

NEWFOUNDLAND AND LABRADOR
BOARD OF COMMISSIONERS OF PUBLIC UTILITIES

120 Torbay Road, P.O. Box 21040, St. John's, Newfoundland and Labrador, Canada, A1A 5B2

Hearing Transcript

**Newfoundland and Labrador Hydro
2017 General Rate Application**

April 16, 2018

The Board:

Darlene Whalen, Chair and CEO
Dwanda Newman, Vice-Chair
James Oxford, Commissioner

Board Counsel/Staff:

Jacqueline Glynn, Board Counsel**
Maureen Greene, Q.C., Hearing Counsel
Cheryl Blundon, Board Secretary

Newfoundland and Labrador Hydro:

Geoffrey Young, Counsel
Alex Templeton, Counsel

Witness/Witnesses

Mr. James Haynes, President of
Newfoundland and Labrador Hydro

Newfoundland Power Inc.:

Gerard Hayes, Counsel
Liam O'Brien, Counsel

Consumer Advocate:

Dennis Browne, Q.C.
Steven Fitzgerald, Counsel

Island Industrial Customers

Paul Coxworthy, Counsel
Dean Porter, Counsel
Denis Fleming, Counsel

Labrador Interconnected Group*

Senwung Luk, Counsel

Iron Ore Company of Canada*

Benoit Pepin, Counsel

*Note – These two parties will not be in attendance every day

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1 NOTICE TO READER: THIS TRANSCRIPT HAS BEEN PRODUCED
 2 FROM AUDIO THAT WAS NOT RECORDED BY DISCOVERIES
 3 UNLIMITED AND WITHOUT THE AID OF DISCOVERIES
 4 UNLIMITED'S COURT REPORTER.
 5 CHAIR:
 6 Q. Good morning. I would like to welcome
 7 everybody for the start of this public
 8 hearing for Newfoundland and Labrador Hydro
 9 2017 General Rate Application. To all
 10 participants, including the applicant,
 11 intervenors, respective counsels, support
 12 staff, along with any members of the public
 13 and media, I extend to each of you a warm
 14 welcome and I look forward to a productive
 15 and fair hearing.
 16 My name is Darlene Whalen. I'm Chair
 17 and CEO of the Public Utilities Board and
 18 for this public hearing, I will serve as
 19 Chair of the Panel with three Commissioners,
 20 who have responsibility to hear this
 21 particular rate application. My colleagues
 22 joining me on the Panel are Commissioner
 23 Dwanda Newman, who Vice-Chair of the Board,
 24 and Commissioner Jim Oxford. At the side
 25 table assisting with the hearing are Cheryl

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1 Blundon, our Director of Corporate Services
 2 and Board Secretary, and Maureen Greene,
 3 Hearing counsel, and counsel for the Board
 4 this week. Jacqui Glynn, Board Counsel,
 5 will be joining us next week for the
 6 duration of the Hearing.
 7 And this is why I have to put on my
 8 glasses, because I can't see who's in the
 9 back. Also joining us from the Board in the
 10 back of the room are Mike McNiven and Ryan
 11 Oake, our Regulatory Analyst; Mike Janes,
 12 Engineering Advisor; and John O'Brien, our
 13 new Commissioner. Thank you, John. And we
 14 also have assisting us today, Elizabeth
 15 Boggan from Terra Nova Transcription and
 16 Karen Massey from Hydro who is assisting us
 17 with document retrieval. Thank you, Karen.
 18 Before we move to introductions and
 19 opening statements, I'd like to call on Ms.
 20 Greene to enter the matter and confirm
 21 issuance of appropriate public notice.
 22 GREENE, Q.C.:
 23 Q. Thank you, Madam Chair. Good morning
 24 everyone. On July 28, 2017, the Board of
 25 Commissioners of Public Utilities received a

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1 General Rate Application from Newfoundland
 2 and Labrador Hydro for a full review of its
 3 costs and rates.
 4 Newfoundland and Labrador Hydro is
 5 requesting that the Board approve, among
 6 other things, rates to be charged for the
 7 supply of power and energy to its customers
 8 effective on an interim basis January 1,
 9 2018. Rates to be charged for the supply of
 10 power and energy to its customers effective
 11 on a final basis January 1, 2019 and rules
 12 and regulations applicable to the supply of
 13 power and energy to its customers.
 14 Notice of the application and the pre-
 15 hearing conference was published on the
 16 Board's website and in several newspapers
 17 across the province starting on April 18th,
 18 2017. The Board held a pre-hearing
 19 conference on September 21, 2017 to identify
 20 registered intervenors and to set the
 21 procedures and the schedule for the public
 22 hearing.
 23 The parties granted intervenor status
 24 are: the Consumer Advocate; Newfoundland
 25 Power; the Industrial Customer Group which

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1 includes Corner Brook Pulp & Paper Limited,
 2 NARL Refining and Vale Newfoundland &
 3 Labrador Limited; and the Labrador
 4 Interconnected Group which includes the
 5 communities of Sheshatshiu, Happy Valley-
 6 Goose Bay, Wabush, and Labrador City; and
 7 finally, the Iron Ore Company of Canada was
 8 also granted intervenor status.
 9 The schedule allowed for two rounds of
 10 requests for information, as well as expert
 11 reports and RFIs on the expert reports.
 12 Settlement discussions and the public
 13 hearing were scheduled to begin in January
 14 of this year. On January 4, 2018, the
 15 Consumer Advocate filed a motion with the
 16 Board to delay the start of the hearing
 17 until additional information was filed. In
 18 order No. P.U. 2(2018), the Board ordered
 19 Hydro to provide certain of the requested
 20 information and the hearing was postponed.
 21 The additional information was filed by
 22 Hydro on March 23rd, 2018 and another round
 23 of RFIs were issued and answered.
 24 There are currently four outstanding
 25 motions or applications before the Board in

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1 addition to the General Rate Application.
 2 Hydro has filed a motion to defer certain
 3 cost of service issues and an application to
 4 treat certain documents as confidential. The
 5 Consumer Advocate has filed a motion
 6 requesting clarification of the Board's
 7 jurisdiction. The Labrador Interconnected
 8 Group has also filed a motion requesting
 9 further and better answers to certain
 10 requests for information that were filed in
 11 March.
 12 The parties were invited to participate
 13 in Board facilitated settlement discussions.
 14 A settlement agreement has been reached and
 15 copies will be filed with the parties when
 16 we have a break this morning and the
 17 official copy will be filed on the record
 18 and at that time will be marked as Consent
 19 Exhibit No. 1.
 20 The issues which have been agreed upon
 21 by the parties are as follows, and there are
 22 a number of them. The first is the proposed
 23 accounting treatment and calculations of
 24 employee future benefits and asset
 25 retirement obligations. The second one that

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1 we were all happy to report has been settled
 2 is the depreciation methodology. The next
 3 one is the vacancy factor to be used in the
 4 test years. The business systems
 5 transformation project expenses. A reduction
 6 in the amount of the debt guarantee be
 7 included in the test years has also been
 8 agreed to but inclusion of a portion of the
 9 fee in the revenue requirement still remains
 10 an issue for the Hearing. The methodology
 11 determined the rate base and working
 12 capital; the assignment of assets with the
 13 exception of the frequency converter and the
 14 method to allocate the rural deficit; the
 15 rate design for the Labrador Industrial
 16 transmission rate; changes to the RRSP rules
 17 and regulations for service to rural
 18 customers; recovery of external regulatory
 19 costs over a defined (phonetic) period; the
 20 definition of the excess earnings account;
 21 the automatic return on equity adjustment in
 22 between rate cases when Newfoundland Power's
 23 return on equity changes; and the date for
 24 filing the cost of service rate design
 25 methodology review.

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1 So, all of those items were accepted
 2 during the settlement discussions. The
 3 remainder of the issues raised in the
 4 Application will be examined during this
 5 hearing. The parties have agreed that there
 6 will not be evidence presented relating to
 7 the Labrador issues during the first two
 8 weeks of the hearing.
 9 So, notice of the start date of the
 10 hearing was placed on the Board's website
 11 and published in newspapers starting on
 12 April 4th, 2018. The notice was published in
 13 The Telegram and in numerous papers across
 14 the province, including in Labrador. Notice
 15 of the date for the hearing to recommence in
 16 July and an invitation for public
 17 participation will be published upon a
 18 further schedule being set by the Board.
 19 So, the evidence will start today with
 20 the company witness, Mr. Jim Haynes, the
 21 President of Hydro. The hearing will adjourn
 22 on April 26th, 2018 and a further schedule
 23 will be set following consultation with the
 24 parties.
 25 Madam Chair, I confirm that the

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1 Application has been properly filed and
 2 appropriate notices published. There are no
 3 preliminary matters that I am aware of and
 4 the Board is able to commence hearing of the
 5 application.
 6 CHAIR:
 7 Q. Thank you Ms. Greene. I would like to ask at
 8 this point that persons seated at the tables
 9 representing the Applicant, Hydro, and each
 10 of the registered interveners please
 11 introduce yourselves for the purposes of the
 12 record.
 13 Each party will be given an opportunity
 14 to make an opening statement shortly and
 15 we'll start with the Applicant, Hydro.
 16 MR. YOUNG:
 17 Q. Thank you, Madam Chair. Geoff Young, General
 18 Counsel for Hydro appearing today. It's a
 19 pleasure to be here. To my left is Mr. Alex
 20 Templeton. He is external counsel to Hydro
 21 with McInnes Cooper. To his left is Karen
 22 Massey, sitting in the chair that a former
 23 chair used to say is the most important
 24 seated position in the room. She will be
 25 running the technical part so that we can

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1 all follow along with the transcript and the
 2 record. At the rear of the room, most of
 3 Hydro's executive are present, with the
 4 exception of Ms. Dalley who's unavoidably
 5 absent this morning. Of course, the
 6 President, Mr. Haynes, is here. Terry
 7 Gardiner, our Vice-President of Engineering
 8 is here. Ron LeBlanc, Vice-President for
 9 Transmission and Distribution is here and
 10 NLSO. Lisa Hutchens, Vice-President for
 11 Finance is here, and I'm going to forget
 12 someone, I'm sure. Jennifer Williams, Vice-
 13 President of Production.
 14 They will all be testifying. So, I
 15 thought at this point I would introduce them
 16 as well. Thank you.
 17 CHAIR:
 18 Q. Thank you. Newfoundland Power.
 19 MR. O'BRIEN:
 20 Q. Good morning, Liam O'Brien, outside counsel
 21 for Newfoundland Power, and with me is
 22 Gerard Hayes, inside counsel for
 23 Newfoundland Power.
 24 CHAIR:
 25 Q. And the Consumer Advocate.

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1 BROWNE, Q.C.:
 2 Q. Dennis Browne, the Consumer Advocate, and
 3 with me is Steven Fitzgerald.
 4 CHAIR:
 5 Q. Thank you. And the Industrial Customers.
 6 MR. COXWORTHY:
 7 Q. Paul Coxworthy and to my immediate left,
 8 Denis Fleming, and to my far left, Dean
 9 Porter.
 10 CHAIR:
 11 Q. Welcome. As noted by Ms. Greene, there are
 12 two other registered interveners that are
 13 not joining us for this session, the
 14 Labrador Interconnected Group and Iron Ore
 15 Company of Canada, and these parties will be
 16 present at a later date when some of the
 17 issues of interest to them are being heard
 18 and will make their opening statements at
 19 that time.
 20 So, as all present can see, we have
 21 arrived at this point in the process with
 22 significant work already completed by the
 23 applicant and interveners in reaching
 24 agreement on a number of proposals contained
 25 in the original application. The settlement

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1 agreement will be placed on the record in
 2 today's proceedings and I thank the parties
 3 for their efforts in reaching this
 4 settlement agreement.
 5 I do have a couple of items I want to
 6 go over, mostly housekeeping. In addition to
 7 the paper documentation filed in relation to
 8 the application, all documentation is posted
 9 on the Board's website. All documentation
 10 presented during the public hearing,
 11 including daily transcripts, will also be
 12 posted on the Board's website as received.
 13 The binders you see in the room, which
 14 are maintained under the supervision of the
 15 Board's secretary, Ms. Blundon, contain the
 16 official version of the evidence for this
 17 hearing. These will be used for reference
 18 purposes as needed in the event evidence
 19 cannot be displayed electronically or some
 20 discrepancy exists between the electronic
 21 and paper records.
 22 The proceedings are being recorded by
 23 Terra Nova Transcription under the
 24 supervision of the Board Secretary and will
 25 be transcribed daily throughout the

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1 afternoon and evening. Transcripts will be
 2 emailed to the parties immediately upon
 3 completion with a paper copy available by
 4 the commencement of the hearing on the
 5 following day.
 6 Persons addressing the Panel may, for
 7 the benefit of transcription, refer to the
 8 Commissioners by name, Commissioner Newman,
 9 and Commissioner Oxford and myself as Chair.
 10 I would ask counsel to refrain from
 11 reading long passages of pre-filed evidence
 12 into the record. I appreciate the need to
 13 recite certain evidence during cross for
 14 clarity purposes, but I would ask for your
 15 cooperation in keeping them to a minimum.
 16 Persons who have concerns or issues
 17 with the creature comforts of this room,
 18 layout, supplies, files or records, should
 19 bring these matters directly to the
 20 attention of Cheryl, the Board Secretary,
 21 and we'll make - well, I say "we" -- she
 22 will make every effort to assist you.
 23 And with the exception of today the
 24 normal daily sitting times will be 9:00 a.m.
 25 to 1:30 p.m. with a one half hour break from

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1 11 to 11:30 and I ask all parties to adhere
 2 to these times.
 3 And finally, please, silence your cell
 4 phones and all electronic devices, please.
 5 I want to acknowledge all parties for
 6 the tremendous amount of work you've all
 7 expended in reaching this stage of
 8 proceeding here today. I am hopeful that
 9 this work will now position us to go forward
 10 in a productive, efficient and expeditious
 11 manner over the next eight days in
 12 particular and for the remainder of the
 13 hearing as we move forward.
 14 And just before we get to opening –
 15 move to opening statements, I'd just confirm
 16 that there are no other preliminary matters,
 17 Ms. Greene?
 18 GREENE, Q.C.:
 19 Q. No, Madam Chair, not that I'm aware of.
 20 CHAIR:
 21 Q. Anything from the applicant that I missed?
 22 MR. TEMPLETON:
 23 Q. Madam Chair, good morning and members of the
 24 panel. I have two very minor edits to the
 25 company evidence that I'd like to bring to

