a decision, no,
 25 we're not going with that filing. We're going

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1 to -- you call it amended filing, but it was,
 2 you know, substantially different filing. And
 3 did Hydro give any thought to its intent to
 4 visit all these costs back on customers again?

5 MR. HENDERSON:
 6 A. The consideration of costs was certainly part
 7 of the discussion and what the evidence was is
 8 that if we did not file an amended
 9 application, we would have to be coming
 10 forward with an application immediately on the
 11 heels of the 2013 application because of the
 12 cost changes that were occurring in Hydro that
 13 Hydro would have to be, so there'd be another
 14 GRA on top of the first GRA back to back. So
 15 we thought and looked at it and said the most
 16 effective way to do this is to change the test
 17 year to look -- to get a forward looking test
 18 year because we were well past the end of 2013
 19 at that point and the costs for 2013 were no
 20 longer reflective, something that we could
 21 carry on with the changes that had occurred
 22 and when we examined our costs, we said we're
 23 going to have to go with another filing right
 24 on top of the one that was in the middle or we
 25 should go with a new test year, and on the

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1 balance, we said that the appropriate thing to
 2 do, rather than go for another GRA and
 3 everything that would be involved with that,
 4 we would put forward a test year modification
 5 at that time.

6 JOHNSON, Q.C.:
 7 Q. That doesn't take away from the point that
 8 there was a lot of costs that went into the
 9 original filing that was sort of went to
 10 waste.

11 MR. HENDERSON:
 12 A. I couldn't comment on how much of the original
 13 filing is not still being considered here. My
 14 take is that there is a lot of that that is
 15 still carried forward, but there is some
 16 effort obviously for putting forward a new
 17 test year and putting forward all of that.
 18 But in the balance, that would have been -- in
 19 our estimation, would have been lower cost
 20 than having two back to back GRAs, because we
 21 would have had to refile immediately, given
 22 where our costs were going.

23 JOHNSON, Q.C.:
 24 Q. So in terms of the particulars of breakdown of
 25 the costs of the original and amended, I guess

Page 28

1 we could put that to the Finance panel?

2 MR. HENDERSON:
 3 A. What that difference may be, yes.

4 JOHNSON, Q.C.:
 5 Q. Now as to the 2015 test year in that table, we
 6 see consultant costs of 5.6 million. Would
 7 that also include costs pertaining to the
 8 Board's ongoing inquiry?

9 MR. HENDERSON:
 10 A. In 2015, I don't think there was anything put
 11 forward in 2015 test year that would have been
 12 related to that. I think the anticipation was
 13 most of that would have been completed
 14 earlier. I'm looking at our evidence just to
 15 confirm that, but I -- there may have been a
 16 small amount there, but I don't think very
 17 much.

18 JOHNSON, Q.C.:
 19 Q. Again, perhaps something I can take up with
 20 the Finance Panel?

21 MR. HENDERSON:
 22 A. Yes.

23 JOHNSON, Q.C.:
 24 Q. If I could bring you to Table 37 of the Grant
 25 Thornton Report talking about travel costs for

Page 29

1 a moment. Page 61, sorry. So Mr. Henderson,
 2 we see here that for travel, we have, in 2013,
 3 3.3 million. Forecast for 2014 is higher
 4 again by about 400,000, up to 3.7 million.
 5 But your actuals come in lower than forecast
 6 at 3.2, yet we see an increase forecast again
 7 in 2015, up to 3.7 million dollars, Mr.
 8 Henderson, and I note if we just -- if you
 9 could go back to page 60 for a moment that
 10 travel, you know, very consistently from '07
 11 all the way up to 2012 in terms of actuals,
 12 they've never exceeded three million dollars
 13 and then, so we're seeing now about another --
 14 well, the forecast for 2014 is higher than
 15 actuals and then you're higher again for
 16 forecast for 2015 by a considerable margin
 17 over historic travel costs. And just I'm
 18 struggling with the justification for that.
 19 MR. HENDERSON:
 20 A. Well, the costs, we do a lot of travelling in
 21 Hydro because of our very broad geographic
 22 area and the distance between our central
 23 offices and where our work is done, where we
 24 service customers all along the coast of
 25 Labrador. We have a lot of travelling

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1 throughout the Northern Peninsula, all across
 2 the Island. There is a considerable amount of
 3 travel. So, we look at that because it is a
 4 significant cost and trying to minimize that
 5 travel, but there is upward pressure on travel
 6 fares, the cost to maintain our vehicles.
 7 There's the fuel costs for the vehicles.
 8 There's also the costs for the, for instance,
 9 airfares, utilization of helicopter services
 10 and so on. All of those were increasing and
 11 so when we looked at that, those were the
 12 drivers of the increase in costs.
 13 JOHNSON, Q.C.:
 14 Q. But Mr. Henderson, Hydro has always had, you
 15 know, a far flung arrangement, even through
 16 the years 2007 to 2012, in terms of having to
 17 travel here and there. But what I'm
 18 struggling with specifically is the basis for
 19 saying that in 2014 actuals could be 3.2, but
 20 you'd need fully a half a million dollars more
 21 in the test year in 2015. I mean, I thought
 22 you were trying to be using things like
 23 conference calling and looking for ways and
 24 means to reduce costs. I'm struggling with
 25 this.

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1 MR. HENDERSON:
 2 A. That's precisely what we do, and there is
 3 increasing costs related to the services that
 4 we obtain related to travel, airfares and
 5 gasoline for vehicles and those types of
 6 things, that are putting the upward pressure,
 7 and we put together the test year, those were
 8 the things that we were seeing and put forward
 9 in the test year and that would have been also
 10 true for the 2014 test year.
 11 JOHNSON, Q.C.:
 12 Q. You talk about vehicles for gas and the like,
 13 isn't that captured in transportation, a few
 14 lines up?
 15 MR. HENDERSON:
 16 A. Yeah, perhaps you're right there. But the
 17 airfares was one of the areas that was putting
 18 upward pressure.
 19 JOHNSON, Q.C.:
 20 Q. Are you all going to be doing more flying in
 21 2015 than -
 22 MR. HENDERSON:
 23 A. That's not what's happening here. It's all to
 24 do with the cost of the fares for what goes
 25 into the travel budget. It's not for

Page 32

1 increasing travel. It's to do with the
 2 increasing cost of the travel.
 3 JOHNSON, Q.C.:
 4 Q. Just stay on the same table, office supplies.
 5 Now if I look at your 2014 actuals, they come
 6 in at about 2.4 million.
 7 (9:45 a.m.)
 8 MR. HENDERSON:
 9 A. Excuse me, can you scroll down so I can see
 10 the numbers?
 11 JOHNSON, Q.C.:
 12 Q. Table 37, yeah, office supplies.
 13 MR. HENDERSON:
 14 A. Yes.
 15 JOHNSON, Q.C.:
 16 Q. Yeah, I see these actuals are about 2.4
 17 million in 2014, yet you're forecasting -- so
 18 you were under forecast in 2014 on these
 19 office supplies by about 200 and some odd
 20 thousand. Yet, your 2015 forecast is some
 21 400,000 above 2014 actuals. And this is in
 22 the context of when you go back at Table 36,
 23 you see office supplies being very consistent,
 24 without big variations from year to year. But
 25 in the test year, we see a jump.

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1 MR. HENDERSON:
 2 A. I don't have the detail for that, but when we
 3 reviewed those costs, there were items in
 4 there that are indeed driving those costs up
 5 and so, I can't give you a detail on that, Mr.
 6 Johnson, and perhaps the Finance Panel might
 7 be able to when they come to the stand, but
 8 there are a number of items in there.
 9 Anything that was at all seen as putting us
 10 above inflation, there was discussions about
 11 that and they were accepted, and I don't know
 12 all the items in an office supply cost
 13 category, but there are certain things there
 14 that may be directly influencing those
 15 increases.
 16 JOHNSON, Q.C.:
 17 Q. Turn to System Equipment Maintenance, and for
 18 this, I'd like to bring you back to page 2. 46
 19 of your regulated activities evidence. Yeah,
 20 and starting at line nine. Hydro starts off
 21 at line nine saying "System Equipment
 22 Maintenance expenses in the 2015 Test Year of
 23 14.8 million are 7.3 million higher than 2007
 24 actuals of 7.5 million. In 2015, there's a
 25 further increase of 4.1 from 2014 primarily

Page 34

1 related to costs of one million associated
 2 with the new CT and an additional" and this is
 3 the focus here for the moment -- "an
 4 additional 1.6 million to provide for the
 5 extended two-year warranty to cover the
 6 provision of technical oversight and coaching
 7 from the engineering procurement and
 8 construction contractor related to the
 9 operation and maintenance of that unit."
 10 So, Mr. Henderson, you're aware of that
 11 warranty protection?
 12 MR. HENDERSON:
 13 A. Yes.
 14 JOHNSON, Q.C.:
 15 Q. And the cost of it?
 16 MR. HENDERSON:
 17 A. Yes.
 18 JOHNSON, Q.C.:
 19 Q. So this 1.6 million dollars, that's going to
 20 be paid in 2015 or it's probably already paid,
 21 right?
 22 MR. HENDERSON:
 23 A. That is a fee that we pay on a monthly basis.
 24 JOHNSON, Q.C.:
 25 Q. Okay. And will the monies expended in 2015,

Page 35

1 will that cover off the warranty protection
 2 for two full years or is there -- is that how
 3 it's supposed to work or is there supposed to
 4 be further payments in 2016?
 5 MR. HENDERSON:
 6 A. There's further payments. That cost is over a
 7 two-year period. So that period began in I'm
 8 going to say end of July, I believe, in 2015
 9 and will continue for a two-year period.
 10 JOHNSON, Q.C.:
 11 Q. So there'll be another 1.6 million in 2016
 12 expended?
 13 MR. HENDERSON:
 14 A. Yes, there will be additional amounts in 2016.
 15 It wouldn't be the full amount because it's
 16 only -- it will run to the middle of the year.
 17 JOHNSON, Q.C.:
 18 Q. Okay. So for that two-year protection,
 19 there's more being paid in 2015 than in 2016?
 20 MR. HENDERSON:
 21 A. That's correct. The agreement that we have
 22 runs for two years. That started at the end
 23 of July and will run through to the end of
 24 July in 2016.
 25 JOHNSON, Q.C.:

Page 36

1 Q. Okay. So there's -- okay. So the details on
 2 that, I guess the Finance people would have
 3 that?
 4 MR. HENDERSON:
 5 A. I'm sorry, I -- it's a two-year period, so
 6 I've -- I see puzzled looks on the face, but
 7 it's a two-year period starting in 2015, so it
 8 runs into 2017.
 9 JOHNSON, Q.C.:
 10 Q. Okay. As regards vegetation management,
 11 that's referenced on page 2.46, line 21,
 12 further increase of a half million dollars
 13 related to vegetation management. That's a
 14 fairly significant increase in the cost for
 15 vegetation management. I think you'll agree.
 16 MR. HENDERSON:
 17 A. It is, and it is specifically to address
 18 vegetation management requirements of the
 19 company. We had experienced a number of
 20 customer interruptions due to tree contact and
 21 we had a look and saw that we needed to put in
 22 some extra effort there to stay ahead of what
 23 we were experiencing, which was a -- we
 24 weren't staying ahead of the growth of
 25 vegetation along our transmission lines and

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1 also on our dams and dikes, so we had to put
 2 in a bit more, and there was also an increase
 3 in the contract costs. When we went to tender
 4 for that, the costs have gone up as well.
 5 JOHNSON, Q.C.:
 6 Q. Okay. Just turning to another aspect of O&M
 7 costs, that having to do with the TwinCo
 8 assets. Mr. Henderson, we understand that --
 9 and I think this comes from PUB-367. It just
 10 further provides some details on the amount
 11 that's going into the 2015 test year revenue
 12 requirement in relation to O&M costs for the
 13 TwinCo assets. So there you see it now, PUB-
 14 367 on the screen.
 15 Mr. Henderson, I take it that the
 16 operation and maintenance costs related to
 17 these assets, these have not been costs that
 18 Hydro has had to bear in the past, right?
 19 MR. HENDERSON:
 20 A. That's correct. The only costs that Hydro was
 21 incurring in the past with respect to the
 22 TwinCo assets was through what was called the
 23 Wabush Terminal Station Use Agreement and
 24 there's an amount that we pay each year that
 25 varied. I could say it was somewhere in

Page 38

1 around the million dollars a year, I believe,
 2 but it varied from year to year, that we were
 3 paying for sharing the costs of the terminal
 4 station in Wabush. Now with Hydro taking over
 5 leasing the full, all of the facilities, we
 6 now have all of the facilities costs, which
 7 are now recovered over a broader customer base
 8 certainly because it also is recovered through
 9 the Industrial Customers who are using that
 10 transmission line.
 11 JOHNSON, Q.C.:
 12 Q. Yes, okay. Now the 2.8 million dollar amount,
 13 who had been picking up the tab on these O&M
 14 costs previously?
 15 MR. HENDERSON:
 16 A. They would have been -- as I said, there was
 17 an aspect of it that Hydro was sharing in the
 18 cost.
 19 JOHNSON, Q.C.:
 20 Q. Yes.
 21 MR. HENDERSON:
 22 A. And then the bulk of it then would have been
 23 through the arrangements with Twin Falls
 24 Corporation and its customers.
 25 JOHNSON, Q.C.:

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1 Q. Okay. So the costs that are being requested
 2 in revenue requirement now of 2.8 million,
 3 were these established based upon the records
 4 of the previous party that was paying for
 5 these costs, in terms of what they were
 6 expending, or how was this arrived at?
 7 MR. HENDERSON:
 8 A. This was reflective of what -- CF(L)Co was
 9 doing that work for Twin Falls Corporation and
 10 they will continue for us and this is a
 11 reflection of what they had been spending and
 12 estimated that they would require to continue
 13 to maintain those facilities.
 14 JOHNSON, Q.C.:
 15 Q. Okay. So you have their records as to what
 16 they were expending on it over say the past
 17 five years?
 18 MR. HENDERSON:
 19 A. I'm going to ask Darren if he could because I
 20 don't have the full detail on that.
 21 MR. MOORE:
 22 A. We don't actually have their exact record of
 23 what they've been spending over the last five
 24 years, but we worked very closely with
 25 Churchill Falls to develop this budget amount

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1 based on their estimates of what it cost them
 2 over the past number of years to maintain and
 3 operate these assets and we're looking at the
 4 operation and maintenance as well to Hydro's
 5 standards for asset management in 2015 with
 6 them providing the services to do that work,
 7 but if you look at their budgeting, which I
 8 don't have access to, I guess, or the
 9 information in front of me now, I don't think
 10 these things were broken out as a line-by-line
 11 item specific to those assets, but it was
 12 based on discussion with their records over
 13 the last number of years to develop the budget
 14 for 2015 to maintain these assets and operate
 15 these assets to Hydro's standards.
 16 JOHNSON, Q.C.:
 17 Q. I see there's a housing line there, \$100,000,
 18 and if you scroll down a little bit, there's a
 19 footnote there. "Housing in Lab City for two
 20 operators working at the Wabush Terminal
 21 Station." So is that the arrangement? Is it
 22 50,000 per? Are they in separate homes? How
 23 does that work?
 24 MR. HENDERSON:
 25 A. They would be in separate homes.

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1 JOHNSON, Q.C.:

2 Q. And it's like -- is that the rental cost of

3 4,000 a month?

4 MR. HENDERSON:

5 A. I don't have -- I don't know, Darren?

6 MR. MOORE:

7 A. My understanding, it's the actual cost for

8 that housing facility for those employees. I

9 think it may be through a lease arrangement,

10 but I'd have to dig further on the exact

11 details, but I know it's the actual cost for

12 housing for those employees to provide that

13 service.

14 JOHNSON, Q.C.:

15 Q. So that's the cost of the lease for 2015?

16 MR. MOORE:

17 A. Yes.

18 JOHNSON, Q.C.:

19 Q. There was a question asked by PUB-403 and in

20 relation to transmission costs. If you could

21 bring up that RFI, PUB-NLH-403? The question

22 was to explain in detail why transmission

23 demand expenses for the Labrador

24 Interconnected System have increased more than

25 five times in the 2015 test year cost of

Page 42

1 service compared to the 2013 test year cost of

2 service as shown in the particular schedule,

3 and the answer indicates that the expenses for

4 transmission demand basically have increased

5 from 976,000 in 2013 to 5.276 million in the

6 2015 test year, which includes an increase in

7 operating and maintenance expense of four

8 million, 4.1 million, and it says "this

9 increase in O&M is primarily related to the

10 cost Hydro will be required to pay CF(L)Co for

11 maintenance of the TwinCo assets on the

12 Labrador Island -- or the Labrador

13 Interconnected System" and I was wondering the

14 basis for that reply in the sense that it was

15 primarily related to those costs because those

16 costs are 2.8 million, as I understand the

17 previous discussion. So what's the

18 explanation for the other 1.3 million of the

19 overall 4.1 million increase?

20 MR. HENDERSON:

21 A. Do you have that?

22 MR. MOORE:

23 A. I don't have that number, no.

24 MR. HENDERSON:

25 A. We'll have to undertake to provide that

Page 43

1 explanation, but it would be related to the

2 other assets in Labrador, which would be the

3 transmission line and the terminal stations

4 that go into Happy Valley area.

5 JOHNSON, Q.C.:

6 Q. Okay. All right. I'll take that undertaking.

7 MS. GLYNN:

8 Q. The undertaking is noted on the record.

9 JOHNSON, Q.C.:

10 Q. I just wish to turn to reliability. Mr.

11 Henderson, I said the same thing to Mr. Martin

12 when he was on the stand and that is I made

13 the observation that I didn't see much of a

14 discussion in Hydro's application, just merely

15 a paragraph or two or three perhaps at Section

16 2.3.4, which spoke of the recent events of

17 January '13 and the events of early 2014. And

18 you know, as we've seen and it's been

19 discussed in the hearing, even before the

20 events of 2014, Hydro did not meet its KPI

21 indicators as filed with the Board and I

22 indicated in my opening statement to the Board

23 that there had been a decline in reliability

24 of service. Similarly, Newfoundland Power

25 remarked the same. So what's your appraisal,

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1 as the VP in charge of Hydro, as to the

2 reliability situation over the last couple of

3 years?

4 (10:00 a.m.)

5 MR. HENDERSON:

6 A. In the last couple of years, we've had two

7 significant events that we have looked into,

8 investigated, identified action items to

9 address. There were specific items, a number

10 of items in those that we are addressing, have

11 addressed in many cases, and are continuing to

12 address. Those incidents are -- were

13 significant and a significant concern to us

14 and the impact that it had on our customers.

15 We're well aware of that and very concerned

16 about it and are taking it quite seriously to

17 address those problems that occurred with

18 those two significant events, and that's been

19 a significant and primary focus of the company

20 since they occur and continues to be to

21 address the items that were found and it is a

22 concern and one that we are working and

23 continue to work to prevent from occurring in

24 the future.

