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<p>1 (9:06 a.m.)</p> <p>2 CHAIRMAN:</p> <p>3 Q. Good morning. There are no preliminary</p> <p>4 matters, I understand.</p> <p>5 MS. GLYNN:</p> <p>6 Q. You're right, yes, Mr. Chair.</p> <p>7 CHAIRMAN:</p> <p>8 Q. So, I think we're over to Hydro and are you</p> <p>9 leading off, sir?</p> <p>10 MR. MACDOUGALL:</p> <p>11 Q. I am, Mr. Chair, but just for quick</p> <p>12 introductions. Mr. Chair, Panel members, I'd</p> <p>13 like to introduce Hydro's Management and</p> <p>14 Accounting Panel for the prudence portion of</p> <p>15 the GRA. Closest to you we can welcome back</p> <p>16 Mr. Henderson, he's now been here three or</p> <p>17 four times. Today, however, he's in a bit of</p> <p>18 a different role, he's continuing to testify</p> <p>19 in his former position as Vice-President of</p> <p>20 Newfoundland and Labrador Hydro at the</p> <p>21 relevant time periods, but with the</p> <p>22 appointment of Mr. McIsaac as President of</p> <p>23 Hydro, Mr. Henderson's new position is now</p> <p>24 Vice-President of transition to Operations for</p> <p>25 Muskrat Falls, The LIL and Maritime Link at</p>	<p>1 to go through--Mr. Henderson, again with</p> <p>2 respect to various evidence filed within the</p> <p>3 Prudence Review including the information for</p> <p>4 the management and accounting panel, a large</p> <p>5 portion of this evidence was prepared under</p> <p>6 your direction and control.</p> <p>7 MR. HENDERSON:</p> <p>8 A. That's correct.</p> <p>9 MR. MACDOUGALL:</p> <p>10 Q. And it is true to the best of your knowledge</p> <p>11 and belief?</p> <p>12 MR. HENDERSON:</p> <p>13 A. That's correct.</p> <p>14 MR. MACDOUGALL:</p> <p>15 Q. And you adopt it as the evidence of Hydro in</p> <p>16 this matter?</p> <p>17 MR. HENDERSON:</p> <p>18 A. I do.</p> <p>19 MR. MACDOUGALL:</p> <p>20 Q. And Mr. Conway, particularly with respect to</p> <p>21 accounting and financial issues, you assisted</p> <p>22 in the preparation of Hydro's various</p> <p>23 components of evidence in this proceeding?</p> <p>24 MR. CONWAY:</p> <p>25 A. That's correct.</p>
<p>Page 2</p> <p>1 Nalcor. And next to Mr. Henderson is Mr.</p> <p>2 Michael Conway; he has not appeared before you</p> <p>3 in the past and Mr. Conway is Manager,</p> <p>4 Regulatory Finance at Hydro.</p> <p>5 CHAIRMAN:</p> <p>6 Q. He was in the back. I was wondering who he</p> <p>7 was; the mystery has been solved.</p> <p>8 MR. CONWAY:</p> <p>9 Q. Hiding.</p> <p>10 MR. MACDOUGALL:</p> <p>11 Q. He has been in the back in the past and now</p> <p>12 we're putting him front and centre, Mr. Chair.</p> <p>13 CHAIRMAN:</p> <p>14 Q. Do I have to swear Mr. Henderson again?</p> <p>15 MR. MACDOUGALL:</p> <p>16 Q. He's probably good to go.</p> <p>17 CHAIRMAN:</p> <p>18 Q. You would like to be sworn again, do you?</p> <p>19 MR. HENDERSON:</p> <p>20 Q. Sure.</p> <p>21 MR. ROBERT HENDERSON - SWORN</p> <p>22 MR. MICHAEL CONWAY - SWORN</p> <p>23 EXAMINATION-IN-CHIEF BY MR. MACDOUGALL</p> <p>24 MR. MACDOUGALL:</p> <p>25 Q. Okay, just very briefly then, Mr. Chair, just</p>	<p>Page 4</p> <p>1 MR. MACDOUGALL:</p> <p>2 Q. And with respect to that information, is it</p> <p>3 true and correct to the best of your knowledge</p> <p>4 and belief?</p> <p>5 MR. CONWAY:</p> <p>6 A. Yes.</p> <p>7 MR. MACDOUGALL:</p> <p>8 Q. And do you adopt it as the evidence of Hydro</p> <p>9 in this proceeding?</p> <p>10 MR. CONWAY:</p> <p>11 A. Yes.</p> <p>12 MR. MACDOUGALL:</p> <p>13 Q. Mr. Chair, with that we have no opening</p> <p>14 statement, particularly from this panel and</p> <p>15 the gentlemen are available for cross-</p> <p>16 examination.</p> <p>17 CHAIRMAN:</p> <p>18 Q. And I believe it's over to Madam Greene.</p> <p>19 GREENE, Q.C.:</p> <p>20 Q. Good morning, Chair, Commissioners. Good</p> <p>21 morning.</p> <p>22 MR. HENDERSON:</p> <p>23 A. Good morning.</p> <p>24 MR. CONWAY:</p> <p>25 Q. Good morning.</p>

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1 GREENE, Q.C.:

2 Q. I'd like to go through each of the projects

3 where Liberty has recommended that there be a

4 disallowance and I notice this morning our

5 numbers are getting smaller and smaller. I

6 don't know if it's a reflection of accounting

7 or if they'll get smaller as we proceed this

8 morning, but I will be going through each

9 project just to confirm where there is

10 agreement and where there is disagreement or

11 issues for the Board to consider.

12 I'd like to begin with the black start

13 project. For this particular project, Hydro

14 applied for and received approval from the

15 Board in order number P.U. 38 of 2013 for

16 capital of \$1,263,400 and for the creation of

17 a deferral account for least cost of

18 \$5,763,200. I'd like first to go to an RFI

19 PR-PUB-NLH-113.

20 So here in this particular RFI, we see

21 the actual cost, if we could scroll down,

22 please? So these are the capital costs for

23 this project and the total there on the screen

24 is \$761,977. Hydro had applied for and

25 received approval of \$1,263,000. I'd like

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1 first to ask the difference between what was

2 applied for of 1.3 million and the actual end

3 cost of 762,000. Could you please explain

4 what the difference was and why the project

5 came in so much lower than estimated?

6 MR. CONWAY:

7 A. I can help you there. Just on a high level

8 basis though, I'll just kind of -- probably

9 the best thing for me to do, probably read out

10 what was in the capital budget variance report

11 and at least then I'll get the wording

12 straight with that one at least.

13 But it was during the project execution,

14 the site layout was adjusted resulting in the

15 elimination of significant civil excavation

16 work and contract costs. The lower project

17 costs resulted in a lower than estimated

18 interest cost and also the contingency fund

19 wasn't used for that.

20 GREENE, Q.C.:

21 Q. So the primary reason was an adjustment to the

22 site? Is that correct?

23 MR. CONWAY:

24 A. Yes.

25 GREENE, Q.C.:

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1 Q. But I wanted to know from an operating

2 perspective or management perspective, which I

3 guess would be Mr. Henderson, because we're

4 going to see this for all of the projects,

5 that there was a significant under variance on

6 these projects. So from a general approach,

7 was there a different approach taken for these

8 projects? Because we do -- we will be seeing

9 significant variances, under variances.

10 MR. HENDERSON:

11 A. No, I would say, no, there wasn't a

12 significant difference in approach. Although

13 these were done, you know, say this particular

14 project and some of the others were done

15 fairly quickly, so there would have been some

16 element of items that were unknown going into

17 the project until you got into the detail of

18 the project. You would find additional items

19 that may cause the estimate to be off, and

20 particular if you're going into a site like

21 this, as Michael mentioned here, some of the -

22 - once you get into the site and start doing

23 the work, you may find that there wasn't as

24 much work required as initially thought.

25 GREENE, Q.C.:

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1 Q. Even though the site had been the site for the

2 previous black start? Hydro wasn't familiar

3 enough with the site to estimate the site

4 costs?

5 MR. HENDERSON:

6 A. Well, in terms of all the detailed work that

7 was required at the site for establishing the

8 mobile units, there's -- this site was --

9 obviously it's on an existing site, but we

10 still had not gone in and, you know, I'll say

11 removed material to get a full sense of all

12 the activities that had to be taken around

13 that particular area, because it's an area

14 that wasn't previously in use. It was just on

15 the side of the Holyrood plant.

16 GREENE, Q.C.:

17 Q. We heard last week that the cost estimate was

18 within plus or minus 20 percent. At what time

19 did Hydro start using that for the level -- I

20 believe it was a level two? I can't remember

21 if it was level three.

22 MR. HENDERSON:

23 A. Level three.

24 GREENE, Q.C.:

25 Q. Three.

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<p>1 MR. HENDERSON: 2 A. Yes. 3 GREENE, Q.C.: 4 Q. At what point did Hydro start using that in 5 their submissions to the Board? 6 MR. HENDERSON: 7 A. I'm not certain on the timing of when that has 8 happened, but it would be -- at least the last 9 three years that I've been involved, that's 10 been the approach. 11 (9:15 a.m.) 12 GREENE, Q.C.: 13 Q. We also see from this RFI that's on the 14 screen, the operating expenses for 2014 for 15 depreciation and for fuel, and we'll come back 16 to that in a moment. Can we go now to PR-PUB- 17 115, or I'm sorry, 114? So these are the 2015 18 test year costs. Again, we see depreciation 19 and this time deferred lease amortization. 20 Has there been any change in those numbers 21 since the submission of this RFI? 22 MR. CONWAY: 23 A. No, there hasn't been any changes for this for 24 our test year purposes. 25 GREENE, Q.C.:</p>	<p>1 table and with Hydro's response to CA-004. So 2 if we look at this table, the first part of 3 the table relates to capital. So, for black 4 start, we see outlined in pink what we just 5 saw from the RFI response. Is that correct, 6 Mr. Conway, the \$761,977? 7 MR. CONWAY: 8 A. Yes, it is correct. 9 GREENE, Q.C.: 10 Q. Okay. 11 MR. CONWAY: 12 A. It is the same amount, yes. 13 GREENE, Q.C.: 14 Q. And for the people looking at this, the pink 15 or the red highlight those expenses that 16 Liberty in its report has recommended be 17 disallowed. So now if we move down to -- and 18 this is 2014, 2014 operating expenses. We see 19 there again the number of 160,485, okay, and 20 just for clarity for the record, I'll be doing 21 this for each of the projects to confirm where 22 there is a disagreement with Hydro between 23 Hydro and Liberty or whether there actually is 24 an agreement on the numbers, but a different 25 reason put forward why the numbers shouldn't</p>
<p>Page 10</p> <p>1 Q. Okay. And the last operating expense related 2 to this project is in PR-PUB-NLH-115 and can 3 you explain what this additional cost was, Mr. 4 Conway? 5 MR. CONWAY: 6 A. It related to the rental of the Newfoundland 7 Power unit for a short period of time. 8 GREENE, Q.C.: 9 Q. And what year was it rented? 10 MR. CONWAY: 11 A. This was in -- it was moved in 2013 and the 12 costs were for 2014. 13 GREENE, Q.C.: 14 Q. Okay. 15 MR. CONWAY: 16 A. And I would just like to point out that there 17 was \$72,000 in 2014 actual, but there was 18 \$52,000 included in the Hydro's test year 19 numbers. 20 GREENE, Q.C.: 21 Q. And we're going to come to that difference 22 between how Hydro has approached it and 23 Liberty. So, if we could go now to Liberty's 24 report, page 44? Table 9.1 on page 44. And 25 we'll be spending a bit of time with this</p>	<p>Page 12</p> <p>1 be accepted. So with respect first to the 2 capital costs, if we could go to Hydro's reply 3 of August 7th, page 27? 4 So here we're talking first about capital 5 and then about operating. In lines six to 6 nine, Hydro has raised for the first time in 7 its reply that a certain amount of the capital 8 costs Liberty have recommended be disallowed 9 relate to the new combustion turbine. Could 10 you explain, please, either Mr. Henderson or 11 Mr. Conway, how the \$567,113 of capital for 12 black start referred to on lines six to eight, 13 why in Hydro's view that cost should be 14 allowed? 15 MR. HENDERSON: 16 A. When we put in the black start diesels, we 17 built a distribution line that runs from the 18 black start diesel units over to the 19 transformers that connect into the Holyrood 20 plant. So there was a distribution line 21 that's a 25 kV distribution line that will run 22 over there. So the power comes from the black 23 start diesels, runs on the distribution line, 24 goes into the plant through the 4.16 kV 25 connection into the plant. That distribution</p>

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1 line and the infrastructure that's built
 2 around it was to be used, planned to be used,
 3 for connecting in the new CT. So that same
 4 distribution line will continue over to the
 5 new combustion turbine plant and be reused for
 6 the black start connection of the new
 7 combustion turbine plant into the Holyrood
 8 plant. So there is a significant amount of
 9 the capital cost was related to building that
 10 infrastructure to connect the mobile diesel
 11 units into the Holyrood plant. So we'll be
 12 reusing that infrastructure as part of the
 13 combustion turbine black start.

14 GREENE, Q.C.:

15 Q. Do you have any update with respect to the
 16 future of the new CT as black start? We
 17 understood last -- from previous testimony,
 18 there is uncertainty as to when it will occur
 19 and if it will occur.

20 MR. HENDERSON:

21 A. Well, what we're doing there is right now
 22 we're preparing an application and I haven't
 23 received an update. I've been out of the
 24 office. But I understand it's very close to
 25 being finished now. To apply for to continue

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1 with the black start diesels units to supply
 2 into the system at Holyrood, but the -- and
 3 that would eliminate the need to reuse this
 4 infrastructure to connect into the new
 5 combustion turbine. You can't connect both of
 6 them using the same. There's a different
 7 voltage level that's being applied from the
 8 combustion turbine into the Holyrood plant
 9 than what the mobile diesel units are using.
 10 So, you have to disconnect the mobile diesel
 11 units in order to connect the combustion
 12 turbine. So if we -- if the final decision is
 13 not to connect the combustion turbine through
 14 that method and remain leaving the black start
 15 diesels, then the infrastructure would be
 16 there for the black start diesels instead of
 17 the combustion turbine. But either way, that
 18 infrastructure is required to enable the black
 19 start.

20 GREENE, Q.C.:

21 Q. So there's still uncertainty at this point as
 22 to whether Hydro will be applying for approval
 23 to continue to use the existing diesels to
 24 continue black start?

25 MR. HENDERSON:

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1 A. Well, I'll say there's -- the uncertainty is
 2 the approval. There's an application being
 3 prepared for use of the black start diesel
 4 units, for them to be approved for purchase
 5 and we'll retain those.

6 GREENE, Q.C.:

7 Q. And they will be maintained as black start,
 8 not the new CT?

9 MR. HENDERSON:

10 A. The new CT would be able to black start, but
 11 it wouldn't be able to use that distribution
 12 line. It would be using the 230 kV switch
 13 yard at Holyrood instead to connect into the
 14 plant.

15 GREENE, Q.C.:

16 Q. Okay. So with respect to black start, as you
 17 know Liberty has recommended that -- their
 18 opinion is that Hydro had acted imprudently
 19 with respect to that project and that the cost
 20 associated should be disallowed and Hydro's
 21 position, of course, is that they do not agree
 22 with that, but the only issue then on the
 23 capital cost for the Board, should the Board
 24 determine that the project is imprudent, is
 25 this issue on the capital whether there should

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1 be any deduction for the distribution which
 2 may or may not be used.

3 MR. HENDERSON:

4 A. Well that, it will be used regardless.

5 GREENE, Q.C.:

6 Q. For black start, but not for the new CT which
 7 is what lines six to nine say.

8 MR. HENDERSON:

9 A. Yes, that's right, because the original plan
 10 was to return the mobile diesel units and then
 11 this would have been remaining in place and
 12 used with the combustion turbine.

13 GREENE, Q.C.:

14 Q. Okay. So if we can go back to Liberty,
 15 please, the Table 9.1 on page 44? I wanted to
 16 talk about the operating expenses. We saw --
 17 Mr. Conway has already explained that of the
 18 \$160,000 that are shown as part of the
 19 operating expenses for black start, part of
 20 that Liberty had included \$72,000 for
 21 transportation for the Newfoundland Power
 22 mobile diesels. Is that correct?