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1 the panel's attention at this stage. These
 2 are very minor but just a couple of items
 3 that we discovered in preparation that we'd
 4 just like to correct at this juncture.
 5 The first is in relation to company
 6 evidence at page 1.19, Table 1-2. The table
 7 is titled End Consumer Performance. There's
 8 a similar table that appears as Table 3-2 on
 9 page 3.9. The revision that we have is in
 10 the course of the filings in revision number
 11 two, there was a revision made to Table 3-2
 12 on page 3.9 of the company evidence under
 13 the column 2015. Those revisions are
 14 indicated by a shading. The indication is
 15 SAIFI 2.00 and SAIDI 3.07. Those same
 16 revisions are not reflected in the Table 1-
 17 2 on page 1.19 and they properly should be
 18 reflected there. So for clarity, Table 1-2
 19 End Consumer Performance on page 1.19 in the
 20 column 2015, the figure 1.31 should properly
 21 read 2.00 and the number SAIDI under 2015
 22 2.08 should properly read 3.07. Okay?
 23 That's the first correction.
 24 The second is in relation to Table 3-14
 25 on page 3.24. This table is a summary of

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1 year-over-year changes in Holyrood Thermal
 2 Generating Station requirements expressed in
 3 gigawatt hours. And the revision has to do
 4 with the 2015 actual and 2016 actual numbers
 5 indicated for thermal generation required.
 6 Under 2015 actual, the sum 1,543 is
 7 expressed. That number should properly read
 8 1,458.5. And similarly, 2016 actual, the
 9 number is indicated as 1,707. The correct
 10 number should be 1,620.9. The difference
 11 here is what was reflected in the table was
 12 gross production that doesn't account for
 13 station service when it's intended to
 14 reflect net production. Those proper net
 15 figures are reflected in the evidence at
 16 Schedule 3-3V, page 1 of 1, where if you
 17 look at the screen, it is indicated in the
 18 column Holyrood production gigawatt hours
 19 under 2015 actual and 2016 actual. Those are
 20 the proper numbers, 1,458.5; 1,620.9 which
 21 should find their way into Table 3-14.
 22 CHAIR:
 23 Q. Is your intention to file written -
 24 MR. TEMPLETON:
 25 Q. We certainly can file a reference to those

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1 revisions.
 2 CHAIR:
 3 Q. I think that would be helpful and we can put
 4 them -- request them on the electronic
 5 version.
 6 MR. TEMPLETON:
 7 Q. Thank you.
 8 CHAIR:
 9 Q. Any other preliminary matters before we move
 10 to -- Okay, so at this point we'll move to
 11 opening statements from the parties and also
 12 the applicant, Hydro as well.
 13 MR. YOUNG:
 14 Q. Thank you, Madam Chair. I'll be giving the
 15 opening statement. Hereafter, I expect most
 16 of the discussion you'll hear from Hydro
 17 will be from Mr. Templeton. Our opening
 18 statement will be brief because as you
 19 mentioned Hydro has already filed a fairly
 20 large amount on the record and I don't think
 21 we need to go over it in any great detail.
 22 The theme of the hearing, its position is
 23 already well described. I'll just touch upon
 24 a few matters that I think bear highlighting
 25 and also just on a few procedural matters.

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1 As we know, the Application was filed
 2 last summer, July 28th, 2017. There has been
 3 of course a number of filings since then and
 4 there always will be in any period of time
 5 that passes of that sort with a regulated
 6 utility, but in particular, I'd like to
 7 bring to the Board's attention something
 8 that was filed just this past Friday, sort
 9 of late in the afternoon, which is the
 10 application for interim rates for
 11 residential – sorry, retail customers. I
 12 don't think there's a mention of that and
 13 Ms. Greene didn't mention it this morning
 14 because it just made it onto the record as
 15 of -- or into the Board's hands, I suppose,
 16 late Friday afternoon.
 17 Madam Chair, most of the aspects of
 18 this hearing were expected to be or
 19 considered to be a business-as-usual matter
 20 as rate hearings go, but there is one
 21 obvious exception, and that arose because
 22 Hydro has an opportunity to avail of some
 23 less expensive energy. When I say that I
 24 mean less expensive than our marginal cost
 25 of energy, typically Holyrood and that was

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1 from imports of power and the Maritime Link
 2 and it's expected also to be available
 3 through the Labrador Island Link during the
 4 period. The other aspect of that is that we
 5 know that upon completion of the Muskrat
 6 Falls Generating Project, rates will rise
 7 sharply and the extent and timing of that is
 8 not yet known and could depend upon a number
 9 of factors. However, a significant rate
 10 increase is unavoidable.
 11 The less expensive energy opportunities
 12 I spoke of and available from those sources,
 13 to the extent that they can displace more
 14 expensive thermal energy, can provide a
 15 modest offsetting of that increase that
 16 we're expecting to see in a few years with
 17 Muskrat Falls. However, it can only occur
 18 if the Board approves a deferral account for
 19 that purpose, and as you know, the proposal
 20 Hydro has put forward was on that basis and
 21 we believe it to be a solid one and a sound
 22 one based on regulatory principles that are
 23 well understood, in particular the avoidance
 24 of intergenerational inequity and Hydro has
 25 filed -- pre-filed evidence, including

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1 expert evidence on this point.
 2 As Ms. Greene mentioned, on January the
 3 4th, the Consumer Advocate filed a motion
 4 requesting that the Board order Hydro to
 5 provide cost of service information that was
 6 based upon a scenario where there is no
 7 deferral account, and the Board agreed to
 8 that on January the 26th, Order No. P.U.2
 9 (2018), and that information was filed on
 10 March 23rd and there has been a further
 11 round of requests for information and
 12 answers were provided. Due to the commercial
 13 sensitivities of two of those responses,
 14 Hydro has applied for an order that they be
 15 treated as confidential, and that
 16 application was also filed just a few days
 17 ago, this past Friday. That matter will be
 18 determined and a schedule has been set for
 19 that.
 20 The other thing I would be remiss if I
 21 didn't touch upon, although it's already
 22 come up, of course, is the settlement
 23 agreement, and Hydro is very pleased that
 24 that's occurred and I think the parties are
 25 as well. I can't speak for them, but I

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1 believe that they are.
 2 The settlement of these issues, of
 3 course, assists with the Board and the
 4 parties to dispense with the examination and
 5 argument on those matters at this time.
 6 Settlement agreements, in my experience,
 7 have become more commonplace. I remember the
 8 first one we did, we couldn't get over the
 9 change that occurred in the process of the
 10 hearing, but they have become commonplace
 11 for this Board and other ones. Hydro would
 12 like to extend its sincere appreciation to
 13 the parties, and particularly to Ms. Greene
 14 for the assistance in this. Resolving
 15 issues in this manner does assist greatly
 16 with the efficiency of the hearing and it
 17 ensures the parties, you know, get an
 18 outcome that they expect and intend in an
 19 orderly fashion.
 20 Having said that, those essentially
 21 complete my comments and we look forward to
 22 a thorough, fair and efficient hearing on
 23 the remainder of the issues, the ones that
 24 haven't been settled. Thank you.
 25 CHAIR:

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1 Q. Thank you, Mr. Young. Newfoundland Power.
 2 MR. O'BRIEN:
 3 Q. Thank you. Good morning, Commissioners.
 4 Newfoundland Power is Newfoundland and
 5 Labrador Hydro's largest customer. It
 6 purchases over 85 percent of Hydro's annual
 7 production of electrical energy for resale
 8 to Newfoundland Power's customers on the
 9 island. Newfoundland Power generates only 7
 10 percent of its own electrical supply
 11 requirements and is mandated by law to
 12 purchase the remainder from Hydro.
 13 In 2017, Newfoundland Power's purchases
 14 were in the ballpark of 440 million and this
 15 cost alone made up approximately 60 percent
 16 of the cost of servicing its customers.
 17 As usual, Newfoundland Power is focused
 18 on protecting its customers' interests here.
 19 The wholesale rates charged by Hydro are
 20 ultimately born by Newfoundland Power's
 21 customers. So, Newfoundland Power's
 22 intervention will be concentrated on
 23 ensuring these rates are just and
 24 reasonable.
 25 When Hydro last appeared before this

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1 Board for a General Rate Application,
 2 interrogation focused on challenges which
 3 Hydro was facing and had faced in the areas
 4 of reliability, efficiency of operations,
 5 cost management, and transparency of costs.
 6 These challenges remain and Hydro's track
 7 record in addressing these concerns will be
 8 tested in this hearing. In particular, a
 9 continuing trend of operating costs which
 10 seem to increase.
 11 That said, Hydro also faces new
 12 challenges on the horizon. The electrical
 13 system is in transition mode as the Muskrat
 14 Falls Project moves towards completion and
 15 the next few years will be important for
 16 both Hydro and its customers. Critical
 17 decisions will have to be made; critical
 18 decisions which could affect both short term
 19 and long term customer rates.
 20 We know that the cost of the Muskrat
 21 Falls Project is to be recovered from
 22 customers. There's some uncertainty however
 23 as to the long term rate impacts that will
 24 flow from that eventuality. As such, this
 25 Board will have to consider whether, and to

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1 what extent, rate mitigation steps are
 2 required in the short term as suggested by
 3 Hydro.
 4 In that regard, Newfoundland Power has
 5 specific interest in Hydro's proposed off-
 6 island purchase deferral account, a proposal
 7 which is interwoven with Hydro's rate
 8 proposals for the test years. Hydro
 9 currently has access to purchases off island
 10 via the Maritime Link and anticipates being
 11 able to access recapture power from
 12 Churchill Falls via the Labrador Island Link
 13 very soon and these opportunities could
 14 result in a reduced reliance on power from
 15 the Holyrood Thermal Generation Station and
 16 general short-term savings for customers.
 17 Hydro proposes that these savings be set
 18 aside to mitigate rate increases for the
 19 future.
 20 While Newfoundland Power believes that
 21 the likelihood of significant rate impacts
 22 from Muskrat Falls suggests that options for
 23 rate mitigation should be fully examined,
 24 there are legal, technical, and evidentiary
 25 issues related to Hydro's proposal which

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1 will need to be addressed.
 2 As far as the public hearing is
 3 concerned, Newfoundland Power will also be
 4 interested in gaining an understanding as to
 5 how Hydro will address transitional changes
 6 without losing focus on its obligation to
 7 provide least cost, reliable service to its
 8 customers during that period.
 9 Any increase in costs due to
 10 reorganization of the corporate structure
 11 and/or changes in the operational philosophy
 12 will be scrutinized to ensure efficiencies
 13 are being considered and obtained.
 14 Ultimately, Newfoundland Power's
 15 customers expect reliable service at least
 16 cost, in accordance with the Electrical
 17 Power Control Act (1994). Those customers
 18 must bear Hydro's costs of providing service
 19 and this hearing will determine how much of
 20 those costs it is reasonable to pass on.
 21 We trust Newfoundland Power's
 22 participation in the proceeding will be
 23 helpful to the Board in making its
 24 determinations. Those are my comments.
 25 CHAIR:

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1 Q. Thank you very much. Consumer Advocate.
 2 BROWNE, Q.C.:
 3 Q. Thank you, Commissioners and colleagues. The
 4 Electrical Power Control Act regulates this
 5 Province's electrical resources and the Act
 6 requires that all sources and facilities for
 7 the production, transmission and
 8 distribution of the Province's power should
 9 be managed and operated in the manner that
 10 would result in reliable power be delivered
 11 to consumers in the Province at the lowest
 12 possible cost. The Act requires that rates
 13 charged be reasonable. Reasonable rates
 14 means affordable electricity. Electricity is
 15 a necessity. These are our governing
 16 principles as we embark upon this hearing.
 17 Now, the results for a -- that the
 18 Board has given through its various orders
 19 over time has pretty well ensured lowest
 20 possible electricity rates. If we just take
 21 a step back in time, we can see that in just
 22 the last ten years, in August 2006,
 23 electricity cost 8.92 cents a kilowatt; in
 24 2008, 9.6 cents; 2009, back to 8.9 cents,
 25 and in August 2010, 9.5 cents; in August

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1 2011, 10.4 cents; and today we're paying
 2 10.64 cents for a kilowatt of electricity.
 3 We have -- we had the most stable system in
 4 the country and the most affordable
 5 electricity. That is the system that we had.
 6 The system as we know it was destroyed
 7 through the project which has now been
 8 officially named a boondoggle and how
 9 we handle that boondoggle is going to be
 10 very important. We are not interested in
 11 imaginations of Hydro or its associate
 12 companies through deferral accounts or band-
 13 aid solutions.
 14 The population of the Province is
 15 decreasing. In 1989, there were 576,000
 16 people; 2004, 517,000; in 2025, there will
 17 be 513,000. The population is aging. We all
 18 know the statistics.
 19 There was a time, not too long ago,
 20 when Hydro was contributing to the
 21 Provincial economy and actually issuing
 22 cheques to the government to assist with the
 23 roads and schools and hospitals, but after
 24 2006, Hydro had its hand out and we were
 25 giving money to them.