25 JOHNSON, Q.C.:

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1 Q. So you wouldn't take any exception with the
 2 statement that this recent performance has not
 3 been meeting customers reasonable
 4 expectations?
 5 MR. HENDERSON:
 6 A. I would agree that those -- nobody anticipated
 7 and would expect those kind of events to occur
 8 and that we, as a company, we are very
 9 concerned. It's been a strong focus of the
 10 company to address them.
 11 JOHNSON, Q.C.:
 12 Q. Yeah, I understand, but you know, the
 13 performance has not met with reasonable
 14 expectations of a reasonable customer?
 15 MR. HENDERSON:
 16 A. I can't speak for what a reasonable -- all I'm
 17 saying is that that performance is less than
 18 what our historic performance was. We are
 19 concerned that we get back to our performance
 20 levels that we've historically experienced.
 21 That's in the context of aging facilities, the
 22 Holyrood plant is going to be used more
 23 intensively over the next period of time. So,
 24 we have to ensure that we stay on top of the
 25 maintenance requirements for those facilities,

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1 that we replace them through our capital
 2 program as required to ensure the ongoing
 3 reliability and it's a high focus area for us
 4 to get our reliability to the level that
 5 customers have been accustomed to and we are
 6 moving on all of those fronts.
 7 JOHNSON, Q.C.:
 8 Q. When do you expect that we will be getting
 9 back to a level that customers have been
 10 accustomed to, as you put it?
 11 MR. HENDERSON:
 12 A. We are continually working on any issues that
 13 arise. We have a very strong focus on our
 14 asset management program to ensure that we're
 15 going appropriate condition assessments,
 16 completing our preventative maintenance
 17 program. All of those things will have an
 18 impact to bring reliability back to where it
 19 was. I have to say that there is no
 20 guarantees because we do have aging
 21 facilities, things can happen with aging
 22 facilities, but our objective is to stay on
 23 top of that to do everything that we can while
 24 balancing cost, of course, to ensure reliable
 25 service to our customers and that's our

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1 commitment to continue to do that. You're
 2 asking me when will it be back at a specific -
 3 I can't say a specific on it. That's not the
 4 type of thing that I could put out there, but
 5 all I can say is that we are doing a
 6 significant amount of work, have done a
 7 significant amount of work to ensure the
 8 reliability of the power system, and that will
 9 be our continued and ongoing focus, and that
 10 will result in improvements.
 11 JOHNSON, Q.C.:
 12 Q. But you don't really know how it'll take?
 13 MR. HENDERSON:
 14 A. As I said, we're in an environment where we
 15 have aging infrastructure that we are working
 16 through and addressing and to stay on top of
 17 that. All I can say is that that's the
 18 context in which we're working. To say, I
 19 don't know, I don't know that anybody can
 20 reasonably predict the future, but I can say
 21 that what we're doing is addressing the
 22 reliability issues, the things that occur on
 23 the system we will investigate, identify
 24 issues and address them. We also will look at
 25 the conditions so that we're proactive on the

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1 condition of the facilities to ensure that
 2 we're addressing it in an appropriate time
 3 frame.
 4 JOHNSON, Q.C.:
 5 Q. Mr. Henderson, yesterday you spoke of a number
 6 of changes implemented since January of 2014.
 7 You spoke about the addition of the Chief
 8 Operating Officer, the weekly tracking of
 9 preventative maintenance progress, a group
 10 focus on the CT, and you also discussed
 11 briefly the reliability improvement program
 12 which is being led by the Chief Operating
 13 Officer, and this is a - would you
 14 characterize this as a directed effort to seek
 15 out reliability improvement opportunities?
 16 MR. HENDERSON:
 17 A. It is to look at what we've experienced and
 18 continue to look at that to put them forward
 19 to make sure that we're following forward with
 20 the items that had been identified through our
 21 reviews over the last two years, and it is to
 22 also look for other opportunities to improve
 23 reliability that we may put forward through a
 24 capital improvement program or it could be any
 25 number of things, and I wouldn't - those are

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1 the types of things. It's to look at items
 2 that will address it, certainly considering a
 3 balance of cost as well, but it is to look for
 4 opportunities to improve reliability in areas
 5 that we feel our reliability performance
 6 should be better.
 7 JOHNSON, Q.C.:
 8 Q. So it sounds like you would agree with the
 9 characterization that it's a very directed
 10 effort?
 11 MR. HENDERSON:
 12 A. It is a specific directed effort so that we
 13 will be able to follow and track what we're
 14 doing to address any specific reliability
 15 issues that we've identified.
 16 JOHNSON, Q.C.:
 17 Q. And this will be - when was this reliability
 18 improvement program established?
 19 MR. HENDERSON:
 20 A. Well, what I would say to you that it has been
 21 always a focus of Hydro to address
 22 reliability, so in terms of a program, it has
 23 always been part of our work. It's not
 24 something new. What this is, is to ensure
 25 that we have it documented, the items that

Page 50

1 we're doing so that I have visibility of those
 2 items, and we can track each of those items
 3 that we're doing to address reliability, so
 4 they will - I say it's been happening all the
 5 time in Hydro, but this is to bring it up to a
 6 higher level so that I see it and I have it
 7 before me the document. So some of this will
 8 be things that may have been identified prior
 9 to 2013 that are ongoing. There will also be
 10 items that we've identified as a result of the
 11 reviews of 2013 and 2014, and they will be
 12 other things that people have been asked to
 13 look at where there's other opportunities that
 14 we can do on a go forward basis, so that I
 15 have visibility of it, and it's something that
 16 we will track on a go forward basis.
 17 JOHNSON, Q.C.:
 18 Q. So it sounds like it has a degree of formality
 19 to this program?
 20 MR. HENDERSON:
 21 A. It has a degree in what I would expect to see
 22 as a documented list of actions and
 23 initiatives.
 24 JOHNSON, Q.C.:
 25 Q. Right, and this is a significant part of the

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1 COO's duties, I take it?
 2 MR. HENDERSON:
 3 A. That is part of the COO, and that's one of,
 4 I'll say, critical pieces of his activities in
 5 2015 is getting that into a document for me.
 6 JOHNSON, Q.C.:
 7 Q. Now yesterday, Mr. Henderson, you stated in
 8 relation to the distribution SAIDI and SAIFI
 9 targets, as captured in the KPIs filed with
 10 the Public Utilities Board, that these were
 11 unrealistic for both 2013 and 2014, is that
 12 right?
 13 MR. HENDERSON:
 14 A. That's right.
 15 JOHNSON, Q.C.:
 16 Q. Now these would have been developed by Hydro's
 17 internal experts on these matters, isn't that
 18 right?
 19 MR. HENDERSON:
 20 A. These were developed some years ago by people
 21 who are knowledgeable on the reliability
 22 metrics, and they were established based on a
 23 continuous improvement of historic performance
 24 and making improvements year over year over
 25 historical performance. They did not

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1 adequately consider the work plan that was
 2 being put forward each year. They were, if
 3 you like, they were backward looking, they
 4 looked at where we had been and said, okay, we
 5 want to establish an improvement and they
 6 established a fixed annual improvement, 5 or
 7 10 percent over the previous year, and those
 8 metrics look back at where we had been to
 9 establish where we're going, they were not
 10 appropriately reflective of the capital
 11 program that we were putting forward and were
 12 executing, which would be including
 13 significant planned outages in our
 14 distribution system for distribution line
 15 upgrades, terminal station upgrades that were
 16 happening in Labrador City and Wabush where
 17 it's particularly significant to us the
 18 outages that were required because of growth
 19 in customers that were occurring in Labrador,
 20 in particular, but there's all of those
 21 aspects of it that when I talked to our folks
 22 about that, that they had not taken that into
 23 consideration. They had looked backwards and
 24 said we want to go for continuous improvement,
 25 and those targets had been established a

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1 number of years ago before these programs were
 2 being put forward in the capital and the
 3 approach was that if you didn't meet it, you
 4 carried the target forward into the next year,
 5 and you just keep carrying forward the target
 6 that had been established until you make it.
 7 That, when I looked at it, I said we need to
 8 rethink this because we've got an extensive
 9 upgrade program in our distribution systems
 10 that's affecting planned outages, and we also
 11 have to reflect the condition of our assets
 12 and that type of thing. So this year was the
 13 start of doing a more thorough review and
 14 bringing that into the target setting.
 15 JOHNSON, Q.C.:
 16 Q. But isn't it - so to your knowledge, how long
 17 had Hydro been preparing, in this case, the
 18 distribution SAIDI and SAIFI targets along the
 19 line as you've described them?
 20 MR. HENDERSON:
 21 A. It had been that way for a fairly long time.
 22 JOHNSON, Q.C.:
 23 Q. Right, and wouldn't it be true that in any
 24 particular year there would be capital
 25 projects being undertaken by Hydro that might

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1 have a bearing on outages? I mean, that's not
 2 new, is it?
 3 MR. HENDERSON:
 4 A. Our distribution system is - we have a fairly
 5 small customer base of 38,000 customers. So
 6 in that scenario, you can have high
 7 variability from year to year for significant
 8 events because one event in one community
 9 could have significant impact. You don't have
 10 the ability that you'd see in a large utility
 11 like Newfoundland Power that has 280 or 290
 12 thousand customers, have a larger customer
 13 base, that those things become less evident,
 14 but when we do something as extensive as we
 15 were doing in Labrador City, that has a big
 16 impact.
 17 JOHNSON, Q.C.:
 18 Q. But you're similarly, I take it, planning to
 19 change how you go about targeting on
 20 transmission SAIFI and SAIDI too, taking it
 21 into the same type of consideration, is that
 22 right?
 23 MR. HENDERSON:
 24 A. That's correct.
 25 JOHNSON, Q.C.:

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1 Q. And certainly you always had projects that
 2 impact transmission?
 3 MR. HENDERSON:
 4 A. Again it's reflective of we have been making
 5 considerable increase in our capital
 6 investment requiring additional outages, and
 7 so that is impacting on the performance or the
 8 metrics in those areas as well. There was a
 9 need to be more deliberate in setting the
 10 targets to consider those. There was an
 11 element in the transmission ones that was
 12 reflective of the plan, but again it did not -
 13 it didn't have the full robustness that would
 14 really reflect what's needed to set that
 15 target to be meaningful.
 16 JOHNSON, Q.C.:
 17 Q. So I guess, the bottom line is that the new
 18 targets, these new and improved targets, if
 19 you will, they're going to, in essence, make
 20 it less difficult for Hydro to meet them, do
 21 you agree with that?
 22 MR. HENDERSON:
 23 A. They are more realistic of the expectation of
 24 what the system - what will happen.
 25 (10:15 a.m.)

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1 JOHNSON, Q.C.:
 2 Q. And, for instance, I see a parallel here on
 3 customer satisfaction, and that is the
 4 customer satisfaction KPI was greater than 90
 5 percent in 2013, right?
 6 MR. HENDERSON:
 7 A. That's right.
 8 JOHNSON, Q.C.:
 9 Q. But then you folks adjusted the target to say,
 10 no, we're not going to demand of ourselves
 11 greater than 90 percent in 2014, we're going
 12 to drop it to greater than 80 percent in 2014,
 13 right?
 14 MR. HENDERSON:
 15 A. That's right.
 16 JOHNSON, Q.C.:
 17 Q. And then it made the target because according
 18 to the survey, it came in at 84 percent?
 19 MR. HENDERSON:
 20 A. Right.
 21 JOHNSON, Q.C.:
 22 Q. And, of course, you didn't measure customer
 23 satisfaction in 2013 at all, you just had a
 24 target, but it was not measured, right?
 25 MR. HENDERSON:

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1 A. That's right.
 2 JOHNSON, Q.C.:
 3 Q. Now with these adjusted distribution SAIDI and
 4 SAIFI targets that you're talking about, would
 5 Hydro have made target in either of 2013 or
 6 2014 with these new and improved targets?
 7 MR. HENDERSON:
 8 A. What we're talking about is a process of
 9 establishing targets, and we did not go back
 10 in 2012, 2013 or 2014 and change the targets.
 11 The targets were what they were, and we just
 12 lived with them. We did not go back and say
 13 what would we have done if we had done it
 14 differently. We didn't make that effort. We
 15 said on a go forward basis, we want to be
 16 doing that, but we did look back at what we
 17 had been experiencing and considered that in
 18 terms of the future targets because we wanted
 19 to make sure that we're challenging ourselves
 20 to improve.
 21 JOHNSON, Q.C.:
 22 Q. But what I'm getting at is we know the data
 23 from 2013 and 2014, we know the performance of
 24 Hydro on distribution SAIDI and SAIFI, and
 25 what I'm asking is if you applied the new

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1 targets that you have in mind now, would your
 2 performance in 2013 and 2014 have met these
 3 new and improved targets?
 4 MR. HENDERSON:
 5 A. Well, the target for 2015 is reflective of
 6 what we anticipate will happen in 2015,
 7 reflective of our outage plans in 2015,
 8 reflective of the work that we've done in the
 9 past to improve reliability to get
 10 improvements, so those targets are appropriate
 11 for 2015, they may not be appropriate for 2014
 12 or 2013 because they were focused on what we
 13 were doing in 2015.
 14 JOHNSON, Q.C.:
 15 Q. Yeah, but at the end of the -
 16 MR. HENDERSON:
 17 A. So if I put them back and compare them to the
 18 previous years, the previous years won't make
 19 those targets because there's an improvement.
 20 JOHNSON, Q.C.:
 21 Q. But at the end of the day what comes out of
 22 this new and improved process is a number,
 23 right?
 24 MR. HENDERSON:
 25 A. It is.

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1 JOHNSON, Q.C.:
 2 Q. Is a target?
 3 MR. HENDERSON:
 4 A. Yes.
 5 JOHNSON, Q.C.:
 6 Q. And all I'm asking you is numerically with
 7 that 2015 target you have in mind, would your
 8 performance in 2013 and 2014 have made the
 9 grade?
 10 MR. HENDERSON:
 11 A. No.
 12 JOHNSON, Q.C.:
 13 Q. No, okay. The only thing I say is that grade
 14 for those years, using that process, has not
 15 been set.
 16 JOHNSON, Q.C.:
 17 Q. Has Hydro sought any independent guidance on
 18 its approach to adjusting targets in this
 19 matter, or is this a made in Hydro approach?
 20 MR. HENDERSON:
 21 A. This is the approach that I have directed and
 22 requested occur. It's not something that came
 23 from anybody else.
 24 JOHNSON, Q.C.:
 25 Q. Now the Board has heard evidence, as have the

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1 parties, in this proceeding that the company's
 2 own targets that it set internally, not the
 3 KPI targets that get filed with the Board, but
 4 its own targets that find their way into
 5 performance contracts and the like, that the
 6 company's own targets weren't achieved in
 7 relation to reliability in either of 2013 or
 8 2014, and I take it you agree with that?
 9 MR. HENDERSON:
 10 A. Yes.
 11 JOHNSON, Q.C.:
 12 Q. Okay.
 13 MR. HENDERSON:
 14 A. But I will include one qualifier, is that the
 15 targets that we have are distribution
 16 reliability, transmission reliability,
 17 generation reliability, of different sorts.
 18 In some areas during that time, I believe that
 19 the reliability was not necessarily poor. My
 20 understanding is that in one of those years
 21 one area, I'll say, of a distribution area did
 22 meet target, or was close to meeting target.
 23 JOHNSON, Q.C.:
 24 Q. And we'll look at the internal reliability
 25 targets in a moment, but just to be clear, is

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1 it the internal targets that have been
 2 developed and which find themselves in the
 3 performance contracts, are they the targets
 4 that the company has been using to focus your
 5 efforts and work plans, and not the ones filed
 6 with the Board?
 7 MR. HENDERSON:
 8 A. There's different aspects of this. As far as
 9 the company is concerned and the high level
 10 ones that we discussed at the leadership team,
 11 there's certain ones there that we talk about,
 12 and for the most part we focus on initiatives
 13 that we're undertaking to improve reliability
 14 on those types of things, but the actual
 15 metrics of, a lagging metrics, looks back as
 16 to what you had, they are also there as well,
 17 and in each of the managers within Operations,
 18 they have metrics in their performance
 19 contracts related to reliability for their
 20 particular area of responsibility. So if it's
 21 a manager that has a distribution reliability
 22 area or concern, then that manager has a
 23 distribution reliability target built into
 24 their performance contract, and the measures
 25 that they have in terms of distribution

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1 reliability would be consistent with what we
 2 put to the Public Utilities Board as the
 3 target. There's nothing different there.
 4 It's one and the same. So the distribution
 5 SAIDI and SAIFI values that are put before the
 6 Board, while they are a high level company
 7 level, they can be broken down into a Labrador
 8 region or a Northern region, so each one of
 9 those regional managers will have their share
 10 of that reliability target to meet. The sum
 11 of each of the regions adds up to the whole,
 12 which is the number that we put in the KPI
 13 report.
 14 JOHNSON, Q.C.:
 15 Q. Well, tell us how the internal targets at
 16 Hydro on reliability differ from the ones
 17 filed with the Board?
 18 MR. HENDERSON:
 19 A. Hydro uses all of the ones that are filed with
 20 the Board and measures, tracks, reports.
 21 Every month, I see a report on the
 22 transmission SAIDI and SAIFI, the distribution
 23 SAIDI and SAIFI. I see the DAFOR forced
 24 outage rate on a rolling annual basis. I see
 25 the utilization forced outage probability, the

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1 UFOP on the combustion turbines. There's
 2 monthly reports on each of these that come to
 3 me, so that all of those are there and are
 4 monitored and I will have discussions with
 5 people who have different aspects of it.
 6 Generally speaking, what happens there is that
 7 you know and I know what the issues were
 8 before the report comes out because when they
 9 occur, I'm well aware of them, and there's a
 10 lot of discussion about them and let's look at
 11 what happened, how do we prevent that from
 12 happening again, what did we learn from that
 13 incident. All of these things, while these
 14 lagging measures show you at the end of the
 15 year how you've done, or each month they show
 16 you how you've done, but a lot of the focused
 17 discussion is what was the cause of the
 18 incidents that we had and what are we doing to
 19 address those incidents, and to improve
 20 performance and - so, you know, I'm going out
 21 a bit because, you know, what's important here
 22 is to learn from what's happening to make
 23 improvements. That's where our focus is. We
 24 talk about our asset management program and
 25 completion of our MPs, and we talk about the

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1 incidents and how we're investigating those
 2 incidents and ensuring that we do a consistent
 3 approach on that to improve reliability. As I
 4 said, at the end of the year when we measure
 5 our performance, we use the exact same metrics
 6 that have been reported to the Board in terms
 7 of looking and measuring how we do. That's a
 8 benchmark that we are striving to get to those
 9 levels, we have targets that we've established
 10 on those, and those targets are what we
 11 provide to the Board.
 12 JOHNSON, Q.C.:
 13 Q. The reliability focused targets, as discussed
 14 in your performance contracts of 2013 and
 15 2014, are reliability, forced outages, and
 16 maintain generation contingency reserve
 17 requirements?
 18 MR. HENDERSON:
 19 A. That's right.
 20 JOHNSON, Q.C.:
 21 Q. Could you explain to us what was the process
 22 that you folks used for arriving at your
 23 internal targets in relation to those areas?
 24 MR. HENDERSON:
 25 A. Can you just bring those up just so I have

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1 them as a reference?
 2 JOHNSON, Q.C.:
 3 Q. Certainly, these would be Undertaking 2.
 4 MR. HENDERSON:
 5 A. So there's two metrics there. One is the
 6 reliability and forced outages, so it excludes
 7 planned outages. So we're focusing on those
 8 that are unexpected. This measure is a
 9 measure of the amount of energy unsupplied by
 10 Hydro as a result of interruptions. This
 11 comes from the main transmission system and
 12 generation system, how well we've operated to
 13 supply energy to our customers. So this is a
 14 measure of how much energy wasn't supplied,
 15 and it's really - you can almost equate it to
 16 a customer measure because the customers are
 17 using the energy, but different customers use
 18 different amounts, but it's holistic and looks
 19 at the total unsupplied energy. That
 20 particular metric is one that is tied to our
 21 transmission SAIDI and SAIFI, and it's
 22 calculated using the transmission SAIDI and
 23 SAIFI. It also brings into account the under
 24 frequency load shedding that occurs
 25 periodically on our system. Because of our

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1 isolated nature, we have under frequency load
 2 shedding. The transmission SAIDI and SAIFI
 3 measures don't capture under frequency events.
 4 In order to ensure that we bring that into a
 5 single metric, we brought the unsupplied
 6 energy in, so it reflects the energy that
 7 wasn't supplied to customers as a result of
 8 transmission related issues or generation
 9 related issues, and as I said, it's tied back
 10 to we report to the Public Utilities Board the
 11 number of under frequency events and we report
 12 to the Board transmission SAIDI and SAIFI.
 13 This is connected to those through that
 14 measurement system. The generation
 15 contingency reserve is a measure of how well
 16 our generation is available during the winter
 17 period - well, actually it's throughout the
 18 whole year, but the strongest component is
 19 related to the winter. What it does, it's
 20 measuring the difference between how much
 21 generation we have available and how much the
 22 customers are demanding on the power system,
 23 and it tells us how many hours during the year
 24 in which our generation availability is
 25 putting us into a situation where if we had an

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1 event, that we would have a customer
 2 interruption. So we strive to get to 100
 3 percent there. That's where we want always to
 4 be in a situation where if an event occurs,
 5 that - we talked about in, in minus 1, it's
 6 that one event that occurs that takes you
 7 down. This measure here is looking at how
 8 well we are making our generation available to
 9 ensure customers load is met in case there is
 10 one more event. So we're basically looking
 11 for 99.5 target of that availability. So this
 12 ties back to our generation availability
 13 metrics. There isn't a similar metric like
 14 this reported that I'm aware of by anybody
 15 else, so it's not one that you can benchmark
 16 against other utilities, but it's one that we
 17 said this is really where the rubber hits the
 18 road, if you like, that if our generation is
 19 not there when a customer needs it, that's the
 20 issue, and while the generation availability
 21 number, if you look at it, that does not
 22 reflect customer demand, it just talks about
 23 the equipment, is it there or not. This one
 24 brought in the customer requirements and
 25 reflects the customers requirements day in and

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1 day out throughout the whole year. So this
 2 was put forward so that we were focused on
 3 that area from our generation perspective.
 4 (10:30 a.m.)
 5 JOHNSON, Q.C.:
 6 Q. And then how did these evolve then into 2015,
 7 because they changed in 2015, how did that
 8 come about?
 9 MR. HENDERSON:
 10 A. In 2015, what we did is we looked at it and we
 11 said we want to bring in the customer focus.
 12 While these here, you can look at them and
 13 say, okay, they are directed at the customer,
 14 as I just explained and the customer demands,
 15 we said, well, maybe the real thing here is to
 16 look at what is the real impact on customers.
 17 So in 2015, what we did is we looked at our
 18 historic impact on end customer use, so this
 19 was Newfoundland Power customers as well as
 20 Hydro's rural area customers.
 21 JOHNSON, Q.C.:
 22 Q. I think it might be useful to bring up the
 23 2015 on the screen. I think that's at
 24 Undertaking 10.
 25 MR. HENDERSON:

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1 A. Thank you. That's great, Jennifer. So the
 2 customer reliability, SAIDI, direct and NP,
 3 that is Newfoundland Power's customers and
 4 Hydro's direct rural customers, measuring how
 5 many hours during the year Hydro related
 6 things happened that caused an interruption to
 7 that customers load. So you take the hours
 8 that Hydro caused - I'm comfortable saying
 9 Hydro caused because it could be extreme
 10 weather, it could be any reason, but I'll say
 11 it's related to Hydro equipment caused an
 12 outage to our customers, and I'll say ours and
 13 Newfoundland Power's customers. We don't
 14 really look at them differently, they're all
 15 customers that we are required to supply.