23 MR. CONWAY:

24 A. That's correct.

25 GREENE, Q.C.:

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<p>1 Q. And you mentioned that Hydro had only included 2 \$52,000 in the 2014 test year. Is that 3 correct? 4 MR. CONWAY: 5 A. That's correct, yeah. 6 GREENE, Q.C.: 7 Q. I wonder could we go - 8 MR. CONWAY: 9 A. The only other thing I'd kind of point out 10 there as well would be that if the Board -- in 11 the event that the Board found that there was 12 an adverse finding with black start, but they 13 determined that the \$567,000 was reasonable 14 that the depreciation in that \$160,000 would 15 be - 16 GREENE, Q.C.: 17 Q. We're going to come to depreciation. 18 MR. CONWAY: 19 A. Okay. Okay, perfect. 20 GREENE, Q.C.: 21 Q. I'm going to do each expense for each project. 22 MR. CONWAY: 23 A. Okay. 24 GREENE, Q.C.: 25 Q. So I know you have notes you need to say</p>	<p>1 understand, Mr. Conway, that that was the 2 basis on which Liberty made its report? 3 MR. CONWAY: 4 A. Yes. 5 GREENE, Q.C.: 6 Q. Okay. So in some cases, we're going to find 7 that Hydro has stated that if there is to be a 8 disallowance, the disallowance should be less 9 because you did not have it included in the 10 test year? Is that correct? 11 MR. CONWAY: 12 A. That's correct. 13 GREENE, Q.C.: 14 Q. And we see that with the transportation costs 15 for the Newfoundland Power mobile. Is that 16 correct? 17 MR. CONWAY: 18 A. That's correct. 19 GREENE, Q.C.: 20 Q. Okay. Now Mr. Henderson, would the 21 Newfoundland Power mobiles have been required 22 to be moved to Holyrood if black start had 23 been operational? 24 MR. HENDERSON: 25 A. The Newfoundland Power mobiles were placed</p>
<p>1 something, but you'll get the chance. So I 2 wanted to go to Liberty, page four. I just 3 want to make sure that the Commissioners are 4 aware of how Liberty did their work. And in 5 the second paragraph under work methods, 6 "Liberty began its work on the basis of 7 estimates of expected Hydro costs in the area 8 subject to prudence review. In many cases, 9 Hydro has reported to Liberty that actual 10 costs ultimately differed from those contained 11 in the starting estimates. Where applicable, 12 Liberty has reported both those estimates and 13 Hydro has provided actual costs, but has not 14 verified actual costs reported to Liberty by 15 Hydro in this review. Liberty understands 16 that the relevant costs will undergo later 17 review in Hydro's current rate application. 18 Liberty thus offers Hydro's reported costs to 19 facilitate that review by others and not as a 20 confirmation of completeness or accuracy. 21 Liberty has sought to make clear the specific 22 cost types in areas associated with imprudent 23 actions, leaving to others the work required 24 to determine the magnitude of those costs 25 based on subsequent inquiry." So you</p>	<p>1 there in the fall of 2013 to be there into the 2 winter 2014 to enable -- basically to prewarm 3 a lot of equipment in the plant if there was a 4 loss of power to the plant. While they 5 wouldn't provide black start, they would 6 provide a lot of benefit to the plant in terms 7 of warming equipment to enable a faster 8 recovery. So they were there for -- basically 9 put in place for an interim period until the 10 black start diesels were completed in service. 11 So they were there until the diesels -- they 12 had to be removed in order to enable the 13 diesels to be connected, but they were there 14 for that interim period. 15 GREENE, Q.C.: 16 Q. And they were moved, as I understood your 17 answer, to provide warming which - 18 MR. HENDERSON: 19 A. They were placed there so -- we had originally 20 placed the -- had asked Newfoundland Power to 21 place the mobile gas turbine and a mobile 22 diesel unit into the Holyrood plant to -- 23 basically, when we had the failure of the 24 turbine at Holyrood on unit one in 2013, 25 immediately after that we asked Newfoundland</p>
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<p>1 Power to move the mobile generation to the 2 Avalon Peninsula because of the exposure that 3 the system would have and customers would have 4 to less generation available that winter. So 5 we moved them there and then as part of that, 6 we wanted to put them at that particular site 7 because they would -- it would enable 8 providing direct power into the Holyrood plant 9 and potentially be able to black start the 10 plant, be able to start the large motors. So 11 they were put there and we built 12 infrastructure at that site to enable 13 connection of the Newfoundland Power mobile 14 units. So with that infrastructure in place, 15 we had decided to bring the mobile generation 16 back into the site for the next winter, after 17 Newfoundland Power was finished with the 18 mobiles for their summer maintenance period. 19 We brought them back in and it was brought in, 20 I guess, in December 2013.</p> <p>21 One thing that I should mention is that 22 originally we brought in the mobile gas 23 turbine and a mobile diesel unit. I think the 24 mobile diesel unit was around two, two and a 25 half megawatts and the mobile gas turbines,</p>	<p>1 one, which Liberty has also concluded was an 2 imprudent project, and to provide warming in 3 the absence of black start, which Liberty also 4 has determined in its opinion was an imprudent 5 project. Would that be correct?</p> <p>6 MR. HENDERSON: 7 A. Yes. Obviously we don't agree with that 8 finding.</p> <p>9 GREENE, Q.C.: 10 Q. Right.</p> <p>11 MR. HENDERSON: 12 A. But that's what Liberty are saying, but the 13 point is that at that time, it was appropriate 14 to bring that equipment in for the benefit 15 that it brought, and for that reason, we 16 believe that those costs were prudent costs in 17 order to provide that service.</p> <p>18 GREENE, Q.C.: 19 Q. And I guess the purpose of the discussion this 20 morning is only on the basis to assist the 21 Board, if in any of these projects that they 22 determine are imprudent, what factors they 23 should consider for any disallowances. So, 24 yes.</p> <p>25 MR. HENDERSON:</p>
<p>Page 22</p> <p>1 about six and a half megawatts. So in total, 2 they would have provided about nine megawatts 3 of power. We had done some analysis and 4 thought that we may be able to black start 5 with the nine megawatts, black start the 6 Holyrood plant. We eventually did a test with 7 those units in May of 2013 which the tests 8 that we did were not successful in black 9 starting using those units, but so then when 10 we decided to bring the equipment back in 11 later in the fall, we decided only to bring in 12 the mobile gas turbine and not bring in the 13 mobile diesel units because the mobile diesel 14 unit was there really to help assist with the 15 black start. But with the black start no 16 longer proven at least with those two units, 17 then we said we'd just bring in the mobile gas 18 turbine for that additional benefit of the 19 prewarming and it would have been then in 20 place for that winter.</p> <p>21 (9:30 a.m.) 22 GREENE, Q.C.: 23 Q. So as I understood your answer, you brought in 24 the Newfoundland Power units to help provide 25 additional capacity after the failure of unit</p>	<p>Page 24</p> <p>1 A. Understood.</p> <p>2 GREENE, Q.C.: 3 Q. Hydro's position for all the projects is that 4 they are prudent, okay. I wonder -- Mr. 5 Conway had mentioned the fact of what had been 6 included in the test year and I wonder here if 7 we could go to Liberty's report, page 42? 8 Because we're going to see, aren't we, Mr. 9 Conway, with a number of projects that there's 10 a difference between the actual cost incurred 11 versus what Hydro had forecast was in the 2014 12 test year?</p> <p>13 MR. CONWAY: 14 A. That's correct.</p> <p>15 GREENE, Q.C.: 16 Q. Okay. And it's at the bottom of the page 17 under background, the last paragraph. In the 18 second sentence, "Liberty identified actual 19 2014 costs as provided by Hydro falling into 20 the but-for category" and the but-for category 21 is but-for imprudent decisions and actions, we 22 see from the previous sentence. Then they go 23 on to say "data did not exist to make 24 practicable a reconciliation of those actual 25 dollars with the partially estimated costs</p>

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<p>1 that Hydro had used in its 2014 revenue 2 requirement calculations. Neither could 3 Liberty reconcile the actual 2014 costs that 4 Hydro provided to Liberty with the five months 5 of actual cost data the company used in making 6 the 2014 revenue requirement calculations." 7 So I just wanted to confirm that for some of 8 the operating expenses in particular, a 9 difference arises because of what Hydro has 10 indicated was included in the test year versus 11 an actual amount. Is that correct? 12 MR. CONWAY: 13 A. That's correct. 14 GREENE, Q.C.: 15 Q. I'd like -- the final issue on operating 16 expenses is depreciation, Mr. Conway, and you 17 wanted to tell us about depreciation? 18 MR. CONWAY: 19 A. Well, I'd just like to mention that just in 20 that example that Mr. Henderson was raising 21 that if the capital disallowance changed, 22 based on the Board's finding, then as a result 23 the depreciation would also change as a 24 result. 25 GREENE, Q.C.:</p>	<p>1 MR. CONWAY: 2 A. The actual capital? 3 GREENE, Q.C.: 4 Q. Yeah, the full amount, forgetting about the 5 fact that -- because this shows the impact in 6 rate base and revenue requirement, but what 7 was the total capital cost spent for the unit 8 one repairs? 9 MR. CONWAY: 10 A. It was approximately nine million. 11 GREENE, Q.C.: 12 Q. Right. And Hydro also received insurance 13 proceeds on both account of capital and 14 operating for this project? Is that correct? 15 MR. CONWAY: 16 A. That's correct. 17 GREENE, Q.C.: 18 Q. So makes this one a little bit more confusing 19 to go through, from a test year perspective. 20 The amount of insurance that was receiving in 21 total was how much? 22 MR. CONWAY: 23 A. Related to the capital piece, it was 3.4 24 million. I'm not sure if I have here a hold 25 on the amount that was allocated to operating.</p>
<p>1 Q. Okay. So whatever -- whenever the final 2 numbers are determined, the depreciation 3 expense shouldn't be double counted, is what 4 you're saying, if you use the full capital 5 cost? 6 MR. CONWAY: 7 A. Yeah. Yeah, we'd recalculate what the 8 appropriate or the applicable depreciation 9 would be based on the Board's findings. 10 GREENE, Q.C.: 11 Q. So what Liberty has reported for all of these 12 projects is the actual capital cost in the 13 year, plus then the depreciation expense in 14 the year? Is that correct? 15 MR. CONWAY: 16 A. That's correct. 17 GREENE, Q.C.: 18 Q. Okay. So the next project then would be unit 19 number one. In this particular case, Hydro 20 applied for and received Board approval in 21 P.U. 14 of 2013 for 12.8 million dollars for 22 repairs, and I'd like to go first to PR-PUB- 23 NLH-129, Revision 2. The first question was 24 what was the total capital actually spent on 25 this project?</p>	<p>1 GREENE, Q.C.: 2 Q. We'll see that when we come to another RFI. 3 MR. CONWAY: 4 A. Okay, perfect. 5 GREENE, Q.C.: 6 Q. We can leave that for now. 7 MR. CONWAY: 8 A. Okay. 9 GREENE, Q.C.: 10 Q. So, can we go back to Liberty's report, this 11 time page 65? So here's a separate table just 12 on this particular project. Here, with 13 respect to the operating expenses, first I 14 should ask, there's no disagreement with 15 respect to the actual amount of the capital 16 that's shown there. Is that correct, Mr. 17 Conway? 18 MR. CONWAY: 19 A. That's correct. 20 GREENE, Q.C.: 21 Q. Okay. With respect to the operating expenses, 22 we see that Liberty did propose at that time 23 operating expense total for disallowance of 24 2.4 million dollars and Hydro has raised 25 questions with respect to each of those. So,</p>

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<p>1 if we could look first, please, at 2 depreciation? And here we can go back to PR- 3 PUB-129, Revision 2. There, depreciation 4 expense is shown as \$800,000. Is that 5 correct? 6 MR. CONWAY: 7 A. Yeah, that was the revised figure. 8 GREENE, Q.C.: 9 Q. Right. The first revision -- and when was the 10 Revision 2 actually filed? The date on the 11 revision is? 12 MR. CONWAY: 13 A. September. 14 GREENE, Q.C.: 15 Q. September 4th, after Liberty's report. 16 MR. CONWAY: 17 A. Yeah. 18 GREENE, Q.C.: 19 Q. Right. So Revision 1 had depreciation expense 20 of a million dollars. Is that correct? 21 MR. CONWAY: 22 A. That's correct. 23 GREENE, Q.C.: 24 Q. Okay. And can you explain what the issue is 25 here? It's the very same one as we just saw</p>	<p>1 GREENE, Q.C.: 2 Q. So we'll see that with each of these projects? 3 MR. CONWAY: 4 A. Yeah. 5 GREENE, Q.C.: 6 Q. The next one, and the one million dollars was 7 reduced by Hydro when it filed a second 8 revision to this RFI to 800,000? 9 MR. CONWAY: 10 A. That's correct. 11 GREENE, Q.C.: 12 Q. Okay. Now we need to go back to the other 13 operating expenses, which would be page 65. 14 There we go. Now, the replacement power 15 costs, can you indicate what they are? 16 MR. CONWAY: 17 A. Did you want to just - 18 MR. HENDERSON: 19 A. Sure. 20 MR. CONWAY: 21 A. Okay., 22 MR. HENDERSON: 23 A. So the replacement power costs are those that 24 were incurred when that turbine wasn't able to 25 -- well, basically in January 2014, there was</p>
<p>1 with black start? Is that correct? 2 MR. CONWAY: 3 A. Well, all I'll just mention here with the 4 double counting is I think they said to 5 exclude the full five -- if you look at the 6 2014 actual numbers there, they said to 7 exclude the full 5.4 million. 8 GREENE, Q.C.: 9 Q. Right. 10 MR. CONWAY: 11 A. Whereas actually if you have the depreciation, 12 it would actually lower your average rate base 13 down to 4.7 million. So we should be -- if 14 they're going to disallow the full 5.4, then 15 we shouldn't be counting the depreciation as 16 well. It would cause double counting. 17 GREENE, Q.C.: 18 Q. So if we go back to Liberty's comments in its 19 report, they're actually reporting just the 20 actual capital and the actual depreciation and 21 leaving it to others to determine the revenue 22 requirement and rate base implications in the 23 GRA? Is that correct? 24 MR. CONWAY: 25 A. That's correct, yeah.</p>	<p>1 a period of time where unit one was not 2 available because of the -- there were 3 vibration issues with that unit. When it was 4 being brought on, it had to be brought on slow 5 to allow the, I'll say, steady heating of the 6 turbine to reduce any vibration issues as you 7 bring it up to full speed that it would run 8 synchronized to the power system. So, in 9 January 2014, on the 5th of January, there was 10 a period of time where that unit was not on 11 with the system and what we did is we were 12 asked to estimate how much time it took for us 13 to get that unit on that was longer than what 14 would have normally happened if we didn't have 15 the vibration issue, and we used as a proxy 16 there that unit two came on earlier, I'll say, 17 I'm going to say late in the evening of 18 January 4th, and so the difference in the time 19 from when unit two came on and to when unit 20 one came on, we attributed that to the 21 vibration. 22 And during the time that that unit was 23 not available, which would have basically 24 extended from the evening of January 4th, late 25 evening January 4th to evening of January 5th,</p>

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1 we did an estimation of how much energy we had
 2 to obtain from other sources to replace the
 3 170 megawatts that that unit would normally
 4 produce and the replacement energy for that,
 5 the energy that that unit would have otherwise
 6 produced, we estimated to be -- I think it was
 7 around that number, maybe a little bit
 8 different. I'm not sure because there was
 9 some revisions to the number afterwards. But
 10 it was around that. So that's what the
 11 replacement cost is related to. So it would
 12 have been tied to use of combustion turbines
 13 and to the purchase of energy or basically
 14 fuel from Newfoundland Power's units as well
 15 as energy that we would have obtained from
 16 Corner Brook Pulp and Paper.
 17 GREENE, Q.C.:
 18 Q. And Mr. Conway, Hydro, in its reply, pointed
 19 out that from their perspective that amount
 20 had been included elsewhere, so is it what I
 21 call a double counting issue? Is that
 22 correct?
 23 MR. CONWAY:
 24 A. That's correct. It was also in the supply
 25 cost class numbers. I think that is agreed

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1 upon as well with Liberty on page 13 to 15 of
 2 their reply.
 3 GREENE, Q.C.:
 4 Q. Right. So if we could go to Liberty's reply,
 5 page -- September 17th, page 16, lines 23?
 6 And here, we see, beginning at line 19, where
 7 they're talking about the supply related costs
 8 of 504,000. We see in line one that at the
 9 time of its report, Liberty understood the
 10 cost to be distinct and then they do go on to
 11 confirm that based on the new information
 12 Hydro provided in the response to PR-187 to
 13 91, they're satisfied it was included. So
 14 they do agree that that amount was double
 15 counting and should not be in there twice. Is
 16 that correct?
 17 MR. CONWAY:
 18 A. That's correct.
 19 GREENE, Q.C.:
 20 Q. And the last one on operating expenses for
 21 this project, if we can go back up to the
 22 table, just to remind people, so that's Table
 23 11.2 on page 65, the \$914,800 for contract
 24 labour costs. And if we go -- there Hydro
 25 also has advised, if we go back to PR-PUB-129,