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1 We know that the Muskrat Falls Project,
 2 which is the elephant in this room, cannot
 3 be paid for by the ratepayers of the
 4 Province. There is an Order in Council, of
 5 which some of you are familiar, which states
 6 that the ratepayers of the Province are
 7 responsible for paying Muskrat Falls and
 8 that is limited to the ratepayers on the
 9 island portion of the Province, the 263,000
 10 customers of Newfoundland Power and the
 11 other roughly 25,000 of Hydro. Clearly that
 12 is an impossibility. 300,000 customers
 13 cannot pay for Muskrat Falls.
 14 So, what are we to do? We propose an
 15 organized effort to deal with Muskrat Falls.
 16 Some experts will say Muskrat Falls should
 17 be put to one side and dealt with in a
 18 separate manner.
 19 What we're seeing here today is Nalcor
 20 coming forward through Hydro looking for a
 21 deferral account. I want to speak to that
 22 for a few moments. The deferral account they
 23 propose is general in nature. Some, in fact,
 24 could say it is more or less a slush fund.
 25 Hydro wants to skim off the top what they

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1 need and then the remainder, whatever that
 2 might be, because it's all pretty nebulous,
 3 would go to consumers. According to their
 4 own filings, that amount would be in the
 5 vicinity of 150 million dollars, but that
 6 changes daily because they really don't
 7 know. They have no clue as to what would be
 8 the components of the deferral account. What
 9 we do know, it is a fictitious number that
 10 they have come forward with.
 11 Now, the ratepayers of the Province
 12 know full well their obligations to pay for
 13 their monthly electricity bills. The rates I
 14 quoted previously have been designed
 15 according to proper regulatory principles
 16 that we see throughout Canada. What Hydro is
 17 proposing here by way of a deferral account
 18 has no known comparator. What they are
 19 asking you to do is bump up people's rates
 20 now so they will have access to money to
 21 which, we will put forward, they are not
 22 entitled; they are not entitled to in law
 23 and it seems that they want to access
 24 people's bank accounts early on. They want
 25 to get a hold of all the ratepayers' bank

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1 accounts now. They want to have more money
 2 at their disposal to which they are
 3 effectively not entitled.
 4 The Board has no rights to put up rates
 5 based on a fictitious number. There's
 6 nothing in regulatory principles that would
 7 allow that. The regulatory system as we know
 8 it is safeguards. It safeguards the
 9 ratepayers so the ratepayers will pay for
 10 the exact cost of electricity that is rated
 11 by the Board at the time.
 12 It's rather unfortunate that Nalcor and
 13 Hydro would come forward with a deferral
 14 account to say we have the solution. That is
 15 no solution. We all know the situation. In
 16 the first full year of Muskrat Falls they'll
 17 need at least 800 million dollars. In the
 18 second and third and fourth years, they'll
 19 need over a billion dollars. What they are
 20 talking about, even in their own fictitious
 21 world, are numbers of 150 million dollars
 22 that they will save up for us. They're going
 23 to take our money and put it in their bank.
 24 They want to save our money. They want to
 25 take it from us. Money to which they have no

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1 entitlement. But even in their own
 2 fictitious world, they are stating that
 3 they'll only have roughly 150 million
 4 dollars. Well, we can all do the math.
 5 Where's the rest coming from? It can't even
 6 be described as a band-aid.
 7 And who in the province would really
 8 give their bank accounts to Nalcor or Hydro
 9 to manage? Really? What right have they to
 10 access our bank accounts? Because that is
 11 really what they're trying to do and they're
 12 trying to get your imprimatur to do that. We
 13 will resist that notion. We are partial to
 14 common sense.
 15 Already Nalcor and Hydro has had full
 16 access to the provincial credit card
 17 unbridled. We saw where that has gotten us:
 18 slush funds in the -- under the guise of
 19 deferral accounts. It's just another
 20 formatting of what they've had in the past.
 21 Nalcor and Hydro needs to be brought into
 22 control. If they're coming before the
 23 regulator, let's put regulatory principles
 24 in play.
 25 There is evidence that Hydro's own

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1 house is not in order. The evidence will
 2 disclose: overtime rates unacceptable;
 3 regulatory departments exorbitant in numbers
 4 which have not precedent in Atlantic Canada.
 5 And there will be other evidence brought
 6 forward which we will speak to at the
 7 relevant time.
 8 But my law partner, Steven Fitzgerald,
 9 now will just speak to a jurisdictional
 10 issue to which we will seek clarification.
 11 MR. FITZGERALD:
 12 Q. Good morning, Madam Chair, members. We have
 13 made a motion and I'm sure you're aware of
 14 it, but I just want to refer to it briefly.
 15 We're not arguing it this morning but we
 16 think that you should be aware of it going
 17 forward. We've set out in the motion the
 18 basis of the Consumer Advocate's position
 19 but the starting point is Order in Council
 20 2013 342, which is known as the Muskrat
 21 Falls Exemption Order. Now, whether one
 22 agrees with the logic or the policy behind
 23 the exemption order or not is immaterial. It
 24 reads what it says and it's the governing
 25 law. More specifically, OC-343 gives clear

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1 direction. It prohibits recovery of Muskrat
 2 Falls Project costs until Muskrat Falls is
 3 commissioned or near commissioning and the
 4 most recent forecast for Muskrat Falls
 5 Project commissioning is 2020, while the
 6 LIL-LTA transmission assets are expected to
 7 enter service in mid-2018.
 8 Contrary to 343, Hydro's current
 9 application attempts to recover operational
 10 and maintenance costs associated with the
 11 Labrador Island Link in 2018 by way of, what
 12 Mr. Browne has mentioned, the off-island
 13 purchase deferral account. This is clearly
 14 stated in Hydro's application from the get-
 15 go in Volume 1, page 5.5. Lines 14 to 15
 16 states, "Hydro proposes that the costs
 17 incurred to use the Muskrat Falls Project
 18 transmission assets be recognized and paid
 19 for by the fuel savings". Hydro forecasts
 20 the LIL and the LTA transmission costs to be
 21 27.3 million in 2018 and 52.9 million in
 22 2019. Besides the fact, Hydro provides no
 23 support for these dollar amounts. They
 24 can't be recovered in any event as a result
 25 of OC-2013-343.

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1 So, when we look at the application and
 2 we're trying to square this with OC-343, we
 3 come up with no other solution or not
 4 solution, but proposal, I guess, that the
 5 Board must be very aware or cognizant going
 6 forward that there's a very serious
 7 restriction on its ability to deal with that
 8 aspect of Hydro's application. And no amount
 9 of legal argument or contortion can stretch
 10 OC-2013-343 to fit with what Hydro is
 11 proposing. It just is plain and simple.
 12 There is an ouster that the Orders in
 13 Council's have, rightly or wrongly, imposed
 14 on the Board, hamstrung the Board's
 15 ability to deal with these fundamental
 16 issues.
 17 You know, likewise Hydro has stated
 18 that the off-island purchase deferral
 19 account is proposed, as Mr. Browne was
 20 saying, to collect money now to mitigate
 21 further rate increases after full
 22 commissioning of the Muskrat Falls Project.
 23 Again, we submit that this proposal offends
 24 OC-2013-343 which clearly prohibits the
 25 recovery of any Muskrat Falls Project costs

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1 until Muskrat Falls is commissioned or near
 2 commissioning, which we know it isn't. So,
 3 we are at a loss.
 4 Why we took the application, we are
 5 fearful that perhaps we're obviously past
 6 the graveyard here. We're hoping for the
 7 best, but, you know, there's a very clear
 8 legal problem that faces the Board from the
 9 outset. Our fear is that we're going to
 10 embark upon a task that may, at the end of
 11 the day, turn out to a nullity, which would
 12 be a huge waste of resources. Again, not
 13 making the argument this morning; not asking
 14 for a decision this morning. I know that the
 15 train has left the station, if you will, but
 16 we would like the Board to keep in mind our
 17 comments as the evidence unfolds.
 18 BROWNE, Q.C.:
 19 Q. Just a comment about the confidentially
 20 agreements and Hydro's bringing forward
 21 applications in the name of confidentiality.
 22 It is our position the ratepayers of the
 23 Province are entitled to full disclosure of
 24 what's happened and what they're proposing.
 25 We have sunshine laws in this Province.

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1 We're told they're the best in the country.
 2 The obligation is with the Applicant to
 3 disclose and we are -- we will not -- we
 4 will oppose Hydro's attempts to bring
 5 confidentiality and hide information from
 6 ratepayers under the guise of commercial
 7 sensitivity. We would think perhaps it's
 8 more a matter of commercial embarrassment.
 9 Thank you.
 10 CHAIR:
 11 Q. Thank you. Industrial Customers, please.
 12 MR. COXWORTHY:
 13 Q. Thank you, good morning, Commissioners. The
 14 Island Industrial Customers Group are Corner
 15 Brook Pulp and Paper Limited, NARL Refining
 16 Limited Partnership and Vale Newfoundland
 17 and Labrador Limited. Together the members
 18 of the group represent over 90 percent of
 19 the Industrial Customer load on Hydro's
 20 Island system. Corner Brook Pulp and Paper,
 21 NARL Refining and its predecessors are long-
 22 time Hydro Industrial customers. Vale
 23 Newfoundland and Labrador is a relatively
 24 more recent Hydro customer but has become in
 25 that time the largest single Hydro

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1 Industrial customer in terms of demand.
 2 While the composition of the Island
 3 Industrial Customers Group has changed over
 4 time, the group have been active
 5 participants in every Hydro general rate
 6 application, and we respectfully submit,
 7 have brought a necessary and distinct
 8 perspective to bear on this regulatory
 9 process.
 10 The group shares really all of the
 11 concerns that were outlined by Newfoundland
 12 Power in their opening statement, and we
 13 won't reiterate those. We do want to focus
 14 on what are the particular interests and
 15 concerns of the Island Industrial Customers
 16 Group in these opening remarks.
 17 Each of the members of the Island
 18 Industrial Customers Group are in the
 19 business of producing and selling
 20 commodities in very competitive
 21 international markets. They are, all three,
 22 substantial employers and substantial
 23 contributors to the overall economic welfare
 24 of the communities and regions in which they
 25 are located and to the Province as a whole.

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1 Together the three members of the group
 2 directly employ approximately 1500 persons
 3 in the Province. And in addition to that,
 4 they hire -- they also indirectly employ
 5 over 3,000 contractors and of course there's
 6 other additional and significant in-direct
 7 spin-off employment in the Province as a
 8 result of that, those levels of direct
 9 employment and other economic activities of
 10 the members of the Group.
 11 Reasonable, predictable and market
 12 competitive rates for electrical power and
 13 reliable supply of that power are all
 14 integrally important to the viability of
 15 these industrial enterprises, as important
 16 contributors to the economic wellbeing of
 17 the Province.
 18 It has only been one year since the
 19 conclusion of Hydro's last general rate
 20 application. However, this general rate
 21 application comes at a critical time in the
 22 evolution of what has been, up until now,
 23 the Hydro Isolated Island system. This is
 24 the right time and the right forum to
 25 address certain legacy or historical issues

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1 associated with the Isolated Island system,
 2 but also to make real progress towards
 3 preparing for a very near future where the
 4 preponderance of power consumed by Hydro's
 5 Island customers will come from off-island
 6 sources.
 7 The frequency converter associated with
 8 Corner Brook Pulp and Paper Limited's
 9 receipt of power from Hydro, and with its
 10 ability to provide capacity assistance to
 11 Hydro, and more generally the methodology
 12 associated with specifically assigned
 13 charges to Industrial customers, are
 14 examples of legacy or historical issues
 15 which the Island Industrial Customers Group
 16 has sought to have fully adjudicated in
 17 previous general rate applications, and we
 18 would submit, with the passage of time and
 19 the expert evidence that has been filed in
 20 this proceeding and previous proceedings,
 21 has revealed the inequities of simply
 22 maintaining the status quo.
 23 It is respectfully submitted that the
 24 time is passed for delaying or deferring a
 25 final resolution of these legacy issues and

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1 that the expert evidence filed provides an
 2 ample record for the Board to efficiently
 3 decide these issues in this general rate
 4 application so that all parties can then
 5 move forward in this general application and
 6 in future processes and proceedings before
 7 the Board to address the multitude of issues
 8 arising from a post-Isolated Island system.
 9 The Island Industrial Customers'
 10 objective in this application is to present
 11 their distinct perspectives in a manner that
 12 contributes to the efficiency of the process
 13 and which, as far as possible, avoids or
 14 mitigates an overly adversarial approach on
 15 issues where parties understandably have
 16 different views or interests.
 17 We respectfully submit that the fact
 18 that the Group is able to present its
 19 evidence and submissions in this application
 20 as a group and not as individual Industrial
 21 customers is a significant contribution to
 22 the efficiency of the regulatory process.
 23 The Industrial Customers Group
 24 certainly understand that Hydro is facing
 25 significant challenges with the coming

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1 online of the Muskrat Falls Project and the
 2 purchases of power. The Island Industrial
 3 Customers Group will not always agree with
 4 Hydro's proposals, but does feel that the
 5 best approach is to try and find ways to
 6 work with Hydro and the other interveners to
 7 mitigate what are the anticipated, and as
 8 was stated by Hydro, sharp rate increases
 9 that will come with Muskrat Falls power
 10 coming online.
 11 The Island Industrial Customers Group
 12 look forward to their continuing opportunity
 13 to participate and contribute in this
 14 hearing process. Thank you, Madam Chair.
 15 CHAIR:
 16 Q. Thank you, Mr. Coxworthy. Ms. Greene, is
 17 there anything that needs to be read before
 18 we move to --
 19 GREENE, Q.C.:
 20 Q. No, I think, Madam Chair, we are ready to
 21 proceed, and I suggest that we have a five-
 22 minute break while Hydro gets its first
 23 witness ready, if that is agreeable to the
 24 Panel?
 25 CHAIR:

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1 Q. Sure.

2 (BREAK)

3 CHAIR:

4 Q. Who is doing the – let me ask, do you wish

5 to be affirmed or sworn?

6 MR. HAYNES:

7 A. Affirmed, please.

8 CHAIR:

9 Q. Want to introduce your witness first, Mr.

10 Templeton?

11 MR. TEMPLETON:

12 Q. Yes, certainly. Mr. Haynes, you're

13 President of the Applicant, Newfoundland and

14 Labrador Hydro?

15 MR. HAYNES:

16 A. Yes.

17 MR. TEMPLETON:

18 Q. And how long have you acted in that

19 capacity?

20 MR. HAYNES:

21 A. I started out just under two years ago.

22 MR. TEMPLETON:

23 Q. Okay. Sorry, would you prefer to swear the

24 oath?

25 CHAIR:

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1 Q. Yes.

2 MR. TEMPLETON:

3 Q. Okay.

4 CHAIR:

5 Q. Just to introduce him as in his capacity.

6 MR. TEMPLETON:

7 Q. Sure.

8 CHAIR:

9 Q. Take the Bible in your right hand, Mr.

10 Haynes.

11 MR. HAYNES:

12 A. I'd prefer to be affirmed.

13 MR. TEMPLETON:

14 Q. Prefer to be affirmed.

15 CHAIR:

16 Q. Oh, prefer to be affirmed. I'm sorry. Do

17 you affirm that the evidence to be given by

18 you shall be the truth, the whole truth and

19 nothing but the truth?

20 MR. HAYNES:

21 A. I do.

22 MR. JAMES HAYNES, AFFIRMED, EXAMINATION-IN-CHIEF BY

23 MR. ALEX TEMPLETON

24 CHAIR:

25 Q. Thank you. Back to you, Mr. Templeton.

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1 Sorry.