16 JOHNSON, Q.C.:
 17 Q. Right.

18 MR. HENDERSON:
 19 A. So we're looking there at 1.98, on the
 20 threshold there, 1.98 hours per customer and
 21 that would be all of the customers that Hydro
 22 supplies, and then we set a target of 1.88
 23 hours to all of those customers. Similarly,
 24 on the frequency, we indicated 1.13
 25 interruptions per customer per year by Hydro

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1 related facilities, and a target of 1.08
 2 interruptions per customer. So in order to
 3 bring that metric and follow it, we have
 4 worked with Newfoundland Power so that they
 5 provide us regular updates of the impact our
 6 events, if you like, have on their customers.
 7 The other metrics didn't rely on Newfoundland
 8 Power, and so over the years we had progressed
 9 trying to do it with only our in-house things.
 10 That's why unsupplied energy was what we were
 11 using because we didn't have that direct
 12 access, but over the past period of time we
 13 worked with Newfoundland Power and we now have
 14 regular - every time there's an event on
 15 Hydro's system, we get the customer hours and
 16 the customer - how many customers were
 17 impacted and for what duration, so that we can
 18 keep track of it and report it to our folks so
 19 that I can see it, and we get a direct view of
 20 customers.

21 JOHNSON, Q.C.:
 22 Q. Mr. Henderson, where is - I didn't see any
 23 specific reference to customer satisfaction
 24 target in either 2013 or 2014 documents. Now
 25 I'm not seeing anything, I don't think,

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1 specific here on that in the 2015 document.
 2 Is customer satisfaction a part of your
 3 target?

4 MR. HENDERSON:
 5 A. In my personal performance contract, these are
 6 the areas that have been highlighted to focus
 7 on. The customer satisfaction is certainly
 8 one that we follow at the Hydro leadership
 9 team, it's an important measure, and we
 10 discuss every month how we're doing with
 11 respect to executing our customer satisfaction
 12 improvement plan, but we have a strategic plan
 13 that I believe has been filed with the Board
 14 on the actions that we are taking, and we
 15 discuss those each month on the initiatives,
 16 how well that's progressing, and the Vice
 17 President of Corporate Relations has been
 18 charged with that as her responsibility for
 19 Hydro. So she reports on that to the Hydro
 20 leadership team each month.

21 JOHNSON, Q.C.:
 22 Q. So is the long and short of it, that's not
 23 something that's in your own personal target?

24 MR. HENDERSON:
 25 A. It's not in my own personal performance

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1 contract, but it's something that I address
 2 each and every month and there's a number of
 3 things that happen in Hydro that aren't in
 4 this because if you were to put them all in
 5 here, you end up with watering down the value,
 6 if you like, if you put in all the areas that
 7 we're focused on, so the choice was made that
 8 the focus on the items that are in this
 9 performance contract.

10 JOHNSON, Q.C.:
 11 Q. But customer satisfaction, I mean, you'd think
 12 that would be pretty central?

13 MR. HENDERSON:
 14 A. Customer satisfaction is very important for us
 15 certainly.

16 JOHNSON, Q.C.:
 17 Q. Now I understand that Hydro is developing a
 18 customer service strategy, a five year
 19 customer service strategy. Are you aware of
 20 that initiative?

21 MR. HENDERSON:
 22 A. Yes, that's what I was just speaking to.

23 JOHNSON, Q.C.:
 24 Q. Okay, and did you have direct input and
 25 involvement in the development of that

Page 73

1 strategy?

2 MR. HENDERSON:

3 A. That strategy was led by our customer services

4 group, and that was brought forward to me and

5 presented to me, and I reviewed it and was

6 satisfied that it was a good plan. The

7 development of that involved people beyond the

8 Customer Services Department. It involved

9 field people who are talking to the customers

10 on a daily basis, because in order to complete

11 that, people in Darren’s shop also are key and

12 critical because they are the ones who deal

13 with customers when they have a problem with

14 their service or when they’re getting new

15 service, that type of thing. So while it was

16 lead by the Customer Service group, the Rural

17 Operations areas of the company were a

18 critical and key part of that as well.

19 JOHNSON, Q.C.:

20 Q. What will you be doing personally to ensure

21 the implementation of this strategy as it

22 rolls out, will you have a role in that

23 regard?

24 MR. HENDERSON:

25 A. My role will be working with the Vice

Page 74

1 President of Corporate Relations and ensuring

2 that we’re in regular contact on how that plan

3 is progressing, so each month I’m updated on

4 how well that is going. I also talk to the

5 Operations Managers, ensuring that they are

6 doing their role as part of that as well.

7 JOHNSON, Q.C.:

8 Q. But in terms of the driving of this, this is

9 not on your desk as much as it’s on the -

10 MR. HENDERSON:

11 A. I hesitate to say that it’s not, but I - there

12 are delegation of responsibilities here and

13 that’s one that’s delegated to the Vice

14 President of Corporate Relations to deliver.

15 JOHNSON, Q.C.:

16 Q. Turning to winter readiness just generally,

17 and we’ve touched on - this has been touched

18 on by Mr. O’Brien in terms of your appraisal

19 of that yesterday, I won’t revisit that. As

20 you’re aware, Mr. Henderson, or I assume that

21 you’re aware, the Board has recently sent

22 Hydro correspondence indicating that it plans

23 to monitor Hydro’s winter readiness planning

24 and scheduling, as was done last year in

25 advance of the winter season. You’re aware of

Page 75

1 that?

2 MR. HENDERSON:

3 A. Yes.

4 JOHNSON, Q.C.:

5 Q. And a report has been requested by the Board

6 by September 30th for a number of

7 deliverables. You’re aware of that?

8 MR. HENDERSON:

9 A. Yes.

10 JOHNSON, Q.C.:

11 Q. And can you undertake to file that report on

12 the record in this proceeding once it’s

13 prepared?

14 MR. HENDERSON:

15 A. Sure.

16 JOHNSON, Q.C.:

17 Q. Okay.

18 MS. GLYNN:

19 Q. Noted on the record.

20 JOHNSON, Q.C.:

21 Q. Can I discuss with you now the rural deficit.

22 Mr. Henderson -

23 MR. HENDERSON:

24 A. I have notes here. I just want to -

25 JOHNSON, Q.C.:

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1 Q. Okay. Mr. Henderson, you’re aware that the

2 rural deficit is now approaching 64 million, I

3 think, on an annual basis?

4 MR. HENDERSON:

5 A. That sounds right.

6 JOHNSON, Q.C.:

7 Q. And we asked in CA-207 if Hydro had a

8 projection of the rural deficit beyond 2015.

9 If we could bring up that RFI.

10 MS. GRAY:

11 Q. Revision 1, Mr. Johnson?

12 JOHNSON, Q.C.:

13 Q. Pardon me?

14 MS. GRAY:

15 Q. Revision 1?

16 JOHNSON, Q.C.:

17 Q. Yes. We asked the question as you can see

18 there, Mr. Henderson, what was Hydro’s

19 forecast for the rural deficit for the next

20 five years, and it was indicated that Hydro

21 does not currently have projections of the

22 rural deficit beyond this period, and why

23 wouldn’t Hydro have a forecast, and the reason

24 I ask you this is that I understood, and if

25 need be, we can pull up the order and we might

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1 do that in short order, that in the Board's
 2 2004 GRA Order, they ordered Hydro to submit
 3 in conjunction with its annual financial
 4 report a five year forecast of the rural
 5 deficit by system. Are you aware of that
 6 obligation?
 7 MR. HENDERSON:
 8 A. I wasn't aware of that specific obligation,
 9 but, you know, agree with it if that's what it
 10 says.
 11 JOHNSON, Q.C.:
 12 Q. Just if we could bring up the 2004 GRA Order,
 13 Page 120.
 14 MS. GRAY:
 15 Q. Sorry, Mr. Johnson, do you have the Order
 16 number?
 17 JOHNSON, Q.C.:
 18 Q. I can see if I can get it.
 19 MS. GLYNN:
 20 Q. We think it may be PU-14, 2004.
 21 JOHNSON, Q.C.:
 22 Q. I think that would be right, thank you very
 23 much. Page 120, I hope. You see after the
 24 Board's discussion of the general deficit for
 25 the rural deficit issue, it made a very

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1 particular Order. Do you see that, Mr.
 2 Henderson?
 3 MR. HENDERSON:
 4 A. I do, yes.
 5 JOHNSON, Q.C.:
 6 Q. And so there was a number of pieces of
 7 information that was expected to be provided,
 8 and, I guess, just going to the five year
 9 forecast, what's the reason that there's no
 10 five year forecast available?
 11 MR. HENDERSON:
 12 A. I can't say specifically because I - one thing
 13 I do know in terms of in order for the company
 14 to determine the rural deficit requires a cost
 15 of service study because there's costs that
 16 have to be allocated in order to identify the
 17 rural deficit. So I expect that - I'm
 18 speculating, but I expect that the difficulty
 19 in doing a forward looking is that you need to
 20 do a cost of service and a test year, and a
 21 type of analysis in order to predict what the
 22 rural deficit is, because it incorporates
 23 allocations that come out of a cost of service
 24 study.
 25 JOHNSON, Q.C.:

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1 Q. So there was other requirements as well in the
 2 Board's Order, including the cost per kilowatt
 3 hour per system, showing a comparison with
 4 cost per kilowatt hour for the Island-
 5 Interconnected System and Labrador, the
 6 deficit per customer, etc, and if I could turn
 7 you to the rural deficit annual report from
 8 March, 2015, that Mr. O'Brien brought up with
 9 you yesterday.
 10 (10:45 a.m.)
 11 MS. GLYNN:
 12 Q. Information number 8.
 13 JOHNSON, Q.C.:
 14 Q. Info 8. Mr. Henderson, have you had an
 15 opportunity to review this document?
 16 MR. HENDERSON:
 17 A. I have reviewed it, yes.
 18 JOHNSON, Q.C.:
 19 Q. And I take it that you will agree that this
 20 document is not providing the information that
 21 was ordered completely in the Board's 2004
 22 Order, right?
 23 MR. HENDERSON:
 24 A. This does not include the items that we just
 25 covered.

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1 JOHNSON, Q.C.:
 2 Q. Right. For instance, cost per kilowatt hour
 3 per system, or anything like that. So if we
 4 could just turn to NP-NLH-034.
 5 MS. GRAY:
 6 Q. Revision 2, Mr. Johnson?
 7 JOHNSON, Q.C.:
 8 Q. Yes, thank you. So if we come down a bit, we
 9 see the breakdown by system here, and quite a
 10 large chunk is taken up with the Island-
 11 Interconnected System. These would be your
 12 own direct customers on the island, right, the
 13 Northern Peninsula, those customers on the
 14 Interconnected grid?
 15 MR. HENDERSON:
 16 A. That's correct, they're on the Island-
 17 Interconnected System, North Peninsula, the
 18 South Coast, also Fogo, Baie Verte Peninsula.
 19 JOHNSON, Q.C.:
 20 Q. Right, so about 25 million of the 64 million,
 21 and Labrador Isolated is 27.4 million for that
 22 system. Now if we go then further to NP-NLH
 23 035, we start to see some of the cost recovery
 24 percentages for each Hydro rural system. So
 25 we see L'Anse Au Loup, about 45 percent cost

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1 recovery; Island-Interconnected, 67 percent;
 2 Island Isolated, 16 percent; Labrador
 3 Isolated, 24 percent, and on a total basis
 4 about 51 cents on the dollar is recovered. So
 5 you're familiar with these figures, I take it?
 6 MR. HENDERSON:
 7 A. Yes.
 8 JOHNSON, Q.C.:
 9 Q. Now Hydro's March 2015 report that we just
 10 spoke of outlined a number of different
 11 initiatives that Hydro was taking under
 12 operating initiatives, and we can go back to
 13 that document, and I'm sorry if we're jumping
 14 around, but I want to put it in a bit of
 15 context. So Page 3, the operating initiatives
 16 are contained at Page 3, and there's a number
 17 of bullet points about the retrofitting of
 18 fluorescent light fixtures in area offices,
 19 and I won't go through the whole listing of
 20 them, but I guess, Mr. Henderson, the question
 21 that I would have is do you expect with the
 22 sorts of initiatives that Hydro has been
 23 pursuing in these rural deficit areas, do you
 24 expect these to have a significant impact on
 25 the amount of the rural deficit going forward?

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1 Will these initiatives, in your view, be
 2 moving the needle very much on the amount of
 3 the rural deficit?
 4 MR. HENDERSON:
 5 A. They will have generally marginal impacts
 6 because of the elements of the rural deficit
 7 are not primarily driven by the rates that are
 8 charged to those customers, and the cost of
 9 the infrastructure, natural cost of
 10 maintaining an infrastructure in isolated and
 11 rural areas is, you know, costly and so
 12 there's a lot of those fundamental basics,
 13 there's the cost of the assets that are in
 14 play, the cost to maintain and operate those,
 15 the capital cost to replace them, the fuel
 16 cost related to the diesel systems, all of
 17 those fundamental - what we are striving to do
 18 is to affect fuel usage and operation and
 19 maintenance costs, so that we can keep those
 20 two as low as we can to deliver the level of
 21 service these customers require and would
 22 expect. So we work through that balance
 23 primarily through the O & M and through the
 24 fuel usage. Now in addition to that, our
 25 system planning group would be looking at the

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1 demand in those communities and how we may be
 2 able to meet that in a different manner, for
 3 instance, applying different general
 4 technologies that are more efficient and may
 5 lower the cost, and they would look at the
 6 long run cost of the generation supply to see
 7 what opportunities there are to give least
 8 cost supply to these customers over the long
 9 haul, but they would all result in capital
 10 investments and the cost, so all of those
 11 things fundamentally are what establishes the
 12 rural deficit and then the rates that
 13 customers are charged is the other side of
 14 that equation. So to the extent that we have
 15 the rates are relatively fixed by Government
 16 policy and direction, that's one side of
 17 things that there's not anything directly that
 18 Hydro does as it follows Government direction,
 19 but the cost is where we would focus on, the O
 20 & M cost, and how we can influence the costs
 21 that are going into the cost of supplying
 22 customers in the rural areas of the province.
 23 JOHNSON, Q.C.:
 24 Q. So how is Government influencing the cost?
 25 MR. HENDERSON:

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1 A. Well, the Government doesn't - well, in terms
 2 of Government influencing the cost, Government
 3 has facilities in the rural areas, there's
 4 Government buildings, schools, and that sort
 5 of thing, so they influence the cost through
 6 their facilities and the energy use that those
 7 facilities have and the rates that they pay,
 8 and their rates are cost based rates for
 9 certain government facilities, so they - at
 10 least in the - their rates are fully cost
 11 recovered rates, so they would - in their own
 12 facilities would not be contributed to the
 13 rural deficit.
 14 JOHNSON, Q.C.:
 15 Q. How about Government policy, does that have
 16 any impact on the level of the rural deficit?
 17 MR. HENDERSON:
 18 A. Government policy does influence the -
 19 Government policy establishes or has
 20 established the rates that are charged in the
 21 rural areas, and so that's where the
 22 Government's influence is on the rural
 23 deficit.
 24 JOHNSON, Q.C.:
 25 Q. Right. Now if I could bring you up to PUB-339,

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1 and if we scroll up a little bit, this
 2 question references Hydro having filed as part
 3 of its 2003 GRA, a discussion paper for the
 4 Minister of Mines and Energy on the rural
 5 deficit, which included information on the
 6 comparative practices in other jurisdictions,
 7 etc, and Hydro was asked to provide a copy of
 8 this discussion paper and update the
 9 information provided relative to comparative
 10 practices. So what we see here in Attachment
 11 1 is a copy of the discussion paper, and just
 12 to go back again, I'm sorry - it said, "The
 13 source of the original data no longer produces
 14 it. Hydro attempted to gather relevant data
 15 through its participation in CEA Finance
 16 Committee on two occasions and only received a
 17 response from one", etc, so it just basically
 18 goes on to produce the discussion paper. I'd
 19 just like to bring you to Page 10 of that. It
 20 says, "With regard to continued increasing
 21 cross-subsidization among rate payers, the
 22 Board highlights a concern of implementing
 23 rates which are unreasonable or
 24 discriminatory", and then the paper quotes the
 25 Board as saying, "The Board refers to its

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1 statutory obligation in implementing rates
 2 that are in accordance with the Provincial
 3 Power Policy. Section 3.3(a), Clause 1 of the
 4 EPCA states, "The rates to be charged should
 5 be reasonable and not unjustly
 6 discriminatory". Depending on the level of
 7 subsidy paid by one customer to support
 8 equitable rates for another customer, rates
 9 may be judged unreasonable and discriminatory
 10 to the subsidizing customer". Is this a
 11 concern that you would share as well, Mr.
 12 Henderson, about depending on the level of
 13 subsidy, there would be a concern as to
 14 whether the rates would be unreasonable and
 15 discriminatory?
 16 MR. HENDERSON:
 17 A. Well, the Board makes that judgment as to
 18 what's reasonable and what we do is we bring
 19 forward a rate application that's consistent
 20 with the Board's Order - consistent with the
 21 Government's directive, and what has been
 22 established in previous hearings. From where
 23 that lies, that falls out where it is. I
 24 don't - this is Government policy, basically,
 25 establishing this, so I don't have an opinion

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1 one way or another on what Government policy -
 2 that's what the Government policy puts out
 3 there.
 4 JOHNSON, Q.C.:
 5 Q. But wouldn't Hydro have a say as to whether or
 6 not it felt that rates being charged to
 7 customers could be judged unreasonable or
 8 discriminatory?
 9 MR. HENDERSON:
 10 A. Well, when we put forward our rates, that's a
 11 consideration of our rate proposals, and our
 12 Rates Department would be - our rates witness
 13 would be able to specifically speak to how we
 14 address that in our rate applications, but
 15 with respect to the rural subsidy, the
 16 Government has established the policy and we
 17 are implementing that policy as directed.
 18 JOHNSON, Q.C.:
 19 Q. And, I guess, you will agree that the rural
 20 deficit that the Board was expressing concern
 21 over then, at around that time the rural
 22 deficit was only about - and I say "only", but
 23 it was about 38/39 million, is that right?
 24 MR. HENDERSON:
 25 A. It was probably in that range at that time. I

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1 don't know what it would have been in terms of
 2 the percentage, and I'll say add on to the
 3 base cost for Newfoundland Power customers
 4 then versus now, I don't know, but the dollar
 5 amount of the deficit has grown, but costs
 6 have grown and rates have grown also during
 7 that time. In terms of how much of a subsidy
 8 it is on the rate, I don't know.
 9 JOHNSON, Q.C.:
 10 Q. Mr. Henderson, my expert, Mr. Bowman, has
 11 called the rural deficit a significant burden
 12 on the subsidizing customers. Would you agree
 13 that it's now representing a significant
 14 burden?
 15 MR. HENDERSON:
 16 A. It is - I'll say 65 million dollars is a
 17 significant amount of money in general terms,
 18 so I would agree that the 65 million dollars
 19 is a significant amount of money, but again we
 20 are implementing Government policy in
 21 establishing the rates.
 22 JOHNSON, Q.C.:
 23 Q. And will Hydro have a witness who can speak to
 24 whether the effect of that burden is - whether
 25 it's unreasonable or discriminatory?