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1 that those costs were not included in your
 2 test year forecast? Is that correct?
 3 MR. CONWAY:
 4 A. That's correct.
 5 GREENE, Q.C.:
 6 Q. Okay.
 7 MR. CONWAY:
 8 A. They're only in 2014 actuals.
 9 GREENE, Q.C.:
 10 Q. Okay. So I think it might be helpful here if
 11 we just looked at the response to CA -- PR-CA-
 12 NLH-014.
 13 MS. GRAY:
 14 Q. Is that Revision 1, Ms. Greene?
 15 GREENE, Q.C.:
 16 Q. Yes, Revision 1. Can you explain what this
 17 response does, Mr. Conway, please?
 18 (9:45 a.m.)
 19 MR. CONWAY:
 20 A. A request was made just to provide the
 21 intervenors with an opportunity to see what
 22 the numbers would look like in the event that
 23 the Board found that there were disallowances,
 24 but then updated for test year information and
 25 removed double counting and these sort of

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1 items that Hydro had identified. I'd say it's
 2 not a gospel by any means. It's just more to
 3 give you an idea. So as the Board comes to
 4 different conclusions, we would update the
 5 information accordingly.
 6 GREENE, Q.C.:
 7 Q. So if we could look at PR-CA-NLH-014 and --
 8 wait for it to come up.
 9 MS. GRAY:
 10 Q. That's this one here?
 11 MR. MACDOUGALL:
 12 Q. Are you looking for the attachment?
 13 GREENE, Q.C.:
 14 Q. Yes, I'm sorry, yes, yeah. We just talked
 15 about unit one, so we see there on the left-
 16 hand side, unit one with a note six by it, and
 17 then if we scroll across, we see what Liberty
 18 said for each of these projects for capital
 19 and operating, and then Hydro, Hydro's
 20 position on each project. And I'd like to go
 21 to note six as an illustration. So note six
 22 explains what we just talked about for unit
 23 one, and here, we will -- is there anything
 24 you would like to add? I just wanted to bring
 25 people to it so that they can see in note six

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<p>1 what we just went through for the capital and 2 operating for unit one. Is that correct? So 3 there's no disagreement on the actual numbers, 4 it's just there's some issues that the Board 5 needs to give direction on? Is that correct? 6 MR. CONWAY: 7 A. Yeah, that's correct. 8 GREENE, Q.C.: 9 Q. Okay. The next project is the Sunnyside 10 equipment replacement. Well, actually before 11 we left unit one, I wanted to ask Mr. 12 Henderson, the capital applied for was 12.8 13 million and the total capital was about nine 14 million dollars. Again, what was the reason 15 for the significant variance between actual 16 and the project estimate for which Hydro 17 sought approval? 18 MR. CONWAY: 19 A. I don't think I have this one here in front of 20 me, but one of the big variances with that 21 would be the insurance proceeds itself because 22 in the budget process, Hydro doesn't include 23 the reduction for insurance proceeds. So that 24 would be one of the large variances. 25 MR. HENDERSON:</p>	<p>1 A. Well, because it is a multi-year job, so in 2 the test year, the budget was 8.4 million. 3 But are you referring to - 4 GREENE, Q.C.: 5 Q. I wanted to know how much the project cost 6 overall regardless of the period of time over 7 which the dollars were spent. 8 MR. CONWAY: 9 A. I don't have the final numbers for 2015 10 actuals. 11 GREENE, Q.C.: 12 Q. You don't have the final numbers yet? The 13 project is not complete? 14 MR. CONWAY: 15 A. On that - 16 MR. HENDERSON: 17 A. It is complete now, but I guess we don't have 18 all the total dollars in yet. 19 MR. CONWAY: 20 A. Yeah. 21 GREENE, Q.C.: 22 Q. Okay. Hydro had applied for and received 23 approval for this project for eight and a half 24 million dollars in capital in P.U. Order 29 of 25 2014 with about 7.2 million being proposed to</p>
<p>1 A. And then in addition to that, for that type of 2 project, it required disassembly of the 3 turbine to investigate the extent of the 4 damage to the turbine, so until that 5 disassembly was incurred, it was uncertain as 6 to the extent of the damage and the amount of 7 repair that would be required. So that would 8 have impacted on the final cost as well. Once 9 we got inside there, the amount of work to be 10 done wasn't as extensive as first was 11 concerned that, you know, we feared that there 12 would be. So that also impacted on total 13 capital cost. 14 GREENE, Q.C.: 15 Q. Okay. So the next project is the Sunnyside 16 equipment replacement project. Here perhaps 17 if we go to Liberty's report, page 30. What 18 was the total capital cost of this project, 19 actual cost, Mr. Conway? 20 MR. CONWAY: 21 A. In 2014 actuals? 22 GREENE, Q.C.: 23 Q. No, the total spent for that project, 24 regardless of the year in which it was spent. 25 MR. CONWAY:</p>	<p>1 be spent in 2014 and 1.2 million, 1.26 million 2 in 2015. I wonder could we have an 3 undertaking to advise of the total cost, 4 actual cost for the project? 5 MR. HENDERSON: 6 A. Yes. 7 MS. GLYNN: 8 Q. Noted on the record. 9 GREENE, Q.C.: 10 Q. So if we look at this table and go through the 11 capital and operating for this project, we see 12 a deduction for each year in 2014 and 2015 13 under T1 transformer circuit breaker and mods, 14 modifications, and a note, "They're not 15 related to imprudence". Mr. Henderson, can 16 you advise what the amounts shown for 2014 and 17 2015 in that column are? 18 MR. HENDERSON: 19 A. When we replaced the transformer T1 at 20 Sunnyside, we made some enhancements to the 21 transformer. The largest one would have been 22 related to we put in a new breaker, so 23 previously on the high voltage side of that 24 breaker - I'm sorry, of that transformer, 25 there was two breakers that had to operate to</p>

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<p>1 remove that transformer from service, and when 2 we went forward with this project, we put in 3 another breaker which was tied directly to the 4 transformer. It was, I think B1T1, and that 5 breaker is dedicated to that transformer, so 6 it was an enhancement to have one breaker as 7 opposed to relying on two breakers on the high 8 voltage side of the transformer. So that was 9 the addition and enhancement there, and in 10 addition we made modifications to the 11 protection systems to enable the - if there 12 was a failure of the breaker to operate, that 13 at the same time that there's a failure of the 14 transformer that there would be breaker 15 failure protection that would activate and 16 trip additional breakers to allow for quick 17 clearing of the problem with the transformer. 18 The original transformer, original design, did 19 not have that breaker failure protection tied 20 to a transformer problem, and that would have 21 been a contributor to the damage to the 22 transformer that we experienced in January, 23 2014, because there was no - when the breaker 24 failed to trip, there was no backup to that 25 failure. So this enhancement provided that for</p>	<p>1 expenses by Hydro in its reply. One is the 2 transportation and the other is the loss on 3 disposals. Mr. Conway, could you explain what 4 both are, please? 5 MR. CONWAY: 6 A. The transportation costs were moving one 7 transformer from one location to another. This 8 was another event where those costs were in 9 our 2014 actuals, but were not requested in 10 our 45.9 million or our 2014 test year. The 11 other one was the loss and disposal figure. 12 In our 2014 test year, it was slightly 13 different than it was in 2014 actuals. So 14 after the removal of both of those items, the 15 net impact on the Sunnyside project from 16 operating expenses is nil. 17 GREENE, Q.C.: 18 Q. And we don't need to go there, but if we went 19 back to the response to PR-CA-NLH-014, 20 Revision 1, that would be set out there in 21 note 1 for this project, is that correct? 22 MR. CONWAY: 23 A. Yes, that's correct. 24 GREENE, Q.C.: 25 Q. The next project is Western Avalon, and this</p>
<p>1 the new circuit. Liberty had looked at that, 2 at the enhancements that we made there and 3 they saw that they were appropriate and good 4 enhancements to make, and that's why they're 5 not related to their imprudence finding. 6 GREENE, Q.C.: 7 Q. Okay. So these, because Liberty had also 8 agreed that these were improvements prudent to 9 be done, that they are deducted then from the 10 capital cost. The only issue related to 11 capital then for the Sunnyside replacement 12 equipment is the issue of betterment that has 13 been raised by Hydro, is that correct? 14 MR. HENDERSON: 15 A. Yes, that's correct. 16 GREENE, Q.C.: 17 Q. Fortunately, we've already dealt with 18 betterment, so we don't need to go through 19 that for the two projects where Mr. Kennedy 20 has raised that issue and come up with a 21 calculation for it. So operating expenses, 22 the first one there I'd like to talk about is 23 the transportation cost of \$824,000.00. From 24 Hydro's reply, August 7th, page 17, there's 25 actually two issues raised in the operating</p>	<p>1 particular one, again Liberty has recommended 2 that the cost associated with the repairs be 3 disallowed as a result of their position or 4 their opinion with respect to preventative 5 maintenance, and the fact that maintenance 6 hadn't been done on the breaker in question. 7 Here if we go to Table 9.1 on page 44 of 8 Liberty's Report, again in capital we see 9 Western Avalon tap changer, a million dollars, 10 or \$1,013,900.00, and Hydro had received 11 approval for this particular one of 12 \$1,452,500.00, is that correct, Mr. Conway? 13 MR. CONWAY: 14 A. Yes, that's correct. 15 GREENE, Q.C.: 16 Q. Okay. Are there any issues on this project 17 from Hydro's perspective with respect to the 18 amount of capital other than the issue of 19 betterment? 20 MR. CONWAY: 21 A. Other than the issue of betterment, that's 22 correct. 23 GREENE, Q.C.: 24 Q. Okay, with respect to operating expenses, we 25 see down below the operating expenses in this</p>

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<p>1 table that Liberty is recommending be 2 disallowed is \$41,000.00. So Western Avalon 3 T5-2014 operating expenses, \$41,000.00, and 4 what's Hydro's position with respect to those 5 operating expenses? 6 MR. CONWAY: 7 A. In the event of an adverse finding, there is 8 no issues raised with that \$41,000.00, which 9 was, I think, depreciation. If there was a 10 betterment recalculation, obviously the 11 depreciation would change thereabouts, but 12 just the concept that Hydro is okay with. 13 GREENE, Q.C.: 14 Q. Okay, the next project is the overhaul of the 15 two breakers, one at Sunnyside and one at 16 Holyrood. Again Liberty's position is that the 17 cost associated with the repair of these 18 breakers should be disallowed as they were 19 associated with imprudence. The actual cost 20 incurred, if we go to PR-PUB-NLH-037, the 21 actual costs here were slightly higher than 22 what had been sought approval for, if you go 23 back to the table, and Hydro again, there's no 24 disagreement with respect to the capital cost 25 for these projects, is there, Mr. Conway?</p>	<p>1 captured within the allowance for unforeseen 2 accounts for the test year. 3 GREENE, Q.C.: 4 Q. And again we don't need to go there again, but 5 again your response to PR-CA-NLH-014 sets out 6 what we just discussed with respect to the 7 capital and operating for this project, is 8 that correct? 9 MR. CONWAY: 10 A. That's correct. 11 GREENE, Q.C.: 12 Q. Okay, the next is not a project, but it is the 13 2014 revenue deficiency account of 45.9 14 million dollars. So how did Hydro determine 15 the amount of this 2014 revenue deficiency 16 account, Mr. Conway? 17 MR. CONWAY: 18 A. The way we calculated that is based on our 19 forecast, that income for our 2014 test year, 20 and it was recalculated to ensure that Hydro 21 earned the rate of return of 8.8 percent. 22 GREENE, Q.C.: 23 Q. And at the time of Hydro's amended GRA, it was 24 based on five months of actual data and seven 25 months of forecast, is that correct?</p>
<p>1 MR. CONWAY: 2 A. That's correct. 3 GREENE, Q.C.: 4 Q. Okay. In the operating expenses, if we go 5 back to page 44 of Liberty's Report, we see 6 the second last one from the bottom, the 7 operating expenses recommended be disallowed 8 for this particular project is \$164,000.00. 9 What's hydro's position with respect to those 10 operating costs? 11 (10:00 a.m.) 12 MR. CONWAY: 13 A. That was related to the disposal of one of 14 those breakers and that was in 2014 actuals 15 whereas it wasn't included in the 2014 test 16 year. 17 GREENE, Q.C.: 18 Q. So again it's the same issue of whether it was 19 in the test year and what the Board will do 20 with actual costs versus test year costs? 21 MR. CONWAY: 22 A. Exactly. In the test year, those breakers 23 weren't individually identified. What they 24 were really was - the reason why they were 25 included was they aren't really kind of</p>	<p>1 MR. CONWAY: 2 A. That's correct. 3 GREENE, Q.C.: 4 Q. And as you just mentioned, it included a 5 number of factors including the requested rate 6 of return. Liberty only reviewed and reported 7 on certain expenses that I wanted to review 8 with you now, and if we go back there on the 9 screen, of the expenses that they have 10 recommended be disallowed, the first one that 11 I wanted to talk to you about was professional 12 services, and we can see from the table, they 13 have consulting fees there of regulated Hydro 14 professional service fees. If we go to the 15 next page, we see a breakdown of costs 16 associated with it. The first one is Hydro's 17 legal costs of \$876,000.00. In Hydro's reply, 18 you had stated that certain parts of this in 19 Hydro's opinion should not be disallowed. 20 Could you please explain what Hydro's position 21 is with respect to those professional service 22 fees? 23 MR. CONWAY: 24 A. Those professional service fees related to a 25 number of items. I guess, we can probably</p>

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<p>1 refer to page -</p> <p>2 GREENE, Q.C.:</p> <p>3 Q. 21.</p> <p>4 MR. CONWAY:</p> <p>5 A. Let me just see - I have Liberty's, but I'm</p> <p>6 just going to bring up ours here.</p> <p>7 GREENE, Q.C.:</p> <p>8 Q. It begins on the bottom of page 20 of your</p> <p>9 reply, Mr. Conway.</p> <p>10 MR. CONWAY:</p> <p>11 A. Yes, perfect, thank you. So page 21, that's</p> <p>12 how we did the break out there is probably the</p> <p>13 best way to look at it. So it included Phase</p> <p>14 1 and costs, Phase 2 costs, some supplemental</p> <p>15 and capital application costs and supply,</p> <p>16 application costs, so when the original</p> <p>17 request was done for what would be considered</p> <p>18 the legal fees, it was all coded to one work</p> <p>19 code, so in the background - and at that time,</p> <p>20 we weren't really sure where the questions</p> <p>21 were going with Liberty or how they were going</p> <p>22 to be interpreted. So after their report, we</p> <p>23 went back and completed more scrutiny on the</p> <p>24 legal fees and broke them out by the</p> <p>25 categories that they were actually working on.</p>	<p>1 Liberty be disallowed?</p> <p>2 MR. CONWAY:</p> <p>3 A. With regards to the \$958,000.00, it was</p> <p>4 comprised of - we were getting estimates from</p> <p>5 the Board related to Phase 1 and Phase 2, and</p> <p>6 total supply costs - I think it was</p> <p>7 approximately 1.25 million, and that related</p> <p>8 to Hydro costs and Newfoundland Power costs.</p> <p>9 So Hydro performed a high level estimated and</p> <p>10 assumed that 75 percent of that total 1.25</p> <p>11 million was related to Hydro, and then that</p> <p>12 brought us down to \$958,000.00, but that also</p> <p>13 - so it really is a high level estimate that</p> <p>14 includes Newfoundland Power, Hydro, and Phase</p> <p>15 1, Phase 2. So what Hydro proposed is that</p> <p>16 the cost related there should be, I guess,</p> <p>17 scrutinized a little bit further and then the</p> <p>18 actual costs related to Phase 1, if the Board</p> <p>19 found that there was imprudence, would be</p> <p>20 disallowed rather than high level estimate</p> <p>21 provided by Hydro.</p> <p>22 GREENE, Q.C.:</p> <p>23 Q. Okay, so at this time, it was your best</p> <p>24 estimate of what you thought the costs may or</p> <p>25 may not be, or might be?</p>
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<p>1 GREENE, Q.C.:</p> <p>2 Q. So these are Hydro's own legal fees?</p> <p>3 MR. CONWAY:</p> <p>4 A. That's correct.</p> <p>5 GREENE, Q.C.:</p> <p>6 Q. And the total amount given that was</p> <p>7 subsequently broken down by Hydro into these</p> <p>8 different matters, since then has Liberty</p> <p>9 reviewed these invoices, Hydro invoices for</p> <p>10 legal fees?</p> <p>11 MR. CONWAY:</p> <p>12 A. We've provided them, and I believe they're</p> <p>13 still under review, but we haven't heard of</p> <p>14 any issues thus far.</p> <p>15 GREENE, Q.C.:</p> <p>16 Q. Okay, so since - I think it was only last week</p> <p>17 or the week before, Liberty has reviewed these</p> <p>18 invoices?</p> <p>19 MR. CONWAY:</p> <p>20 A. Yes.</p> <p>21 GREENE, Q.C.:</p> <p>22 Q. Okay. The next item on page 22 of your reply</p> <p>23 is the Board and intervenor outage inquiry</p> <p>24 costs, and what is Hydro's position with</p> <p>25 respect to the amount recommended there by</p>	<p>1 MR. CONWAY:</p> <p>2 A. That's correct, and that would have</p> <p>3 potentially included other things like Phase</p> <p>4 2, and we would think that Phase 2 is a go</p> <p>5 forward project where there wouldn't be any</p> <p>6 disallowance.</p> <p>7 GREENE, Q.C.:</p> <p>8 Q. Some additional work needs to be done then and</p> <p>9 confirming that exact amount?</p> <p>10 MR. CONWAY:</p> <p>11 A. That's correct.</p> <p>12 GREENE, Q.C.:</p> <p>13 Q. If there is a finding of imprudence?</p> <p>14 MR. CONWAY:</p> <p>15 A. I agree, yeah.</p> <p>16 GREENE, Q.C.:</p> <p>17 Q. The next and last one on professional services</p> <p>18 was Sunnyside environmental remediation, and</p> <p>19 here in Hydro's reply on page 23, we see that</p> <p>20 Hydro raised the issue of a double counting</p> <p>21 issue with respect to a portion of the cost,</p> <p>22 and Liberty did agree after again additional</p> <p>23 information that this was correct. If we go</p> <p>24 to Liberty's reply, page 15, if you scroll</p> <p>25 down, we can see in that answer, and that's</p>