2 MR. TEMPLETON:

3 Q. Thank you very much. Mr. Haynes, when did

4 you first join Newfoundland and Labrador

5 Hydro?

6 MR. HAYNES:

7 A. I started in a permanent capacity in 1977 as

8 an engineer in training.

9 MR. TEMPLETON:

10 Q. And since 1977, can you provide a general

11 profile of your experience in terms of your

12 roles and responsibilities as you progressed

13 through the company over the past forty

14 years?

15 MR. HAYNES:

16 A. Okay. When I started in 1977, as I said, I

17 was an engineer in training and I worked in

18 the, I guess, and the HR Department

19 basically paid a salary but we rotated

20 through various areas. I spent time in the

21 electrical engineering planning and then I

22 went on the Holyrood unit number three

23 construction project for approximately three

24 years, and following completion of that, I

25 went back to engineering for a short period

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1 of time and then I went to transmission

2 planning. I spent a number of years there

3 and when I left planning I was the manager

4 of transmission planning at the time, where

5 we did basically transmission studies, short

6 circuit, you know, load flows, stability

7 studies. We looked at interconnecting rural

8 communities, building transmission lines,

9 transformer upgrades and additions, things

10 like that.

11 Following that, in 1999, I moved to

12 Churchill Falls as the Manager of Operations

13 and Maintenance and eventually over time was

14 a Director and after seven years there, I

15 took the position of the General Manager of

16 CF(L)Co where you had responsibility for the

17 site. In the first seven years, it was

18 basically on the electrical side, the

19 generating plants, transmission lines,

20 terminal stations that as well, at that

21 time, included the transmission system to

22 Labrador West.

23 Following that, I returned to

24 Newfoundland Hydro in the Production

25 division and in 2001, I went to the position

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1 of Vice-President of Production where the
 2 responsibilities included the generation –
 3 all the generation assets of Hydro, with the
 4 exception of their isolated diesels, I
 5 should say. It also included generation
 6 engineering, which is a separate engineering
 7 department at the time; systems operations
 8 and planning; and the hydro and the thermal
 9 assets obviously.

10 In the 2005-2007 timeframe, there was a
 11 reorganization and I moved to the position
 12 of Vice-President of Regulated Operations.
 13 So, at that time, all the operations,
 14 basically all the field people, reported up
 15 to that particular department. It included
 16 the responsibility for all our generation
 17 assets, as well as our transmission and
 18 distribution assets, and the systems
 19 operations, the energy control centre as we
 20 normally call it. The engineering functions
 21 at that time were consolidated into one
 22 department under a separate VP who looked
 23 after engineering of the former TRO
 24 Engineering Group as well as the Generation
 25 Engineering Group, and also included -- also

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1 took responsibility for planning. And I
 2 stayed in that position until 2013, after
 3 which time I retired, and a little over
 4 three years later, I returned as President
 5 and to the current structure.

6 MR. TEMPLETON:
 7 Q. Thank you. So, in the course of that career,
 8 the various roles that you've been in have
 9 touched on technical aspects of the
 10 business, both as well operational and the
 11 planning. Can you identify for us what of
 12 those activities were regulated versus
 13 others that might have been non-regulated?

14 MR. HAYNES:
 15 A. Yes. Well, all the time with
 16 Newfoundland Hydro, it was regulated. But
 17 for the ten years at Churchill Falls, it was
 18 an unregulated company, but at that time – I
 19 should say, and still is of course, a
 20 subsidiary of Newfoundland Hydro, but it
 21 wasn't subject to regulatory oversight. But
 22 I will say that from the point of view of
 23 the focus on reliability, availability for
 24 our customers at that time, which was
 25 primarily Hydro Quebec and Newfoundland and

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1 Labrador Hydro, and cost control didn't
 2 change. They were basically the same
 3 standard and we were -- you know, the focus
 4 there was reliability and also returning
 5 dividends to the shareholder, which was
 6 Newfoundland Hydro at the time. So, there
 7 was a ten-year period where it was non-
 8 regulated activity but basically the mindset
 9 doesn't change.

10 MR. TEMPLETON:
 11 Q. Thank you. As to the corporate organization
 12 of Hydro, can you compare for us Hydro as it
 13 was when you entered your brief retirement
 14 in 2013 versus the company as it exists
 15 today?

16 MR. HAYNES:
 17 A. Okay. When I – as I mentioned, the
 18 reorganization of the 2002-2007 timeframe,
 19 there was a move to what was called a matrix
 20 structure. And so, you know, I was the Vice-
 21 President of Regulated Operations, however,
 22 I was basically responsible for the
 23 operations side. There was only one VP in
 24 Hydro per se and that was my position. The
 25 other duties of Finance and Regulatory and

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1 Engineering were all done by a separate
 2 division which basically was primarily
 3 Nalcor driven.

4 So, when I came back in 2016, you know,
 5 in response to obviously events that
 6 happened in the 2013, '14, '15 timeframe,
 7 there was a shift and in 2016, prior to my
 8 arrival, there was a move to separate Hydro
 9 from Nalcor per se and which I think is
 10 actually positive. The change is that
 11 basically, there's a clear focus, certainly
 12 from myself and the VPs and all our folks,
 13 on what Hydro does and Hydro's mandate.
 14 There's very little dilution or, probably
 15 not the right word, with Nalcor. There are
 16 some aspects of Nalcor where there are, you
 17 know, some charges charged in. It doesn't
 18 necessarily make sense to go out and, you
 19 know, have two completely independent of
 20 everything, but there are – so, there are
 21 some, you know, shared services. But, they
 22 are a lot less than they were prior to my
 23 departure.

24 We have -- in the structure right now,
 25 we have, you know, we have a Vice-President

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1 of Transmission Distribution and the
 2 Newfoundland and Labrador system operator,
 3 and I'll speak to that in a second. So,
 4 basically, in this case, that's a new hire
 5 to Hydro, Ron LeBlanc. He's responsible for
 6 all the wire side of the business,
 7 distribution and transmission, as well as
 8 the system operations, system operator which
 9 is the NLSO.

10 We have a Vice-President of Production,
 11 Jennifer Williams, who was hired from
 12 within, and she's responsible for the
 13 hydraulic generation, the thermal generation
 14 which would be Holyrood and our gas
 15 turbines, as well as the asset side
 16 particularly and the, you know, on the
 17 diesel system, on the diesel generators as
 18 well. They were all put into one group. So,
 19 we had a focus on, you know, the asset
 20 liability and so on by a smaller group of
 21 people as opposed to having it dispersed all
 22 over the place between, you know, different
 23 departments. So, there's a clear focus on
 24 that.

25 We also have a Vice-President of

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1 Engineering and, you know, in that process
 2 of actually separating -- when I came, the
 3 full separation of Hydro and Nalcor was
 4 still, you know, I won't -- it had started,
 5 but it was not finished by any means. We
 6 went down through, with a lot of help from
 7 the HR Department, going down and looked at,
 8 you know, what engineers were doing work for
 9 Hydro and what were doing for Nalcor, and we
 10 separated that out. So, basically the Hydro
 11 Engineering Department right now is -- clear
 12 focus is Hydro capital, you know, delivering
 13 them, you know, on time and on budget and
 14 there's always obviously challenges, but
 15 their focus is there. It's not diluted with
 16 other, you know, requests from Churchill
 17 Falls or Lower Churchill.

18 That said, we have done, in the last
 19 year, a fair bit of coordination on some
 20 Nalcor issues, particularly Soldiers Pond.
 21 Our transmission lines now go through that
 22 station, so, there's a fair bit of, you
 23 know, coordination and utilization of Hydro
 24 resources to help with commissioning the AC
 25 side and so on. But, that is transitional.

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1 That is coming down, but last year was
 2 probably a big year from that perspective.
 3 But the Engineering's focus is on capital
 4 delivery, you know, preparing capital
 5 budgets, justifying the capital budgets.
 6 Also, as well, they have some oversight on
 7 the asset responsibility, on our asset
 8 management side. Now, we have, you know,
 9 asset people spread over the various
 10 divisions, but basically the Engineering
 11 Department have a little bit of oversight on
 12 making sure that, you know, those roles and
 13 that what we're doing is consistent across
 14 the organization.

15 We also have a Vice-President of
 16 Finance, Corporate Services -- Financial
 17 Services, I should say, Lisa Hutchens, and
 18 she is -- she's new to the company, coming,
 19 you know, January of 2017. She does have
 20 some regulatory background and basically her
 21 role has evolved, not only as -- it's not
 22 just a controller. It's also risk and
 23 insurance. There's some commercial manager
 24 and, you know, the general financial things
 25 right across the company and basically, her

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1 focus is Hydro. It's not diluted with
 2 anything else with respect to Nalcor.

3 And the other position is basically
 4 Vice-President of the Regulatory and
 5 Corporate Affairs Department. So, within
 6 that particular role, which is Dawn Dalley,
 7 basically we've incorporated the regulatory
 8 side of things and as well as HR,
 9 environment and safety. And we still have,
 10 you know, things with Nalcor on the safety
 11 side, but basically we have, you know, a
 12 pretty high degree of autonomy from Nalcor.
 13 But, obviously we don't want to be drifting
 14 apart too far from that perspective because
 15 what's good on safety for Nalcor should be
 16 good on safety for Hydro. So, there's
 17 cooperation and coordination, similarly on
 18 the environmental side. But, we do have
 19 dedicated people whose only focus is Hydro's
 20 performance on, you know, safety,
 21 reliability.

22 I just want to come back to the NLSO
 23 part. So, that is an evolution, if you
 24 will, of the energy control centre which
 25 we've had basically since the beginning.

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1 We've always had a control centre. You know,
 2 years ago it was at Bay D'Espoir. In 1989,
 3 it moved into St. John's with the -- into
 4 the new building. And so, it's evolved a bit
 5 further with the connections now to North
 6 America through the currently in service
 7 Maritime link and the hopefully soon to be
 8 in service link to Labrador. And, so we had
 9 to, from the point of view of, I won't say
 10 following precisely the North American model
 11 but we had to, you know, change the way we
 12 do things. It's an open access environment
 13 where people can actually use our
 14 transmission for a price and those monies
 15 will come back, actually if there are any
 16 users, they would come back and actually
 17 aid, you know, the overall cost of service
 18 eventually. Right now, Hydro is the only
 19 customer, obviously. But, we do want to
 20 take advantage of those links to provide
 21 reliability benefits and some cost savings
 22 benefits obviously as, with the recapture in
 23 particular.
 24 I don't think I've missed a structure.
 25 I don't think I've missed anybody on the

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1 structure. But the biggest thing is that,
 2 you know, in the matrix organization, which
 3 is effective, it can be effective, but there
 4 is some -- you know, you don't have full
 5 control. Hydro, right now, basically we are
 6 in control of our own destiny from that
 7 perspective and there's a fair bit of
 8 autonomy from Nalcor, which I think is
 9 positive for addressing some of the issues
 10 that have arrived over the last number of
 11 years on -- where we may have lost track a
 12 little bit, if you will.
 13 MR. TEMPLETON:
 14 Q. Thank you, Mr. Haynes. Can you comment then
 15 on Hydro's current outlook? Provide an
 16 overview of Hydro's current outlook and
 17 specifically what its intentions are in its
 18 approach to this General Rate Application.
 19 MR. HAYNES:
 20 A. So, basically with the restructuring of
 21 Hydro, I'll say with a hundred percent
 22 commitment on the executive and the rest of
 23 the company from the point of view of our
 24 mandate. Our mandate is the generation,
 25 production, transmission, distribution of

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1 safe, reliable and cost-effective power and
 2 the reliability obviously. I just do want
 3 to say a little bit that reliability and
 4 cost are linked. You know, we can be overly
 5 risk averse and drive costs up and we can
 6 be too risk much takers and drive the
 7 reliability down, but maybe you save money,
 8 and there is a balance and that's the
 9 challenge; that we all have to come to that
 10 right balance of, you know, reliability and
 11 risk from that perspective.
 12 We have gone through a transition
 13 period obviously with replacing a lot of
 14 assets over the last number of years. I
 15 think our reliability statistics are
 16 actually improving. But from the point of
 17 view of this particular rate hearing, you
 18 know, and Mr. Young mentioned that we were
 19 hoping for a kind of business-as-usual rate
 20 hearing. However, I think the biggest
 21 change and the biggest different -- you
 22 know, the biggest unique thing, I guess, is
 23 the application for a deferral account.
 24 The LIL or the Labrador Island Link is
 25 planned to be in service by mid-year. That

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1 is the current plan, as we understand it.
 2 And up until that time, we never had the
 3 opportunity, in any way, shape or form, to
 4 import Labrador power. I will say that back
 5 as a planning engineer, we looked several
 6 times at projects to bring in -- you know,
 7 one project was a Labrador infeed, which we
 8 looked at and you could never make it work
 9 from the point of view of, you know, of
 10 getting it done and cost and the amount of
 11 power that was available. You only had a
 12 small amount of recall or less now actually.
 13 But, the fact that it is coming in
 14 service early affords us an opportunity to
 15 bring in basically .2 cent power or energy
 16 that we could never get access to on the
 17 Island and we do propose to serve Labrador
 18 needs first and any excess, which right now
 19 is exported out of the province through
 20 Nalcor, would now be imported and brought to
 21 the island to displace fuel. Obviously, we
 22 have to use the transmission lines to do
 23 that and what we've put forward is our
 24 proposal to actually, you know, aid that
 25 process and to actually end up with monies

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1 at the end of the year, at the end of the
 2 period which we would -- which the Utilities
 3 Board, not Hydro, would actually determine
 4 the best utilization of that amount of money
 5 to actually, you know, particularly to aid
 6 the rate smoothing as we transition to
 7 Muskrat Falls, and that is inevitable.
 8 There's nothing we can do about that, but it
 9 is coming. We need to look more than one
 10 year down the road. We need to look more
 11 than six months down the road. We need to be
 12 looking ahead to what's going happen post-
 13 Muskrat Falls and do our best to actually
 14 bring that -- you know, to do whatever Hydro
 15 can with what is -- with its resources to
 16 reduce that impact as much as we can.
 17 But, that's a key thing. There are
 18 obviously a lot of other things and I can
 19 only reinforce what the counsels have
 20 already said with respect -- and the Board
 21 with respect to the settlement process that
 22 we do have there, which is great that does,
 23 you know, remove some things from discussion
 24 and hopefully provide efficiencies to this
 25 particular hearing.