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1 MR. HENDERSON:
 2 A. Well, I don't know. That's a judgment that
 3 the Board, I think, makes in terms of what's
 4 reasonable. We put forward a rate application
 5 that's consistent with Government direction
 6 and consistent with the way the Board has
 7 directed us in the way we should allocate
 8 costs, and that's the way our witness would
 9 respond.
 10 (11:00 a.m.)
 11 JOHNSON, Q.C.:
 12 Q. Mr. Chairman, we're on the hour, so if I can
 13 stop here.
 14 CHAIRMAN:
 15 Q. Okay.
 16 (RECESS)
 17 (11:37 a.m.)
 18 MS. GLYNN:
 19 Q. Mr. Chair, there is one small amendment to an
 20 Undertaking that I forgot to mention to you.
 21 Ms. Pennell will speak to that.
 22 MS. PENNELL:
 23 Q. This is in relation to Undertaking 4, the
 24 budget guidelines. When we went through the
 25 2013 budget guidelines, we realized it

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1 referenced a 2013 budget O & M guidance
 2 document. That wasn't included in the package
 3 that we filed, so we do have that piece of
 4 paper to add to Undertaking 4.
 5 CHAIR:
 6 Q. Okay. Mr. Johnson, sir, the stage is yours.
 7 JOHNSON, Q.C.:
 8 Q. Thank you, Mr. Chairman. Mr. Henderson, did
 9 Hydro ever receive any written comment from
 10 Government on the rural deficit issues
 11 following the filing of the March 2003 report,
 12 do you know?
 13 MR. HENDERSON:
 14 A. I don't know. I wasn't involved at that time,
 15 so I don't know for sure.
 16 JOHNSON, Q.C.:
 17 Q. Could you undertake to check and advise in
 18 that regard?
 19 MR. CASS:
 20 Q. Yes, Mr. Chair.
 21 MS. GLYNN:
 22 Q. Undertaking noted on the record.
 23 JOHNSON, Q.C.:
 24 Q. Mr. Henderson, would you view it as Hydro's
 25 responsibility to review the implications that

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1 the deficit is having in terms of the impact
 2 on customers who are providing the cross-
 3 subsidy, and to bring that to the attention of
 4 Government?
 5 MR. HENDERSON:
 6 A. Hydro is aware of the amount of the deficit
 7 and, I guess, we look at that each year, but
 8 in terms of going to the Government and asking
 9 them - are you saying that Hydro should be
 10 going to the Government to ask them to do
 11 something?
 12 JOHNSON, Q.C.:
 13 Q. Well, I'm asking if you whether you regard
 14 Hydro as having a responsibility to review the
 15 implications of the rural deficit and the
 16 effect on those doing the cross-subsidization
 17 and bring the issue directly to Government's
 18 attention?
 19 MR. HENDERSON:
 20 A. I say that we did bring it to Government's
 21 attention as directed by the Board following
 22 the hearing that we referenced earlier, and
 23 the Government, I would suggest, is aware of
 24 the impact and it has given policy direction
 25 and continues to provide policy direction in

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1 that regard.
 2 JOHNSON, Q.C.:
 3 Q. You say it was brought to the Government's
 4 attention, when was that?
 5 MR. HENDERSON:
 6 A. The document we just referred to in terms of
 7 the - you asked me if we had a response from
 8 the Government.
 9 JOHNSON, Q.C.:
 10 Q. Yes.
 11 MR. HENDERSON:
 12 A. The only documented response that is in the
 13 record here is the Government's directive with
 14 regard to rural rates, so to the extent that
 15 that's reflective of what the Government's
 16 policy is, that continues to be in place.
 17 JOHNSON, Q.C.:
 18 Q. But Hydro has not gone back to Government, I
 19 take it, since the filing of this report with
 20 the Minister?
 21 MR. HENDERSON:
 22 A. I'm not aware whether Hydro has gone back to
 23 the Government, but the Government would be
 24 aware from that paper that there is a subsidy
 25 there.

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1 JOHNSON, Q.C.:

2 Q. Mr. Henderson, we've been turning to the issue

3 of conflict and transparency in the Hydro

4 matrix organization scheme. We've been

5 advised through Hydro's testimony, I'll try to

6 summarize it, that conflicts between Hydro and

7 other interests don't arise, but if they did,

8 they would be handled and resolved and we've

9 been told that the people on Hydro's

10 leadership team, many of whom are non-Hydro

11 employees, have the responsibility and

12 accountability to ensure that what's required

13 for Hydro is undertaken, and you said that's

14 very clear.

15 MR. HENDERSON:

16 A. Yes.

17 JOHNSON, Q.C.:

18 Q. Do you remember saying that?

19 MR. HENDERSON:

20 A. Yes.

21 JOHNSON, Q.C.:

22 Q. Mr. Henderson, can you appreciate the need for

23 transparency and clear rules around these

24 types of governance and decision making issues

25 in the context of a regulated utility in a

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1 matrix organization where other entities are

2 non-regulated?

3 MR. HENDERSON:

4 A. Well, there are inter-company guidelines that

5 we have in place that we follow.

6 JOHNSON, Q.C.:

7 Q. But nothing that addresses these conflict

8 issues or addresses in a formal way, I think

9 you'd agree with me, as regards the

10 responsibility and accountability of Nalcor

11 employees to do what's required for Hydro,

12 that which you said is very clear?

13 MR. HENDERSON:

14 A. Yes, it's clear for those people who are on

15 the Hydro leadership team that they have that

16 responsibility and accountability.

17 JOHNSON, Q.C.:

18 Q. It's clear, but it's not documented, is that

19 right?

20 MR. HENDERSON:

21 A. I'm thinking what we may have documented, but

22 it may not be documented - I'd have to check

23 to see what we have in terms of the Hydro

24 leadership team members responsibility, but

25 it's clear to me and it's clear in all of our

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1 discussions certainly that they understand

2 that they have that accountability for Hydro

3 while sitting on that team.

4 JOHNSON, Q.C.:

5 Q. Perhaps what you could do is undertake to

6 advise us where the clarity is on the

7 documentation on the record as to it being

8 clear that these Nalcor employees have the

9 responsibility and accountability that you

10 spoke of. Now on the conflicts part, I'm not

11 aware -

12 MS. GLYNN:

13 Q. Mr. Johnson, I'm interrupting you, I note the

14 undertaking on the record.

15 JOHNSON, Q.C.:

16 Q. I'm sorry about that.

17 MS. GLYNN:

18 Q. Thank you.

19 JOHNSON, Q.C.:

20 Q. On the conflict issue, we haven't referred to

21 any rules pertaining to how a conflict would

22 be handled and resolved in this proceeding,

23 have we?

24 MR. HENDERSON:

25 A. There hasn't been any conflict of any

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1 significance that's been brought to my

2 attention, so the - it is addressed if there

3 is anything - as long as people are completing

4 the work that they're required to do is

5 addressed, and this is similar to the way

6 Hydro has been for many years. Prior to

7 Nalcor, there was a shared service model with

8 CF(L)Co, and it's the same type of thing, it's

9 been practised, and that's the way we've been

10 doing our business for years is sharing

11 services to provide the economies and scale

12 that you get through shared services.

13 JOHNSON, Q.C.:

14 Q. But there's nothing documented in terms of if

15 an issue did arise, how it would be resolved,

16 right?

17 MR. HENDERSON:

18 A. There is no document that I'm aware of.

19 JOHNSON, Q.C.:

20 Q. Right, and then this brings me back then to my

21 question about whether you appreciate the need

22 for the transparency and clear rules around

23 these sorts of issues when we're dealing with

24 a regulated utility in amongst non-regulated

25 entities?

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1 MR. HENDERSON:
 2 A. I guess, I'm not quite sure exactly what
 3 you're asking or what you're saying a rule
 4 would be. I think we've articulated that
 5 people have responsibility and accountability
 6 to do their work in accordance with the annual
 7 work plan, and if they're in a functional
 8 area, they have responsibility and many people
 9 in the functional area are Hydro employees,
 10 they are providing the work, the work is
 11 getting done. I'm not sure where the conflict
 12 is because a functional area is providing a
 13 service.
 14 JOHNSON, Q.C.:
 15 Q. I guess, for you, are you saying that that's
 16 clear and transparent enough to anybody who's
 17 looking at Hydro as a regulated entity?
 18 MR. HENDERSON:
 19 A. Well, I guess, what I'm saying is that's the
 20 way it is. In terms of clarity, I guess, I'm
 21 not sure what additional clarity other than to
 22 write down what I just said on paper. I'm
 23 just trying to understand what that will
 24 achieve, but, you know, I'll take it that
 25 you're asking for it, and there may be

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1 something that will bring value, I don't know.
 2 JOHNSON, Q.C.:
 3 Q. Let me turn to fuel conversion, or heat rate,
 4 basically, I guess. There was a discussion
 5 yesterday regarding BTUs and the effect that
 6 that would have on the fuel conversion factor.
 7 Now right now, Mr. Henderson, Hydro is
 8 managing that business risk by doing things
 9 such as retaining Stantec to assist by
 10 advising Hydro on fuel specifications in the
 11 tendering process, correct?
 12 MR. HENDERSON:
 13 A. Well, Hydro experienced some fuel quality
 14 issues in 2013, which caused us to look at
 15 what's happened in the market because we had
 16 been using the standard specification for a
 17 number of years. So we went out and said,
 18 okay, we need to understand what's going on,
 19 something is changing here and our suppliers
 20 were telling us that this is the type of
 21 product that's out there, so we went to
 22 Stantec to say we would like some expertise in
 23 looking at the specification. It wasn't to
 24 deal with the BTU content, it was more to do
 25 with the quality. While the BTU content was

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1 changed following that review, but a lot of
 2 the focus was on the quality, what's in the
 3 fuel and how do we assure ourselves that we
 4 don't have ongoing operational concerns with
 5 plugging due to the fuel, or wear on the
 6 motors that are - the impellers that are
 7 pumping the fuel around. We were running into
 8 a number of issues like that which we had
 9 brought forward to the Board, and so we wanted
 10 to address those. That was the initiative. The
 11 initiative here in terms of BTU content, it
 12 did change it, but I think the important thing
 13 to note is that we were always buying BTUs and
 14 we will continue to buy BTUs, so there's
 15 always an adjustment in our contracts for BTU
 16 content. It was - that's been there as long
 17 as I've been involved with Hydro.
 18 JOHNSON, Q.C.:
 19 Q. But I thought - I took you to mean yesterday
 20 or I took you to say yesterday that Stantec
 21 actually did advise Hydro on tender
 22 specifications as regards BUI content, is that
 23 correct?
 24 MR. HENDERSON:
 25 A. They did.

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1 JOHNSON, Q.C.:
 2 Q. And you implemented those?
 3 MR. HENDERSON:
 4 A. We made that change, but like I said, the net
 5 effect is that we were still - if their BTU,
 6 they don't meet - supplier doesn't meet that
 7 precise number that's in the BUI - in the
 8 specification, they don't meet that BUI level
 9 and they deliver a lower, they are able to
 10 deliver a lower BTU, but we will discount the
 11 price because of it.
 12 JOHNSON, Q.C.:
 13 Q. Yes.
 14 MR. HENDERSON:
 15 A. And that was always the case.
 16 JOHNSON, Q.C.:
 17 Q. Okay, fair enough. Let's just move on then to
 18 another way that you're managing the risk
 19 having to do with the fuel conversion factor,
 20 and I think you would agree this time that you
 21 are - Hydro is managing the business risk by
 22 ensuring that the manner in which your thermal
 23 plant operators operate their boilers is
 24 optimal, correct?
 25 MR. HENDERSON:

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1 A. Hydro is doing it for - you suggest it's
 2 because of business risk, and I would say to
 3 you that that may be an element of it, but the
 4 big business risk is all about the
 5 uncontrollable aspects of variability on the
 6 load on the units, and the BTU content is
 7 another one that has arisen to prominence in
 8 recent years, and so those are the big aspects
 9 that affect the controllability and has the
 10 big business risk. The amount that the
 11 operators adjust the boiler is a marginal
 12 adjustment on that, but that's something that
 13 we do as good prudent operators. We do that
 14 to try to maximize the efficiency regardless,
 15 it's not - we're not driven to do it because
 16 of the business risk. We've driven to do it
 17 because of environmental commitments to reduce
 18 pollution, to be as efficient as possible. We
 19 set objectives regularly to improve that
 20 efficiency. We're audited in an EMS Program
 21 and ISO 14001 commitment that we have, that
 22 we're audited regularly to show that we're
 23 doing the things that we should be doing to
 24 improve continually in our environmental
 25 stewardship of our responsibility. So does

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1 improvements will be happening regardless of
 2 the risk associated with the conversion rate
 3 of the plant. There's a number of things that
 4 we do because it's the right thing to do, not
 5 necessarily because we're driven by the risk
 6 to the company. If that was our reason for -
 7 motivated our operation, we would be running
 8 the Holyrood plant at a higher load to get a
 9 higher conversion rate, which makes no sense.
 10 We, as stewards of the electricity system, are
 11 looking to do it in the least cost efficient
 12 manner.
 13 JOHNSON, Q.C.:
 14 Q. But how you do on fuel conversion does impact
 15 Hydro's bottom line, right?
 16 MR. HENDERSON:
 17 A. How we do on conversion factor absolutely
 18 affects Hydro's bottom line, and that's
 19 precisely why the variability of those that
 20 are uncontrollable is why we put forward the
 21 requirement from Hydro's perspective of that
 22 uncontrollable cost being taken from the
 23 company's bottom line because it's not
 24 something the company can control.
 25 JOHNSON, Q.C.:

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1 Q. Well, let's put it this way. That risk, that
 2 variability that affects your bottom line that
 3 may come about through the fuel conversion
 4 rates or heat rates, that's something that you
 5 had in your laps for years and years and
 6 years, right?
 7 MR. HENDERSON:
 8 A. That's correct.
 9 JOHNSON, Q.C.:
 10 Q. Okay, and you had that as your responsibility
 11 with a much lower ROE, correct?
 12 MR. HENDERSON:
 13 A. Yes.
 14 JOHNSON, Q.C.:
 15 Q. Than what you are seeking in this application,
 16 some 20 odd million dollars more than what
 17 would have been established from the last time
 18 the Board examined your ROE, correct?
 19 MR. HENDERSON:
 20 A. Yes, the ROE is higher.
 21 JOHNSON, Q.C.:
 22 Q. And so along with you increasing your return
 23 on equity dramatically, you're asking to be
 24 relieved of this risk. I say it's a business
 25 risk, but you call it what you will, of this

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1 risk, and for it to be placed on customers?
 2 MR. HENDERSON:
 3 A. It's an uncontrollable cost that Hydro is
 4 incurring because of the manner in which Hydro
 5 operates is to provide the most efficient use
 6 of the electricity system, and in doing that,
 7 we're driving costs onto Hydro that Hydro, in
 8 essence, can't control other than to do things
 9 that are not the most effective way to operate
 10 the power system.
 11 JOHNSON, Q.C.:
 12 Q. But you can have influence over - you can make
 13 forecasts about what your fuel conversion rate
 14 is, right?
 15 MR. HENDERSON:
 16 A. We do make forecasts on the fuel conversion
 17 rate, but the variability on that fuel
 18 conversion rate, for the reasons I just
 19 explained, is having an impact, and that those
 20 variabilities are outside of Hydro's control.
 21 JOHNSON, Q.C.:
 22 Q. Well, I guess, you would agree with me, this
 23 must be an obvious point, that Hydro would
 24 become completely financially indifferent as
 25 to how well it managed the heat rate to the

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1 extent that it could, or how well it
 2 forecasted these costs, right, that would be
 3 the end result if the Board accedes to your
 4 recommendations, right?
 5 MR. HENDERSON:
 6 A. The variability in the conversion factor would
 7 be - would no longer be an exposure to Hydro
 8 because it's an uncontrollable aspect of
 9 Hydro's business.
 10 JOHNSON, Q.C.:
 11 Q. And did you question how would - I guess, put
 12 it this way, the fairness of - because I don't
 13 think your discussion yesterday got into how
 14 it tied into the return on equity, but did you
 15 inquire into the fairness of this relative to
 16 the fact now that you're not only looking to
 17 put this burden on customers and relieve
 18 yourselves of it, these and the other deferral
 19 accounts, by the way, but you're doing it in
 20 the context where the return on equity request
 21 pursuant to the direction is much, much
 22 higher? Did you consider that?
 23 MR. HENDERSON:
 24 A. The return on equity was a directive directed
 25 by the Government that that's what Hydro's

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1 return - what we are talking about is the
 2 uncontrollable cost of Hydro and the
 3 appropriateness for those to be in a deferral
 4 account, and it's precisely because of the
 5 uncontrollable nature of those and the impact
 6 they can have that the deferral accounts have
 7 been put forward.
 8 JOHNSON, Q.C.:
 9 Q. You weren't directed to bring forward deferral
 10 accounts?
 11 MR. HENDERSON:
 12 A. We were not directed to bring forward, but in
 13 order to achieve the rate of return, we
 14 control the things that we can in order to
 15 enable us to get to the rate of return. The
 16 things that we don't control, we seek, as is a
 17 common practice within the utility business,
 18 deferral accounts for those aspects which are
 19 uncontrollable, and that's what we are putting
 20 forward. I also mentioned in terms of there's
 21 risk and there's also benefits to customers in
 22 these as the cost change, the customers do
 23 benefit and they flow through. Rather than
 24 flowing through to Hydro's bottom line, the
 25 variability on these things will flow back to

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1 customers as well. It isn't just a negative.
 2 It's the fact that it's variable and
 3 uncontrollable.
 4 JOHNSON, Q.C.:
 5 Q. But that's beside the point, though, because
 6 the variability is the risk, right?
 7 MR. HENDERSON:
 8 A. The variability is the risk, but it goes both
 9 ways, it goes up and down.
 10 JOHNSON, Q.C.:
 11 Q. We're talking about risk in the financial
 12 sense, up or down, but in any event, that's
 13 proposed to be transferred away from Hydro?
 14 MR. HENDERSON:
 15 A. That's correct.
 16 JOHNSON, Q.C.:
 17 Q. If I could turn to some questions that touch
 18 upon energy supply expenditures, and in
 19 particular, Mr. Henderson, as you know,
 20 there's been a pilot study, a Pilot Supply
 21 Agreement, that's going to be remaining in
 22 place on a piloted basis pertaining to supply
 23 from Corner Brook Pulp and Paper. You're
 24 aware of that, right?
 25 MR. HENDERSON:

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1 A. Yes.
 2 (12:00 p.m.)
 3 JOHNSON, Q.C.:
 4 Q. And if I could bring up CA-288. This question
 5 is asked in light of the data and information
 6 filed in the Amended 2013 GRA and the recent
 7 reduction in oil price forecast, "Please
 8 update the following information for the
 9 period 2014 through 2017 as it relates to the
 10 CBPP Demand Credit Agreement", and the answers
 11 are below which the table outlined a potential
 12 for annual savings of fuel costs based on 2014
 13 actual fuel consumption, and it indicates, "As
 14 indicated, there's been a modest reduction of
 15 potential savings to about \$520,000.00
 16 annually". Now just explain these fuel
 17 savings for us, how they come about under this
 18 arrangement?
 19 MR. HENDERSON:
 20 A. Overall at a high level and - if you need to
 21 get into details, the System Operations and
 22 Planning Panel will be prepared to talk to the
 23 detail, but at a high level the savings come
 24 about by allowing Corner Brook Pulp and Paper
 25 to run their hydroelectric facilities as

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1 efficiently as possible to reduce the amount
 2 of - produce additional energy from their
 3 hydroelectric facilities, and, therefore, by
 4 doing that, they displace the requirement for
 5 Hydro to produce electricity from Holyrood.
 6 JOHNSON, Q.C.:
 7 Q. Okay, and I understand that these fuel savings
 8 will be reduced in due course as Muskrat comes
 9 on, is that correct?
 10 MR. HENDERSON:
 11 A. When we become interconnected, they would
 12 drop, yes.
 13 JOHNSON, Q.C.:
 14 Q. Now Corner Brook Pulp and Paper saves a large
 15 amount of money through this mechanism, is
 16 that correct?
 17 MR. HENDERSON:
 18 A. Yes, I think as was there in the question, it
 19 indicated that there were savings that Corner
 20 Brook Pulp and Paper achieve here too.
 21 JOHNSON, Q.C.:
 22 Q. Yes, it's 288, Part C, is it, if we go down,
 23 "Hydro has identified approximately
 24 \$595,000.00 savings annually in 2016 and
 25 2017".

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1 MR. HENDERSON:
 2 A. Yes.
 3 JOHNSON, Q.C.:
 4 Q. And how will the savings that Corner Brook
 5 Pulp and Paper realize, how will that be made
 6 up? Will Hydro take a loss, or will it come
 7 from other customers?
 8 MR. HENDERSON:
 9 A. I would suggest that there's an element of
 10 both, I would think. There is an overall
 11 system savings in fuel. Then to the extent
 12 that there is additional savings to Corner
 13 Brook Pulp and Paper, then they come from
 14 either Hydro or the other customers.
 15 JOHNSON, Q.C.:
 16 Q. So will the greater proportion of it come from
 17 other customers as opposed to Hydro?
 18 MR. HENDERSON:
 19 A. I haven't gone through the mechanics. I
 20 wouldn't be able to -
 21 JOHNSON, Q.C.:
 22 Q. Mr. Humphries would know more about that?
 23 MR. HENDERSON:
 24 A. One of the members on Mr. Humphries panel
 25 will.