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1 correct, is it, Mr. Conway, that Liberty did
 2 agree that a certain portion had already been
 3 included in the Sunnyside project, and,
 4 therefore, it was double counting as said by
 5 Hydro, is that correct?
 6 MR. CONWAY:
 7 A. That's correct.
 8 GREENE, Q.C.:
 9 Q. The last remaining issue was an invoice for
 10 \$14,300.00, which is a - on page 23, it stated
 11 the opposite there, \$13,400.00. It was later
 12 corrected by Hydro to \$14,300.00, and there
 13 was a question of an outstanding invoice. Has
 14 Liberty since reviewed that particular invoice
 15 for the big amount of \$14,000.00?
 16 MR. CONWAY:
 17 A. It was provided to them, and they have
 18 reviewed it. I haven't heard of any issues
 19 that has arisen from the invoice.
 20 GREENE, Q.C.:
 21 Q. If we could go back now to Liberty's Report,
 22 page 46. Actually, page 44 is the table. So
 23 we've just talked about the professional
 24 service consulting fees and the various
 25 adjustments that have been discussed in

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1 Hydro's reply and subsequent RFIs, and
 2 Liberty's reply. Now I'd like to talk about
 3 the outage salary transfers of \$511,000.00 as
 4 shown there as the second item. What is this
 5 amount for, Mr. Conway?
 6 MR. CONWAY:
 7 A. We had set up a code for overall, like,
 8 outage, Phase 1, Phase 2, type work order
 9 codes, and what it is, it's the inter-company
 10 charge in of Nalcor employees and other
 11 company employees charging in, so just say for
 12 argument sake, if Ed was working on Phase 1 or
 13 Phase 2 activities for Hydro, then he would
 14 charge in his work order and that's how the
 15 number was created.
 16 GREENE, Q.C.:
 17 Q. If we went to PUB-NLH-228, and I think we're
 18 up to Revision 5 here now.
 19 MR. MACDOUGALL:
 20 Q. Mr. Chair, just for the record, I would
 21 indicate that I think the reference to Ed is
 22 Mr. Martin.
 23 GREENE, Q.C.:
 24 Q. I think we all understood who that was.
 25 CHAIRMAN:

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1 Q. I think we got that one.
 2 MR. MACDOUGALL:
 3 Q. Just a bit of levity, Mr. Chair.
 4 GREENE, Q.C.:
 5 Q. So these hours that we see would have been
 6 reflected in an increased actual charge back
 7 to Hydro, and that gives rise to the
 8 \$511,000.00 recommended by Liberty, is that -
 9 be disallowed because of extra time spent by
 10 the executive?
 11 MR. CONWAY:
 12 A. Yes, I think - just for clarification, I think
 13 PUB-228 is total charge in to Hydro, whereas
 14 this would be more specific relating to Phase
 15 1, Phase 2, the integrated action plan, that
 16 sort of thing.
 17 GREENE, Q.C.:
 18 Q. Yeah, the increase in hours arising from the
 19 investigation?
 20 MR. CONWAY:
 21 A. Yeah.
 22 GREENE, Q.C.:
 23 Q. And Hydro also has expressed the view that -
 24 in their reply, if we go to page 24, that only
 25 a portion of this had been included in the

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1 test year, is that correct?
 2 MR. CONWAY:
 3 A. That's correct.
 4 GREENE, Q.C.:
 5 Q. So page 24, lines 13 to 15, and we see that
 6 there, and I'm not sure if you're the correct
 7 witness, Mr. Conway, or whether it's the
 8 Finance Panel coming next week, with respect
 9 to these issues where Hydro has stated in its
 10 reply that amounts - actual costs as reported
 11 by Liberty were not included in the test year,
 12 but somewhat of a lesser amount. Do we take
 13 from that then that at no time does Hydro
 14 intend to revise the 2014 revenue deficiency
 15 account, which is 45.9 million presently
 16 before the Board?
 17 MR. HENDERSON:
 18 A. There is no plan to make an adjustment. What
 19 we've put forward as the test year is what
 20 we've put forward as the test year.
 21 GREENE, Q.C.:
 22 Q. So Hydro doesn't plan to file any further
 23 documentation, any amendment to the 45.9
 24 million?
 25 MR. HENDERSON:

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<p>1 A. That's right.</p> <p>2 GREENE, Q.C.:</p> <p>3 Q. Now the last issue under this item of the</p> <p>4 revenue deficiency account is overtime, and</p> <p>5 here if we go back to Liberty's Table 9.1 on</p> <p>6 page 44, we can see the third item under 2014</p> <p>7 operating is the 2014 regulated operations</p> <p>8 incremental overtime of \$3,584,000.00. Do you</p> <p>9 know how Liberty determined that number, Mr.</p> <p>10 Conway?</p> <p>11 MR. CONWAY:</p> <p>12 A. I believe it was over a three year period and</p> <p>13 they were looking at the comparison of 2014</p> <p>14 actual overtime versus the prior three periods</p> <p>15 and they're looking specifically at regulated</p> <p>16 operations, and they included all capital</p> <p>17 overtime with the exception of the capital</p> <p>18 jobs that were subject to question in this</p> <p>19 investigation.</p> <p>20 GREENE, Q.C.:</p> <p>21 Q. Okay, so again they looked at the actual</p> <p>22 overtime costs in 2014 as opposed to a</p> <p>23 forecast?</p> <p>24 MR. CONWAY:</p> <p>25 A. That's correct.</p>	<p>1 GREENE, Q.C.:</p> <p>2 Q. And what amount -</p> <p>3 MR. CONWAY:</p> <p>4 A. And one other difference between Hydro and</p> <p>5 Liberty's calculation in that as well is that</p> <p>6 Hydro used strictly operating overtime,</p> <p>7 whereas Liberty included capital that wasn't</p> <p>8 deemed to be imprudence, so Hydro couldn't see</p> <p>9 why capital overtime on projects that were not</p> <p>10 deemed to be imprudent should be disallowed</p> <p>11 from the calculation either.</p> <p>12 GREENE, Q.C.:</p> <p>13 Q. And what's the total amount, that if there is</p> <p>14 a finding of imprudence, that Hydro believes</p> <p>15 to be the correct number?</p> <p>16 MR. CONWAY:</p> <p>17 A. I think it's about 0.5 million. If I can just</p> <p>18 go to that for one second there.</p> <p>19 GREENE, Q.C.:</p> <p>20 Q. This is your reply, page 24, \$493,000.00?</p> <p>21 MR. CONWAY:</p> <p>22 A. That's correct.</p> <p>23 (10:15 a.m.)</p> <p>24 GREENE, Q.C.:</p> <p>25 Q. So now we're moving to the 2014 supply cost,</p>
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<p>1 GREENE, Q.C.:</p> <p>2 Q. And the difference being the 2014 overtime was</p> <p>3 much higher than the average of the previous</p> <p>4 three years, is that where they came up with</p> <p>5 the recommended disallowance?</p> <p>6 MR. CONWAY:</p> <p>7 A. That's correct, yes.</p> <p>8 GREENE, Q.C.:</p> <p>9 Q. And what's Hydro's position with respect to</p> <p>10 the overtime that should be disallowed?</p> <p>11 MR. CONWAY:</p> <p>12 A. Hydro's position is that it should be the 2014</p> <p>13 test year that would be used in the event of</p> <p>14 an adverse finding. Just the thought process</p> <p>15 behind that, just to kind of elaborate a</p> <p>16 little bit further why we keep on saying test</p> <p>17 year versus actuals, is that with regards to -</p> <p>18 we never actually requested that 2014 actual</p> <p>19 amount. That increase in 2014 actuals versus</p> <p>20 the 2014 test year has already hit Hydro's</p> <p>21 bottom line in 2014, and we haven't asked for</p> <p>22 recovery of that. So if that amount of money</p> <p>23 was then reduced from the 45.9 million as</p> <p>24 well, Hydro would be hit twice for the same</p> <p>25 amount.</p>	<p>1 and here Liberty determined that while</p> <p>2 generally the supply costs were prudent, there</p> <p>3 was a portion relating to the Unit 1 failure</p> <p>4 that they found were imprudent, is that</p> <p>5 correct, Mr. Henderson?</p> <p>6 MR. HENDERSON:</p> <p>7 A. That's correct, that was the amount that I</p> <p>8 spoke to earlier related to the additional</p> <p>9 supply costs on January 5th.</p> <p>10 GREENE, Q.C.:</p> <p>11 Q. Okay, so here if we could go to Liberty's</p> <p>12 Report, page 17. Here in the second full</p> <p>13 paragraph, we see Liberty's statement, "No</p> <p>14 straightforward process for estimating the</p> <p>15 added cost attributable to the unavailability</p> <p>16 of Holyrood Unit 1 exists", and we're talking</p> <p>17 about the period from January 5th to January</p> <p>18 8th when Unit 1 is unavailable, is that</p> <p>19 correct, Mr. Henderson?</p> <p>20 MR. HENDERSON:</p> <p>21 A. Yes, so there's two reasons behind this. I</p> <p>22 spoke to a second ago the vibration related</p> <p>23 supply costs. For the period from January 5th</p> <p>24 to 8th, there was additional period of time</p> <p>25 that Unit 1 was not available to the power</p>

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1 system because the breaker on Unit 1 had
 2 failed and we were using that time to
 3 investigate and determine what the problem was
 4 with the breaker before we put the unit back
 5 on. So during that time, there were
 6 additional supply costs that would have been
 7 incurred to replace the energy that otherwise
 8 would have been supplied by Unit 1, so those
 9 costs were incurred from the evening of
 10 January 5th when the breaker problem caused
 11 the unit to come off, through to the afternoon
 12 of January 8th.

13 GREENE, Q.C.:

14 Q. So this period of time of unavailability for
 15 Unit 1 was due to the failure of the breaker
 16 in the Holyrood switch yard?

17 MR. HENDERSON:

18 A. That's correct.

19 GREENE, Q.C.:

20 Q. And that's the breaker that in Liberty's
 21 opinion there was an improper and an imprudent
 22 maintenance procedure applied to that breaker?

23 MR. HENDERSON:

24 A. That's right, our investigation found that
 25 there had - water had gotten into the breaker.

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1 You may recall our discussion a couple of
 2 weeks ago, I guess, on that one.

3 GREENE, Q.C.:

4 Q. Okay. So if we could just scroll up for a
 5 moment, Ms. Gray, to see the top of the table.
 6 So what this table does is show all the supply
 7 costs that Hydro incurred during the period
 8 from January 1st to January 12th, the
 9 additional supply costs, is that correct?

10 MR. HENDERSON:

11 A. I'm sorry, could you just repeat that?

12 GREENE, Q.C.:

13 Q. This table shows the - well, it shows the
 14 units that were unavailable during the
 15 relevant period from the 1st to the 12th of
 16 January, and what Liberty dealing with was the
 17 period that's shaded in pink there, January
 18 5th to the 8th when the unit was unavailable
 19 due to, in Liberty's opinion, an imprudent
 20 action by Hydro, is that correct?

21 MR. HENDERSON:

22 A. That's correct. So this here is showing - I
 23 may be repeating a bit, but it's got for each
 24 - so you have Holyrood Unit 1, Holyrood Unit
 25 2, running across the top, Holyrood Unit 3,

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1 the combustion turbine switch would be
 2 Hardwoods and Stephenville gas turbines, and
 3 then there was some hydroelectric generation
 4 that was also not available during that
 5 period. So that shows the number of megawatts
 6 of capacity that wasn't available. So
 7 Holyrood Unit 2, on January 1st, there was 25
 8 megawatts of capacity not available on
 9 Holyrood Unit 2. Holyrood Unit 3 was 100
 10 megawatts of capacity not available, and from
 11 the gas turbines there was 75, and the
 12 hydroelectric was 31, and then on the far
 13 right hand side is the additional supply costs
 14 that Hydro incurred on that day, which would
 15 have been primarily the supply cost that we
 16 obtained from Corner Brook Pulp and Paper for
 17 them to provide capacity assistance that we
 18 put in place, basically, a couple of days
 19 prior to that. So you can see there the costs
 20 that we incurred related to that capacity not
 21 being available, and then also on the far
 22 right hand column is the temperatures that
 23 were experienced during that time. So you can
 24 see that we had very cold weather, -15 to - 18
 25 from January 1st to 4th, not quite so cold

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1 from January 5th to 8th, where it ranged from
 2 -6 to -11, and then from January 9th to 12th,
 3 the temperatures improved further. You can
 4 see that the temperatures got up as high as 2
 5 degrees and a low of -13 during that period.
 6 So these were the periods where we had the
 7 supply related issues there early in January,
 8 and the period, as Ms. Greene said, the pink
 9 period is the period that Liberty was
 10 suggesting that they were due to an imprudent
 11 decision.

12 GREENE, Q.C.:

13 Q. Thank you, Mr. Henderson. I believe we need
 14 to have a break for a few moments.

15 MS. GLYNN:

16 Q. I'm not sure how long it will take, though.
 17 If we could break for ten minutes.

18 GREENE, Q.C.:

19 Q. For ten minutes.
 20 (10:22 A.M.)

21 CHAIRMAN:

22 Q. Sure.
 23 (RECESS)
 24 (RESUME - 10:34 a.m.)

25 CHAIRMAN:

<p style="text-align: right;">Page 65</p> <p>1 Q. So we are back to Madam Greene. 2 GREENE, Q.C.: 3 Q. Thank you, Mr. Chair. We were talking about a 4 portion of the supply costs and it is on the 5 portion that Liberty has, in their opinion, 6 found related to imprudence associated with 7 the breaker at Holyrood and how Liberty 8 calculated their recommended disallowance, and 9 rather than ask Hydro how Liberty did it, I 10 was going to - which I'm sure we'll hear from 11 Liberty, can Hydro explain why they believe 12 that Liberty's method is not appropriate? 13 MR. HENDERSON: 14 A. Well, what Liberty did, as I understand it, is 15 they took - in order to determine what they 16 felt should be disallowed is they took the 17 supply cost for the January 9th to the 12th 18 period, determined it, and then looked at the 19 cost for the January 5th to 8th period, and 20 the difference between those two periods, they 21 said that was the incremental amount that was 22 due to what they say is an imprudent decision. 23 So that they took the lower temperature period 24 of - I'll say all through that 12 day period, 25 the temperature wasn't consistent all the way</p>	<p style="text-align: right;">Page 67</p> <p>1 experienced for the - what would have 2 otherwise been experienced for the 5th to the 3 8th period, and that would result in a lower 4 amount of adjustment due to an imprudent 5 finding if that was the case. So that our 6 suggestion was to use the average of the 1st 7 to the 4th, and the 9th to the 12th, to 8 determine what the cost would have otherwise 9 been, and then any incremental cost incurred 10 from the 5th to the 8th would be related to 11 the imprudence, if that was the finding by the 12 Board. 13 GREENE, Q.C.: 14 Q. Hydro has suggested the two alternatives you 15 just outlined. If the comparison is made to 16 the first four days of the month, then there 17 would be no disallowance, is that correct? 18 MR. HENDERSON: 19 A. That would be - yes, correct. 20 GREENE, Q.C.: 21 Q. And if the average of the period is used, then 22 the disallowance would be approximately 23 \$985,000.00, is that correct? 24 MR. HENDERSON: 25 A. That's correct.</p>
<p style="text-align: right;">Page 66</p> <p>1 through, there was variances in temperatures 2 throughout which, of course, drives the cost 3 and the amount of supply cost that are needed 4 or additional generation that you need. So 5 when you look at January 9th to 12th, for that 6 12 day period, that would be the lowest 7 temperature period, so it would be the lowest 8 amount of supply related - extra supply 9 related cost that you'd incur, and the January 10 1st to 4th was the coldest period and that 11 would be the highest period in which you would 12 incur cost because of the higher demand that 13 customers require during the colder weather, 14 and then January 5th to 8th, as a four day 15 period, would be sort of the average, if you 16 like, of the 12 day period where it was in 17 between the colder and the warmer period. Our 18 suggestion for this, if there was to be an 19 imprudent finding, is to use the average 20 supply related cost for the January 1st to 4th 21 period where there was no imprudent decision 22 affecting the cost in accordance with Liberty, 23 and average that with the 9th to the 12th 24 period to get you the average that would 25 probably be more reflective of what was</p>	<p style="text-align: right;">Page 68</p> <p>1 GREENE, Q.C.: 2 Q. I wonder if we could go to Liberty's reply, 3 page 27, please, and if we look at lines 5 to 4 11, this is Liberty's lines 5 to 12, we see 5 Liberty's response to Hydro's suggestion, and 6 I just wanted to bring you to the last two 7 sentences, "The first four days of January, 8 2014, were particularly chaotic, characterized 9 by extreme temperatures, supply shortages, and 10 manual load shedding. Liberty, therefore, 11 thinks that the use of only the last four days 12 is more representative and more accurate". 13 Would you agree, Mr. Henderson, or was it 14 factually correct that during the first four 15 days of the month, that is when there was 16 rotating outages? 17 MR. HENDERSON: 18 A. Yes, during the first four days, in 19 particular, on January 2nd and 3rd, there were 20 rotating outages to customers during the 21 higher demand periods of those days, but 22 during that period of time there was a 23 significant amount of additional supply as 24 well provided to customers and the 25 temperatures were much lower too, so that's</p>