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1 MR. TEMPLETON:
 2 Q. Thank you, Mr. Haynes. Thank you, Madam
 3 Chair. That concludes our direct
 4 examination of this witness.
 5 CHAIR:
 6 Q. Thank you. Are you ready to proceed?
 7 MR. O'BRIEN:
 8 Q. I am. Thank you, Madam Chair.
 9 MR. JAMES HAYNES, CROSS-EXAMINATION BY MR. LIAM
 10 O'BRIEN
 11 MR. O'BRIEN:
 12 Q. Good morning, Mr. Haynes.
 13 MR. HAYNES:
 14 A. Good morning.
 15 MR. O'BRIEN:
 16 Q. So, you're hired right now your present
 17 role, was it June of 2016?
 18 MR. HAYNES:
 19 A. June 27TH, I think, of 2016 I returned.
 20 MR. O'BRIEN:
 21 Q. Okay. And, your last position was VP
 22 Regulatory Operations?
 23 MR. HAYNES:
 24 A. Regulated Operations.
 25 MR. O'BRIEN:

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1 Q. Okay. And you were the only VP of Hydro at
 2 that time, were you?
 3 MR. HAYNES:
 4 A. That's correct.
 5 MR. O'BRIEN:
 6 Q. Okay. When you took the present role, when
 7 you returned to Hydro, were you recruited
 8 for that position?
 9 MR. HAYNES:
 10 A. It was not my intention to -- I wasn't
 11 looking for a job per se. I did have a
 12 conversation with Stan on a -- you know, I
 13 did have a conversation with Stan at one
 14 point in time basically. So, he did call
 15 and wondered if I was interested. It took me
 16 a while. I was retired and -- you know, and
 17 there were -- you know, there are issues
 18 with going back to work from a pension point
 19 of view. But anyway, I did decide to come
 20 back and I'll be quite clear, I felt I could
 21 help. I stayed in the utility industry for
 22 at that time, you know, 36-37 years. I have
 23 no regrets throughout my -- regrets about my
 24 career choice. I feel passionately about
 25 what Hydro does and I also feel pretty

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1 passionately about the thing, the events
 2 that happened, and I felt a little bit of
 3 accountability on some of the things that
 4 happened in the -- even though I wasn't
 5 there, those things don't happen overnight.
 6 So, I certainly -- I felt some sense of
 7 personal obligation to see what I could do
 8 and so, I did come back to work and I have
 9 no regrets.
 10 MR. O'BRIEN:
 11 Q. So, you talked earlier a bit, just a little
 12 bit about the structure. So, really you've
 13 had the opportunity to work under both
 14 regimes; of the matrix organization and the
 15 current structure.
 16 MR. HAYNES:
 17 A. Yes.
 18 MR. O'BRIEN:
 19 Q. And even before the matrix organization, was
 20 the structure of Hydro similar to what it is
 21 now?
 22 MR. HAYNES:
 23 A. It was. You know, before, there were --
 24 there are always intercompany transactions
 25 because at one point in time Hydro was the -

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1 - I know it's not maybe the right technical
 2 term -- was the holding company that all the
 3 other subsidiary companies were, you know,
 4 subsidiaries of Hydro. And so, there were
 5 always some intercompany transactions,
 6 primarily with CF(L)Co would be the largest
 7 one and, you know, rightfully so. It's an
 8 operating company. The other companies were
 9 primarily paper companies, but there were
 10 transactions.
 11 So, but the matrix was, you know, a
 12 different view. It was -- it works in some
 13 organizations and, you know, and it's not
 14 bad, but it takes a lot to make it work and
 15 I'm not sure if it's actually in many
 16 regulated entities from that perspective. I
 17 haven't actually looked. But, it is a
 18 different approach where, you know,
 19 accountabilities are kind of generally all
 20 over the place or whatever. But, there still
 21 had to be people accountable.
 22 I think the current structure,
 23 basically there's clear accountability for
 24 Hydro. There's clear accountability with the
 25 President and the VPs for what they have to

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1 deliver in order to meet our mandate.
 2 MR. O'BRIEN:
 3 Q. Okay. And I might have some questions about
 4 the structure there a little bit later. But
 5 for now, when you were hired on, I wonder
 6 whether you can tell us, did you have any
 7 expectations that this position as President
 8 was going to practically be different than
 9 your last position as VP of Regulatory
 10 Operations?
 11 MR. HAYNES:
 12 A. Yes, I did. When I left the Regulatory
 13 Operations side, it basically was the
 14 operations only.
 15 MR. O'BRIEN:
 16 Q. Okay.
 17 MR. HAYNES:
 18 A. You know, and you had a lot of direct
 19 reports, but basically there was very little
 20 time spent on the financial issues.
 21 Obviously you had people issues and HR,
 22 things like that that you dealt with on, you
 23 know, I won't say a regular basis but often.
 24 But the accountability for, you know, the
 25 overall, you know, route that we're taking

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1 and the regulatory side is, you know, that's
 2 a change. You know, obviously even before,
 3 there was a lot of cooperation, a lot of
 4 cooperative effort to make it happen, but
 5 there was also, you know, I won't say
 6 conflicting things, but there were lots of
 7 things on the go. This is fairly
 8 straightforward and -- not straightforward;
 9 it's never straightforward, but the
 10 responsibilities are clear. My job,
 11 basically when I came back in, was basically
 12 to look after Hydro and the relationship
 13 with the CEO basically is, basically look
 14 after Hydro.
 15 MR. O'BRIEN:
 16 Q. Okay.
 17 MR. HAYNES:
 18 A. And there's a fair bit of autonomy there.
 19 Obviously he's still my boss, and I still
 20 have to keep him up to date, but it does
 21 work. But it -- I know it squarely lands
 22 here on my shoulders, if you will.
 23 MR. O'BRIEN:
 24 Q. Were you given any sort of goals and
 25 priorities at that time when you started?

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1 MR. HAYNES:
 2 A. Well, one of the issues was actually the
 3 separation of Hydro and Nalcor to make that
 4 -- you know, to finish that particular job
 5 and come back and segregate Hydro from
 6 Nalcor so there is a clear accountability
 7 and responsibility for Hydro, which we've
 8 completed. And, you know, and it is working.
 9 There is very -- obviously we have lots of
 10 dealings with Nalcor on various things, but
 11 they're pretty clear, what we're doing and
 12 what they are doing. So, it's --
 13 MR. O'BRIEN:
 14 Q. And how about, did you have a lay of the
 15 land, sort of, of any issues or priorities
 16 that you might have to look at in terms of
 17 reliability?
 18 MR. HAYNES:
 19 A. Well, obviously the priority is keep the
 20 lights on and let's not go back to where we
 21 were before in previous times. Obviously, we
 22 still have to balance the cost, but
 23 basically, the challenge is, you know, we do
 24 have aging assets. We have started a fairly
 25 aggressive, you know, asset refurbishment,

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1 replacement program. There's still things we
 2 have to do. But, basically the priority was
 3 basically to manage Hydro; to, you know,
 4 mitigate the risk from the point of view of
 5 outages and, that was it. You know, that's
 6 a big deal. I mean, obviously we don't want
 7 to go back to where we were before, and I
 8 don't think we are going back there any time
 9 soon. We actually spend a lot of time -- and
 10 a lot of this stuff, by the way, is not -- it
 11 was started prior to my coming back. There's
 12 a major shift in the day-to-day operations.
 13 I get two or three emails a day on --
 14 there's one or two every morning on, you
 15 know, what's coming up that day from the
 16 point of view from our load; are we in a
 17 good position in respect to our, you know,
 18 generating assets; are they available. So
 19 that, you know, even when I was Regulated
 20 Operations, that level of -- additional
 21 level of, you know, I won't say management
 22 oversight, but visibility was not so clear.
 23 It's crystal right now where we are, and if
 24 we're having a day coming up where there's
 25 any, you know, potential for a load

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1 impairment or like that we know it very
 2 early, you know, and obviously the reserve,
 3 the reserve criteria has changed. There's
 4 been lots of enhancements and we're
 5 continuing that.
 6 MR. O'BRIEN:
 7 Q. Did you see any challenges that the company
 8 might be facing from an operational
 9 perspective when you came back?
 10 MR. HAYNES:
 11 A. I think the -- one of the challenges that
 12 we've had for a number of years, you know,
 13 basically and it's not unknown to the Board
 14 certainly, is Holyrood Generating Plant. You
 15 know, we have not -- excuse me -- we have
 16 been cautious -- I know we spend money at
 17 the Holyrood Generating Plant on capital,
 18 but we have been cautious about what we
 19 spend. Knowing that the plant is going to
 20 be, you know, not utilized after 2021, we're
 21 -- we've always said that we may always
 22 spend capital on Holyrood Plant up until the
 23 last year because we have to maintain a
 24 level of service. We have to maintain it
 25 available. The fact that the Muskrat Falls

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1 facility and the whole process has been
 2 delayed has caused us some grief. We do have
 3 operating challenges, particularly in
 4 Holyrood, with respect to, you know, the
 5 ratings that we've seen. But we're working
 6 at that with a lot of energy. And, you know,
 7 and those are challenges. We've had some
 8 breakdowns there. But in the meantime, we're
 9 very cautious about going, excuse me, and
 10 proposing to spend, you know, millions and
 11 millions of dollars to do remedial stuff
 12 that has a three-year shelf life. So, that
 13 is a challenge.
 14 The other challenge that we have, to be
 15 quite sincere, is that the fact that it is
 16 an aging plant and the fact that people know
 17 that the plant, future changes substantially
 18 post 2021 is that we have some Human
 19 Resource issues. You know, we have a lot of
 20 temporary employees out there right now,
 21 temporary interim employees, and people know
 22 that the future of that particular facility
 23 is limited and -- but it will still stay
 24 there as a synchronized condenser operation,
 25 the gas turbine is still there. But the --

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1 you know, people obviously are looking, you
 2 know, for permanent jobs. So, we have in
 3 excess of 50 percent of our staff are term
 4 and that is a challenge. So, there are a lot
 5 of new employees and we have, you know,
 6 brought back retirees for short assignments
 7 here and there to help facilitate some of
 8 that challenges that we have. And you know,
 9 if you have someone who worked at Holyrood
 10 for 20 years, 20 or 25 years, and you got a
 11 particular issue, they may be able to
 12 troubleshoot that in two hours where when
 13 you have a lot of new people, it may take
 14 them four or five hours. And obviously we
 15 want the units back up as fast as we can.
 16 MR. O'BRIEN:
 17 Q. And I take it would be easier with someone
 18 who's had that experience --
 19 MR. HAYNES:
 20 A. Yes.
 21 MR. O'BRIEN:
 22 Q. -- and may not have that desire to stay
 23 around in that position for much longer
 24 than-
 25 MR. HAYNES:

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1 A. Yeah, but we have availed of some of those
 2 former employees to come back for short
 3 stints to help us out, to train and to
 4 troubleshoot on occasion, things like that.
 5 And also obviously, you know, we do have
 6 contractors out there on a regular basis,
 7 you know, though General Electric or Babcock
 8 Wilcox, whomever, and we call upon their
 9 expertise often as well.
 10 MR. O'BRIEN:
 11 Q. When you started back, the Board had just
 12 recently issued an order from the Prudence
 13 Review.
 14 MR. HAYNES:
 15 A. Yes.
 16 MR. O'BRIEN:
 17 Q. Do you recall reviewing that Order yourself?
 18 MR. HAYNES:
 19 A. I've read over that. I won't say I read
 20 every word, but I did review that over time.
 21 I didn't take it -- I didn't spend much time
 22 when I retired to do it, but when I came
 23 back I reviewed those issues.
 24 MR. O'BRIEN:
 25 Q. And did you notice any challenges from an

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1 operational perspective that arose out of
 2 that Order that Hydro might have going
 3 forward?
 4 MR. HAYNES:
 5 A. Well, I think one of the things, you know,
 6 from a five or ten thousand foot
 7 perspective-
 8 MR. O'BRIEN:
 9 Q. Yeah.
 10 MR. HAYNES:
 11 A. - is that we, in the past, have -- when I
 12 talk about our mandate of, you know, safe,
 13 reliable, least cost -- and know that the
 14 Act actually says it in the other order, but
 15 I usually say basically safe, reliable and
 16 least cost. And we spent a lot of time on
 17 cost control and cost management over the
 18 years, on the capital. Our capital was
 19 fairly low. But at the same time, you know,
 20 our assets were approaching an older age. I
 21 mean, some of the assets are 50 years old.
 22 Holyrood is 40 -- first unit, first power
 23 was 1971, you know. Those boilers were
 24 originally rated for 150 megawatts for unit
 25 number one and two and we've actually

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1 upgraded those in the late '80s to 170. So,
 2 we've mined all the fat there was and we've
 3 put extra pressure on it from that
 4 perspective. And, you know, but I think that
 5 we were very focused on the dollar. We were
 6 focussed on reliability but, you know,
 7 things have happened and I think right now
 8 we've reset that clock and getting back to a
 9 balance that we perceive that the Board, the
 10 interveners and the -- and primarily the
 11 customers expect. The customers want high
 12 reliability and obviously they'd like to
 13 have low cost if they could, but -- or zero
 14 cost, I should say. But, there is a balance
 15 that we have to -- we have to weigh one
 16 against the other and we are doing what we
 17 think is right. We're doing what we think
 18 is expected, but we're certainly open to
 19 tweaking that from the point of view of --
 20 you know, if the consensus is that's there's
 21 an appetite for a little less reliability
 22 and we can save a few dollars, that's okay
 23 too. But we think that we're doing is
 24 exactly what the customer, the Board, the
 25 intervenors and the consultants of the Board

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1 expect.
 2 MR. O'BRIEN:
 3 Q. Let me ask you just on that point, when you
 4 started in June, Hydro was awaiting the
 5 outcome of the Order from its last GRA.
 6 MR. HAYNES:
 7 A. Yes.
 8 MR. O'BRIEN:
 9 Q. Did you have any opportunity to discuss with
 10 anyone internally as to what the issues
 11 might have been that were brought up
 12 concerning cost control in that GRA?
 13 MR. HAYNES:
 14 A. I mean, cost control is -- it doesn't stop.
 15 That'll always be there. So, I -- when it
 16 comes down to whether we're going to -- we
 17 have -- we've done a lot of things on trying
 18 to prevent outages from a pro-active point
 19 of view, you know. We will staff gas
 20 turbine plants prior to, instead of, you
 21 know, waiting for a phone call to ring and
 22 that we have to dispatch an operator to
 23 Hardwoods. If we're in a risky situation
 24 from a peak demand point of view that's
 25 unprecedented or we have other equipment out