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1 JOHNSON, Q.C.:
 2 Q. Okay. In terms of the capacity agreements
 3 that have been entered into with Corner Brook
 4 Pulp and Paper, you're aware that there's been
 5 two of those entered, is that right, Mr.
 6 Henderson?
 7 MR. HENDERSON:
 8 A. That's correct.
 9 JOHNSON, Q.C.:
 10 Q. And the initial agreement, I think you might
 11 confirm, allows for Hydro to call on Corner
 12 Brook Pulp and Paper for up to 60 megawatts of
 13 capacity assistance during the winter peak, is
 14 that right?
 15 MR. HENDERSON:
 16 A. Yes.
 17 JOHNSON, Q.C.:
 18 Q. And they do that by both reducing their firm
 19 demand by 9 megawatts, and by providing 51
 20 megawatts of capacity to Hydro from Corner
 21 Brook Pulp and Paper facility, is that
 22 correct?
 23 MR. HENDERSON:
 24 A. I'll say what they actually do is they reduce
 25 the consumption in the paper mill. They shut

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1 down equipment in the paper mill to enable
 2 that amount of power to flow back from their
 3 hydroelectric generation. They're not actually
 4 changing their hydroelectric generation, it's
 5 staying the same, and they're reducing their
 6 internal load such that results in power from
 7 their hydroelectric generation coming back
 8 into the power system.
 9 JOHNSON, Q.C.:
 10 Q. And then is there also a second agreement that
 11 provides additional net capacity assistance of
 12 22 megawatts, is that right?
 13 MR. HENDERSON:
 14 A. There is an additional amount there that if
 15 need be, if we got to that level, we could
 16 call on it.
 17 JOHNSON, Q.C.:
 18 Q. And that would be through a further
 19 interruption of Corner Brook Pulp and Paper
 20 load?
 21 MR. HENDERSON:
 22 A. That's right.
 23 JOHNSON, Q.C.:
 24 Q. Now how would - are you the one to talk about
 25 how this would work during a system emergency?

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1 MR. HENDERSON:
 2 A. Mr. Humphries panel would be the best ones to
 3 deal with how that's dispatched and taken care
 4 of.
 5 JOHNSON, Q.C.:
 6 Q. Okay. And he'd also speak to how Hydro would
 7 monitor Corner Brook Pulp and Paper
 8 performance during that emergency?
 9 MR. HENDERSON:
 10 A. Yes.
 11 JOHNSON, Q.C.:
 12 Q. And would he be the one to talk to about
 13 explaining how the other customers benefit
 14 relative to the costs that they are paying for
 15 this?
 16 MR. HENDERSON:
 17 A. Yes.
 18 JOHNSON, Q.C.:
 19 Q. Okay. The total amount annually that Corner
 20 Brook Pulp and Paper will be receiving for
 21 capacity assistance, is that about 1.4
 22 million?
 23 MR. HENDERSON:
 24 A. That sounds about right, yes.
 25 JOHNSON, Q.C.:

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1 Q. And is the arrangement as regards them
 2 providing capacity assistance, do you know
 3 whether this is consistent with their water
 4 rights in the province?
 5 MR. HENDERSON:
 6 A. I don't know the details of their water
 7 rights.
 8 JOHNSON, Q.C.:
 9 Q. Do you know who would be responsible for
 10 monitoring compliance within Hydro with Corner
 11 Brook Pulp and Paper's water rights?
 12 MR. HENDERSON:
 13 A. I don't know if - that's not something that I
 14 discussed with anybody in terms of monitoring
 15 the water rights of Corner Brook Pulp and
 16 Paper.
 17 JOHNSON, Q.C.:
 18 Q. Could you undertake to provide us who would be
 19 responsible for monitoring compliance with
 20 their water rights?
 21 MR. YOUNG:
 22 Q. Mr. Chair, I just want to make sure I
 23 understand the question. Is it generally or
 24 is it within Hydro because I think there's a
 25 premise in the question which I think is

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1 flawed, and that means that the undertaking
 2 may not be something that we can give.
 3 JOHNSON, Q.C.:
 4 Q. Well, I'm interesting in knowing who it is who
 5 is responsible for monitoring compliance of
 6 this agreement with Corner Brook Pulp and
 7 Paper's water rights, whether it's someone
 8 within Hydro or outside?
 9 MR. YOUNG:
 10 Q. We can answer that question. I'm not sure
 11 it's going to be the answer he expects, but we
 12 can undertake to provide that.
 13 MS. GLYNN:
 14 Q. The undertaking is noted on the record.
 15 JOHNSON, Q.C.:
 16 Q. I understand, Mr. Henderson, and, of course,
 17 the energy supply costs are on your list of
 18 bullets, but I understand that the evidence
 19 indicates that Corner Brook Pulp and Paper
 20 will receive about 1.3 million dollars
 21 annually from co-generation purchases, is that
 22 right?
 23 MR. HENDERSON:
 24 A. That sounds - it seems right to me.
 25 JOHNSON, Q.C.:

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1 Q. Okay, and so between the payments that it gets
 2 for capacity assistance and these co-
 3 generation purchases, it's running about 11. 7
 4 million dollars annually, right, in that
 5 vicinity?
 6 MR. HENDERSON:
 7 A. That would be right.
 8 JOHNSON, Q.C.:
 9 Q. And that compares to Hydro receiving revenue
 10 from Corner Brook Pulp and Paper of about 4. 1
 11 million dollars annually, is that about right?
 12 MR. HENDERSON:
 13 A. I'm not familiar with the revenue - details of
 14 the revenue from Corner Brook Pulp and Paper,
 15 but I would take you, subject to check.
 16 JOHNSON, Q.C.:
 17 Q. Okay. Who is the party to the Corner Brook
 18 Pulp and Paper Co-generation Purchase
 19 Contract? Do you know who they are, who the
 20 parties are?
 21 MR. HENDERSON:
 22 A. The parties would be Corner Brook Pulp and
 23 Paper and Newfoundland and Labrador Hydro.
 24 JOHNSON, Q.C.:
 25 Q. And who administers that contract, is it

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1 Hydro?

2 MR. HENDERSON:

3 A. Does Hydro administer it?

4 JOHNSON, Q.C.:

5 Q. Yes.

6 MR. HENDERSON:

7 A. Yes, well, Hydro is a party to the agreement,

8 so it administers its responsibilities with

9 respect to that agreement.

10 JOHNSON, Q.C.:

11 Q. Okay. And what's Hydro's role in relation to

12 the administration of it?

13 MR. HENDERSON:

14 A. At a high level, it's to ensure that we are

15 compliant with the agreement. It's ensuring

16 that the billing that's being put forward by

17 Corner Brook Pulp and Paper, their invoices

18 have been checked and approved if they're

19 appropriate, and there's - it's a fairly

20 extensive agreement that would have a number

21 of obligations by Hydro and Corner Brook Pulp

22 and Paper, but in terms of the daily or

23 monthly activities, one of the primary would

24 be the payments and validation of the correct

25 payments and those types of things.

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1 JOHNSON, Q.C.:

2 Q. And what position within Hydro is charged with

3 that responsibility?

4 MR. HENDERSON:

5 A. That would be the - System Operations and

6 Planning, the folks on that panel, would be

7 the right ones.

8 JOHNSON, Q.C.:

9 Q. Now CA-NLH-372, if we could turn that up.

10 This asks to provide a list of occasions when

11 Hydro has had to purchase power from the

12 Corner Brook Pulp and Paper generation

13 facility, co-generation facility, when it was

14 spilling water at its hydro facilities owing

15 to high water levels, and Mr. Henderson, I

16 take it you're aware that there were eight

17 months in 2011 when Hydro was spilling water

18 while purchasing co-generation from Corner

19 Brook Pulp and Paper?

20 MR. HENDERSON:

21 A. I would agree. I would say that we were

22 purchasing power from a number of different

23 facilities at that time. There's our wind

24 generation facilities, there's other power

25 purchase agreements that we have that we

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1 purchased as well.

2 JOHNSON, Q.C.:

3 Q. And similarly, you would have been purchasing

4 from them when there was spilling going on in

5 2013 and 2014?

6 MR. HENDERSON:

7 A. That's correct.

8 JOHNSON, Q.C.:

9 Q. Yeah. And would you know the capacity of the

10 Corner Brook Pulp and Paper co-generator?

11 MR. HENDERSON:

12 A. My understanding is it's about a 15 megawatt

13 install capacity unit, but typically runs

14 around eight megawatts.

15 JOHNSON, Q.C.:

16 Q. Okay. And would you be the person to ask how

17 much of the energy produced by the co-

18 generator is being used at the mill?

19 MR. HENDERSON:

20 A. We're purchasing all of the energy produced by

21 the co-generator.

22 JOHNSON, Q.C.:

23 Q. Okay.

24 MR. HENDERSON:

25 A. I should say all of the electrical energy.

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1 There's steam energy that's being produced

2 that's being consumed in the mill.

3 JOHNSON, Q.C.:

4 Q. Okay. And the purchase obligation, that as I

5 understand it, over the coming years from 2015

6 to 2017, Hydro will be purchasing 51 gigawatt

7 hours annually and paying about 10.3 million

8 annually for this energy?

9 MR. YOUNG:

10 Q. Mr. Chair, if I could, I understand the line

11 of questioning, I just wanted to ask Mr.

12 Johnson how far he's going to go. There is an

13 exemption order with respect to this contract

14 and it affects Corner Brook Pulp and Paper and

15 Hydro and the matter is exempt from the

16 Board's -- I don't want to use the word

17 "interference" but involvement, I suppose, in

18 it.

19 CHAIRMAN:

20 Q. Jurisdiction.

21 MR. YOUNG:

22 Q. Obviously the Board and Mr. Johnson have a

23 right to understand how it fits into the

24 whole, but the last question seems to be going

25 sort of down the rat hole about specifics

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1 about the contract and I don't know if it's
 2 before the Board. I don't know what the next
 3 question is going to be, but it seems to me
 4 that the general information is already before
 5 the Board from the last few questions. The
 6 next few may be into the Board's
 7 jurisdictional question.

8 JOHNSON, Q.C.:
 9 Q. Mr. Chairman, my expert, Mr. Bowman, has filed
 10 a report whereby he's -- if I could bring up
 11 his report for a second? I'm referring to
 12 page 40 of his -

13 MS. GLYNN:
 14 Q. That's the wrong one, Jenny.

15 MS. GRAY:
 16 Q. Sorry.

17 MS. GLYNN:
 18 Q. There's two Bowmans.

19 MS. GRAY:
 20 Q. All right. Thank you. Apologize, Mr.
 21 Johnson, page 40?

22 (12:15 p.m.)

23 JOHNSON, Q.C.:
 24 Q. Page 40. If you could move up? Line nine on
 25 page 40. Yeah. Mr. Bowman has made a

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1 recommendation in his expert report that the
 2 Board direct Hydro to file a study of the
 3 Corner Brook Pulp and Paper Supply Agreement
 4 in its entirety taking into consideration the
 5 New Capacity Assistance Agreements, the
 6 subsidy being received by the Island
 7 Industrial Customers owing to the rate phase
 8 in, the reduced value of energy following
 9 commissioning of Muskrat, the requirement to
 10 purchase energy from Corner Brook Pulp and
 11 Paper where it's available, and the water
 12 rights. And this is why I'm following this
 13 line of questioning now. It's something that
 14 the expert has indicated that -- and perhaps
 15 the contract is beyond the review, but at
 16 least it provides some transparency in terms
 17 of the overall arrangement that's in place,
 18 having regard to the capacity agreements, the
 19 co-gen agreement and that's why the purpose
 20 for the line of questioning that I'm
 21 proceeding with here.

22 MS. GLYNN:
 23 Q. Mr. Chairman, do you want to take a moment?
 24 CHAIRMAN:
 25 Q. Oh yes, more than a moment.

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1 MR. YOUNG:
 2 Q. Mr. Chair, if I could just respond to that.
 3 Hydro doesn't have any problem with providing
 4 the kind of testimony that Mr. Henderson
 5 already has about this and we've answered RFIs
 6 about the matter. We do take issue with some
 7 of the -- as we say, the deeper exploration
 8 that Mr. Bowman may wish to take with the
 9 matter, but that's a matter of legal argument,
 10 to be honest, as to whether or not we would be
 11 properly required to provide this information.
 12 I'm just wondering how much of the Board's
 13 time we ought to consider and whether or not
 14 we are getting into an area which is exempt.
 15 The general how it fits into Hydro's supply I
 16 think is useful for the parties to have a
 17 general understanding of that. But the Board
 18 does not have the right to change the terms of
 19 the contract, and that's quite clear from the
 20 exemption order. So if the questions are
 21 going to that effect or more than just
 22 understanding how it fits into the broader
 23 picture, I'd suggest that we're probably not
 24 using our time effectively.

25 MS. GLYNN:

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1 Q. So is there an objection to the last question
 2 that was raised by the Consumer Advocate?

3 MR. YOUNG:
 4 Q. Not specifically to the last question. If Mr.
 5 Henderson is like me, he probably can't
 6 remember exactly what that was at this point.

7 CHAIRMAN:
 8 Q. I'm not alone.

9 MR. YOUNG:
 10 Q. I was just wondering, you know, how far this
 11 was going and I just want to make it clear
 12 that, you know, questions about whether the
 13 contract should stand and how it fits together
 14 I think are beyond the Board's reach and I
 15 just thought I'd bring that up in case that
 16 the Board may wish to provide some guidance.

17 JOHNSON, Q.C.:
 18 Q. I think certain other of these questions may
 19 await the Systems Plan in any event. So what
 20 I'll do is move on to the frequency converter
 21 at this point.

22 CHAIRMAN:
 23 Q. Okay. Not going to stop you on that one.

24 JOHNSON, Q.C.:
 25 Q. Mr. Henderson, just to, I guess, start off on

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1 a basic level on the frequency converter.
 2 Just briefly, what does that frequency
 3 converter do?
 4 MR. HENDERSON:
 5 A. The frequency converter is a machine. It's
 6 basically an electrical motor and a generator
 7 connected on a shaft. So, if you look at it,
 8 the way it normally operates on a 50 Hertz
 9 generation system at Deer Lake, it operates
 10 like a motor and it's a load to the 50 Hertz
 11 system, so the generators -- Deer Lake Power
 12 have two units at their Deer Lake plant and I
 13 think they have two units at their Watson's
 14 Brook plant that are 50 Hertz. The Watson's
 15 Brook ones I don't think get run so much, but
 16 the ones at Deer Lake do. And they would
 17 provide this big motor. It's a load to that
 18 system which would be somewhere around 18
 19 megawatts. When it spins that motor, it spins
 20 a generator that's on the 60 cycle system and
 21 produces electrical energy into the 60 hertz
 22 system and puts out 18 megawatts of power
 23 typically, and that 18 megawatts of power that
 24 comes out of that system is then used in the
 25 paper mill to supply electricity in the paper

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1 mill for producing paper. And so that's it's
 2 most typical usage is going that way.
 3 It can go the other way in which the 60
 4 hertz generator can be turned around and
 5 turned into a motor and run from the 60 hertz
 6 system and make it like a generator on the 50
 7 hertz system and supply 50 hertz power to
 8 supply the paper mill. So, it can go either
 9 way, but Deer Lake Power, over the years,
 10 converted their generators from 50 hertz to 60
 11 hertz such that they have more 50 hertz
 12 generation than they have 50 hertz load. So
 13 they are always running the frequency
 14 converter as a motor on the 50 hertz side and
 15 as a generator on the -- I'll say always. It
 16 would be 99 percent of the time running it as
 17 a generator on the electrical system in order
 18 to produce energy that they use in the paper
 19 mill to offset their purchases from Hydro.
 20 JOHNSON, Q.C.:
 21 Q. And I take it that there's a benefit in
 22 running the frequency converter from the point
 23 of view of Corner Brook Pulp and Paper getting
 24 a credit on its bills for this. Would that be
 25 right?

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1 MR. HENDERSON:
 2 A. The 18 megawatts that that generator produces,
 3 the frequency converter produces is an offset
 4 to the amount of power that Corner Brook Pulp
 5 and Paper and they get credit in their
 6 contract for that capability to the system.
 7 JOHNSON, Q.C.:
 8 Q. Is Hydro able to estimate the value of the
 9 frequency converter to Corner Brook Pulp and
 10 Paper in terms of reduced bills? Would it be
 11 your panel or another panel to be able to do
 12 this?
 13 MR. HENDERSON:
 14 A. Well, I wouldn't -- I'd say Hydro certainly
 15 can indicate the amount of energy that it
 16 produces and the amount of capacity it
 17 provides to the system.
 18 JOHNSON, Q.C.:
 19 Q. Yes.
 20 MR. HENDERSON:
 21 A. And could equate that to how much Corner Brook
 22 Pulp and Paper pays for demand and energy.
 23 That calculation could be done by Hydro.
 24 JOHNSON, Q.C.:
 25 Q. Yes, okay. And they could compare obviously

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1 those costs to the costs included in the
 2 specifically assigned charge obviously?
 3 MR. HENDERSON:
 4 A. Yes.
 5 JOHNSON, Q.C.:
 6 Q. Yes, okay. Could you provide an undertaking,
 7 Mr. Henderson, in that regard?
 8 MR. HENDERSON:
 9 A. Yes.
 10 JOHNSON, Q.C.:
 11 Q. Okay.
 12 MS. GLYNN:
 13 Q. Noted on the record.
 14 JOHNSON, Q.C.:
 15 Q. Mr. Henderson, as you're aware, Mr. Marks, who
 16 is an employee of I believe Corner Brook Pulp
 17 and Paper, he's filed pre-filed evidence with
 18 the Board. Are you aware of his evidence?
 19 MR. HENDERSON:
 20 A. I'm aware of it, yes.
 21 JOHNSON, Q.C.:
 22 Q. And if we could bring up his evidence at page
 23 three, lines 27 to 28? Mr. Marks states that
 24 the company had been provided guarantees that
 25 the converter would be provided permanently at

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1 Hydro's own cost--or at owned cost. Do you
 2 see that?
 3 MR. HENDERSON:
 4 A. Yes.
 5 JOHNSON, Q.C.:
 6 Q. Okay. Is this true, Mr. Henderson?
 7 MR. HENDERSON:
 8 A. I'm not aware that there is a guarantee there.
 9 JOHNSON, Q.C.:
 10 Q. And you were in -- you would know this from
 11 your existing role and your previous role in
 12 systems operations, I take it?
 13 MR. HENDERSON:
 14 A. Yes. I was never -- it was never indicated to
 15 me that there was a guarantee that Hydro would
 16 provide something permanently.
 17 JOHNSON, Q.C.:
 18 Q. And as far as you're aware, there was never
 19 any such guarantee at all?
 20 MR. HENDERSON:
 21 A. As far as I'm aware, but the frequency
 22 converter, I believe, went in service in 1967,
 23 so I don't know what happened or what
 24 conversations happened in 1967 or prior to
 25 that.

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1 JOHNSON, Q.C.:
 2 Q. Mr. Marks goes on to state in his evidence
 3 that in 2002, Corner Brook Pulp and Paper was
 4 purchasing about 500 gigawatts annually from
 5 Hydro, but now purchase only about ten percent
 6 of that level. Are you aware of him saying
 7 that?
 8 MR. HENDERSON:
 9 A. I have not read the detail of his evidence,
 10 but I would be aware that that sounds
 11 reasonable.
 12 JOHNSON, Q.C.:
 13 Q. Yeah. And Mr. Henderson, did Hydro incur
 14 capital costs to supply Corner Brook Pulp and
 15 Paper's 500 gigawatt hour annual purchases
 16 back in the 2002 timeframe?
 17 MR. HENDERSON:
 18 A. Well, we would have burned fuel. In terms of
 19 -- I can't say what capital we would have put
 20 in specific to them, but there would have been
 21 -- they are part of the total system load, so
 22 there were system costs that were incurred
 23 over time to meet the energy and capacity
 24 requirements of the paper mill and -- well,
 25 the Corner Brook Pulp and Paper mill.