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<p>1 why we were suggesting that that period be 2 included in the assessment.</p> <p>3 GREENE, Q.C.:</p> <p>4 Q. Would you agree that the first four days of 5 January were very challenging for Hydro?</p> <p>6 MR. HENDERSON:</p> <p>7 A. They certainly were. They were days that none 8 of us ever want to have repeated.</p> <p>9 GREENE, Q.C.:</p> <p>10 Q. Would you agree with the characterization of 11 chaotic?</p> <p>12 MR. HENDERSON:</p> <p>13 A. I'm not sure chaotic would be the word that I 14 would use, but it was certainly very 15 challenging in that both Newfoundland Power 16 and Hydro were working very hard to supply as 17 many customers as we could while we were 18 facing the challenges of all the generation 19 outages. So I'm not sure I'd call it chaotic, 20 but it was certainly challenging.</p> <p>21 GREENE, Q.C.:</p> <p>22 Q. And you would agree that that is the period of 23 the rotating outages and where you get into as 24 well as the temperatures, you've already 25 commented how the temperatures were much</p>	<p>1 order to catch up on the preventative 2 maintenance, is that correct, with respect to 3 the transformers and air blast circuit 4 breakers we've talked about here?</p> <p>5 MR. HENDERSON:</p> <p>6 A. Yes, and I think Mr. Moore spoke to that 7 considerably last week and the week before 8 that this is related to the terminal station 9 maintenance work that had been deferred and 10 related to the breakers and transformers.</p> <p>11 GREENE, Q.C.:</p> <p>12 Q. And Hydro has proposed that this amount be 13 deferred and recovered over a period of five 14 years, is that correct?</p> <p>15 MR. HENDERSON:</p> <p>16 A. I think it's the 2015 portion of those costs. 17 Part of the costs were incurred in 2014.</p> <p>18 GREENE, Q.C.:</p> <p>19 Q. Right.</p> <p>20 MR. HENDERSON:</p> <p>21 A. And additional costs in 2015. So it's the 2015 22 related costs that we are asking to be 23 deferred.</p> <p>24 GREENE, Q.C.:</p> <p>25 Q. And why is Hydro asking that it be deferred?</p>
<p>1 colder in that period?</p> <p>2 MR. HENDERSON:</p> <p>3 A. That's right.</p> <p>4 MR. CONWAY:</p> <p>5 A. And the only thing I was going to add to that 6 is Liberty themselves kind of noted that the 7 method is less than rigorous, or is a less 8 rigorous method, if you notice on line 1 9 there. As Rob kind of pointed out as well, it 10 wasn't - it was not only the 12 day period was 11 - those last four days warm. I think the 12th 12 might have been the warmest day in the 13 quarter, or if not, one of the warmest days in 14 the quarter, so what Hydro did was it took the 15 four days which probably had a little bit 16 higher usage due to the cold and supply 17 shortages, and then it took the four days 18 which it was really warm four days in the 19 quarter, and it averaged the two to create a 20 fair average.</p> <p>21 GREENE, Q.C.:</p> <p>22 Q. Certainly an average that's lower. If you 23 come to the last project, which is 24 extraordinary repairs, and Mr. Henderson, can 25 you - this is the extra work that was done in</p>	<p>1 MR. HENDERSON:</p> <p>2 A. We're asking that to be deferred because when 3 we were looking at the test year for 2015, we 4 recognized that those costs that we were 5 incurring in 2015 related to those items would 6 not be costs that would be ongoing 7 representation and representative of what 8 you'd expect to be test year costs. So we 9 thought the appropriate treatment of it would 10 be rather than have it all included in the 11 2015 test year, is to spread it out over a 12 five year period so the impact to customers is 13 reduced.</p> <p>14 GREENE, Q.C.:</p> <p>15 Q. And what we're talking about is the extra cost 16 that Hydro have forecast would be incurred in 17 2015 to allow it to catch up on its standard 18 for the six year preventative maintenance for 19 transformers and air blast circuit breakers, 20 is that correct?</p> <p>21 MR. HENDERSON:</p> <p>22 A. That's correct. It's to do with that work 23 that had been deferred because of other 24 priority work that came up and particularly in 25 2013.</p>

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1 GREENE, Q.C.:

2 Q. With respect to preventative maintenance,

3 would there have been any cost included in

4 Hydro's 2007 GRA revenue requirements with

5 respect to maintenance on transformers and air

6 blast circuit breakers?

7 MR. HENDERSON:

8 A. There would have been costs related to it and

9 any other items as well.

10 GREENE, Q.C.:

11 Q. Because, obviously, Hydro was planning to do

12 certain preventative maintenance on the

13 transformers and air blast circuit breakers

14 each of those years, is that correct?

15 MR. HENDERSON:

16 A. Yes, there was a large number of items, of

17 course, that we operate and maintain that

18 would be totally part of our 2007 test year,

19 which those costs increased since 2007, and

20 each year, I think, since 2007 there costs

21 have been above and beyond the 2007 test year.

22 (10:45 a.m.)

23 GREENE, Q.C.:

24 Q. And if you had done the preventative

25 maintenance according to the standard that

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1 Hydro had set, then there would have been no

2 reason to ask for extraordinary repairs, this

3 particular unusual expense that you're asking

4 for be deferred, is that correct?

5 MR. HENDERSON:

6 A. I guess, if we didn't have the items that

7 occurred in previous years that required a re-

8 prioritization of the work to ensure that

9 items were addressed that were required for

10 customer service, if those items didn't have

11 to be done, the maintenance would have been

12 done, but those were a priority item that we

13 had to address.

14 GREENE, Q.C.:

15 Q. But if you didn't have to do the catch up, it

16 wouldn't have been treated as an extraordinary

17 expense, I assume, your regular ongoing

18 maintenance?

19 MR. HENDERSON:

20 A. If we didn't have to do that work in 2015, it

21 wouldn't be there, I agree.

22 GREENE, Q.C.:

23 Q. And if you had done it - the only reason that

24 it's extraordinary is that you spent extra

25 money or planned to spend extra money in 2015

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1 to catch up on all of the deferred PMs, is

2 that correct?

3 MR. HENDERSON:

4 A. It was the catch up on that, but again, you

5 know, I think it's very important to realize

6 that it was a considered decision by our folks

7 to defer it because of other priority work.

8 GREENE, Q.C.:

9 Q. Could we go to Liberty's Report of July 6th on

10 prudence, please, page 40. In the heading

11 under cost, Section D, Liberty sets out how it

12 calculated what the average cost for a PM for

13 the transformer and air blast circuit breakers

14 would be, and what the cost would be if Hydro

15 were doing only what I'll call a normal

16 amount, not the catch up amount of work. Does

17 Hydro agree with the calculations that are set

18 out there by Liberty with respect to how it

19 calculated what the amount for those costs

20 would be?

21 MR. HENDERSON:

22 A. We suggest that it's a reasonable

23 approximation.

24 GREENE, Q.C.:

25 Q. So there's no disagreement by Hydro with

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1 respect to the calculation of the proposed

2 disallowance should the Board determine that

3 there should be a disallowance?

4 MR. HENDERSON:

5 A. I don't think there was anything there with

6 that one.

7 MR. CONWAY:

8 A. No.

9 GREENE, Q.C.:

10 Q. Okay, thank you. That concludes all my

11 questions for this panel.

12 CHAIRMAN:

13 Q. Okay. Mr. O'Brien, I believe - no, aren't we

14 over to you, sir?

15 MR. O'BRIEN:

16 Q. Yes.

17 MS. GLYNN:

18 Q. We were going to take the half hour break.

19 CHAIRMAN:

20 Q. Oh, we're taking our break now, are we?

21 MS. GLYNN:

22 Q. Yes.

23 CHAIRMAN:

24 Q. Okay.

25 (RECESS - 10:48 a.m.)

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<p>1 (RESUME - 11:24 a.m.)</p> <p>2 CHAIRMAN:</p> <p>3 Q. Mr. O'Brien, I believe we commence with you.</p> <p>4 CROSS-EXAMINATION BY MR. O'BRIEN:</p> <p>5 Q. Thank you, Mr. Chair. Good morning,</p> <p>6 gentlemen. I thought I'd just start, Mr.</p> <p>7 Conway, with you just to get some background</p> <p>8 on your tenure, I guess, with - you're with</p> <p>9 Hydro, you're an Hydro employee, I take it?</p> <p>10 MR. CONWAY:</p> <p>11 A. Yes.</p> <p>12 MR. O'BRIEN:</p> <p>13 Q. And your position is Manager Regulatory and</p> <p>14 Finance, is that right?</p> <p>15 MR. CONWAY:</p> <p>16 A. That's correct, yes.</p> <p>17 MR. O'BRIEN:</p> <p>18 Q. And how long have you been in that role?</p> <p>19 MR. CONWAY:</p> <p>20 A. This role has been about a year. Prior to</p> <p>21 that, I was Assistant Divisional Comptroller</p> <p>22 of Hydro for around three years or so.</p> <p>23 MR. O'BRIEN:</p> <p>24 Q. Okay, and if we could just bring up PUB-NLH-</p> <p>25 138, Attachment 1, Revision 2. I just want to</p>	<p>1 Board. That is the high level aspect of it.</p> <p>2 MR. O'BRIEN:</p> <p>3 Q. Okay, and in terms of, say, this particular</p> <p>4 rate case, would you have involvement in</p> <p>5 putting together any portion of that?</p> <p>6 MR. CONWAY:</p> <p>7 A. Yes, I was involved with primarily the finance</p> <p>8 schedules, but also, like, portions of Section</p> <p>9 3 of the evidence and Section 2, but really</p> <p>10 the primary component would be the actual</p> <p>11 finance schedules.</p> <p>12 MR. O'BRIEN:</p> <p>13 Q. Okay, now Ms. Greene has taken you through</p> <p>14 most of the costs, which I'm thankful for.</p> <p>15 I'm going to try to focus my questions really</p> <p>16 with respect to the issue of the 2014 revenue</p> <p>17 deficiency. Would you have had any</p> <p>18 involvement, Mr. Conway, in putting together</p> <p>19 that calculation for the application for</p> <p>20 recovery of the 45.9 million dollars?</p> <p>21 MR. CONWAY:</p> <p>22 A. Yes.</p> <p>23 MR. O'BRIEN:</p> <p>24 Q. What was your role in that regard?</p> <p>25 MR. CONWAY:</p>
<p>Page 78</p> <p>1 see where you fall in your chart. So page 5,</p> <p>2 I think, is the Finance page. So you're here</p> <p>3 on the left hand side, 274-01, is that you?</p> <p>4 MR. CONWAY:</p> <p>5 A. Yes.</p> <p>6 MR. O'BRIEN:</p> <p>7 Q. Okay, and prior to that, what position did you</p> <p>8 hold?</p> <p>9 MR. CONWAY:</p> <p>10 A. Assistant Divisional Comptroller, so at that</p> <p>11 time I would have also reported to the</p> <p>12 Divisional Comptroller of Hydro, but it would</p> <p>13 have been a different person. It was slightly</p> <p>14 altered, the organization.</p> <p>15 MR. O'BRIEN:</p> <p>16 Q. Okay, slightly different, okay, and so now in</p> <p>17 terms of - just give us an overview on what</p> <p>18 your duties entail?</p> <p>19 MR. CONWAY:</p> <p>20 A. Really at a high level basis, it's really kind</p> <p>21 of the link between our rates and regulatory</p> <p>22 group and our finance group, just kind of from</p> <p>23 the finance perspective. So involved with the</p> <p>24 finance portion of the GRA and applications</p> <p>25 and correspondence with the Public Utilities</p>	<p>Page 80</p> <p>1 A. I calculated on the high level basis. It was</p> <p>2 subsequently completed in a more detailed</p> <p>3 basis from the rates and regulatory group, but</p> <p>4 on the high level basis, I was involved in the</p> <p>5 calculation.</p> <p>6 MR. O'BRIEN:</p> <p>7 Q. So that 45.9 million, that was made part of a</p> <p>8 separate application in November of 2014, is</p> <p>9 that right?</p> <p>10 MR. CONWAY:</p> <p>11 A. That's correct, yes.</p> <p>12 MR. O'BRIEN:</p> <p>13 Q. Did you have any role in preparing the</p> <p>14 application itself?</p> <p>15 MR. CONWAY:</p> <p>16 A. No, not in terms of the written discussion,</p> <p>17 but as part of the calculation, I would have</p> <p>18 been involved.</p> <p>19 MR. O'BRIEN:</p> <p>20 Q. Okay, and in terms of that particular</p> <p>21 calculation, that was never intended at 45.9</p> <p>22 to be included in rates per se, was it?</p> <p>23 MR. CONWAY:</p> <p>24 A. It was set up to be, like, a deferral account</p> <p>25 that you'd get recovery from.</p>

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<p>1 MR. O'BRIEN: 2 Q. I understood from the application it was set 3 up to transfer an amount from the RSP 4 hydraulic variation account was the initial - 5 MR. CONWAY: 6 A. Yeah, that's correct, that was the initial 7 proposal. 8 MR. O'BRIEN: 9 Q. Okay, and there was an order then to set up 10 the deferral account and segregate this amount 11 as part of the GRA, is that right? 12 MR. CONWAY: 13 A. Yeah. 14 MR. O'BRIEN: 15 Q. And it's fair to say there's been no amount 16 approved at this point in time for the Board 17 in terms of that - from the Board in terms of 18 that deferral account, is that right? 19 MR. CONWAY: 20 A. No, I guess, they set up for deferral of it 21 with recovery at a future point. 22 MR. O'BRIEN: 23 Q. Okay, I wonder if we can pull up in the GRA, 24 Table 3.1, page 3.7. 25 MS. GRAY:</p>	<p>1 MR. O'BRIEN: 2 Q. Okay, and Mr. Fagan, I believe, testified he 3 didn't actually prepare the table, so is it 4 more likely then that Mr. Outerbridge did, or 5 can you find that out for us? 6 (11:30 a.m.) 7 MR. CONWAY: 8 A. I know Mr. Mitchell was also involved in the 9 table, so, I guess, it depends on - I'm sure 10 Mr. Fagan reviewed it, so I don't think he 11 would have been at the preparing level. He 12 would have been more at the reviewing level, 13 and I would have been involved in the 14 reviewing level as well. 15 MR. O'BRIEN: 16 Q. And I wonder could we get an undertaking just 17 to find out who prepared the table? 18 MR. CONWAY: 19 A. Yes. 20 MS. GLYNN: 21 Q. Noted on the record. 22 MR. O'BRIEN: 23 Q. Now in that table - this is, I suppose, where 24 the 45.9 million dollars is calculated down 25 third from the bottom there, that line, the</p>
<p>Page 82</p> <p>1 Q. I'm sorry, Mr. O'Brien, could you say that 2 again? 3 MR. O'BRIEN: 4 Q. Page 3.7, Table 3.1. Is that a table that you 5 would have prepared, Mr. Conway? 6 MR. CONWAY: 7 A. No, I didn't prepare this actual table, no. 8 MR. O'BRIEN: 9 Q. Are you familiar with it? 10 MR. CONWAY: 11 A. I am familiar with it, yes. 12 MR. O'BRIEN: 13 Q. Do you know who prepared it? 14 MR. CONWAY: 15 A. I think it was actually finalized through our 16 Rates and Regulatory Department with Mr. 17 Fagan. Mr. Outerbridge probably did the 18 finalization of the table. 19 MR. O'BRIEN: 20 Q. Who's Mr. Outerbridge? 21 MR. CONWAY: 22 A. Grant Outerbridge. I guess, his actual - I'm 23 not 100 percent sure of his actual title, he's 24 a senior financial analyst in Rates and 25 Regulatory.</p>	<p>Page 84</p> <p>1 2014 revenue deficiency, is that right? 2 MR. CONWAY: 3 A. That's correct. 4 MR. O'BRIEN: 5 Q. And we see on return on equity for the 2014 6 test year there's 30.5 million included there 7 and that's at 22.5 million difference from the 8 2007 test year, is that right? 9 MR. CONWAY: 10 A. That's correct. 11 MR. O'BRIEN: 12 Q. And that's on the basis, I believe, on your 13 testimony earlier of including the 8.8 return 14 on equity guaranteed? 15 MR. CONWAY: 16 A. That's correct, yes. 17 MR. O'BRIEN: 18 Q. So that makes up really in terms of the 19 deficiency about half of the 2014 revenue 20 deficiency? 21 MR. CONWAY: 22 A. Thereabouts. 23 MR. O'BRIEN: 24 Q. Thereabouts. Would you agree with me that 25 utility is not guaranteed a reasonable rate of</p>