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1 of service, we will have staff at that plant
 2 waiting, so that they're ready to act, as
 3 opposed to, you know, being called out and
 4 take an hour, hour and a half to get there.
 5 Same thing with the Holyrood gas turbine.
 6 If there's a storm coming, we occasionally
 7 will staff, you know, the terminal stations.
 8 They're critical assets from the point of
 9 view of doing all of that. Back in, you
 10 know, prior to 2013 that would be a rare
 11 event that we would actually do that. I'm
 12 not saying it didn't happen, but it would
 13 not be as common as it is now.
 14 So, but, I look at those costs, that's
 15 the cost of doing business. If you want to
 16 have a high level of reliability, you know,
 17 you start the gas turbine; you staff the gas
 18 turbines to be ready to accept that risk of,
 19 you know, another machine tripping or a line
 20 tripping or whatever.
 21 You know, there are other -- I'm not --
 22 my view on the asset management side, and
 23 I'll say that, is that because an asset is
 24 35 years old, you don't throw it away and
 25 replace it, you know. You have to have a

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1 condition assessment. You have to look at
 2 the cost of actually extending it another
 3 few years, considering what its reliability
 4 will be, before you actually make that
 5 decision to, you know, make an application
 6 to the PUB to, you know, replace a
 7 particular asset. Age is not it. It's the
 8 condition, utilization. So, you know,
 9 there's no blanket answer to any asset. So -
 10 - and those are challenges that we do on all
 11 our capital budget filings. We ask those
 12 questions.
 13 MR. O'BRIEN:
 14 Q. I guess my question is more around the fact
 15 that during that last GRA, there were --
 16 there was a fair bit of discussion and
 17 questioning concerning Hydro's ability to
 18 control costs from 2007 forward. And I
 19 wondered whether or not you had had the
 20 opportunity, when you came back, to look at
 21 that as being an issue and how do we do that
 22 going forward?
 23 MR. HAYNES:
 24 A. Yeah. There's a significant increase in the
 25 cost, particularly 2014-2015, as we were

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1 dealing with the repercussions of the
 2 outages that we did have, and a lot of that
 3 was recovery time, picking up for things
 4 that we probably didn't do properly before,
 5 didn't do thoroughly enough to prevent
 6 outages. So, I do see a tapering of those
 7 costs. We had an increased capital program.
 8 And you know, and back in the 2014-2015
 9 timeframe, there was a considerable amount
 10 of overtime spent to get it back, you know,
 11 and, you know, I don't think our overtime is
 12 excessive from the point of view of
 13 percentage of total salary costs, but we do
 14 have pockets where it is; the east coast
 15 particularly where we have a small group and
 16 a lot of assets. But I think that will
 17 taper. We are focussed on that and our
 18 operating budget that we put forward to the
 19 PUB, you know, actually the budgetary
 20 amounts that we have, which are a challenge,
 21 we're not increasing those particular
 22 amounts. We are still trying to manage those
 23 amounts. But it is a challenge. But, I think
 24 we are -- we're getting there.
 25 MR. O'BRIEN:

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1 Q. Let me ask you just in terms of -- and in
 2 your opening statement, you did mention this
 3 briefly, and there's a fair mention of it on
 4 the -- there's a bit of a mention on the
 5 record about cost increases in the future
 6 and potentially significant cost increases
 7 in the future in the short term. What level
 8 of awareness would you have had when you
 9 went back to Hydro in June of 2016? Did you
 10 have any briefing on sort of this is what
 11 you're looking at in 2021?
 12 MR. HAYNES:
 13 A. Well, there was analysis done by the
 14 investment evaluation group of Nalcor, and I
 15 think the number that was public out there
 16 is about what 20 -- I'm going say 22, 23
 17 cents. And you know, it is largely a factor
 18 of Muskrat Falls and LIL and LTA. There were
 19 other things that drove costs. We built
 20 TL267 which was a 300 million dollar
 21 project, which brought a lot of value too, I
 22 might add, from the point of view of the
 23 overall system. But, you know, the big step
 24 change is coming, obviously. It's post-
 25 Muskrat Falls. And we are looking at

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1 controlling costs. We have allowed for some
 2 productivity allowances in our filing. We've
 3 also done other ones that were not, you
 4 know, in the particular line item for that
 5 there. We've committed to no FTE increases
 6 in 2018-2019. So, we are looking to all our
 7 departments to do more with what they have.
 8 We are looking at every retirement as an
 9 opportunity to reshuffle the deck, if you
 10 will, to look for, you know, efficiencies
 11 from that perspective. But, the big
 12 challenge obviously is the elephant in the
 13 room, is post Muskrat Falls, there's a huge
 14 rate increase that we have no control over
 15 from the point of view of, you know, the
 16 quantum that is required. But we have to do
 17 everything we can to get our costs down to a
 18 manageable level, maintain reliability and
 19 bring forward to the PUB what Hydro can
 20 contribute. What we think we can contribute
 21 is the fact of utilizing recall to put some
 22 dollars aside which is -- Hydro doesn't
 23 spend that money at the end of the day. We
 24 have stated that basically the Public
 25 Utilities Board would have control over the

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1 disposition of those funds at the end of the
 2 day on how they want to affect rate
 3 smoothing or, you know, slash mitigation.
 4 MR. O'BRIEN:
 5 Q. And that --
 6 CHAIR:
 7 Q. Mr. O'Brien --
 8 MR. O'BRIEN:
 9 Q. Would you like to take a break here?
 10 CHAIR:
 11 Q. Would that be a good time to --
 12 MR. O'BRIEN:
 13 Q. That's okay, yeah. That's perfect, thank
 14 you.
 15 CHAIR:
 16 Q. We'll take a break and come back at 11:30.
 17 MR. O'BRIEN:
 18 Q. Okay.
 19 (BREAK)
 20 CHAIR:
 21 Q. Thank you. Anything arising, Ms. Greene,
 22 that we need to -- any preliminary matters or
 23 anything we need to do?
 24 GREENE, Q.C.
 25 Q. No, Madam Chair, not that I'm aware of.

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1 CHAIR:
 2 Q. Mr. O'Brien, back to you.
 3 MR. O'BRIEN:
 4 Q. Thank you. Mr. Haynes, when we left off,
 5 you had mentioned being aware of some --
 6 I'll call them looming rate increases in
 7 relation to Muskrat Falls coming online.
 8 Were you given any information -- I think you
 9 mentioned somewhere in the 22 to 23 cent
 10 range for domestic rates. Does that sound
 11 about right?
 12 MR. HAYNES:
 13 A. Without mitigation, yes.
 14 MR. O'BRIEN:
 15 Q. Without mitigation, yes, okay. And was that
 16 figure discussed with you when you started
 17 or is that something you learned later?
 18 MR. HAYNES:
 19 A. No, that came later.
 20 MR. O'BRIEN:
 21 Q. Okay. Were you aware of any strategies that
 22 Hydro had already taken in order to try to
 23 deal with operational and reliability
 24 challenges and from a cost perspective when
 25 you came on that were different from prior

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1 years?
 2 MR. HAYNES:
 3 A. No, I don't think from the point of view of
 4 the reliability with respect to -- you know,
 5 the focus on managing and cost and
 6 reliability hasn't changed. I think there's
 7 a higher sensitivity to the reliability part
 8 in the sense that, you know, we need to make
 9 it more reliable and sometimes that requires
 10 more operating money spent or, you know,
 11 additional cap items brought as a part of
 12 our capital budget application. So, those
 13 are there. They haven't changed in the
 14 sense of, you know, go out and spend, you
 15 know, unwarranted money. That has not
 16 changed. We've always actually justified
 17 the capital budget we bring forward to the
 18 best of our ability and we try to balance
 19 that cost and reliability part. That hasn't
 20 changed, but I will say that there is a --
 21 there is an overall higher sense of, you
 22 know, customer expectations, you know,
 23 through the Board's consultants and, you
 24 know, the information that's been, I guess,
 25 dealt with over the last few years that we

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1 do need to be, you know, raising the bar
 2 there. So, there is some intended increase
 3 in cost in our operating and practices and
 4 so on, but from the point of view of
 5 actually having a major change, I think the
 6 focus is all the same, just a little bit
 7 more, you know, towards the reliability
 8 aspect. And, you know, as I said, the
 9 examples I used, you know, we do have the
 10 gas turbine in Holyrood. We do staff it as
 11 required. We run it as required and we try
 12 to keep that to a bare minimum, but we want
 13 to be prepared to react in case there's an
 14 issue with respect to our reserves,
 15 primarily on the generation side.

16 MR. O'BRIEN:
 17 Q. I'm just going to ask a few questions just
 18 about this particular General Rate
 19 Application and the history behind
 20 developing it and also how it's been
 21 communicated – the rate increases have been
 22 communicated to customers. And on that
 23 point, I did want to point out that there is
 24 a mention in the evidence that Hydro is
 25 focused on open and transparent sharing of

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1 information about the electrical system.

2 MR. HAYNES:
 3 A. Yes.

4 MR. O'BRIEN:
 5 Q. And continues to emphasize communication
 6 with customers. Is that fair?

7 MR. HAYNES:
 8 A. That's correct, yes.

9 MR. O'BRIEN:
 10 Q. Does Hydro believe it's improved openness
 11 and transparency with respect to the rate
 12 changes that they communicate to customers
 13 over the years?

14 MR. HAYNES:
 15 A. I think we have. I mean, there's always
 16 more you can do, but from a point of view of
 17 the overall communications approach, you
 18 know, we are a lot more visible with the
 19 customers with respect to outage planning,
 20 system conditions or whatever. We have –
 21 we're extremely aware that, you know, the
 22 customers as a whole are extremely concerned
 23 about the post Muskrat Falls implications on
 24 rates. We have had, you know – I'm not sure
 25 if – I don't know if you could ever do

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1 enough from that perspective, but I don't
 2 know what other answer I could give you, the
 3 fact that, you know, we do communicate. We
 4 have had press releases, you know, and the
 5 actual detailed rate, the implication of
 6 step to step, you know, those questions are
 7 best answered by the rates folks, but on the
 8 communication side, I think we have done it.
 9 I don't know if you'd ever do enough from
 10 that perspective.

11 MR. O'BRIEN:
 12 Q. And you'd agree that it's important to be
 13 open and transparent when it comes to rate
 14 increases to customers?

15 MR. HAYNES:
 16 A. Certainly.

17 MR. O'BRIEN:
 18 Q. I do want to ask you, you just mentioned
 19 press release, about a press release that
 20 was issued in relation to this particular
 21 application when it was filed, and I wonder
 22 if we could pull up RFI NP-NL-167? And the
 23 press release is Attachment 1, I believe.
 24 Yes, that's it here.
 25 I wanted – if we could scroll down

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1 there to paragraph four, starts with “the
 2 Application filed with this – with the PUB
 3 proposes increases in electrical rates
 4 between 6 and 6.6 for most residential
 5 customers on the Island and on the
 6 Interconnected System in Labrador in 2018
 7 and 2019. This represents an additional .2
 8 to .9 cents per kilowatt hour for most
 9 customers. This will mean an increase of
 10 \$6.00 to 6.60 for every \$100 on a monthly
 11 bill.” So, that's what was communicated in
 12 terms of a press release on this
 13 application. Is that fair?

14 MR. HAYNES:
 15 A. That's fair.

16 MR. O'BRIEN:
 17 Q. Okay. I wonder if we could also pull up –
 18 if we go to the evidence, Chapter 1, page
 19 1.7. So, that press – and if you scroll up
 20 to the table here, Table 1.1 or 1-1, the
 21 press release talked about increases of
 22 between 6 and 6.6. Now, those increases
 23 only related to 2018. Is that fair? We see
 24 Newfoundland Power retail at 6.6. There's
 25 an increase of 6.4 in 2019 as well, isn't

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1 there?

2 MR. HAYNES:

3 A. That's correct, yeah.

4 MR. O'BRIEN:

5 Q. Would it have been more open and transparent

6 to have added that to the press release as

7 well?

8 MR. HAYNES:

9 A. I guess so, it could have been, in

10 hindsight.

11 MR. O'BRIEN:

12 Q. I mean, if you use sort of basic math,

13 you're into a 13 percent increase there.

14 MR. HAYNES:

15 A. Over two years, yes.

16 MR. O'BRIEN:

17 Q. Over two years. And I wanted to ask if we

18 could pull up August – the August 23rd, 2017

19 letter of Hydro to the Board. It should be

20 under correspondence on the website.

21 MS. MASSEY:

22 Q. Sorry, could you say the date again, please?

23 MR. O'BRIEN:

24 Q. Sorry. August 23rd, 2017. There's a letter

25 from Newfoundland and Labrador Hydro to the

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1 Board. Yes, that's it.

2 So, there was a request from the Board

3 upon filing your application that

4 Newfoundland and Labrador Hydro provide some

5 detail with respect to estimated impact of

6 the conclusion of the RSP rate mitigation

7 adjustments that were in place.

8 If we could go to page four there,

9 Table 1. So, if you look at that, the end

10 consumer impact was estimated, at that time,

11 in July 1st, 2018, to be 8.2 percent. You

12 see that there on the -

13 MR. HAYNES:

14 A. Yes, I do.

15 MR. O'BRIEN:

16 Q. So, this was the impact expected. This

17 would have been expected, I'd suggest, when

18 the application, rate application was filed;

19 that there's going to be a further increase

20 due to RSP, the conclusion of RSP rate

21 mitigation adjustments of 8.2 percent in

22 July of 2018. So, in that two-year period,

23 we've got another 8.2 percent increase

24 expected on top of the 13 percent.

25 MR. HAYNES:

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1 A. They're not specifically as an outcome of

2 the regular GRA increase.

3 MR. O'BRIEN:

4 Q. No, I get – I understand that, yeah.

5 MR. HAYNES:

6 A. Yeah.

7 MR. O'BRIEN:

8 Q. Would it – does Newfoundland and Labrador

9 Hydro consider that when they file rate

10 cases, such as this one, to include that

11 kind of a potential impact in the future as

12 well?

13 MR. HAYNES:

14 A. I'm sure that we actually look at it. Now,

15 the decisions that were made on the press

16 release, I can't speak to.

17 MR. O'BRIEN:

18 Q. Okay.

19 MR. HAYNES:

20 A. But that could be – you know, that's a valid

21 question to particularly Dawn, Ms. Dalley,

22 who looks after the regulatory side.