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1 JOHNSON, Q.C.:
 2 Q. So who has been paying the full cost of these
 3 facilities since the last GRA, for instance?
 4 MR. HENDERSON:
 5 A. The costs of Hydro's service is borne by all
 6 of Hydro's customers, shared out in accordance
 7 with the cost of service, and then the rates
 8 are paid by the customers as established
 9 through that process and they -
 10 JOHNSON, Q.C.:
 11 Q. But the costs of these particular -- of the
 12 frequency converter?
 13 MR. HENDERSON:
 14 A. Oh. The frequency -
 15 JOHNSON, Q.C.:
 16 Q. Yes.
 17 MR. HENDERSON:
 18 A. I'm sorry, I thought you were talking about
 19 the 500 gigawatt hours.
 20 JOHNSON, Q.C.:
 21 Q. No.
 22 MR. HENDERSON:
 23 A. The frequency converter, they are specifically
 24 assigned to Corner Brook Pulp and Paper.
 25 JOHNSON, Q.C.:

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1 Q. Yes, okay. Mr. Marks goes on to say, at page
 2 four, line 16, that the Corner Brook frequency
 3 converter is an old unit that is critical to
 4 CBPP operations. Now, Mr. Henderson, let me
 5 ask you, what would have happened if Hydro had
 6 not carried out repairs to the frequency
 7 converter? Would you know what Hydro's legal
 8 technical responsibilities are related to that
 9 converter? Did you have a -- did Hydro have a
 10 responsibility to carry out these repairs?
 11 MR. HENDERSON:
 12 A. I would say that the repairs required on that
 13 unit are the same as any of our obligations
 14 for any of the service we provide to our
 15 customers. We maintain and operate the
 16 facility in accordance with sound utility
 17 practice and, you know, with due concern of
 18 safety and costs and so on.
 19 JOHNSON, Q.C.:
 20 Q. Okay. And you've indicated previously that
 21 this frequency converter was first put in
 22 place back in 1966, right?
 23 MR. HENDERSON:
 24 A. '66 or '67. We were discussing it earlier and
 25 people thought it was '67, but maybe it was

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1 '66.
 2 JOHNSON, Q.C.:
 3 Q. Okay. So about 50 years or more. And have
 4 the expenditures over the past couple of years
 5 been high, owing to the age of the frequency
 6 converter, Mr. Henderson?
 7 MR. HENDERSON:
 8 A. Yes. We've been making capital investment
 9 into the frequency converter because of the
 10 age of the facility. We're making investments
 11 and replacing equipment that required
 12 replacement based on condition assessments
 13 that we had had and our own inspections of the
 14 equipment.
 15 JOHNSON, Q.C.:
 16 Q. Okay. And are there -- for a frequency
 17 converter of this vintage, are the off-the-
 18 shelf parts that would be available for such a
 19 unit?
 20 MR. HENDERSON:
 21 A. They would be getting lower and fewer
 22 certainly. I wouldn't say that there's none,
 23 but they would be more challenging to get
 24 because of the age.
 25 JOHNSON, Q.C.:

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1 Q. Would it be fair to say, Mr. Henderson, that
 2 the expenditures that have been made are
 3 perhaps overdue, given the age of the
 4 frequency converter and Corner Brook may have
 5 been -- Corner Brook Pulp and Paper may have
 6 been fortunate that they simply didn't arise
 7 earlier, given the age of the unit?
 8 (12:30 p.m.)
 9 MR. HENDERSON:
 10 A. We endeavour to do our investments at the
 11 right time when they're required. So I
 12 couldn't comment to say that they were --
 13 there's a benefit here because they weren't
 14 done earlier. We would be doing condition
 15 assessments and identify when is the right
 16 time to do it and would thereby put forward
 17 capital budget applications to the Public
 18 Utilities Board to carry out those projects.
 19 JOHNSON, Q.C.:
 20 Q. Now, Mr. Marks goes on to say that -- at line
 21 21 that -- or I should back up, lines 18 --
 22 start up at 16 actually. "The Corner Brook
 23 frequency converter is an old unit critical to
 24 Corner Brook Pulp and Paper operations.
 25 Corner Brook Pulp and Paper was aware that

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1 Hydro was working on addressing some issues
 2 with the unit, some of which required Corner
 3 Brook Pulp and Paper to be without power for
 4 long periods. We understand the work to date
 5 was to address significant deficiencies
 6 identified in a 2005 internal Hydro report
 7 which builds on the conclusions of the 1998
 8 Acres Report." Then he goes on to say
 9 "However, a more recent report on the unit
 10 prepared for Hydro by Siemens (2015) indicates
 11 that the current condition is still not
 12 conducive to operating the unit at full load
 13 and major capital investment is needed before
 14 that can occur."
 15 Mr. Henderson, has Hydro made a
 16 commitment to undertake these capital
 17 expenditures of which he is referring?
 18 MR. HENDERSON:
 19 A. Hydro is reviewing all of this information
 20 which came as a result of the report this year
 21 which we shared with Corner Brook Pulp and
 22 Paper and we intend to move forward with a
 23 capital program to address the issues found
 24 and we will prioritize those as required,
 25 based on the results of the report.

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1 JOHNSON, Q.C.:
 2 Q. And given as we've -- no doubt we all
 3 understand the position, Corner Brook Pulp and
 4 Paper's position to be that given their
 5 reluctance to pay the cost of the frequency
 6 converter is Hydro inclined not to make such
 7 expenditures, given that Corner Brook Pulp and
 8 Paper believes it shouldn't be liable for
 9 them?
 10 MR. HENDERSON:
 11 A. Hydro would not move forward with making
 12 investments that it's not going to receive,
 13 you know, compensation for. If the customer
 14 does not want us to do it, then -- and not
 15 willing to pay it, then I don't think Hydro
 16 will be going forward and spending something.
 17 JOHNSON, Q.C.:
 18 Q. And would Hydro do or undertake a cost benefit
 19 analysis to determine if these expenditures
 20 are justified for Corner Brook Pulp and Paper?
 21 MR. HENDERSON:
 22 A. Hydro would inform Corner Brook Pulp and Paper
 23 of these costs and I think the benefits of
 24 incurring these would be based on Corner Brook
 25 Pulp and Paper's assessment of what the

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1 benefits are to them.

2 JOHNSON, Q.C.:

3 Q. Because the frequency converter would not be

4 providing benefits to other customers on the

5 system. Is that right?

6 MR. HENDERSON:

7 A. The frequency converter is primarily there to

8 get the 50 hertz generation out of the Corner

9 Brook Pulp and Paper hydro electric system,

10 convert it to 60 so they can use it in the

11 mill.

12 JOHNSON, Q.C.:

13 Q. Page five, Mr. Henderson, Mr. Marks in his

14 evidence at lines 11 to 14, he makes the

15 statement, "a good example of Corner Brook

16 Pulp and Paper's concerns is that the

17 currently proposed increase to the

18 specifically assigned charge was largely a

19 surprise to Corner Brook Pulp and Paper,

20 despite the capital work that drives this cost

21 increase occurring years ago. We were not

22 sufficiently apprised as these projects were

23 undertaken as to what the cost impact to us

24 would be." Did Hydro apprise Corner Brook

25 Pulp and Paper that it would be incurring

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1 these costs of which he speaks?

2 MR. HENDERSON:

3 A. Corner Brook Pulp and Paper would have been

4 informed of the capital program that we were

5 embarking on. When we knew that the frequency

6 converter required additional work, we had met

7 with Corner Brook Pulp and Paper to let them

8 know that this was the case. Because it is a

9 specifically assigned asset, they knew it and

10 as Mr. Marks talked about, the 2005 review,

11 that would have been shown to them indicating

12 that there was ongoing capital and that we

13 would continue to do that and, you know,

14 undertake the required work on that in

15 accordance with that plan and then as things -

16 - conditions like the 2015 condition work, we

17 share that with them so they're aware of

18 what's happening and we make forward -- our

19 application goes forward every year publicly

20 to the Public Utilities Board for our capital

21 program, which the Industrial Customers, which

22 would represent Deer Lake Power, were aware of

23 the capital investment that was going on. So

24 the full detail would have been there for them

25 through that mechanism.

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1 We also have a -- annually, we meet with

2 all of our customers and talk about our

3 capital program. It's one of a number of

4 elements we talk -- we call it a Joint Utility

5 meeting at which point some of the capital

6 program gets discussed and I would expect, at

7 least in my experience when I attended those

8 meetings, we would share the capital work that

9 would be going on with Corner Brook Pulp and

10 Paper and it's also important with them to

11 coordinate the outages so that when we have to

12 take the equipment out, it does not interfere

13 with their production or concerns that they're

14 doing on their system. So there's a -- that

15 meeting is meant to coordinate the outages so

16 that the customer is aware of those things and

17 we execute the upgrades efficiently.

18 JOHNSON, Q.C.:

19 Q. Did Corner Brook Pulp and Paper apprise Hydro

20 in advance that it would be reducing its load

21 to ten percent of previous levels at a time

22 early enough so Hydro could avoid expenditures

23 for generation and transmission capital to

24 supply its load?

25 MR. HENDERSON:

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1 A. Are you talking with regard to the 500

2 gigawatt hours?

3 JOHNSON, Q.C.:

4 Q. Yes.

5 MR. HENDERSON:

6 A. We would have found out at the same time as

7 the general public would have found out, when

8 Corner Brook Pulp and Paper announced closure

9 of their paper machines.

10 JOHNSON, Q.C.:

11 Q. Right. Just to be clear, does the Corner

12 Brook Pulp and Paper frequency converter

13 provide value to Island Interconnected

14 customers in the short term, Mr. Henderson?

15 MR. HENDERSON:

16 A. The primary benefit of this is the supply to

17 the paper mill. As you mentioned earlier, the

18 capacity assistance agreement, when that

19 capacity assistance agreement is called into

20 effect, the power that's coming through the

21 frequency converter from the 50 hertz system

22 would be part of the power that comes back

23 into the system to help us through that

24 capacity assistance. So at that point in

25 time, when those calls are made, that 18

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1 megawatts would provide a benefit to the
 2 system.
 3 JOHNSON, Q.C.:
 4 Q. For which they're paid?
 5 MR. HENDERSON:
 6 A. For which they are paid, yes.
 7 JOHNSON, Q.C.:
 8 Q. Okay. Would Hydro have any particular plans
 9 for the frequency converter once the
 10 interconnection is made with Labrador?
 11 MR. HENDERSON:
 12 A. The frequency converter would continue on its
 13 current purpose once that interconnection is -
 14 - which would be the primarily -- be used to
 15 supply that energy to the paper mill. As I
 16 mentioned, the Island Interconnected customers
 17 get a benefit through the capacity assistance
 18 agreement. To the extent that the capacity
 19 assistance agreement ends when there's an
 20 interconnection with Labrador, then that
 21 benefit goes with it.
 22 JOHNSON, Q.C.:
 23 Q. Those are my questions for this panel, Mr.
 24 Chairman. Thank you.
 25 CHAIRMAN:

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1 Q. Okay. So Mr. Coxworthy, I think it's your
 2 Turn.
 3 MR. ROBERT HENDERSON, MR. DARREN MOORE, MR. TERRY
 4 GARDINER, CROSS-EXAMINATION BY MR. PAUL COXWORTHY
 5 MR. COXWORTHY:
 6 Q. It is. Thank you, Mr. Chair. Good afternoon,
 7 Mr. Moore, Mr. Henderson, Mr. Gardiner. Paul
 8 Coxworthy, Dean Porter, for the Island
 9 Industrial Customers. I'd like to start with
 10 the GRA witness topic list that was filed
 11 August 28th, 2015, just to review the topics
 12 that the Operations Panel is being presented
 13 to the Board to provide evidence on, and I
 14 acknowledge that Mr. Cass took you, the Panel,
 15 through it to sort of identify who would be
 16 able to speak to what at a high level or
 17 otherwise. But I just wanted to review my
 18 understanding and perhaps ask some questions
 19 about some items that at least I didn't catch
 20 the answer on.
 21 With respect to the Exploits, Mr.
 22 Henderson, you have spoken to that in your
 23 evidence so far?
 24 MR. HENDERSON:
 25 A. Yes.

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1 MR. COXWORTHY:
 2 Q. With respect to the frequency converter, I
 3 understand that you can address those issues
 4 on a high level but you indicated that Mr.
 5 Gardiner and Mr. Moore might be able to
 6 provide more specific information?
 7 MR. HENDERSON:
 8 A. That would be correct because Mr. Gardiner
 9 would be able to speak to the capital
 10 investment and the projects that we've been
 11 undertaking, as can Mr. Moore, but Mr. Moore
 12 also has operational responsibility for
 13 maintenance of that facility.
 14 MR. COXWORTHY:
 15 Q. With respect to key performance indicators,
 16 certainly up to this point, Mr. Henderson,
 17 you've been answering those questions. Are
 18 you the sole person on the Panel that would
 19 talk about those?
 20 MR. HENDERSON:
 21 A. Yeah. I may call Mr. Moore in, depending on
 22 how detailed you want to go.
 23 MR. COXWORTHY:
 24 Q. And with respect to the project execution,
 25 that's one that I didn't catch. I guess

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1 projects other than the frequency converter or
 2 projects that relate to the frequency
 3 converter, other projects -
 4 MR. HENDERSON:
 5 A. Mr. Gardiner is here for that.
 6 MR. COXWORTHY:
 7 Q. And reliability, I wanted to ask you beyond
 8 the key performance indicators and, you know,
 9 as you've already testified, Mr. Henderson,
 10 the other indicators or measures that Hydro
 11 has developed, I'll say more granular ones
 12 perhaps than the KPI, and we'll get into that
 13 in greater detail, what else is encompassed in
 14 terms of the evidence that you can give with
 15 respect to reliability, other than speaking to
 16 those?
 17 MR. HENDERSON:
 18 A. Well, I can speak to the metrics. I can speak
 19 to our practice and the manner in which we
 20 address reliability issues.
 21 MR. COXWORTHY:
 22 Q. And at your level, is that other than by the
 23 metrics?
 24 MR. HENDERSON:
 25 A. Well, it is to a degree. It talks about those

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1 actions that we undertake to address
 2 reliability issues.
 3 MR. COXWORTHY:
 4 Q. So with that, thank you, Mr. Henderson. I'd
 5 like to move on then to the evidence you gave
 6 in response to questions from Mr. Cass on
 7 direct in terms of the positions you hold and
 8 how long you've held them, other positions
 9 that you've held within Hydro over time. So
 10 Mr. Henderson, if I could start with you, I
 11 understand that you were the manager of the
 12 systems operations group from about 1995 to
 13 2013?
 14 MR. HENDERSON:
 15 A. That's correct.
 16 MR. COXWORTHY:
 17 Q. Before you took up your current position. And
 18 can you summarize for me what your
 19 responsibilities would have been as the
 20 manager of that group with respect to services
 21 provided to Industrial Customers?
 22 MR. HENDERSON:
 23 A. Well, in that role, I would be very familiar
 24 with the operations of our Industrial
 25 Customers and would be dealing with our

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1 Industrial Customers on a fairly regular basis
 2 in regular -- certain customers would be more
 3 so than others that we would be dealing with,
 4 whatever issues or concerns that those
 5 customers may have. There's -- I mentioned
 6 when Mr. Johnson was asking me questions, we
 7 have a joint utility meeting which is one that
 8 we schedule with our customers once a year and
 9 I would be a regular attendee of those
 10 meetings, would probably set most of the
 11 agenda for those meetings and that would be a
 12 formal get together with the Industrials. But
 13 in addition to that, there'd be other meetings
 14 of items of mutual interest that I'd be
 15 involved with over time and had been doing
 16 that regularly throughout that role.
 17 MR. COXWORTHY:
 18 Q. And what's the equivalent position now in
 19 terms of that role that you were playing from
 20 1995 to 2013? Who holds the equivalent
 21 position?
 22 MR. HENDERSON:
 23 A. Mr. Humphries' group.
 24 MR. COXWORTHY:
 25 Q. So it's now a vice-president position as

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1 opposed to a manager position as it was at
 2 your time or had it moved up to the VP level?
 3 MR. HENDERSON:
 4 A. No, I was going to say it's within his group.
 5 There is a manager of system operations.
 6 MR. COXWORTHY:
 7 Q. Mr. Goulding?
 8 MR. HENDERSON:
 9 A. No, Mr. Goulding would be involved, but it's
 10 another gentleman named Mr. Butler.
 11 MR. COXWORTHY:
 12 Q. Okay.
 13 MR. HENDERSON:
 14 A. And Mr. Butler is not a witness, but Mr.
 15 Humphries and Mr. Goulding would be familiar
 16 with all of those activities.
 17 MR. COXWORTHY:
 18 Q. But the equivalent or the exact same position
 19 that you were holding during that time would
 20 have been held by Mr. Butler?
 21 MR. HENDERSON:
 22 A. That's right.
 23 MR. COXWORTHY:
 24 Q. So is it Mr. Butler now who would be regularly
 25 attending these joint utilities meetings and

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1 setting the agenda the way that you were back
 2 in the period that you were in that position?
 3 MR. HENDERSON:
 4 A. Yes, Mr. Butler would be doing that, as well
 5 as others in his group.
 6 MR. COXWORTHY:
 7 Q. These meetings were held annually, the joint
 8 utilities meetings?
 9 MR. HENDERSON:
 10 A. Yes.
 11 MR. COXWORTHY:
 12 Q. A set time of year?
 13 MR. HENDERSON:
 14 A. Typically in May.
 15 MR. COXWORTHY:
 16 Q. And were there minutes kept of these joint
 17 utilities meetings?
 18 MR. HENDERSON:
 19 A. There is.
 20 MR. COXWORTHY:
 21 Q. There are. Were there at the time that you
 22 were conducting them, 1995 to 2013?
 23 MR. HENDERSON:
 24 A. I think, yes. The way that we carried those
 25 meetings is that we moved the meeting from

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1 location to location, so we might have it at
 2 the North Atlantic Refining one year. We may
 3 have it -- well, going back in time, Mr. Dean
 4 used to attend them in the Stephenville paper
 5 mill. We moved them all over the system. And
 6 whoever was the host was responsible for doing
 7 the minutes. So, I would say that -- I can't
 8 say for sure the minutes got done every year,
 9 but there's different people had
 10 responsibility.
 11 MR. COXWORTHY:
 12 Q. To the extent they were done, Mr. Henderson,
 13 and even if they weren't done by you, because
 14 you might not have been the host or Hydro
 15 mightn't have been the host, would you have
 16 received a copy of the minutes?
 17 MR. HENDERSON:
 18 A. Yes.
 19 MR. COXWORTHY:
 20 Q. I would ask for an undertaking through you,
 21 Mr. Henderson, if we could have the minutes
 22 for the period 2005 to present, the last
 23 annual joint utilities meeting, copies of
 24 those produced?
 25 MR. CASS:

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1 Q. Mr. Chair, I'm not sure of the relevance of
 2 just randomly producing all these minutes. If
 3 there are some specific questions Mr.
 4 Coxworthy has that might be addressed by the
 5 minutes, I could understand the relevance, but
 6 just to randomly produce all these minutes for
 7 no reason I think is a little bit too much.
 8 MR. COXWORTHY:
 9 Q. Mr. Chair, I can speak to that. There is a
 10 request for information that's been directed
 11 to Mr. Marks in relation to his pre-filed
 12 evidence that asked specifically a question as
 13 to what he should or ought to have been aware
 14 of in relation to his attendance at these
 15 joint utility meetings. I think the minutes
 16 of the meetings are very relevant, given that
 17 Hydro, themselves, have asked this question.
 18 MR. HENDERSON:
 19 A. We can undertake to produce those.
 20 MR. COXWORTHY:
 21 Q. You will? Thank you.
 22 MS. GLYNN:
 23 Q. And the undertaking is noted on the record.
 24 2005 was it Mr. Coxworthy?
 25 MR. COXWORTHY:

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1 Q. 2005 to the last meeting, whenever that was.
 2 MS. GLYNN:
 3 Q. Thank you.
 4 MR. COXWORTHY:
 5 Q. I do know that in the outages review, the 2014
 6 no minutes were filed, for instance. Mr.
 7 Henderson, in your earlier evidence you spoke
 8 to being the chair of the Hydro leadership
 9 team?
 10 MR. HENDERSON:
 11 A. That's right.
 12 MR. COXWORTHY:
 13 Q. And if I could ask you to turn to PUB-NLH--if
 14 Ms. Gray could, please, I'm sorry, turn us to
 15 PUB-NLH-138, Revision 2. And if we could go
 16 to page 1 of the attached. I apologize if
 17 this is repetitive, but I want to be clear in
 18 my mind that when you speak of the Hydro
 19 leadership team, is that everyone that appears
 20 on attachment 1, page 1, or is it a subset of
 21 those people?
 22 MR. HENDERSON:
 23 A. It's some of the people and additional people.
 24 MR. COXWORTHY:
 25 Q. So perhaps we can start with who would you

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1 exclude as appears on this, from the Hydro
 2 leadership team that you chair?
 3 MR. HENDERSON:
 4 A. So excluded would be the vice-president of
 5 Finance, the vice-president of HROE, vice-
 6 president of Project Execution, the general
 7 counsel and corporate secretary. If you could
 8 scroll down a little, Jenny, please.
 9 MR. COXWORTHY:
 10 Q. Perhaps, though, before we move on from there,
 11 so this is in Nalcor leadership team then, as
 12 opposed to the Hydro leadership team?
 13 MR. HENDERSON:
 14 A. This is the Nalcor leadership team but it
 15 doesn't include everybody in Nalcor, it's
 16 those who have--who are officers or have
 17 responsibility for people that do work for
 18 Hydro.
 19 MR. COXWORTHY:
 20 Q. So it sort of falls between two stools, and I
 21 realize you wanted to scroll down and
 22 absolutely.
 23 MR. HENDERSON:
 24 A. It's just the senior legal counsel there, was
 25 shown there and the senior legal counsel, I'm

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1 not sure if that refers to Mr. Young or not,
 2 but if it does, then Mr. Young is on the Hydro
 3 leadership team. If it's not Mr. Young -
 4 MR. YOUNG:
 5 Q. I was kind of hoping it was me.
 6 MR. COXWORTHY:
 7 Q. I thought it was Mr. Young, but anyway, I'm
 8 not going to give any evidence, but I do want
 9 to understand this slide or this particular
 10 page, I should say, of attachment No. 1
 11 because it just says "Leadership Team", it
 12 doesn't specify Hydro, Nalcor, maybe it's just
 13 my confusion but I've been seesawing and I'm
 14 still seesawing based on your answer so far,
 15 Mr. Henderson, as to leadership team of what?
 16 It's not Hydro because you just indicated the
 17 number of people you would consider to be part
 18 of the Hydro leadership team. You've also
 19 indicated there are other people who aren't
 20 here. I think you're going to direct me to
 21 another slide, eventually, that will
 22 illuminate me. But what is it the leadership
 23 team of, then, if it's not the leadership team
 24 of Hydro?
 25 MR. HENDERSON:

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1 A. This here is a subset of the Nalcor leadership
 2 team.
 3 MR. COXWORTHY:
 4 Q. And why are we only getting a subset of the
 5 Nalcor leadership, can you answer that
 6 question on this attachment?
 7 MR. HENDERSON:
 8 A. What I understand is that this is the subset
 9 of Nalcor leadership team that have people in
 10 their divisions who provide functional support
 11 to Hydro.
 12 MR. COXWORTHY:
 13 Q. So let's move on then, please, if you could
 14 direct me and the Board to the slide that you
 15 feel does a better job of representing the
 16 Hydro leadership team?
 17 MR. HENDERSON:
 18 A. It's not in this chart, like this, there was
 19 another RFI and I had it here for the opening
 20 day, but I don't think I have--I don't
 21 remember the RFI now.
 22 MR. O'BRIEN:
 23 Q. I think it was 328 you had directed, I think
 24 was the number, but I'm not sure.
 25 MR. COXWORTHY:

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1 Q. Thank you, if we could perhaps turn to 328?
 2 So there's a listing of -
 3 MR. HENDERSON:
 4 A. So we have a listing here of those who
 5 regularly attend the Nalcor leadership team
 6 and then meetings and then below that is those
 7 that regularly attend the Hydro leadership
 8 team meetings. And so this is the listing of
 9 people that are on the Hydro leadership team
 10 that I would be speaking about.
 11 MR. COXWORTHY:
 12 Q. And you gave evidence that there is generally
 13 a monthly meeting of the Hydro leadership
 14 team.
 15 MR. HENDERSON:
 16 A. That's correct.
 17 MR. COXWORTHY:
 18 Q. And looking at PUB-NLH-328 and certainly I
 19 recall your evidence that you spoke to these,
 20 would be people that would attend that and
 21 there's been some changes, I think, because
 22 some of the positions have changed. I don't
 23 think we need to review that evidence in
 24 detail, but going back to then PUB-NLH-138 and
 25 the people from Nalcor who provides shared

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1 services, leaders, the Nalcor leaders, do they
 2 attend these monthly meetings of the Hydro
 3 leadership team?
 4 MR. HENDERSON:
 5 A. No, they don't.
 6 MR. COXWORTHY:
 7 Q. And how do you interface--if they don't go to
 8 these monthly meetings, how do they learn what
 9 transpires at these meetings?
 10 MR. HENDERSON:
 11 A. The Nalcor leadership team meetings I would
 12 convey what's happening in the Hydro
 13 leadership team meetings, so I attend the
 14 Nalcor leadership team meetings with, along
 15 with the vice-president of System Operations
 16 and Planning who attends the Hydro leadership
 17 team meetings, as well as the vice-president
 18 of Corporate Relations who attends the Hydro
 19 leadership team meetings. All of us would be
 20 there at the Nalcor leadership team sharing
 21 what occurred and what occurred over the
 22 previous month.
 23 MR. COXWORTHY:
 24 Q. And at the Nalcor meetings, leadership team
 25 meetings, how often do they transpire if the

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<p>1 Hydro ones are monthly? 2 MR. HENDERSON: 3 A. They're monthly as well. 4 MR. COXWORTHY: 5 Q. They're monthly as well. 6 MR. HENDERSON: 7 A. And generally speaking they are one day after 8 the other. 9 MR. COXWORTHY: 10 Q. So which one comes first? 11 MR. HENDERSON: 12 A. So Tuesday Hydro has it and Nalcor would have 13 it on Wednesday. 14 MR. COXWORTHY: 15 Q. Okay, so generally the Hydro meeting is first. 16 MR. HENDERSON: 17 A. Yes. 18 MR. COXWORTHY: 19 Q. And then a couple of days later you can go to 20 the Nalcor meeting and report on what's arisen 21 at the Hydro meeting? 22 MR. HENDERSON: 23 A. Right. 24 MR. COXWORTHY: 25 Q. And apart from your verbal report at the</p>	<p>1 in the performance contract that we would talk 2 about and talk about how they're progressing, 3 so I'll go to Mr. Johnson's comment about the 4 customer service plan, that would be one of 5 the items that would get talked about at the 6 Nalcor leadership team on how we're doing with 7 respect to completing that strategic framework 8 that we've set up on there. So those types of 9 things would get spoken about in terms of 10 really flagging things that aren't where we 11 want them to be. We talked about things on an 12 exception, rather than if everything is going 13 according to plan, it would not get any 14 discussion, but anything that's not where we 15 would it to be, that's where you'd focus your 16 discussions on. 17 MR. COXWORTHY: 18 Q. Thank you, Mr. Henderson. I'd like to move on 19 to ask Mr. Moore some questions about his 20 position. 21 MR. MOORE: 22 A. Okay. 23 MR. COXWORTHY: 24 Q. And, Mr. Moore, I understand that you've been 25 the general manager of Transmission and Rural</p>
<p>Page 158</p> <p>1 Nalcor meeting, is there any other way that 2 the Nalcor leadership team participants who 3 provide shared services to Hydro, learn what 4 transpires at these monthly meetings of 5 Hydro's leadership team? 6 MR. HENDERSON: 7 A. Well there's a verbal report, there's a paper 8 report, I'll say an overview of--a high level 9 overview of what's happening and indication of 10 some of the indicators, the ones that Mr. 11 Martin talked about or was provided through 12 undertakings with Mr. Martin, those types of 13 items - 14 MR. COXWORTHY: 15 Q. So undertakings, 2B, for instance, the type of 16 information that's found in undertaking 2B? 17 MR. HENDERSON: 18 A. I'm not sure of the number, but I'll say it's 19 the items that we have in our annual plan, the 20 items that we - 21 MR. COXWORTHY: 22 Q. But that was the performance contract, but is 23 that the type of information that - 24 MR. HENDERSON: 25 A. Some of that, but there's others that aren't</p>	<p>Page 160</p> <p>1 Operations Group since 2011? 2 MR. MOORE: 3 A. That's correct. 4 MR. COXWORTHY: 5 Q. But you've been with that group since 2004? 6 MR. MOORE: 7 A. Yes. 8 MR. COXWORTHY: 9 Q. And what positions did you hold between 2004 10 and your current position with that group? 11 MR. MOORE: 12 A. In 2004 I moved into the, it was the manager's 13 role for transmission and distribution for the 14 TRO Central region, which I explained earlier 15 in the evidence that the Central region 16 basically is the island portion of the 17 province, excluded the Great Northern 18 Peninsula, so I held that position until, I 19 think it was around 2009 and I moved into a 20 long-term asset planning role for our 21 transmission and distribution assets for all 22 of TRO or all of Hydro and then moved into the 23 general manager role in 2011. 24 MR. COXWORTHY: 25 Q. Who held the general manager role before you</p>

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1 did at the TRO group?

2 MR. MOORE:

3 A. It was a new position when I moved into it.

4 MR. COXWORTHY:

5 Q. It was a new position, and so if it was a new

6 position, the responsibilities of the

7 position, who would have been responsible for

8 them prior to the new position being created?

9 MR. MOORE:

10 A. The way it happened before the new position

11 was created, the responsibilities, I guess,

12 would have been shared among the three

13 regional managers, as we talked about

14 Labrador, Northern and Central prior to that,

15 and when we put the general manager position

16 in place in 2011, that I moved into, the idea

17 then that the general manager would be

18 accountable for all aspects of TRO's

19 operations, which would include the regions,

20 the work execution and operation function of

21 asset management, long-term asset planning,

22 short-term planning and scheduling and support

23 services for TRO.

24 MR. COXWORTHY:

25 Q. And to be clear, I understand--and I hope I

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1 have this right, you're a Hydro employee.

2 MR. MOORE:

3 A. Yes.

4 MR. COXWORTHY:

5 Q. Mr. Gardiner is a Nalcor employee.

6 MR. GARDINER:

7 A. That's correct.

8 MR. COXWORTHY:

9 Q. So in terms of that change, in terms of how

10 that's structured in your new position, what

11 are your responsibilities in that new

12 position, general manager, in relation to

13 interactions with providing service to the

14 Industrial customers?

15 MR. MOORE:

16 A. My role in transmission rural operations with

17 respect to the Industrial customers is we're

18 fully accountable for asset management of the

19 transmission distribution assets, which would

20 include the high voltage terminal stations, so

21 the delivery point that provides electrical

22 services to the Industrial customers, we're

23 accountable for asset management, operation

24 and maintenance of those assets that provide

25 direct electrical service to the Industrial

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1 customers.

2 MR. COXWORTHY:

3 Q. You'll have to help me here, does that

4 include--you've heard some evidence already

5 about the Corner Brook Pulp & Paper Frequency

6 Converter, does that fall under your

7 bailiwick?

8 MR. MOORE:

9 A. Yes.

10 MR. COXWORTHY:

11 Q. And before your new position was created,

12 you've said there were three different

13 regional directors, the responsibilities were

14 shared or spread out over those three. Who of

15 those regional--before your position was

16 created, which of those regional managers

17 would have been responsible for the Corner

18 Brook Pulp & Paper Frequency Converter?

19 MR. MOORE:

20 A. That would have been the manager of the

21 Central region.

22 MR. COXWORTHY:

23 Q. Which was yourself, if I remember correctly--

24 is that correct, before 2103?

25 MR. MOORE:

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1 A. No.

2 MR. COXWORTHY:

3 Q. Who was it then?

4 MR. MOORE:

5 A. The manager of the Central region at that

6 time--a name you mean? The name of the

7 person?

8 MR. COXWORTHY:

9 Q. Yes.

10 MR. MOORE:

11 A. That would have been Rob Cater because all the

12 Industrial customers in TRO fall within the

13 Central region.

14 MR. COXWORTHY:

15 Q. And how long did Mr. Cater hold that position?

16 MR. MOORE:

17 A. Mr. Cater took that position, I'd have to

18 check the exact date, but -

19 MR. COXWORTHY:

20 Q. Subject to check, but approximately how long

21 has he been in that position?

22 MR. MOORE:

23 A. I would say back to the early 2000s.

24 MR. COXWORTHY:

25 Q. That's fine, thank you. The annual joint

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1 utility meetings that Mr. Henderson referred
 2 to, would you have ever been attending in any
 3 of your positions in the TRO group?
 4 MR. MOORE:
 5 A. No.
 6 (1:00 p.m.)
 7 MR. COXWORTHY:
 8 Q. In your current position as general manager
 9 for the TRO group, is there anyone
 10 specifically assigned to Corner Brook Pulp &
 11 Paper within the Hydro organization to liaise
 12 with, communicate with, deal with Corner Brook
 13 Pulp & Paper issues?
 14 MR. MOORE:
 15 A. In the Hydro organization, the communication
 16 with the Industrial customers, which would
 17 include Corner Brook Pulp & Paper, is taken
 18 care of, I'll say, through our system planning
 19 group or system operations group and they sit
 20 in on the joint -
 21 MR. COXWORTHY:
 22 Q. Okay, so Mr. Humphries and his panel may be a
 23 better people to ask about who might be
 24 specifically -
 25 MR. MOORE:

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1 A. That's right, the direct accountability for
 2 that liaison with our Industrial customers is
 3 with our systems operations group.
 4 MR. COXWORTHY:
 5 Q. Thank you. Mr. Moore, I believe Mr. Henderson
 6 identified that he's an electrical engineer in
 7 this evidence, you've identified you're a
 8 professional engineer, what area of specialty,
 9 if I can call it that, electrical -
 10 MR. MOORE:
 11 A. I'm an electrical engineer.
 12 MR. COXWORTHY:
 13 Q. I might as well ask Mr. Gardiner now as well.
 14 MR. GARDINER:
 15 A. I'm a civil engineer.
 16 MR. COXWORTHY:
 17 Q. And Mr. Gardiner, I'm going to go on and ask a
 18 similar question to yourself just so I can
 19 understand the parameters of your position and
 20 a little bit about your history in that
 21 position and before that.
 22 MR. GARDINER:
 23 A. Sure, absolutely.
 24 MR. COXWORTHY:
 25 Q. So you're currently the manager of engineering

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1 and project services and you've been in that
 2 position since about 2010?
 3 MR. GARDINER:
 4 A. Yes, correct.
 5 MR. COXWORTHY:
 6 Q. So five years.
 7 MR. GARDINER:
 8 A. Yes, that's correct.
 9 MR. COXWORTHY:
 10 Q. And what position did you hold before that,
 11 before you were in that position?
 12 MR. GARDINER:
 13 A. I joined the company after graduation in 1987
 14 as a transmission design engineering with the
 15 transmission group. At that time the
 16 transmission group was separate, a separate
 17 group. Then, I believe subject, around 2003
 18 we joined engineering services and became
 19 transmission distribution design. I continue
 20 to serve in my role as a transmission design
 21 engineering at that time and then in 2010, we
 22 became Project Execution and Technical
 23 Services and I was the manager. The former
 24 manager retired and I was promoted to the
 25 position of manager of Transmission and

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1 Distribution and then in 2013 there was a bit
 2 of a reorg. in Project Execution and Technical
 3 Services and I took the responsibility as
 4 manager of Engineering and Project Services,
 5 so at that time I took the, I guess, lead,
 6 manager for both the Transmission and Civil
 7 Engineering Services for PETS, as well as
 8 drafting properties and the safety lead and
 9 also project support services.
 10 MR. COXWORTHY:
 11 Q. And at what point during that did you--because
 12 I would understand you would have started off
 13 as a Hydro employee? At what point did you
 14 transition from that to Nalcor?
 15 MR. GARDINER:
 16 A. In 2011, a decision was made, I guess, that
 17 all the leadership of Project Execution would
 18 move into Nalcor. So in 2011, because Project
 19 Execution was created in late 2010 and then in
 20 2011, the leadership, myself and other
 21 managers were moved from Hydro into Nalcor.
 22 MR. COXWORTHY:
 23 Q. And in your present position, Mr. Gardiner, as
 24 manager of engineering and project services,
 25 what responsibilities, if any, do you have for

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1 provision of services for the Industrial
 2 customers?
 3 MR. GARDINER:
 4 A. Other than any projects that would be vetted
 5 by the long-term asset planning, coming out of
 6 the 20-year plan, that we would take those,
 7 once they're prioritized, and the scopes are
 8 applied and justifications are there, we would
 9 take them and we would put them through the
 10 planning process where we would produce
 11 capital budget proposals that would be
 12 submitted as part of the capital budget
 13 program.
 14 MR. COXWORTHY:
 15 Q. With respect to capital expenditure projects
 16 that related to the Corner Brook Pulp & Paper
 17 Frequency Converter, would you have had the
 18 responsibilities that you just outlined for
 19 those type of capital projects?
 20 MR. GARDINER:
 21 A. We would have the responsibility, yes, to
 22 prepare those budgets and schedules for -
 23 MR. COXWORTHY:
 24 Q. And in preparing that budget, would you have
 25 any communication with Corner Brook Pulp &

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1 Paper or anyone at Corner Brook Pulp & Paper
 2 or is that done by someone else?
 3 MR. GARDINER:
 4 A. That would be done by someone else, probably
 5 the field people, the long-term asset
 6 planners. One of the things that we do, of
 7 course, once we receive the scope, we sit down
 8 with the long-term asset planners to get a
 9 good understanding of exactly what the scope
 10 is, look at what work has been done and what
 11 work is to be done and then we would prepare
 12 the budget, so in that particular case we
 13 would rely on our long-term asset planners and
 14 other people. We would not, unless we deemed
 15 it necessary, other than going on a site visit
 16 with the operations' personnel and project
 17 execution personnel, we would not have any
 18 direct contact.
 19 MR. COXWORTHY:
 20 Q. Have you ever done that at the Corner Brook
 21 Pulp & Paper Frequency Converter? Have you
 22 ever made a site visit?
 23 MR. GARDINER:
 24 A. I have not, no, not myself personally. I know
 25 that staff have and hopefully I'll get -

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1 MR. COXWORTHY:
 2 Q. You refer to "long-term planners"?
 3 MR. GARDINER:
 4 A. That's correct.
 5 MR. COXWORTHY:
 6 Q. As a category of staff, is that -
 7 MR. GARDINER:
 8 A. That would be part of the operations group,
 9 TRO.
 10 MR. COXWORTHY:
 11 Q. So back to Mr. Moore.
 12 MR. GARDINER:
 13 A. Yes, but in the meantime, I'm hoping to visit
 14 the--after this proceeding I will visit the
 15 Corner Brook Frequency Converter, absolutely.
 16 MR. COXWORTHY:
 17 Q. Doesn't sound like you would be participating
 18 in joint utility meetings annually?
 19 MR. GARDINER:
 20 A. I would not. We're a shared services model
 21 where we provide the function to the various
 22 lines of business.
 23 MR. COXWORTHY:
 24 Q. I'd like to move on and it may be that it's
 25 not just Mr. Henderson that can answer this,

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1 but perhaps Mr. Moore may have some
 2 information as well. Key account teams and I
 3 guess if we could turn to the September 21st,
 4 2015 transcript, I believe that's the evidence
 5 of Mr. McDonald, page 26, starting at line 11.
 6 So I was asking a question of Mr. McDonald on
 7 the previous panel. Mr. Martin has indicated
 8 a renewed focus on customer service, that
 9 customer service is an important part of the
 10 Nalcor/Hydro business models and goals. We've
 11 been talking about the position of VP
 12 Corporate Communications and how in 2015/2016
 13 a large piece of her work is going to be
 14 working on customers"--with customers I think
 15 I meant to say,--"and I wanted to talk about
 16 specifically the Industrial customers and what
 17 efforts you may be aware of", so it goes on in
 18 that vein and I then at the bottom of that
 19 page say, "I've heard references to
 20 establishing key account people or key account
 21 teams that would perhaps be dedicated to a
 22 particular Industrial customer." And so
 23 starting with Mr. Henderson, can you tell me
 24 what your state of knowledge is about whether
 25 there's any work being done to develop key

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1 account teams, dedicated to particular
 2 Industrial customers?
 3 MR. HENDERSON:
 4 A. I've discussed this with the vice-president of
 5 corporate relations who has the accountability
 6 for developing this and so we've talked about
 7 the need to look at how we will execute this.
 8 Right now that role is a part of the
 9 responsibility of the manager of system
 10 operations. The manager of system operations
 11 is expected to be in regular contact with
 12 those customers, dealing with day-to-day
 13 activities, as well as the joint utility
 14 meeting and power supply arrangements and
 15 those types of things. So that is done there
 16 and so myself and the vice-president of
 17 corporate relations have talked about how we
 18 might transition that perhaps to bring in
 19 another position within the customer relations
 20 or customer services' group that would have a
 21 focus on larger customers and the Industrial
 22 customers, you know, the day-to-day activities
 23 would continue to have to be co-ordinated
 24 through system operations, but it's a matter
 25 of having a person who is very clear to the

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1 customers this is who you go to if you have
 2 issues and they would maintain a regular
 3 contact with the customers, perhaps an
 4 enhancement, I would say, from where we are
 5 today with the way that has been happening.
 6 MR. COXWORTHY:
 7 Q. Where are you today? Where is Hydro today if
 8 the customers have an issue that they're not
 9 clear on or if Hydro wants to communicate an
 10 issue to the customer, is it depending on the
 11 issue? Are there several different people now
 12 within the organization?
 13 MR. HENDERSON:
 14 A. I would suggest to you that it would depend on
 15 the issue, that we would communicate with the
 16 customer. Anything to do with the asset,
 17 they're in the field doing work, there would
 18 be somebody in Mr. Moore's shop would be there
 19 meeting with the customer, talking about the
 20 technical details of work that's going to
 21 happen and then on the coordination of outages
 22 and system related issues, that would be the
 23 manager of system operations would be
 24 responsible for having all of those
 25 discussions. And also talking about any

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1 issues related to the power contractor
 2 relationship, you know, in terms of the
 3 billings, those types of things would also be
 4 discussed at that level, so that's done. I
 5 also have contact and have met with, I'll say
 6 the management of Corner Brook Pulp & Paper as
 7 well as with North Atlantic Refining. For
 8 Vale, I have met them, but the relationship
 9 has not really evolved that way yet with Vale.
 10 MR. COXWORTHY:
 11 Q. If we could turn back to Mr. McDonald's
 12 evidence and it's at page 27 now from
 13 September 15th. So I put that same question
 14 to Mr. McDonald as I just put to you, you
 15 know, what did he know about the initiative
 16 and what he knew certainly is in line with
 17 what you just told us. But he does speak to
 18 it having been and it's line 6, "identified as
 19 a key focus area for us last year" and what
 20 you've described to us so far, Mr. Henderson,
 21 is that you've had some conversations with the
 22 VP of corporate communications about this.
 23 MR. HENDERSON:
 24 A. Yes.
 25 MR. COXWORTHY:

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1 Q. Has it progressed beyond discussions with the
 2 VP of corporate communications in terms of -
 3 MR. HENDERSON:
 4 A. Well I'll say that it's been part of our
 5 budget discussions for 2016 and the
 6 requirement for an additional position to be
 7 able to have somebody dedicated to this, so
 8 it's been part of that discussion is where it
 9 is right now in terms of having a--this
 10 approach is also applied to our rural
 11 customers, so there's been work as well
 12 happening there where we are establishing a
 13 stronger relationship with some of our larger
 14 commercial customers in the rural areas and so
 15 there's been a--Mr. Moore recently attended a
 16 meeting with the mine down in, I'm going to
 17 say Rambler Mines down in Baie Verte Peninsula
 18 and establishing a stronger tie there, so it's
 19 progressing along. With respect to the
 20 Industrials, there hasn't been any specific
 21 item that I am aware of that has happened to
 22 date, other than, you know, what has been
 23 happening in the past, which would be the
 24 manager of system operations, as well as the
 25 contact that I've had.

