

# Office of the Consumer Advocate

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March 4, 2026

*Via Email*

Board of Commissioners of Public Utilities  
P.O. Box 21040  
120 Torbay Road  
St. John's, NL A1A 5B2

Attention: Colleen Jones (Assistant Board Secretary)

Dear Ms. Jones:

**Re: Newfoundland and Labrador Hydro (“Hydro”) - 2025 Capital Budget Supplemental Application - Application for the Purchase and Installation of Bay d’Espoir Unit 8 and Avalon Combustion Turbine (the “Application”) - Bates White Economic Consulting Expert Report - Phase Two – Confidential Information**

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On February 4, 2026, the Board of Commissioners of Public Utilities (the “Board”) provided the parties with a confidential version of its expert consultant’s report entitled Expert Report of Vincent Musco and Collin Cain relating to Hydro’s Application for Capital Expenditures for the Purchase and Installation of Bay d’Espoir Unit 8 and Avalon Combustion Turbine (the “Bates White Report”). On February 27, 2026, the Board established a process to determine the information which will be treated as confidential in the Bates White Report and allowed for intervenors to file comments for the consideration of the Board.

The Consumer Advocate notes that while the Board does not have a formal policy for assessing claims of confidentiality, the general policy has been that “all information filed with the Board should be available for all parties and the public to review to ensure that proceedings are open, transparent and accessible.”<sup>1</sup> However, the Board acknowledges that some information may be confidential, and in such circumstances, the Board attempts to balance the need to protect

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<sup>1</sup> See the Board’s April 11, 2025 letter re. the within Application.

confidential information with the objective of ensuring transparency.<sup>2</sup> The Consumer Advocate agrees that to the greatest extent possible, all information, including expert reports, should be available to the public to review without redactions.

With respect to Hydro's current Application, the Consumer Advocate stresses that the capital projects that have been proposed are extraordinary in terms of the costs involved and the timeline for construction of the proposed generating assets. Given the potential impact on ratepayers should the Application ultimately be approved, there is a significant public interest in making the process as transparent as possible. The Consumer Advocate does acknowledge that Hydro has an interest in protecting commercially sensitive information that, if disclosed to the public, might negatively impact Hydro's ability to deliver the capital projects at the lowest possible cost. Disclosure of such information might also result in increased costs for ratepayers, should the projects proceed. Ultimately, the Board must balance these interests with an overall aim of ensuring openness, transparency and accessibility in the process.

Yours Truly,

**CONSUMER ADVOCATE**



**Justin W. King**

(Counsel to the Consumer Advocate)

ec. Shirley A. Walsh  
Newfoundland and Labrador Hydro

Dominic Foley  
Newfoundland Power

Paul Coxworthy  
Stewart McKelvey

Denis Fleming  
Cox and Palmer

Glen Seaborn  
Poole Althouse

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<sup>2</sup> *Ibid.*