23 MR. O'BRIEN:

24 Q. Okay.

25 MR. HAYNES:

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1 A. But basically some of the RSP things, those

2 are normal, natural things that happen and

3 so on. The focus was on this specific GRA

4 application.

5 MR. O'BRIEN:

6 Q. And when you – but, I guess, my point is

7 when you're communicating with customers

8 about rate increases coming as a result of a

9 rate application, isn't it fair to consider

10 all potential rate increases at that time to

11 give customers a full and transparent view?

12 MR. HAYNES:

13 A. Well, I can't take exception to what you're

14 saying, no.

15 MR. O'BRIEN:

16 Q. Okay.

17 MR. HAYNES:

18 A. It will be – it would provide a long-term

19 visibility. You would have to include

20 Newfoundland Power increases. If you want

21 the full meal deal, you will. You'd have to

22 look at the whole, including Newfoundland

23 Power's applications, of course.

24 MR. O'BRIEN:

25 Q. Okay. Now, with respect to the rate

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1 application, this particular one we're here
 2 discussing today, when Newfoundland and
 3 Labrador Hydro was putting together the
 4 application, what were the key drivers
 5 behind the need for higher rates?
 6 MR. HAYNES:
 7 A. Well, basically we have – you know, we had a
 8 right to get a fair return and so on, and we
 9 are in the – you know, we are in that
 10 position where basically we are due, if you
 11 will, to – from an overall rate perspective,
 12 the amount of profit that we make is all
 13 regulated and we are, you know, below those
 14 numbers. Now, Ms. Hutchens could speak to
 15 the specifics a lot better than me, but
 16 basically, we are in the position where we
 17 do need to file. We do need to reset that.
 18 We also obviously took the opportunity to
 19 look at the future, you know, rate
 20 implications that are going to be due to
 21 Muskrat Falls and thought that would be an
 22 appropriate application as well, to actually
 23 try to help that process as well, because it
 24 is coming obviously.
 25 MR. O'BRIEN:

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1 Q. Yeah. Were you given any instructions from
 2 – you mentioned Mr. Marshall was your boss.
 3 He's the CEO at Hydro now? Is that correct?
 4 MR. HAYNES:
 5 A. Yes.
 6 MR. O'BRIEN:
 7 Q. Were you given any instructions in relation
 8 to the preparation of the rate application?
 9 MR. HAYNES:
 10 A. No.
 11 MR. O'BRIEN:
 12 Q. Okay. So, that all comes down to you?
 13 MR. HAYNES:
 14 A. Yep. There are no specific instructions on-
 15 MR. O'BRIEN:
 16 Q. Okay.
 17 MR. HAYNES:
 18 A. No, from the point of view – he was informed
 19 of what the implications were and so on, but
 20 from the point of view of “change this,
 21 change that, do that”, no. It is Hydro's
 22 application.
 23 MR. O'BRIEN:
 24 Q. Well, how about – we've talked about it in
 25 opening statements here and there's been a

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1 plethora of RFIs regarding the off-island
 2 purchases deferral account. This is
 3 somewhat – and I believe you referenced it
 4 as being somewhat unique. That would allow
 5 Hydro to collect rates based on an isolated
 6 scenario?
 7 MR. HAYNES:
 8 A. Yeah.
 9 MR. O'BRIEN:
 10 Q. An Isolated Island scenario, sorry.
 11 MR. HAYNES:
 12 A. As if the, you know, particularly the LIL or
 13 Labrador Island Link did not exist.
 14 MR. O'BRIEN:
 15 Q. Didn't exist and wasn't operating?
 16 MR. HAYNES:
 17 A. Yeah.
 18 MR. O'BRIEN:
 19 Q. Okay. So, technically, they're not based on
 20 the expected cost of service for Hydro to
 21 its customers?
 22 MR. HAYNES:
 23 A. They're not based on the expected cost of
 24 service because we expect to utilize the LIL
 25 to the best advantage. However, it does

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1 look at the implications and the—you know,
 2 you can look at the rate from one year to
 3 the next year and look at, you know, yes, we
 4 can actually reduce the rates.
 5 MR. O'BRIEN:
 6 Q. Right.
 7 MR. HAYNES:
 8 A. But at the end of the day, there's a huge
 9 increase coming post Muskrat Falls. So,
 10 we're looking down the road, you know, three
 11 years to try to ease that transition as best
 12 we – as what we could propose under what
 13 Hydro has available to it to ease that
 14 transition and it's not Hydro pocketing the
 15 money. It's a deferral account that
 16 basically customers still own and the
 17 disposition would be up – you know, would be
 18 through the Board, not – you know, we're not
 19 going to decide how best to affect that, but
 20 hopefully there will be, you know, a hundred
 21 or plus million dollars there that basically
 22 the Board could use to best apply to
 23 smoothing that issue and then, you know,
 24 there's two issues with respect to rates.
 25 One is a step change and the other one, of

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1 course, is how you can get there, and in all
 2 these cases here, there's a substantial
 3 change required and if you can smooth it a
 4 bit, people do learn to adjust, if you will,
 5 or whatever. We all will find that, but you
 6 know, the customers who are going to be most
 7 obviously affected by the rate increase are
 8 the low income people. We care about all
 9 our customers and we are doing what – we are
 10 putting forward what we think we can
 11 contribute to help and ease that transition,
 12 but we can't make it go away.

13 MR. O'BRIEN:
 14 Q. No, I understand. So, as Mr. Young had
 15 indicated in the opening statement, this was
 16 seen as an opportunity for Hydro, is that
 17 right, to –

18 MR. HAYNES:
 19 A. An opportunity to -

20 MR. O'BRIEN:
 21 Q. - to mitigate -

22 MR. HAYNES:
 23 A. - mitigate some – smooth at least the
 24 transition to the post Muskrat Falls
 25 reality.

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1 MR. O'BRIEN:
 2 Q. Okay. And who put forth that scenario or
 3 that approach? I mean, how did that come to
 4 fruition?

5 MR. HAYNES:
 6 A. It came through the Rates and Regulatory
 7 folks, through the department. You know,
 8 it's not – it certainly would be
 9 unprecedented in this jurisdiction, but it's
 10 not unprecedented to take steps by
 11 regulators in Canada and the US to do that.
 12 I know Manitoba Hydro had a different
 13 approach. There was a utility in the
 14 southern US just before Christmas that
 15 basically had two billion dollars collected
 16 for building a nuclear plant, which got
 17 cancelled. So, it's not unknown. You know,
 18 you are trying to ease the consumer and the
 19 customer into a new reality, which is where
 20 we're going. So, we saw this as an
 21 opportunity and, you know, it's a bit
 22 fortunate in that respect that the Labrador
 23 Island Link was not delayed, so at least we
 24 have this to take advantage of. Otherwise,
 25 if the Labrador Island Link was not

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1 available prior to Muskrat Falls, we would
 2 be facing all this at the one time. We
 3 would not have had the opportunity to build
 4 up a small fund as best we can to help a
 5 bit. We would be going for a huge step
 6 change. This does help the transition.

7 MR. O'BRIEN:
 8 Q. So, this is an opportunity to avoid some
 9 rate shock, I guess, in the future?

10 MR. HAYNES:
 11 A. To make them less than they would otherwise
 12 be.

13 MR. O'BRIEN:
 14 Q. Yeah. So, when you say it came to the
 15 Regulatory folks, were there any – did you
 16 have any discussions with the CEO about this
 17 possibility?

18 MR. HAYNES:
 19 A. I don't recall ever having specific
 20 discussion on that, except that we were
 21 going to propose doing it, but there was no
 22 – not a lot of dialogue on that, no.

23 MR. O'BRIEN:
 24 Q. Okay. And it was the Regulatory crowd that
 25 came up with the approach?

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1 MR. HAYNES:
 2 A. Well, that's my recollection, but now, you
 3 know, in Nalcor there's also an Investment
 4 Evaluation group. The whole rate mitigation
 5 issue, everyone realizes that Hydro cannot
 6 manage that on its own. There's a
 7 requirement – there's an indication from the
 8 Provincial Government that they want rate
 9 mitigation. There's a committee struck
 10 basically under the chair of the Natural
 11 Resources Department. Hydro and Nalcor
 12 participates, as does folks from the
 13 Department of Justice, the Department of
 14 Environ – I'm sorry, Natural Resources
 15 Department and the Finance Department, and
 16 so they have looked at rate mitigation,
 17 looked at different things and how much
 18 money in the account and how we could
 19 actually transition there. There are a lot
 20 of things on rate mitigation that are
 21 outside of Hydro's control that would be
 22 likely required, and some of those basically
 23 require shareholder Nalcor commitments or
 24 Government changes. But what we put forward
 25 is what we think that we can contribute,

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1 besides regular cost control, is that this
 2 is a way that we can actually save money,
 3 put it into an account and, you know, figure
 4 out, with the Board's direction, the
 5 disposition at a later date.
 6 MR. O'BRIEN:
 7 Q. So, you say there's a – this was a
 8 Government committee that was set up? Is
 9 that -
 10 MR. HAYNES:
 11 A. There's a rate mitigation committee, you
 12 know, and the Minister of Natural Resources
 13 actually mentioned that some time ago in
 14 some release or whatever. There is a rate
 15 mitigation committee and so, Hydro is part
 16 of that there. We think this is what we can
 17 contribute. There are other things that are
 18 required that are beyond Hydro's control,
 19 but you know, if you want to have rate
 20 mitigation down to the level that has been
 21 implied by the Government in various
 22 comments or speeches or whatever, we cannot
 23 do that without assistance from Nalcor and
 24 possibly the Provincial Government.
 25 MR. O'BRIEN:

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1 Q. So, what sort of things are out of Hydro's
 2 control?
 3 MR. HAYNES:
 4 A. Well, you know, if you're going to redeploy
 5 dividends from Nalcor back into Hydro rates
 6 that is – or if you're going to put money
 7 back in from the Government directly or from
 8 oil and gas or whatever the case was, that's
 9 not in Hydro's control or nor the Board's,
 10 with respect.
 11 MR. O'BRIEN:
 12 Q. Okay. And I believe there's some evidence
 13 on the record that Hydro wasn't directed to
 14 file this GRA in this fashion. Is that
 15 right?
 16 MR. HAYNES:
 17 A. I don't think we were directed to actually
 18 file the – but, we were going for a GRA. I
 19 think it's the right time to do it, so it's
 20 actually a concerted look at the whole.
 21 MR. O'BRIEN:
 22 Q. Okay.
 23 MR. HAYNES:
 24 A. I don't recall that we were specifically not
 25 directed to do at this time. Obviously it

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1 would have been a simpler hearing had we
 2 not, but we can't avoid the reality of what
 3 we have to do.
 4 MR. O'BRIEN:
 5 Q. Were other options discussed, either at this
 6 committee or within Hydro, about rate
 7 mitigation opportunities for Hydro?
 8 MR. HAYNES:
 9 A. I don't know what other options Hydro has.
 10 Like Hydro can control – we can control –
 11 this is what we think that we can bring to
 12 the table and that we can utilize to
 13 recapture in the Province as opposed to
 14 selling it south and put that towards rate
 15 mitigation. I think that's a good solution
 16 in the short term. In the longer term,
 17 other things are required, which are – you
 18 know, that's basically under that particular
 19 committee with the Government.
 20 MR. O'BRIEN:
 21 Q. Were different types of deferral accounts
 22 discussed?
 23 MR. HAYNES:
 24 A. Not that I recall.
 25 MR. O'BRIEN:

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1 Q. All right. I do want to ask you some
 2 questions just about the evidence that's on
 3 the record about rates in the future, but
 4 before we get to that, like I do want to
 5 breakdown a little bit of that \$22 a
 6 kilowatt hour that we've talked about. But
 7 before we get to that, I do want to
 8 reference – if we could pull up Order No.
 9 P.U.16? And this is a recent order from the
 10 Board in January, or sorry, not January.
 11 It's 2017, sorry, July of 2017. And I just
 12 wanted to reference it. On page 11, there's
 13 a passage there and it deals with rate
 14 mitigation and evidence on the record as
 15 required for the Board to look at rate
 16 mitigation. So, if we could pull that up
 17 and just I want you to have a look at that.
 18 All right. So, it's page 11, lines 32 to
 19 38. Let me see here. Okay, if we go to
 20 line – okay, so, line 32.
 21 And in this particular case, just to
 22 give you the background, and you may be
 23 familiar with the Order, Hydro had argued
 24 against rate mitigation measures as it would
 25 result in deferral of costs into the future

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1 where rates were expected to be higher, and
 2 this is a passage of the Board's
 3 consideration of that and addressing those
 4 concerns.
 5 "Hydro argued that rate mitigation
 6 would defer rate increases into the future
 7 when other rate increases are expected.
 8 Hydro did not provide information in
 9 relation to the timing and amount of the
 10 anticipated increases or as to the other
 11 circumstances that may be relevant at that
 12 time. The Board believes that without this
 13 information, the possibility of future rate
 14 increases should not be considered when
 15 assessing whether the proposed rates should
 16 be mitigated. The Board is satisfied that
 17 in the interest of rate stability and to
 18 avoid rate shock, rate mitigation measures
 19 should be adopted in relation to the
 20 proposed July 1st, 2017 rate increases for
 21 Newfoundland Power."
 22 So, in that particular case, the Board
 23 is talking about whether or not sufficient
 24 information is on the record to look at rate
 25 mitigation options. And I'm wondering

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1 whether or not you're satisfied there's
 2 sufficient information on this record to
 3 deal with that. We've got a figure of
 4 \$22.89. Do you feel there's other
 5 information that might be or a (phonetic)
 6 cents per kilowatt hour?
 7 MR. HAYNES:
 8 A. I would have to divert to the Rates folks to
 9 actually give me the detail, but I would
 10 suggest that the – as Mr. Browne noticed,
 11 that there's significant hundreds of
 12 millions of dollars required and so, you
 13 know, rate shock post Muskrat Falls, maybe
 14 the 22 cents is 21 cents or maybe it's 23,
 15 but the fact of the matter is that it's so
 16 significant that, you know, that it is going
 17 to happen, you know, at that particular time
 18 and, you know, the forecast for Muskrat
 19 Falls are still evolving. I understand
 20 right now they're still okay, but obviously
 21 there's risk because it's not finished.
 22 But, from the point of view of the quantum
 23 of the additional revenues required, you
 24 know, I think we're – you know, you may not
 25 have a specific number, but the fact that