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1 MR. COXWORTHY:
 2 Q. Is the thinking that there would be one
 3 particular person dedicated to, for instance,
 4 Corner Brook Pulp & Paper, one for Vale or one
 5 position, I should say, one to North Atlantic
 6 Refining?
 7 MR. HENDERSON:
 8 A. The discussions we've had is having a person
 9 who would be a contact for all of them, not
 10 one person per customer.
 11 MR. COXWORTHY:
 12 Q. Not one person per customer, so you're
 13 thinking there would be one person for all--
 14 well, whatever Industrials customers happened
 15 to be -
 16 MR. HENDERSON:
 17 A. That's right and that's the conversation that
 18 we've had because the expectation is, is that
 19 you'd be able to manage the, you know, three
 20 or four accounts, well it's a little more
 21 because we also have IOC in Labrador that -
 22 MR. COXWORTHY:
 23 Q. So that one person would be expected to be
 24 familiar with the issues with respect to -
 25 MR. HENDERSON:

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1 A. Yes, and making sure that -
 2 MR. COXWORTHY:
 3 Q. All those Industrial customers.
 4 MR. HENDERSON:
 5 A. Making sure that all the right people in Hydro
 6 who might be required to meet with them to
 7 deal with issues are there when required and
 8 making sure that we're responsive to customer
 9 needs.
 10 MR. COXWORTHY:
 11 Q. Mr. Moore, you mentioned in the context of
 12 having done similar work or playing a similar
 13 role with large commercial rural customers.
 14 MR. MOORE:
 15 A. Yes.
 16 MR. COXWORTHY:
 17 Q. Is there anything else that you know, in terms
 18 of your work, about the development of key
 19 account people for the Industrial customers?
 20 MR. MOORE:
 21 A. Yes, one thing that has happened as well, we
 22 talked about earlier, the customer service's
 23 strategy and execution of that plan going
 24 forward is, well Mr. Henderson and Ms. Dalley
 25 have assigned myself and the manager of

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1 customer services to take a lead role in our
 2 customer services' council and one of the
 3 mandates of that council is to oversee
 4 execution of our customer services' strategy
 5 going forward, such that I present operations
 6 and our manager of customer services
 7 represents that team, and so we're looking at
 8 the, you know, making sure that strategy gets
 9 implemented going forward, and one of the
 10 significant parts of that strategy is
 11 implementation of a key account strategy, I
 12 guess, or managing key accounts from our
 13 larger commercial fish plants, those type of
 14 larger customers on the distribution systems.
 15 MR. COXWORTHY:
 16 Q. So is the initiative you're involved in
 17 limited to larger rural customers or does it
 18 include the Industrial customers?
 19 MR. MOORE:
 20 A. The scope right now includes, is basically
 21 limited to our distribution customers or
 22 customers on the distribution system that are
 23 customer group or customer services' team have
 24 accountability for, but as Rob just indicated,
 25 we're looking at, you know, is there an

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1 opportunity to expand that mandate so that we
 2 can follow the same model for Industrial
 3 customers going forward, which Rob explained
 4 is -
 5 MR. COXWORTHY:
 6 Q. It sounds like work might be more progressed
 7 with this sort of work for the rural customers
 8 than it is for the Industrial customers, is
 9 that fair?
 10 MR. MOORE:
 11 A. I would say from my involvement with our
 12 customer services' team at this point, but as
 13 Rob indicated, work is progressing, I guess,
 14 through system operations who regularly do a
 15 fair amount of discussion and communication
 16 with our Industrial customers.
 17 MR. COXWORTHY:
 18 Q. And I understand I'll be able to ask him some
 19 more questions about that. Thank you. I'd
 20 like to go on and perhaps if PUB-NLH-228, the
 21 infamous PUB-NLH-228 can be brought up please?
 22 Revision 5.
 23 MS. GLYNN:
 24 Q. I was just going to ask.
 25 CHAIRMAN:

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1 Q. Getting like the Bible.
 2 MR. COXWORTHY:
 3 Q. There have been a number of questions asked
 4 by, I think all parties or most of the parties
 5 about this particular RFI response, Mr.
 6 Henderson, but I want to focus on some
 7 questions I asked Mr. McDonald and Mr. Roberts
 8 as well, in terms of time forecast spent, I
 9 guess in the case of 2014, time charged in, I
 10 should say, by the VP of human resources and
 11 organizational effectiveness position, charged
 12 in in 2014 to Hydro and forecast to be charged
 13 in for 2015 and 2016 and Mr. Roberts and Mr.
 14 McDonald's evidence was that, as I recall it
 15 and understood it, that in all three of yours
 16 years, those numbers that we see there, so
 17 1462 in 2014, 1121 in the other years, is a
 18 mixture of both their times in terms of some
 19 of that is time charged in by Mr. McDonald,
 20 some of it is time charged in--or forecast to
 21 be charged in by Mr. Roberts and I guess I
 22 would ask Mr. Henderson, is that your
 23 understanding as well in terms of who is
 24 charging in what from that position?
 25 MR. HENDERSON:

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1 A. Yes.
 2 MR. COXWORTHY:
 3 Q. And are you able to say, say in 2014, what the
 4 mix is? Is it 50/50? I realize I'm not down
 5 to the last decimal point, but can you give me
 6 some sense of the 2014 in terms of charged-in
 7 time for Mr. Roberts, as opposed to for Mr.
 8 McDonald, what the split might be?
 9 MR. HENDERSON:
 10 A. I'd be guessing. I'm not certain but I know
 11 from my interactions -
 12 MR. COXWORTHY:
 13 Q. If you don't know, you don't know.
 14 MR. HENDERSON:
 15 A. - that I had more directions with Mr. McDonald
 16 than I did with Mr Roberts, but that may not
 17 be--Mr. Roberts -
 18 MR. COXWORTHY:
 19 Q. That may not be reflective of what they
 20 charged in.
 21 MR. HENDERSON:
 22 A. Mr. Roberts is also dealing--well I'll say it
 23 was mostly Mr. McDonald but there was a
 24 considerable amount of time with Mr. Roberts
 25 because of the contract negotiations. He was

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1 leading Hydro's negotiating team with our IBEW
 2 employees and so he was also using time there
 3 for that, so those--but Mr. McDonald was a
 4 fair bit on the reliability review and helping
 5 to coordinate all of our responses to the
 6 many, many questions and reports we were
 7 filing and then Mr. Roberts with respect to
 8 the Collective Agreement.
 9 MR. COXWORTHY:
 10 Q. And you may entirely be familiar with this,
 11 but if you look at footnote No. 2 here, in
 12 fact it specifically notes that the VP of HROE
 13 and that means Mr. McDonald, was seconded to
 14 leave the coordination regarding the outage
 15 and electricity system reviews for Hydro. So
 16 when you say you spent a lot of time
 17 interacting with Mr. McDonald in 2014, was it
 18 in relation to that?
 19 MR. HENDERSON:
 20 A. It would have been with respect to that, yes.
 21 MR. COXWORTHY:
 22 Q. Anything else of any large significance to
 23 Hydro?
 24 MR. HENDERSON:
 25 A. Well Mr. McDonald was also, well I guess the

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1 electricity system review that the provincial
 2 government was undertaking as well, Mr.
 3 McDonald was involved with that as well, so
 4 there was aspects of that. I would have also
 5 been interacting with him with respect to the
 6 transition to operations' activities that
 7 we're doing with respect to Muskat Falls and
 8 Labrador Island Link and some of the
 9 discussions about organizational requirements.
 10 He was providing a role there as well.
 11 MR. COXWORTHY:
 12 Q. Within Hydro, I mean, you've given specific
 13 examples and I recognize they may not be all
 14 inclusive of the dealings you would have had
 15 with Mr. McDonald and with Mr. Roberts in
 16 relation to human resource issues. We haven't
 17 talked about organizational effectiveness, but
 18 perhaps including that, but within Hydro who
 19 do you deal with, interact with, with respect
 20 to human resources and organizational
 21 effectiveness issues? So if it's not Mr.
 22 McDonald, it's not Mr. Roberts, who is it
 23 within the Hydro organization that you
 24 interact with the most on those issues?
 25 MR. HENDERSON:

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1 A. There's a lead--with respect to human
 2 resources, there is a lead who is responsible
 3 on the Hydro leadership team which is the
 4 manager of human resources, who I would be
 5 dealing with for the most part, but anything
 6 that, I'll say significant issues, we would
 7 bring in Mr. Roberts into that discussion. So
 8 if there was something of quite a, you know,
 9 like the negotiations of IBEW or if there was
 10 significant, those types of issues that we may
 11 end up, it wouldn't be just myself and the
 12 manager, we would also bring Mr. McDonald or
 13 since Mr. McDonald's role has changed, we
 14 would have gone to Mr. Roberts and talked
 15 about those types of things. So of all of the
 16 executives that would probably be the vice-
 17 president of HR that probably would get the
 18 most, get involved with most of those types of
 19 issues.
 20 MR. COXWORTHY:
 21 Q. And that may be reflected in the relatively
 22 high number we're seeing being charged in,
 23 compared to the other positions. But apart
 24 from, just speak to Mr. Roberts because, yes,
 25 there are two effectively VP HROEs who are

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1 charging in time to Hydro, but in terms of the
 2 role that Mr. Roberts has taken on, apart from
 3 the union negotiations in 2014, correct me if
 4 I'm wrong, you don't have those every year?
 5 MR. HENDERSON:
 6 A. No.
 7 MR. COXWORTHY:
 8 Q. I'm sure you're glad that you don't, but in
 9 other years, what role does he play? What
 10 other--you said there might be other
 11 significant issues that you wouldn't just go
 12 to your internal manager or when I say
 13 "internal", your Hydro manager for HRO, you
 14 would go to him. What other examples of
 15 significant issues can you give?
 16 MR. HENDERSON:
 17 A. Well there can, from time to time, be a labour
 18 relations issue that we might want to talk
 19 about. There's also, we will talk about maybe
 20 compensation type of issues that may come up
 21 with regard to certain positions or other
 22 personnel type of issues that are sort of
 23 generally broad based that may impact across
 24 Hydro and Nalcor that we would want to talk
 25 about, so that the full understanding of those

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1 issues are vetted with him.
 2 MR. COXWORTHY:
 3 Q. Other than the union issue, and I'm assuming
 4 that doesn't have a Nalcor dimension, perhaps
 5 I'm wrong, did the union negotiations in 2014
 6 have a Nalcor dimension?
 7 MR. HENDERSON:
 8 A. Earlier in the year there was, the union--
 9 there was an agreement signed with the CF(L)Co
 10 unionized workers that Mr. Roberts would have
 11 been involved with earlier.
 12 MR. COXWORTHY:
 13 Q. But in terms of the other issues that Mr.
 14 Roberts would involved, that you would get
 15 involved in that might have a Hydro dimension,
 16 did they usually also have a Nalcor dimension
 17 as well or implications across Nalcor?
 18 MR. HENDERSON:
 19 A. No, not necessarily, most of what I'm talking
 20 about with him is a Hydro issue, but I'll say
 21 that there could be a dimension to it, for
 22 instance, we have the compensation structure
 23 is, you know, is one compensation structure,
 24 for instance, within Nalcor and Hydro, so
 25 there may be, I'll say, side type of issues

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1 there, but you know, I'm totally focussed on
 2 the implications to Hydro in those
 3 conversations.
 4 MR. COXWORTHY:
 5 Q. And has there been any change in the role of
 6 the VP HRO in that role from the transition
 7 from Mr. McDonald to Mr. Roberts? And Mr.
 8 McDonald sounds like he has a fairly focussed,
 9 he called it a consulting role, I think, at
 10 some point, where he is now.
 11 MR. HENDERSON:
 12 A. Right.
 13 MR. COXWORTHY:
 14 Q. Has there been a change now that Mr. Roberts
 15 is acting VP, in terms of the types of
 16 services starting in 2014 that Mr. Roberts
 17 delivers to Hydro?
 18 MR. HENDERSON:
 19 A. No, Mr. Roberts is doing the role that Mr.
 20 McDonald was doing.
 21 MR. COXWORTHY:
 22 Q. So moving on then to 2015 and that's forecast,
 23 although we're three-quarters into 2015, and
 24 again I had asked you to give me your sense of
 25 the mix of, at least based on your

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<p>1 interactions, which may or may not reflect the</p> <p>2 actual charged-in time, but the mix in terms</p> <p>3 of your interactions with Mr. McDonald and Mr.</p> <p>4 Roberts so far in 2015.</p> <p>5 MR. HENDERSON:</p> <p>6 A. They would be precisely the same.</p> <p>7 MR. COXWORTHY:</p> <p>8 Q. More so with Mr. McDonald than with Mr.</p> <p>9 Roberts.</p> <p>10 MR. HENDERSON:</p> <p>11 A. No, well, no, I would say that this year it's</p> <p>12 probably--when I talked about the union</p> <p>13 negotiations, they weren't completed until</p> <p>14 this year, so that -</p> <p>15 MR. COXWORTHY:</p> <p>16 Q. Can you tell me when they were completed?</p> <p>17 MR. HENDERSON:</p> <p>18 A. Would have been early summer.</p> <p>19 MR. COXWORTHY:</p> <p>20 Q. Of 2015?</p> <p>21 MR. HENDERSON:</p> <p>22 A. Yes.</p> <p>23 MR. COXWORTHY:</p> <p>24 Q. So there's a carry over obviously for Mr.</p> <p>25 Roberts' role in that?</p>	<p>1 Q. How and what form do those interactions occur</p> <p>2 between yourself and Mr. McDonald?</p> <p>3 MR. HENDERSON:</p> <p>4 A. Mr. McDonald's office is right next to mine,</p> <p>5 so we will, you know, those types of things</p> <p>6 happen very ad hoc, if you like, through that</p> <p>7 arrangement, but we also have regular meetings</p> <p>8 to talk about the work plan for that whole</p> <p>9 transition to operations' function or activity</p> <p>10 and they have been--they're not monthly, they</p> <p>11 may be happening a little bit more frequently</p> <p>12 than that, but they're not self prescribed as</p> <p>13 being exactly at the same time every month,</p> <p>14 like the leadership team meetings were,</p> <p>15 they're much more issue driven and dealt with</p> <p>16 in terms of as certain pieces of work gets</p> <p>17 done, we'd be meeting to review it.</p> <p>18 MR. COXWORTHY:</p> <p>19 Q. And in looking at 2016 which is forecast, what</p> <p>20 is your understanding in terms of the time</p> <p>21 they are going to be charging in, because</p> <p>22 again, their evidence was that this is a</p> <p>23 combination of both Mr. McDonald's and Mr.</p> <p>24 Roberts' time in 2016, what's your</p> <p>25 understanding of the services, the shared</p>
<p>Page 190</p> <p>1 MR. HENDERSON:</p> <p>2 A. Yes.</p> <p>3 MR. COXWORTHY:</p> <p>4 Q. And in your interactions with Mr. McDonald</p> <p>5 then in 2015 so far, what have they been in</p> <p>6 relation to?</p> <p>7 MR. HENDERSON:</p> <p>8 A. So there has been still some element of the</p> <p>9 coordination activities of the--that reporting</p> <p>10 and everything that has been happening from</p> <p>11 the outage inquiry, as well as the electricity</p> <p>12 system review and more happening with regard</p> <p>13 to the transition and operations' aspect for</p> <p>14 Lower Churchill and the organizational impacts</p> <p>15 of that are more, much more so in 2015 than</p> <p>16 they would have been in 2014.</p> <p>17 MR. COXWORTHY:</p> <p>18 Q. Those interactions with Mr. McDonald on that</p> <p>19 point, the integration point, you've already</p> <p>20 said, if I understand correctly, he doesn't</p> <p>21 attend these monthly meetings of the Hydro</p> <p>22 leadership group, is that correct?</p> <p>23 MR. HENDERSON:</p> <p>24 A. Yes.</p> <p>25 MR. COXWORTHY:</p>	<p>Page 192</p> <p>1 services they're going to be providing to</p> <p>2 Hydro in that year to justify those charges?</p> <p>3 MR. HENDERSON:</p> <p>4 A. Well I would suggest that they're a</p> <p>5 continuation of items that have been</p> <p>6 occurring, certainly the outage related</p> <p>7 aspects of it would be declining, but the</p> <p>8 other aspects of it, with respect to this</p> <p>9 transition to operations, that's going to be a</p> <p>10 much more--it's going to become more and more</p> <p>11 over the course of the next two to three years</p> <p>12 as we move into the full operations. So</p> <p>13 there's an element here of much more in one</p> <p>14 area and less in another.</p> <p>15 MR. COXWORTHY:</p> <p>16 Q. Chair, I see it's -</p> <p>17 CHAIRMAN:</p> <p>18 Q. You're a good man.</p> <p>19 MR. COXWORTHY:</p> <p>20 Q. I've not completed my questioning before you</p> <p>21 say that, Mr. Chair, on this area or</p> <p>22 otherwise, but I certainly don't think I would</p> <p>23 finish in any time that would be reasonable</p> <p>24 for today.</p> <p>25 CHAIRMAN:</p>

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1 Q. So we'll adjourn and I think we're back with
2 you two weeks from -
3 MR. COXWORTHY:
4 Q. You'll be seeing me before that, Mr. Chair.
5 CHAIRMAN:
6 Q. Oh I know that.
7 MS. GLYNN:
8 Q. We are--cost of service witnesses start on
9 Monday, so we do have two weeks allotted for
10 that and then a week break, so unless we
11 finish cost of service earlier, this panel is
12 finished for three weeks. Mr. Chair, I would
13 like to ask the parties if they could stick
14 around just for a two-minute chat so make sure
15 that we're all ready for next week.
16 CHAIRMAN:
17 Q. All right then, we are adjourned.
18 Upon conclusion at 1:30 p.m.

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1 CERTIFICATE
2 I, Judy Moss, hereby certify that the foregoing is a true
3 and correct transcript of a hearing in the matter of
4 Newfoundland and Labrador Hydro's General Rate
5 Application heard on the 24th 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 24th day of September, A.D., 2015
12 Judy Moss
13
14

<p>-\$-</p> <p>\$100,000 [1] 40:17 \$520,000.00 [1] 108:15 \$595,000.00 [1] 109:24</p> <p>-&-</p> <p>& [14] 82:23 83:20 90:1 163:5,18 165:10,13,17 169:16,25 170:1,21 175:6 177:4</p> <p>-'-</p> <p>'04 [1] 19:14 '07 [2] 7:20 29:10 '13 [2] 4:19 43:17 '14 [1] 19:16 '15 [1] 4:19 '66 [2] 132:24 133:1 '67 [2] 132:24,25</p> <p>-0-</p> <p>035 [1] 80:23</p> <p>-1-</p> <p>1 [10] 23:14 67:5 76:11 76:15 85:11 86:3 151:16 151:20,20 153:10 1.08 [1] 70:1 1.13 [1] 69:24 1.3 [2] 42:18 115:20 1.4 [1] 113:21 1.6 [3] 34:4,19 35:11 1.88 [1] 69:22 1.98 [2] 69:19,20 10 [3] 52:7 68:24 85:19 10.3 [1] 120:7 100 [1] 67:2 10:00 [1] 44:4 10:15 [1] 55:25 10:30 [1] 68:4 10:45 [1] 79:10 11 [4] 22:5,7 137:14 172:5 11.7 [1] 116:3 1121 [1] 181:17 11:00 [1] 89:10 11:37 [1] 89:17 120 [2] 77:13,23 12:00 [1] 108:2 12:15 [1] 121:22 12:30 [1] 134:8 14 [1] 137:14 14.8 [1] 33:23 14001 [1] 101:21 1462 [1] 181:17 15 [3] 16:14,17 119:12 15B [1] 1:10 15th [1] 175:13</p>	<p>16 [4] 1:8 81:2 132:2 134:22 18 [6] 125:18,22,23 127:2 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