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<p>1 return, but the opportunity to earn a 2 reasonable rate of return? 3 MR. CONWAY: 4 A. I would agree with that premise. 5 MR. O'BRIEN: 6 Q. Okay, and when Hydro calculated this 45.9, 7 when did - when did Hydro make those 8 calculations in terms of the month of the 9 year, do you have any idea? 10 MR. CONWAY: 11 A. It was using five months of actuals and seven 12 months of forecasts. It was probably 13 completed - I'm not sure of the exact dates, 14 but somewhere in that June or July sort of 15 time range approximately, probably closer to 16 July. 17 MR. O'BRIEN: 18 Q. Okay, and can you tell me why five months of 19 actuals would have been used for the 20 calculation of this revenue deficiency and not 21 sort of a more updated amount for the 22 application in November of 2014? 23 MR. CONWAY: 24 A. At a certain point to complete the evidence 25 for the general rate application, we had to do</p>	<p>1 that decision? 2 MR. CONWAY: 3 A. I wasn't involved in the decision of which 4 particular month to cut it off on. I would 5 have been aware that we would have had to cut 6 it off at some point, but the actual decision 7 of which month to select, it wasn't my 8 decision. 9 MR. O'BRIEN: 10 Q. And who would have made that decision? 11 MR. HENDERSON: 12 A. I'll just jump in just to - 13 MR. O'BRIEN: 14 Q. Sure. 15 MR. HENDERSON: 16 A. The decision would have been made with - I'll 17 say involved our rates and regulatory group 18 who had to provide the evidence, and the 19 finance, the general manager of finance would 20 have been advising it, myself, and others, I 21 guess, that were involved with establishing 22 when we were going to get the re-filing in. So 23 we would - the date basically came about when 24 we backed up from when we intended to file 25 looking at the amount of information that had</p>
<p>1 a cut off, and so if we'd continued to update 2 it as the application progressed and as time 3 progressed, then we'd be continually updating 4 our evidence and we would never have an 5 opportunity to file. Just you kind of go in 6 circles, and eventually you got to cut off 7 your actuals and start to prepare the 8 documentation. 9 MR. O'BRIEN: 10 Q. Okay, and why cut it off at five months if the 11 application is not filed until November of 12 that year, why not cut it off at seven or ten? 13 MR. CONWAY: 14 A. Well, just the timing of how long it takes to 15 complete the evidence and go through the cost 16 of service and complete the iterations to 17 prepare the documentation. It isn't as simple 18 as just hitting the button and then doing it, 19 and filing it. There is a lengthy process to 20 go through, and then it also has to go through 21 the review process within the organization. 22 MR. O'BRIEN: 23 Q. And were you part of the decision to cut it 24 off, the decision making process to cut it off 25 at a certain point or did someone else make</p>	<p>1 to be prepared, May ended up being the cut off 2 date in order to get all of the information 3 done, prepared, and into an application, which 4 we did get in in early November. 5 MR. O'BRIEN: 6 Q. And did you make the decision then, Mr. 7 Henderson, to cut it off at May? 8 MR. HENDERSON: 9 A. Well, I guess, in a way, yes, I did, but it 10 would have been through the advice of the 11 rates and regulatory group and the finance 12 group, reflecting on how long it would take to 13 prepare and complete all of the evidence. 14 There's a considerable amount of effort and 15 time required to pull all that together. We 16 were also putting together a 2015 test year in 17 amongst this, so all of those pieces required 18 a fair bit of preparation and review. So 19 that's the time that was chosen to cut off '14 20 and start looking at '15, and preparing all of 21 the information. 22 MR. O'BRIEN: 23 Q. So you would have made the decision based on 24 advice from rates and regulatory and finance? 25 MR. HENDERSON:</p>

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<p>1 A. That's right.</p> <p>2 MR. O'BRIEN:</p> <p>3 Q. And at that time, can you tell me whether or</p> <p>4 not it would have been Hydro's proposition</p> <p>5 that that test year or those figures would</p> <p>6 represent a reasonable proxy for what rates</p> <p>7 should capture for 2014?</p> <p>8 MR. HENDERSON:</p> <p>9 A. That's correct. So that would have been our</p> <p>10 projected - our best estimate of forecast for</p> <p>11 what 2014 costs would be for establishing the</p> <p>12 cost of service or test year for 2014.</p> <p>13 MR. O'BRIEN:</p> <p>14 Q. In terms of - I do just want to have a look at</p> <p>15 the difference between what was included in</p> <p>16 the 2014 test year and the actuals that we</p> <p>17 ultimately saw in one of the RFIs. I think</p> <p>18 it's fair to say, and perhaps you can correct</p> <p>19 me if I'm wrong, that the actual figures</p> <p>20 didn't correspond exactly with the forecast</p> <p>21 figures for that particular year, is that</p> <p>22 right?</p> <p>23 MR. HENDERSON:</p> <p>24 A. That's correct. We don't generally match</p> <p>25 exactly a forecast to actuals, no.</p>	<p>1 MR. O'BRIEN:</p> <p>2 Q. So that there's a significant difference there</p> <p>3 in those two years. You'd agree with me</p> <p>4 there's a significant difference in the year</p> <p>5 over year from 2013 to 2014 test year, is that</p> <p>6 right?</p> <p>7 MR. HENDERSON:</p> <p>8 A. Yes, there is.</p> <p>9 MR. O'BRIEN:</p> <p>10 Q. Okay, and in terms of your actuals, your</p> <p>11 actuals came out of the 132 million for 2014,</p> <p>12 is that right?</p> <p>13 MR. HENDERSON:</p> <p>14 A. That's right.</p> <p>15 MR. CONWAY:</p> <p>16 A. That's correct.</p> <p>17 MR. O'BRIEN:</p> <p>18 Q. Okay, can you tell me sort of what you would</p> <p>19 have done from May onwards to try to manage</p> <p>20 your 2014 operating costs inside of that 126</p> <p>21 million?</p> <p>22 MR. HENDERSON:</p> <p>23 A. So to manage those costs, we would have been</p> <p>24 doing regular reviews with our operations</p> <p>25 leads, people who are responsible for</p>
<p>Page 90</p> <p>1 MR. O'BRIEN:</p> <p>2 Q. And I wonder if we can bring up NP-NLH-307,</p> <p>3 Attachment 1, page 9.</p> <p>4 MS. GRAY:</p> <p>5 Q. Revision 1, Mr. O'Brien?</p> <p>6 MR. O'BRIEN:</p> <p>7 Q. Yes, sorry.</p> <p>8 MS. GRAY:</p> <p>9 Q. Page 9?</p> <p>10 MR. O'BRIEN:</p> <p>11 Q. Yes, thank you, and look at the total</p> <p>12 operating expenses down here at the bottom.</p> <p>13 You might have to move up a little - scroll up</p> <p>14 a little bit, so we can see the year. Okay,</p> <p>15 so if we pan over to 2014 test year, the total</p> <p>16 operating expenses that were included in that</p> <p>17 test year were 126 million, is that right?</p> <p>18 MR. CONWAY:</p> <p>19 A. That's correct.</p> <p>20 MR. O'BRIEN:</p> <p>21 Q. And if we look over at 2013, the total</p> <p>22 operating expenses, and that's your actuals,</p> <p>23 111.9, is that right?</p> <p>24 MR. CONWAY:</p> <p>25 A. That's correct.</p>	<p>Page 92</p> <p>1 operating expenses for different areas of the</p> <p>2 company, reviewing that monthly, ensuring or</p> <p>3 challenging to ensure that we're sticking</p> <p>4 within the budget as much as possible. There</p> <p>5 were items that came about in the latter part</p> <p>6 of the year that were unanticipated that would</p> <p>7 have driven some of those additional costs</p> <p>8 that were necessary to complete, so that did</p> <p>9 drive some of the operating costs up.</p> <p>10 MR. O'BRIEN:</p> <p>11 Q. And what were those items?</p> <p>12 MR. HENDERSON:</p> <p>13 A. I afraid I didn't come prepared to answer all</p> <p>14 the detail on that. I just know that there</p> <p>15 were items related to - for instance, one item</p> <p>16 was at Holyrood there was additional cost</p> <p>17 incurred with respect to the annual</p> <p>18 maintenance for those plants, and in</p> <p>19 particular, there was a considerable amount of</p> <p>20 time required for additional balancing work</p> <p>21 that was required on both Unit 2 and Unit 1</p> <p>22 that year, as I recall. That was one area.</p> <p>23 There were additional expenses as well in the</p> <p>24 transmission area. I'm trying to recall those</p> <p>25 items, but there were a number of, say,</p>

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1 general costs and related to some of the
 2 breakdowns that we had in equipment that year,
 3 and similarly with the hydro generation there
 4 were some additional expenses that we had. I
 5 recall Unit 7 had some challenges at Bay
 6 d'Espoir that would have incurred additional
 7 cost, and I'm trying - as I said, I didn't
 8 come prepared with a list, but there's a
 9 number of items like that that would have been
 10 part of the operating expenses.
 11 MR. O'BRIEN:
 12 Q. Okay, well, let me ask you this way. When you
 13 filed the application in November, and this is
 14 the application for the 45.9 revenue
 15 deficiency for - 45.9 million revenue
 16 deficiency for 2014, when you filed that
 17 application, did you have any understanding at
 18 that time that your operating costs were going
 19 to be much higher than what they were when you
 20 initially put together your figures back in
 21 May/June?
 22 MR. HENDERSON:
 23 A. We were aware that the costs were up, yes.
 24 MR. O'BRIEN:
 25 Q. Okay, and why wouldn't you have revised your

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1 application to reflect that?
 2 MR. HENDERSON:
 3 A. As, I guess, I mentioned earlier, in order to
 4 prepare a rate application, it requires a
 5 consideration amount of work in a number of
 6 areas within the company. There's the writing
 7 of the application, there's a considerable
 8 amount of analysis that has to be done by the
 9 rates and regulatory group in determining
 10 appropriate rates that would come out of the
 11 cost and how they have to be allocated out to
 12 different customer groups. There's a large
 13 number of different elements of the company
 14 that have to be pulled together to complete
 15 all that, so in order to make a last minute
 16 change, it would cause a significant rewriting
 17 of evidence to explain all of the different
 18 variances, and all of those things would have
 19 prevented us from being able to file. We
 20 obviously were trying to get this in as
 21 quickly as we could in the fall of 2014 to
 22 advance the whole general rate application,
 23 and there was a considerable amount of effort
 24 going on to do it as quickly as we could, and
 25 that was where it ended up was filing it in

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1 early November.
 2 MR. O'BRIEN:
 3 Q. I wonder if we could look at this NP-NLH-307,
 4 line 4 there. Is it line 4? Sorry, I'm
 5 looking at the total revenue. If we go back
 6 to the table we had before, 3.1. Is the total
 7 revenue on that? Sorry, page 4. Sorry, Ms.
 8 Gray, page 4 of 307.
 9 MS. GRAY:
 10 Q. Okay.
 11 MR. O'BRIEN:
 12 Q. I think the total revenue is in there. No,
 13 page 1, sorry. I'll get it right. Here we
 14 go, line 4, total revenue there from 2014
 15 actuals is 547 million, is that right?
 16 (11:45 a.m.)
 17 MR. CONWAY:
 18 A. That's correct.
 19 MR. O'BRIEN:
 20 Q. Okay.
 21 MR. CONWAY:
 22 A. That's including the revenue deficiency.
 23 MR. O'BRIEN:
 24 Q. That's including the revenue deficiency, yes.
 25 MR. CONWAY:

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1 A. The 547, yes.
 2 MR. O'BRIEN:
 3 Q. Yes, I can see that, and the test year figure
 4 of 562, there's a 15 million dollar difference
 5 there in those. Can you give me any
 6 explanation as to the reason for the
 7 difference?
 8 MR. CONWAY:
 9 A. I suspect it's an increase in energy sales
 10 during that period. There would be then, I
 11 guess, corresponding change in the fuel line
 12 as well, so I wouldn't expect very much of
 13 that increase in the revenue would have -
 14 would impact the bottom line.
 15 MR. O'BRIEN:
 16 Q. Well, it wouldn't have been included in the
 17 45.9, that extra 15?
 18 MR. CONWAY:
 19 A. No.
 20 MR. O'BRIEN:
 21 Q. Mr. Conway, I wonder -
 22 MR. CONWAY:
 23 A. The 45.9 million is primarily just
 24 recalculation of the total net income line to
 25 ensure you're getting the 8.8 percent on your

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<p>1 total average rate base.</p> <p>2 MR. O'BRIEN:</p> <p>3 Q. That was my next question, I think.</p> <p>4 MR. CONWAY:</p> <p>5 A. Okay.</p> <p>6 MR. O'BRIEN:</p> <p>7 Q. And what was the actual return on equity then</p> <p>8 for that particular year, do you know the</p> <p>9 answer to that?</p> <p>10 MR. CONWAY:</p> <p>11 A. For 2014 actuals?</p> <p>12 MR. O'BRIEN:</p> <p>13 Q. Uh-hm.</p> <p>14 MR. CONWAY:</p> <p>15 A. I don't have the number off the top of my</p> <p>16 head. Actually, maybe it's in - it would be</p> <p>17 lower.</p> <p>18 MR. O'BRIEN:</p> <p>19 Q. If I gave you a number of 5.2 percent,</p> <p>20 something in that range, subject to check,</p> <p>21 would that sound about right to you?</p> <p>22 MR. CONWAY:</p> <p>23 A. Subject to check.</p> <p>24 MR. O'BRIEN:</p> <p>25 Q. Yeah, and I took that from the annual report,</p>	<p>1 MR. O'BRIEN:</p> <p>2 Q. I want to ask you just in terms of the test</p> <p>3 year itself, and I did ask Mr. Fagan of this,</p> <p>4 and I believe he agreed that ultimately these</p> <p>5 costs would have to be tested fully by the</p> <p>6 Board, is that right?</p> <p>7 MR. HENDERSON:</p> <p>8 A. The test year costs, yes.</p> <p>9 MR. O'BRIEN:</p> <p>10 Q. And you don't take any issue with that, I take</p> <p>11 it?</p> <p>12 MR. HENDERSON:</p> <p>13 A. No.</p> <p>14 MR. O'BRIEN:</p> <p>15 Q. And I wonder do you take any issue with the</p> <p>16 fact that just because a cost is incurred</p> <p>17 doesn't mean it's necessarily reasonable?</p> <p>18 MR. HENDERSON:</p> <p>19 A. No, but it should be reasonable.</p> <p>20 MR. O'BRIEN:</p> <p>21 Q. It should be reasonable to be -</p> <p>22 MR. HENDERSON:</p> <p>23 A. It should be reasonable, you know, that's the</p> <p>24 standard that we certainly would hold</p> <p>25 ourselves to is that the costs are reasonable</p>
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<p>1 but if you do have it there handy, if you'd</p> <p>2 like to check on it.</p> <p>3 MR. CONWAY:</p> <p>4 A. I'll see if it's in 487. I can't remember if</p> <p>5 it is.</p> <p>6 MR. O'BRIEN:</p> <p>7 Q. It's not on the record. I couldn't find it on</p> <p>8 the record.</p> <p>9 MR. CONWAY:</p> <p>10 A. I don't think it's on that RFI, so subject to</p> <p>11 check.</p> <p>12 MR. O'BRIEN:</p> <p>13 Q. Okay, and that would have been a fair bit</p> <p>14 lower than the 8.8 that Hydro would have been</p> <p>15 looking for as a revenue deficiency in May or</p> <p>16 June, I guess, of 2014, is that fair?</p> <p>17 MR. CONWAY:</p> <p>18 A. That's fair.</p> <p>19 MR. O'BRIEN:</p> <p>20 Q. And based on your testimony earlier, Mr.</p> <p>21 Henderson, Hydro is not seeking to revise</p> <p>22 these figures on the basis of actuals, is that</p> <p>23 right?</p> <p>24 MR. HENDERSON:</p> <p>25 A. That's correct.</p>	<p>1 costs.</p> <p>2 MR. O'BRIEN:</p> <p>3 Q. And the same thing goes for forecast costs,</p> <p>4 just because you forecast the cost to be</p> <p>5 likely to incur, it still has to be reasonable</p> <p>6 for the Board to include it in test year?</p> <p>7 MR. HENDERSON:</p> <p>8 A. Yes.</p> <p>9 MR. O'BRIEN:</p> <p>10 Q. Okay. I'm just trying to get a flavour as to</p> <p>11 Hydro's position here in terms of that test</p> <p>12 year. We've got five months actual. We've</p> <p>13 got seven months of a forecast, so what is it</p> <p>14 that Hydro expects the Board in terms of a</p> <p>15 process to apply here? We already know what</p> <p>16 the actuals are. Do you expect the Board to</p> <p>17 push aside the actuals and not look at the</p> <p>18 actuals when assessing what the test year</p> <p>19 should be - test year costs for 2014 should</p> <p>20 be?</p> <p>21 MR. HENDERSON:</p> <p>22 A. Well, Hydro has put forward its application on</p> <p>23 a test year basis, on a forecast basis, which</p> <p>24 is the normal process for establishing rates.</p> <p>25 So we would expect that we would be assessing</p>

