



P. O. Box 5236
St. John's, NL A1C 5W1

August 10, 2018

Board of Commissioners of Public Utilities
120 Torbay Road
Prince Charles Building, Suite E-210
St. John's, NL A1A 5B2

Attention: Jacqueline Glynn

Dear Madam:

RE: List of Presenters for September Hearing

We write further to correspondence of Kevin Stamp, Q.C. on behalf of the IBC to the Board dated August 10, 2018 wherein the IBC takes issue with the Campaign's list of proposed presenters for the September hearing dates.

The IBC asserts the existence of a requirement for a written report for an individual or panel to be able to make a presentation to the Board. No such rule of procedure has been promulgated by the Board in relation this hearing. The Notice of Public Hearing issued by the Board states that intervenors may present evidence at the public hearing. There is no procedural rule requiring that such evidence be in writing or that oral presentations without written filings are not permitted. Further, in the 2005 hearings a panel of lawyers appeared before the Board and presented without a report being filed in advance.

As respects the IBC's concerns relating to identities of presenters and panel members, our earlier correspondence of today to the Board providing presenter identities and times estimated for presentations supplies the identity of all but one panel member. The only remaining individual not identified is one of the accident victims for the accident victim panel. We trust this allays the IBC's concerns in this regard.

Contrary to the IBC's assertion, the Campaign has not circumvented, and is not now attempting to circumvent, any procedural framework set up by the Board. To the extent that the Board has put forward rules of procedure for the parties to follow, the Campaign has followed those rules and has met all required filing and notice deadlines that have been communicated to it.

The appropriate procedure for the relief being requested by the IBC, that is to have the Campaign and APTLA barred from making presentations in the Fall hearings, requires a formal application by the IBC to the Board. The Campaign should then have an opportunity to respond fully to this proposed drastic measure and fundamental issue, followed by an oral hearing before the Board to allow the parties the opportunity to make their arguments to the Board. In fact, the Campaign submits that the Board is bound by principles of procedural fairness and natural justice to require such a request proceed by formal application with oral hearings.

Yours very truly,



COLIN D. FELTHAM