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<p>1 what we put forward as being reasonable 2 expenses for 2014. 3 MR. O'BRIEN: 4 Q. Okay, and those would be the expenses as of 5 what you forecast in May or June of 2014? 6 MR. HENDERSON: 7 A. That would be correct, yes. 8 MR. O'BRIEN: 9 Q. In terms of where we go then with the prudence 10 side of things then, if there's a prudence 11 disallowance or there's a determination by the 12 Board in terms of some of the figures here, or 13 some of the actions of Hydro, that there 14 should be a disallowance, does the Board take 15 what the reasonable - the determination is of 16 reasonable cost first, and then apply what 17 that prudence disallowance should be to those 18 reasonable costs? What's your understanding 19 of the process that the Board should take? 20 MR. HENDERSON: 21 A. Well, the way that I understand the process is 22 that the Board will look at the decisions that 23 were made that affected the costs to determine 24 whether at the time that those decisions were 25 made they were prudent decisions, and then</p>	<p>1 A. Yes, that's the part - we've already incurred 2 them in 2014, and didn't ask recovery for 3 those costs. 4 MR. O'BRIEN: 5 Q. Right. 6 MR. CONWAY: 7 A. If we'd asked recovery, you would have just, 8 say, increase the 45.9 million, but we didn't 9 ask for recovery of that, so we already took 10 the hit to our net income in 2014. 11 MR. O'BRIEN: 12 Q. Yeah. 13 MR. CONWAY: 14 A. So if you're a little bit from the 45.9 15 million, you'd be really - 16 MR. O'BRIEN: 17 Q. You'd be double counting? 18 MR. CONWAY: 19 A. Double counting, yes. 20 MR. O'BRIEN: 21 Q. That's Hydro's position. So we see in this 22 table we've got the red areas that was 23 proposed by Liberty for disallowance and Ms. 24 Greene took you through those. I wonder can 25 you just point out to me exactly which ones</p>
<p>Page 102</p> <p>1 those decisions had an implication on the 2014 2 test year that we put forward, and you'd 3 identify the cost in the 2014 test year that 4 may be related to any of those decisions that 5 may have been found to be imprudent. 6 MR. O'BRIEN: 7 Q. So based on Hydro's reply and on some of your 8 evidence here today, obviously, Hydro takes 9 issue with some of the calculations of Liberty 10 on the basis that there's some double counting 11 here with respect to Liberty's calculations, 12 is that fair? 13 MR. HENDERSON: 14 A. That's correct. 15 MR. O'BRIEN: 16 Q. I wonder if you could just give us - if we 17 could turn to Table 9.1, page 44 of Liberty's 18 Report, and before we go through that, I take 19 it from Mr. Conway's comments earlier that in 20 general there is a number of costs here that 21 Hydro takes the position that they have 22 incurred those costs, so it's not appropriate 23 then to go ahead and incur them again, 24 obviously, this is the double counting? 25 MR. CONWAY:</p>	<p>Page 104</p> <p>1 you believe have amounts that are already 2 incurred by Hydro which are not in the test 3 year? 4 MR. CONWAY: 5 A. Go through each one of them? 6 MR. O'BRIEN: 7 Q. Yeah. 8 MR. CONWAY: 9 A. Okay. So maybe if we start off with -- if we 10 go down to the last table in pink there, so 11 you start off with the 2.5 million dollars in 12 consulting fees. So the easiest way to look 13 at that is probably on the next page there, if 14 you could go to page 45? That 2.5 million, 15 here's a summary in this table here. So, 16 within this one, the \$346,000, that was one 17 that was double counted. I think Liberty 18 noted that, that they agree with that premise 19 on page 15 of their reply evidence. 20 MR. O'BRIEN: 21 Q. And that's included in capital, is it, capital 22 cost? 23 MR. CONWAY: 24 A. Well, no, it was -- they had included it 25 really both in the -- that's operating.</p>

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1 MR. O'BRIEN:
 2 Q. Okay.
 3 MR. CONWAY:
 4 A. So, what actually happened with that one is
 5 there was some operating costs at Sunnyside
 6 that Hydro also got insurance proceeds
 7 against.
 8 MR. O'BRIEN:
 9 Q. Right.
 10 MR. CONWAY:
 11 A. So that brought their Sunnyside balance down
 12 to nil. But then they also included it also
 13 here in the consulting costs. So we're
 14 removing it here. Further to the testimony
 15 earlier on this morning with Ms. Greene, we
 16 also talked about how with the outage inquiry
 17 legal fees and the PUB outage inquiry fees,
 18 there are some costs in there which are under
 19 further review to just break out the
 20 difference between the phase one outage costs
 21 which Liberty recommended for disallowance and
 22 then there might be other costs in there, such
 23 as the phase two, which are more looking
 24 forward or other type applications. So those
 25 type of costs would need to be further backed

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1 off. So if we go -- if you don't have any
 2 questions there, I might go back -
 3 MR. O'BRIEN:
 4 Q. No, you can go back to the table, if you like,
 5 yeah.
 6 MR. CONWAY:
 7 A. Yeah. The next one there on the list there is
 8 the \$511,000 related to outage salary
 9 transfers. Hydro noted with this one that
 10 it's \$425,000 was actually what was included
 11 in the test year versus those in 2014 actuals,
 12 which was \$511,000.
 13 MR. O'BRIEN:
 14 Q. So it's the difference between those two?
 15 MR. CONWAY:
 16 A. Exactly, yeah. Then further, like as we
 17 discussed earlier on this morning as well,
 18 with regards to the outage salary costs, that
 19 was all of the executive charging related to
 20 phase one and phase two and the integrated
 21 action plan and a couple other high level
 22 executive activities that Liberty didn't find
 23 were imprudent type items. So that would be
 24 further -- that would be subject to further
 25 review to kind of breakout if there was any --

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1 if there was an adverse finding, the phase one
 2 type costs within that number.
 3 MR. O'BRIEN:
 4 Q. Just explain that to me. I understand the
 5 issue with the phase one and phase two. Hydro
 6 takes the position that phase two shouldn't be
 7 include -- any costs associated with that
 8 shouldn't be included in a prudence
 9 disallowance. Is that right?
 10 MR. CONWAY:
 11 A. Yeah, that's correct, and also, so that's on,
 12 I guess, a forward looking project.
 13 MR. O'BRIEN:
 14 Q. That's a forward, yeah, but in terms of the
 15 further review.
 16 MR. CONWAY:
 17 A. The other one that I mentioned there was I
 18 guess the integrated action plan, which we
 19 would have had executive involved with the
 20 process on that. You would have had Mr.
 21 Martin or some other executive involved in
 22 that where those costs -- I don't think
 23 Liberty has ever noted that those costs would
 24 be imprudent.
 25 MR. O'BRIEN:

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1 Q. Okay.
 2 MR. CONWAY:
 3 A. So if we're done with that -- do you have any
 4 questions on that one?
 5 MR. O'BRIEN:
 6 Q. No.
 7 MR. CONWAY:
 8 A. The regulated operation incremental overtime,
 9 they've noted 3.6 million dollars which was
 10 based upon 2014 actuals versus a three-year
 11 average looking at regulated operations and it
 12 included capital overtime that wasn't in the
 13 course of this prudence investigation. So
 14 it's all other capital projects besides the
 15 one we're talking about today was included in
 16 that overtime as well.
 17 MR. O'BRIEN:
 18 Q. Right. And the operating overtime on that,
 19 what assurances can Hydro provide that there
 20 was nothing included in the actuals? Any
 21 difference there?
 22 MR. CONWAY:
 23 A. Well, Hydro's calculation is based on the 2014
 24 test year information versus the three-year
 25 average. We'd be more than happy, like during

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<p>1 the compliance filing, to walk through with 2 Grant Thornton or anybody else to ensure that 3 all the numbers that we are providing are 4 reasonable and are the correct numbers to use. 5 MR. O'BRIEN: 6 Q. And that operating for 2014, does that include 7 any request for -- I guess does that include 8 any overtime associated with extraordinary 9 repairs for the transformer -- sorry, for the 10 three-year preventative maintenance program, 11 the catch-up program? 12 MR. CONWAY: 13 A. No. 14 MR. O'BRIEN: 15 Q. No, okay. 16 MR. CONWAY: 17 A. All right. Go on to the next one, the black 18 start. 19 MR. O'BRIEN: 20 Q. Sure. 21 MR. CONWAY: 22 A. So that one is primarily comprised of the 23 Newfoundland Power rental again that we talked 24 about earlier. 25 MR. O'BRIEN:</p>	<p>1 worth of depreciation costs. Based on the 2 revision, that turned out to be \$800,000, but 3 for argument sake, Liberty's included a 4 million dollars here, but as you note above on 5 the top page of page 44, they were also 6 including the 5.5 million dollars. 7 MR. O'BRIEN: 8 Q. Right. 9 MR. CONWAY: 10 A. Which was we'd be double counting if we 11 included the full 5.5 and then the 12 depreciation, and that was further agreed upon 13 by Liberty. 14 MR. O'BRIEN: 15 Q. That was agreed by Liberty, yes. 16 MR. CONWAY: 17 A. The other piece was - 18 (12:00 p.m.) 19 MR. O'BRIEN: 20 Q. Was the remainder then covered already in your 21 2014 test year? 22 MR. CONWAY: 23 A. There is - 24 MR. O'BRIEN: 25 Q. Or any of it covered in the 2014 test year?</p>
Page 110	Page 112
<p>1 Q. Right. 2 MR. CONWAY: 3 A. And depreciation expense. 4 MR. O'BRIEN: 5 Q. So there's nothing included in the - 6 MR. CONWAY: 7 A. The only difference with that one is I think 8 there was -- we had \$72,000 for the 9 Newfoundland Power unit in 2014 actuals versus 10 \$52,000 in the test year. So that would be a 11 slight variation there. 12 MR. O'BRIEN: 13 Q. All right. Yes, okay. And what's the next 14 one there? 15 MR. CONWAY: 16 A. The next one there is Holyrood unit one, 17 repairs and replacement. Probably, let me 18 just see what -- page 30 of our reply. So if 19 we go -- could you go maybe to page 30 of our 20 reply, Ms. Gray? And probably the last couple 21 paragraphs there is really kind of -- so this 22 is really where we kind of talk about some of 23 that 2.4 million. But just on a high level 24 basis, that included -- in Liberty's 25 calculation, that included a million dollars</p>	<p>1 MR. CONWAY: 2 A. When we're on page -- if you notice there at 3 the paragraph from line 23 to 27, that's where 4 we get into the rebalancing costs. 5 MR. O'BRIEN: 6 Q. Right. 7 MR. CONWAY: 8 A. And Mr. Henderson has mentioned just a little 9 while ago that this was a cost that was in our 10 2014 actuals, but not in our 2014 test year. 11 MR. O'BRIEN: 12 Q. Right. So you're not seeking recovery of that 13 cost? 14 MR. CONWAY: 15 A. No. And then the final approximately \$500,000 16 that's left that Liberty identified was 17 related to that supply costs balancing issue, 18 and that was noted and agreed by Liberty that 19 that was in both the supply costs and this 20 Holyrood unit one calculation. So, Hydro has 21 proposed that it is at least eliminated from 22 one of those amounts, be it the Holyrood unit 23 one or the supply costs. 24 MR. O'BRIEN: 25 Q. And do you have -- so that's the final one</p>

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<p>1 that would include costs that are already in 2 the test year or is there more? 3 MR. CONWAY: 4 A. Pardon? 5 MR. O'BRIEN: 6 Q. Are there more costs that are already in the 7 test year that Liberty is seeking to disallow? 8 MR. CONWAY: 9 A. On the supply costs? 10 MR. O'BRIEN: 11 Q. No, beyond the supply costs. 12 MR. CONWAY: 13 A. That's beyond everything that's listed here? 14 MR. O'BRIEN: 15 Q. Yeah. 16 MR. CONWAY: 17 A. I'm not aware of any operating costs beyond 18 the ones that they've listed in their report 19 that they're asking to eliminate or disallow. 20 MR. O'BRIEN: 21 Q. Do you have a sort of ballpark figure as to 22 the amount that Hydro is seeking to leave on 23 the table, I guess, in terms of costs that 24 they've incurred rather than come back with 25 actuals and request actuals to be applied now</p>	<p>1 guess that's where we would look in terms of - 2 MR. CONWAY: 3 A. Yeah. 4 MR. O'BRIEN: 5 Q. Okay. 6 MR. CONWAY: 7 A. But I mean, obviously if there's differences 8 or like the Board had different findings, then 9 it's all open to interpretation of the report, 10 but this was used to at least give us a 11 ballpark. 12 MR. O'BRIEN: 13 Q. Right. So that's your -- and there's no 14 changes to be made to that particular 15 compliance calculation there now? 16 MR. CONWAY: 17 A. No. 18 MR. O'BRIEN: 19 Q. Okay. I wonder, Mr. Henderson, can you tell 20 me why Hydro wouldn't be looking to apply or 21 move forward now and amend it to request that 22 actual costs be looked at for 2014 versus the 23 test year that you put forward? 24 MR. HENDERSON: 25 A. The reason for that is for to be, I guess, to</p>
<p>Page 114</p> <p>1 for the revenue deficiencies or a ballpark 2 figure as to what Hydro -- is it just the 3 difference between the return on equity? 4 MR. CONWAY: 5 A. I guess I think Hydro, through our analysis 6 and our replies and surrebuttals, have 7 documented our view that these were prudent 8 expenditures. 9 MR. O'BRIEN: 10 Q. Right. 11 MR. CONWAY: 12 A. But is your question in the event that - 13 MR. O'BRIEN: 14 Q. In the event that they're all imprudent. 15 MR. CONWAY: 16 A. That's -- at the request of the Consumer 17 Advocate, we completed CA-014. 18 MR. O'BRIEN: 19 Q. Okay. 20 MR. CONWAY: 21 A. Which was more of a high level analysis done 22 based upon our own assumptions of what we're 23 reading from Liberty's report. 24 MR. O'BRIEN: 25 Q. And that's where I was going to take it. I</p>	<p>Page 116</p> <p>1 keep the regulatory process moving forward and 2 to get rates in play. If we keep -- if we're 3 constantly updating for actuals, we will -- 4 you know, I think as Michael said, we'd be 5 caught into a loop where we'd never get 6 everything completed. And so we made the 7 conscious decision in 2014 to establish where 8 we were, give our best estimates of our costs 9 that we were expecting to incur for both the 10 remainder of 2014 and for 2015 for test year 11 purposes. So we made that -- that was the 12 cutoff that we decided to go with and because 13 the process is taking as long as it is, we are 14 -- you know, we're now moving along and we're 15 in 2015 now with actual costs as well. So, if 16 we keep doing that, we will never come to an 17 end here and we've made the decision that 2015 18 test year was going to be our projected cost 19 and 2014 test year as we put it forward was 20 what we would be expecting for reasonable 21 rates for those periods. 22 MR. O'BRIEN: 23 Q. Okay. And I mean, the fact that there was 24 never an intent to impose the revenue 25 deficiency in terms -- or to put it into</p>

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<p>1 rates, why not just update it with the</p> <p>2 actuals?</p> <p>3 MR. HENDERSON:</p> <p>4 A. Well, as I -- the proposal that we have put</p> <p>5 forward to -- I would say it may not have</p> <p>6 impacted the end rates, but it did impact the</p> <p>7 rate stabilization plan. So, I'm not sure</p> <p>8 that I would say it doesn't impact rates. So</p> <p>9 it's always going to be subject to review for</p> <p>10 reasonableness for customer rates, regardless</p> <p>11 of how it actually impacts and the more that</p> <p>12 you go forward with updating, the longer the</p> <p>13 process will take and we had made a</p> <p>14 determination that we needed to move forward.</p> <p>15 We need to get rates in place and that was the</p> <p>16 decision we made was to cut it off at that</p> <p>17 point.</p> <p>18 MR. O'BRIEN:</p> <p>19 Q. I don't have any further questions for this</p> <p>20 panel.</p> <p>21 CHAIRMAN:</p> <p>22 Q. Mr. Johnson, sir.</p> <p>23 JOHNSON, Q.C.:</p> <p>24 Q. Mr. Chairman, I've got nothing for this panel.</p> <p>25 CHAIRMAN:</p>	<p>1 MR. MACDOUGALL:</p> <p>2 Q. I think back to you first, Mr. Chair.</p> <p>3 CHAIRMAN:</p> <p>4 Q. Oh, I'm sorry. Gee, what's wrong with me?</p> <p>5 VICE CHAIR WHALEN:</p> <p>6 Q. No questions. Thank you, Panel.</p> <p>7 COMMISSIONER NEWMAN:</p> <p>8 Q. No questions.</p> <p>9 COMMISSIONER OXFORD:</p> <p>10 Q. No, no questions.</p> <p>11 RE-EXAMINATION BY MR. DAVID MACDOUGALL</p> <p>12 MR. MACDOUGALL:</p> <p>13 Q. Thank you, Mr. Chair. Just a few questions.</p> <p>14 Mr. Conway, just to start, if we could go back</p> <p>15 to Table 9.1? And I just want to get some</p> <p>16 clarification here. Mr. O'Brien was asking</p> <p>17 you a bunch of questions about issues of</p> <p>18 potential double counting in the last block.</p> <p>19 You were going through them and you were on</p> <p>20 Holyrood one and then Mr. O'Brien jumped in</p> <p>21 and started asking a few other questions. I</p> <p>22 just want to ask had you completed that answer</p> <p>23 or are there any items from Holyrood one down</p> <p>24 in which Hydro has issues with respect to</p> <p>25 double counting matters?</p>
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<p>1 Q. Mr. Coxworthy.</p> <p>2 CROSS-EXAMINATION BY MR. PAUL COXWORTHY</p> <p>3 MR. COXWORTHY:</p> <p>4 Q. Mr. Chair, thank you. I think I just have one</p> <p>5 question, Mr. Henderson, and that's in</p> <p>6 relation to the application that's pending for</p> <p>7 the purchase of the black start diesels at</p> <p>8 Holyrood. I don't want to get into detail,</p> <p>9 but just -- and you may have said this and I</p> <p>10 just want to clarify it. Is the premise of</p> <p>11 the application that the black start diesels</p> <p>12 would stay at Holyrood until Holyrood is</p> <p>13 decommissioned as a thermal generation unit?</p> <p>14 MR. HENDERSON:</p> <p>15 A. That would be the intent, yes.</p> <p>16 MR. COXWORTHY:</p> <p>17 Q. Okay, thank you. I have no further questions,</p> <p>18 Mr. Chair.</p> <p>19 CHAIRMAN:</p> <p>20 Q. Mr. Fleming.</p> <p>21 MR. FLEMING:</p> <p>22 Q. I have no questions.</p> <p>23 CHAIRMAN:</p> <p>24 Q. So do you -- where am I now? Back to you,</p> <p>25 sir.</p>	<p>1 MR. CONWAY:</p> <p>2 A. We mentioned -- with regards to double</p> <p>3 counting specifically, we mentioned the</p> <p>4 Holyrood unit one and supply costs. There was</p> <p>5 \$500,000 in both of them, so we'd only have --</p> <p>6 we just have to ensure that it's only in one</p> <p>7 of them. The Sunnyside replacement equipment,</p> <p>8 that was an issue that was test year versus</p> <p>9 actual, so it wasn't strictly a double</p> <p>10 counting item. And the 230 kV breaker, that</p> <p>11 was also test year versus actual, so there's</p> <p>12 no double count there. So I think that would</p> <p>13 be the end of that analysis from a double</p> <p>14 count perspective.</p> <p>15 MR. MACDOUGALL:</p> <p>16 Q. So but with respect to that, because you had</p> <p>17 been talking about the test year versus</p> <p>18 actual, the two items you hadn't yet</p> <p>19 referenced in that regard were just Sunnyside</p> <p>20 and the 230 kV breaker?</p> <p>21 MR. CONWAY:</p> <p>22 A. That's correct.</p> <p>23 MR. MACDOUGALL:</p> <p>24 Q. Thank you. I think earlier Ms. Greene was</p> <p>25 asking you some questions with respect to the</p>

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1 numbers around the potential disallowance with
 2 respect to the black start matter. I guess I
 3 would ask what's Hydro's position with respect
 4 to the approach Liberty has taken to
 5 determining the disallowance that they are
 6 putting forward with respect to the black
 7 start issue?
 8 MR. HENDERSON:
 9 A. Well Hydro believes that what it has incurred
 10 for the black start for the mobile diesel
 11 plant is appropriate. It was required and the
 12 Board had given Hydro an indication that it
 13 wanted something put in place for the winter
 14 of 2013-14. We were given a clear message
 15 there that this was something that we were to
 16 move with, move forth with and we went ahead
 17 and put the -- incurred those costs for
 18 customers for that as quickly as we could.
 19 MR. MACDOUGALL:
 20 Q. Thank you, Mr. Henderson. Mr. Conway, Ms.
 21 Greene had referenced the betterment piece and
 22 then she said she didn't have any questions
 23 for you and that Mr. Kennedy had already
 24 spoken to this, but Mr. Kennedy gave his
 25 expert opinion on what the betterment

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1 calculation could look like. Could you just
 2 briefly give Hydro's view on how you think the
 3 betterment calculation should work and why?
 4 MR. CONWAY:
 5 A. The way that we completed the betterment
 6 calculation was consistent with how we would
 7 have treated the betterment calculation for
 8 our contribution in aid of constructions with
 9 other parties. And I guess what I'm saying
 10 there is when an old asset is removed from
 11 service, if the Board found that the asset was
 12 removed from service prematurely because of
 13 some imprudence, it's being -- from a customer
 14 perspective, it's being removed from service
 15 prematurely, so that doesn't matter if it's
 16 another third party that's caused another
 17 asset to be removed prematurely.
 18 So for example, if a driver is driving
 19 down the road and hits a pole, then this
 20 betterment calculation is completed by Hydro
 21 because that third party or driver would
 22 inadvertently have taken an asset that has got
 23 -- that was in service and was going to last
 24 longer and now it's going to be removed from
 25 service and no longer a value to customers.

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1 So, Hydro calculates what the penalty for this
 2 driver would be and this is something that
 3 might happen every year.
 4 It's a common type of occurrence that
 5 these contribution in aid of construction
 6 calculations are completed. So if I just give
 7 you I guess a high level example of how they
 8 work, just so -- if the pole -- if there's
 9 snow on the ground and a driver has -- he
 10 doesn't pick the oldest pole possible or the
 11 newest pole possible. He's just driving down
 12 the road and hits a pole. So it could be
 13 brand new or it could be old. So, in
 14 completing the calculation, if the pole was
 15 100 percent new, then the driver would pay for
 16 100 percent of the cost of the new asset. If
 17 the pole was 100 percent consumed or 100
 18 percent dead, as Ms. Greene would put it, then
 19 we were about to replace the asset anyway, so
 20 there would be no penalty for that driver.
 21 So, just to kind of reiterate that point,
 22 the penalty is on the portion of the asset
 23 that is still alive and we would put in rate
 24 base the portion of the asset that would have
 25 been consumed because -- and that makes

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1 logical sense, if you think about it, because
 2 why would the penalty be on the portion of the
 3 asset that's already fully consumed. The rate
 4 payer has already got the full benefit of that
 5 consumed portion.
 6 (12:15 p.m.)
 7 So, Hydro completed the same process with
 8 regards to Sunnyside and Western Avalon. We
 9 took the asset and we calculated the
 10 percentage of how much the asset was consumed
 11 or dead versus how much was still in rate base
 12 and the portion of the asset, the percentage
 13 of the asset that was still subject to last
 14 longer, Hydro took that penalty and what we'd
 15 be suggesting is we'd be writing off that
 16 penalty. We'd be writing off that portion of
 17 the asset. So the rate payers or customers
 18 would only be getting their fair portion of
 19 the asset had it lasted so much longer. So
 20 everybody would be held whole.
 21 MR. MACDOUGALL:
 22 Q. And the calculations that were on page seven
 23 of Mr. Kennedy's report track that or are
 24 meant to reflect that?
 25 MR. CONWAY:

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<p>1 A. That's correct, yeah.</p> <p>2 MR. MACDOUGALL:</p> <p>3 Q. Thank you. Mr. Conway, I think it was Mr.</p> <p>4 O'Brien who raised the issue of what your</p> <p>5 actual 2014 results may have been and you</p> <p>6 indicate that you would take it subject to</p> <p>7 check that the ROE was at 5.2 percent. Can</p> <p>8 you just indicate for the benefit of the Board</p> <p>9 what that means from a benefit to rate payer</p> <p>10 perspective, in light of the amount that you</p> <p>11 have applied for for revenue deficiency</p> <p>12 recovery in 2014?</p> <p>13 MR. CONWAY:</p> <p>14 A. If we had recalculated the revenue deficiency</p> <p>15 based on the same methodology as we had, that</p> <p>16 would have increased the 45.9 million to a</p> <p>17 higher number and we would have actually -- to</p> <p>18 ensure that we would have achieved that 8.8</p> <p>19 percent return on equity.</p> <p>20 MR. MACDOUGALL:</p> <p>21 Q. Thank you.</p> <p>22 MR. CONWAY:</p> <p>23 A. And it -- okay.</p> <p>24 MR. MACDOUGALL:</p> <p>25 Q. Go ahead.</p>	<p>1 regardless of whether there was a prudence</p> <p>2 review or not. Those were items that Hydro</p> <p>3 was doing. They were to bring future</p> <p>4 enhancements to the system, enhancements to</p> <p>5 the way we operate. So they are all items</p> <p>6 that will bring further benefit to customers</p> <p>7 on a long term basis and they were items that</p> <p>8 many of which Hydro had identified and was</p> <p>9 doing in any event as a result of its own</p> <p>10 reviews and related to all the different</p> <p>11 things that we learned from the event, many of</p> <p>12 which would have not related to any of</p> <p>13 Liberty's related prudence related expenses.</p> <p>14 These are all items that will provide long</p> <p>15 term benefit to customers that we feel is</p> <p>16 appropriate for recovery.</p> <p>17 MR. MACDOUGALL:</p> <p>18 Q. Thank you, Mr. Chair. That's all my redirect.</p> <p>19 I guess I'd like to close to simply say that</p> <p>20 this panel may get the star for actually</p> <p>21 finishing earlier rather than later. I</p> <p>22 understand that's a novelty in this</p> <p>23 proceeding. So maybe we can commend them for</p> <p>24 that.</p> <p>25 CHAIRMAN:</p>
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<p>1 MR. CONWAY:</p> <p>2 A. Yeah, so as a highlight, the 45.9 million</p> <p>3 would have been that much higher and then our</p> <p>4 8.8 percent -- then our return on equity would</p> <p>5 have been 8.8 percent.</p> <p>6 MR. MACDOUGALL:</p> <p>7 Q. Thank you. And Mr. Conway, this may be for</p> <p>8 you or it may be for Mr. Henderson. Again,</p> <p>9 you were talking to Mr. O'Brien, I believe,</p> <p>10 with respect to work undertaken by affiliated</p> <p>11 company personnel with respect to the</p> <p>12 integrated action plan. Maybe you can speak</p> <p>13 or maybe it's Mr. Henderson who could just</p> <p>14 advise the Board why you think it would be</p> <p>15 appropriate to have recovery of those specific</p> <p>16 costs?</p> <p>17 MR. HENDERSON:</p> <p>18 A. Well, the integrated action plan was developed</p> <p>19 by Hydro as a result of the investigation that</p> <p>20 we undertook for the many things that happened</p> <p>21 in January 2014 and they're also reflective of</p> <p>22 things that we learned from January 2013. So</p> <p>23 we had established an action plan, if you</p> <p>24 like, to deal with those. Those items were</p> <p>25 going to be incurred by Hydro in any event,</p>	<p>1 Q. They are to be commended.</p> <p>2 MS. GLYNN:</p> <p>3 Q. Absolutely, but Mr. Chair, we do have one</p> <p>4 point of clarification in that the issues,</p> <p>5 especially as they relate to betterment, had</p> <p>6 not been raised on cross-examination.</p> <p>7 CHAIRMAN:</p> <p>8 Q. Yes.</p> <p>9 MS. GLYNN:</p> <p>10 Q. Perhaps should have come through direct. I</p> <p>11 know it was a distinguishment between the two</p> <p>12 panels and Mr. Kennedy certainly spoke to</p> <p>13 that. Given that there was some new</p> <p>14 information on redirect relating to</p> <p>15 betterment, I think we should canvas the</p> <p>16 parties to see if there may be some questions</p> <p>17 and again back to Hydro afterwards.</p> <p>18 CHAIRMAN:</p> <p>19 Q. Commissioner Oxford reminded me or told me</p> <p>20 that that was the -- anybody have any</p> <p>21 questions arising from the -</p> <p>22 GREENE, Q.C.:</p> <p>23 Q. Thank you, Mr. Chair.</p> <p>24 CHAIRMAN:</p> <p>25 Q. Talk about a red flag.</p>

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<p>1 RE-CROSS-EXAMINATION BY MAUREEN GREENE, Q.C. 2 GREENE, Q.C.: 3 Q. Mr. Conway, you are being offered today as a 4 witness for Hydro with respect to betterment. 5 Is that how I understand your answer to Mr. 6 MacDougall's question? 7 MR. CONWAY: 8 A. No, I was commenting more on our standard 9 practice at Hydro rather than offering myself 10 up as an expert. 11 GREENE, Q.C.: 12 Q. And is that on the record with respect to 13 motor vehicle accidents and utility poles and 14 calculations by Hydro? Can you point us 15 anywhere on the record where that is 16 contained? 17 MR. CONWAY: 18 A. With regards to the contribution aid of 19 construction calculations, it's more the 20 completed -- I guess, they're in -- they're 21 complete. The betterment calculation, to 22 complete the betterment -- complete the 23 contribution in aid of construction 24 calculations are completed at Hydro internally 25 which wouldn't provide that level of detail</p>	<p>1 A. That's correct. 2 GREENE, Q.C.: 3 Q. Are you familiar with prudence reviews and 4 what regulators have determined when there is 5 a finding of imprudence first, as opposed to a 6 normal application of a depreciation policy? 7 MR. CONWAY: 8 A. No, I'm not aware. 9 GREENE, Q.C.: 10 Q. Okay, thank you. That concludes all my 11 questions. 12 CHAIRMAN: 13 Q. Is that it? Do you want to have any - 14 MR. MACDOUGALL: 15 Q. I'm good, Mr. Chair. 16 CHAIRMAN: 17 Q. Anybody else have any - 18 MR. O'BRIEN: 19 Q. No, no questions from Newfoundland Power. 20 JOHNSON, Q.C.: 21 Q. No questions. 22 MR. COXWORTHY: 23 Q. No questions, Mr. Chair. 24 CHAIRMAN: 25 Q. Okay. So I guess we're finished. When are we</p>
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<p>1 and on the application or on the order as they 2 pertain, but I guess they're a standard 3 calculation that are completed for the 4 contribution in aid of construction 5 calculation when there is an old replacement 6 asset that has been retired prematurely that 7 you have to bring something new in. 8 GREENE, Q.C.: 9 Q. So your application or your evidence is with 10 respect to Hydro's normal depreciation 11 policies and you've given further evidence 12 with respect to the calculation of the CIAC 13 calculation? Is that correct? 14 MR. CONWAY: 15 A. Could you kind of clarify further that 16 question? 17 GREENE, Q.C.: 18 Q. I'm trying to put your evidence in context 19 here and as I understood what you had said, it 20 was with respect to how normally -- how Hydro 21 normally applies its depreciation policies and 22 how it would then apply it with respect to a 23 CIAC policy when an asset is replaced. Is 24 that correct? 25 MR. CONWAY:</p>	<p>1 back now? 2 MS. GLYNN: 3 Q. We aren't back until Thursday. 4 CHAIRMAN: 5 Q. Oh. 6 MS. GLYNN: 7 Q. Yeah, we start with the panel from Liberty on 8 Thursday morning, so enjoy a day off to 9 everybody. 10 CHAIRMAN: 11 Q. How sad. 12 UPON CONCLUSION AT 12:24 P.M.</p>

CERTIFICATE

1
2 I, Judy Moss, hereby certify that the foregoing is a true
3 and correct transcript of a hearing in the matter of
4 Newfoundland and Labrador Hydro's General Rate
5 Application heard on the 9th of November, 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 9th day of November, A.D., 2015
12 Judy Moss

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