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1 we're going to require another, you know – I
 2 forget the number that Mr. Browne quoted
 3 from the point of view of revenue that the
 4 ratepayer has to pay for that the rate shock
 5 of – you know, if ten percent was the
 6 marker, ten percent is insignificant
 7 compared to what it's going to be and
 8 anything that we can do now will aid that
 9 smoothing and reduction and Hydro doesn't
 10 have the resources in its own shop without
 11 help from Nalcor and possibly Provincial
 12 Government to actually get that down to the,
 13 you know, 17 or 18 cent range.
 14 MR. O'BRIEN:
 15 Q. Well, let's have a look at that particular
 16 figure, and I wonder if we could bring up
 17 IC-NLH-122? There's Attachment 1 there.
 18 Are you familiar with that document?
 19 MR. HAYNES:
 20 A. I've seen the document, yes.
 21 MR. O'BRIEN:
 22 Q. You've seen that document before. And is
 23 that the most recent public update regarding
 24 the progress of the Muskrat Falls -
 25 MR. HAYNES:

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1 A. To my knowledge it is.
 2 MR. O'BRIEN:
 3 Q. To your knowledge, okay. And that's almost
 4 a year old there now.
 5 MR. HAYNES:
 6 A. Yeah.
 7 MR. O'BRIEN:
 8 Q. I wonder if we'd go to page 19. Yes. Is it
 9 19?
 10 MR. HAYNES:
 11 Q. It's 18.
 12 MR. O'BRIEN:
 13 Q. It's 18. There we go. There's a table
 14 here, okay. That's starting in 2021. This
 15 is for Island Interconnected domestic rate
 16 projections. So, if we look at 2021, that
 17 particular year, the current estimate right
 18 now is \$22.89?
 19 MR. HAYNES:
 20 A. That's correct.
 21 MR. O'BRIEN:
 22 Q. So, that's in that first table there. And
 23 that's a combination of Muskrat Falls
 24 purchased power costs, Newfoundland and
 25 Labrador Hydro other costs and Newfoundland

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1 Power costs?
 2 MR. HAYNES:
 3 A. As we know them, yes.
 4 MR. O'BRIEN:
 5 Q. Yeah, okay. And on the bottom here, we see
 6 a line that says current wholesale on
 7 domestic rates are seven and a half cents a
 8 kilowatt hour as the wholesale, and 11.7
 9 cents a kilowatt hour for domestic. Is that
 10 fair?
 11 MR. HAYNES:
 12 A. Yes.
 13 MR. O'BRIEN:
 14 Q. Okay. So, based on this table anyway, we're
 15 projecting domestic rates to double by 2021?
 16 MR. HAYNES:
 17 A. That's correct.
 18 MR. O'BRIEN:
 19 Q. Okay.
 20 MR. HAYNES:
 21 A. Without -
 22 MR. O'BRIEN:
 23 Q. Without rate mitigation at all?
 24 MR. HAYNES:
 25 A. Yeah.

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1 MR. O'BRIEN:
 2 Q. Can you tell me where those rate projections
 3 came from?
 4 MR. HAYNES:
 5 A. They would have come from Nalcor's
 6 Investment Evaluation department and they
 7 have models that would look at - they would
 8 take information in. They're not
 9 necessarily "cost of service" models. They
 10 are, you know, at a higher level in my
 11 understanding and they do look at the cost
 12 of the project and they churn that through.
 13 So, it would have been from the Investment
 14 Evaluation department of Nalcor that would
 15 actually generate that particular slide with
 16 input from folks obviously.
 17 MR. O'BRIEN:
 18 Q. Okay. Why don't you tell me that in terms
 19 of the input that Newfoundland and Labrador
 20 Hydro -
 21 MR. HAYNES:
 22 A. Well, they would have provided - you know,
 23 Hydro would have provided, you know,
 24 obviously the data with respect to
 25 Newfoundland Power and how that rolls

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1 through, the general impact on the revenue
 2 requirement and come back to the rates. But
 3 the long-term model was not done, as I
 4 understand, by the Regulatory folks because
 5 a cost of service model wouldn't necessarily
 6 go that far. That model is a financial
 7 model that are run by the long-term
 8 investment folks at Nalcor.
 9 MR. O'BRIEN:
 10 Q. Do you know how far they're projected out?
 11 MR. HAYNES:
 12 A. Well, they go to 2040 there.
 13 MR. O'BRIEN:
 14 Q. Yes.
 15 MR. HAYNES:
 16 A. And obviously don't have an annual - the
 17 year by year, if you will, is on top under
 18 2025 and then five-year increments
 19 thereafter.
 20 MR. O'BRIEN:
 21 Q. And so, we show the sanction estimate there
 22 was \$15.12 a kilowatt hour.
 23 MR. HAYNES:
 24 A. Yes.
 25 MR. O'BRIEN:

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1 Q. And the previous estimate of \$21.37, do you
 2 know how old that estimate was?
 3 MR. HAYNES:
 4 A. No, I don't offhand.
 5 MR. O'BRIEN:
 6 Q. When you started at Hydro, was that about
 7 what - when you started back, is that about
 8 where it was?
 9 MR. HAYNES:
 10 A. I don't actually recall. I know it was
 11 above 20, but I don't recall the number now.
 12 MR. O'BRIEN:
 13 Q. Okay.
 14 MR. HAYNES:
 15 A. But, I mean, you know, when you redo the
 16 expected capital cost of the Lower Churchill
 17 facility as a whole, it does have an impact
 18 on the rates.
 19 MR. O'BRIEN:
 20 Q. Do these rates, to the best of your
 21 knowledge, account for revenues from off-
 22 island sales?
 23 MR. HAYNES:
 24 A. No.
 25 MR. O'BRIEN:

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1 Q. No.
 2 MR. HAYNES:
 3 A. No, those are the – they do not account for
 4 rates. There’s no mitigation in these
 5 rates.
 6 MR. O'BRIEN:
 7 Q. Nothing at all?
 8 MR. HAYNES:
 9 A. No.
 10 MR. O'BRIEN:
 11 Q. Okay.
 12 MR. HAYNES:
 13 A. That’s my understanding.
 14 MR. O'BRIEN:
 15 Q. Okay.
 16 MR. HAYNES:
 17 A. These are unmitigated rates. I don’t think
 18 they account for off-island sales. They’re
 19 made – and I actually don’t know.
 20 MR. O'BRIEN:
 21 Q. If you could check on that and confirm with
 22 us.
 23 MR. HAYNES:
 24 A. There’s one aspect that maybe – because
 25 Hydro is entitled to a certain amount of

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1 Muskrat Falls’ power below the sanction
 2 line. They certainly don’t account for
 3 recapture out-of-province sales.
 4 MR. O'BRIEN:
 5 Q. No, okay.
 6 MR. HAYNES:
 7 A. But they may account for the amount of
 8 energy that Hydro has contracted through the
 9 Power Purchase Agreement that may have been
 10 directed back. That I would have to check.
 11 MR. O'BRIEN:
 12 Q. Now, would that be in the NLH Other figure
 13 or would that be in the Muskrat Falls
 14 purchase power cost?
 15 MR. HAYNES:
 16 A. I’m not sure.
 17 MR. O'BRIEN:
 18 Q. Okay.
 19 MR. HAYNES:
 20 A. I don’t know.
 21 MR. O'BRIEN:
 22 Q. Can you check on that?
 23 MR. HAYNES:
 24 A. Okay, we’ll get that checked.
 25 MR. O'BRIEN:

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1 Q. And undertake just to provide us that?
 2 MR. HAYNES:
 3 A. Yeah.
 4 MR. O'BRIEN:
 5 Q. Because if it doesn’t include that kind of
 6 rate mitigation, I guess, would that be
 7 information which would be helpful to the
 8 Board to determine sort of where things will
 9 be in 2022?
 10 MR. HAYNES:
 11 A. But the only thing – the only assets that
 12 Hydro has directly is its assets. We can’t
 13 demand, obviously, that Nalcor, you know,
 14 come back and, if you will, subsidize the
 15 ratepayers of the Province from that
 16 perspective by using Churchill Falls
 17 dividends or whatever. Those are outside
 18 Hydro’s control.
 19 MR. O'BRIEN:
 20 Q. Yeah.
 21 MR. HAYNES:
 22 A. But Nalcor is engaged in the process and I
 23 can’t speak to, you know, wherever they’ll
 24 go.
 25 MR. O'BRIEN:

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1 Q. In terms of – well, let’s look at that
 2 \$11.66. That’s the Muskrat Falls purchase
 3 power cost. Do you know what that’s made up
 4 of?
 5 MR. HAYNES:
 6 A. I would suggest that’s the total planned
 7 output. That would be the total planned
 8 output which is roughly 4900 gigawatt hours,
 9 I would say. That wouldn’t be our piece
 10 only. That would be the overall, you know,
 11 cost per kilowatt hour.
 12 MR. O'BRIEN:
 13 Q. That would be separate from your piece,
 14 wouldn’t it? Your piece is the \$6.80?
 15 MR. HAYNES:
 16 A. Yeah, but Muskrat Falls purchase power costs
 17 would be what we’re paying for. Above the
 18 sanctioned load forecast line is Nalcor’s
 19 energy, not Hydro’s. So, and you know, I’m
 20 not going to let a lot of value get in the
 21 weeds (phonetic) in this particular graph.
 22 It wasn’t generated by Hydro. It was
 23 generated by Investment Evaluation. I do –
 24 I think we should clarify, as I mentioned or
 25 as you mentioned on the amount of – if

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1 there's any off-island sales going into that
 2 particular number.
 3 MR. O'BRIEN:
 4 Q. Right.
 5 MR. HAYNES:
 6 A. That's a – I do not, unfortunately, recall
 7 that offhand. But when you get down to the,
 8 you know, the narrative or the details down
 9 below that long-term chart, I unfortunately
 10 can't add a lot of value to that.
 11 MR. O'BRIEN:
 12 Q. Okay.
 13 MR. HAYNES:
 14 A. But our focus has been that in the short
 15 term, we think that we can aid with
 16 smoothing into that particular rate and we
 17 also understand from Government, although,
 18 you know, there's work to be done, that
 19 there's an interest to get that 22.89 down
 20 to a significantly lower number. But it's
 21 still higher than the sanction line.
 22 MR. O'BRIEN:
 23 Q. Oh yes, a fair bit higher than the sanction
 24 line. I agree with you there.
 25 MR. HAYNES:

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1 A. Yeah.
 2 MR. O'BRIEN:
 3 Q. And it's a fair bit higher than – it's
 4 double the domestic rates now.
 5 MR. HAYNES:
 6 A. I'm not sure about that.
 7 MR. O'BRIEN:
 8 Q. Well, the domestic rates now show on the
 9 bottom 11.7.
 10 MR. HAYNES:
 11 A. Yes, and while the rate mitigation, the
 12 whole is not all done. My understanding is
 13 there's an objective to get it down around
 14 18 cents or under.
 15 MR. O'BRIEN:
 16 Q. Okay. Well, let's talk about that, that
 17 objective to get it down.
 18 MR. HAYNES:
 19 A. But that's not – that is only by listening
 20 to the media and -
 21 MR. O'BRIEN:
 22 Q. No, I understand that.
 23 MR. HAYNES:
 24 A. - and conversations of -
 25 MR. O'BRIEN:

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1 Q. And I'll ask you to just confirm that. So,
 2 I mean, I guess we're in the same boat. I
 3 mean, we've heard in the media that there's
 4 a movement towards – or the Premier
 5 suggested possibly looking at a 17 cents a
 6 kilowatt hour as something that would be
 7 average for Atlantic Provinces type of
 8 thing. Have you got any more information on
 9 that yourself?
 10 MR. HAYNES:
 11 A. No, I don't.
 12 MR. O'BRIEN:
 13 Q. Are you more informed than we are on that?
 14 MR. HAYNES:
 15 A. Other than that at the – you know, the rate
 16 mitigation efforts are looking at how do we
 17 get that back down to that, you know, 17-18
 18 cent number. What's required? But from the
 19 point of view of details, no, I don't.
 20 MR. O'BRIEN:
 21 Q. Do you know whether or not that 17 cents
 22 involves consideration of this off-island
 23 purchase deferral account?
 24 MR. HAYNES:
 25 A. That would be a part of the transition to

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1 the new rate, yes. That would be an asset
 2 to use.
 3 MR. O'BRIEN:
 4 Q. Okay.
 5 MR. HAYNES:
 6 A. And that's one that we think that we – that
 7 Hydro can actually bring to the table from
 8 that perspective. But it's a smoothing
 9 issue. It's not a long-term reduction in
 10 the rate. It is how do we walk up those
 11 steps to get to that new rate.
 12 MR. O'BRIEN:
 13 Q. I understand, yeah.
 14 MR. HAYNES:
 15 A. And if that rate is 22 cents, it's a small
 16 step. If it's 18 cents and there's other
 17 things there, you're still – you still have
 18 to see these increase in rates to get there,
 19 so we just want to smooth it up.
 20 MR. O'BRIEN:
 21 Q. Yeah, I understand that. I guess my
 22 question is more along the lines of if the
 23 Board is to consider to what extent rate
 24 mitigation is necessary and how they
 25 consider your application for the deferral

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1 account, is there any other evidence-based
 2 projections that Nalcor can provide through
 3 Hydro or Hydro can provide through
 4 consultation with Nalcor to help us as to
 5 what that figure means?
 6 MR. HAYNES:
 7 A. I would certainly suggest that the 22.89 is
 8 the best estimate that we have. That is the
 9 unmitigated rate post Muskrat Falls. I'd
 10 have no reason to doubt that is the number
 11 if action is not taken by everybody
 12 concerned.
 13 MR. O'BRIEN:
 14 Q. So, knowing that the Board would require
 15 sufficient evidence about the timing and the
 16 detail and the other circumstances around
 17 when rate mitigation would be required, has
 18 Hydro looked at any further evidence that
 19 they can provide the Board in this matter,
 20 apart from this chart?
 21 MR. HAYNES:
 22 A. Not that I'm aware.
 23 MR. O'BRIEN:
 24 Q. That NLH Other figure of \$6.80, is that a
 25 figure that was provided by Hydro, do you

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1 know?
 2 MR. HAYNES:
 3 A. I would suspect it is. I would expect that
 4 would have come out of our cost of service
 5 requirements. That is the other – you have
 6 Newfoundland Power costs. We have the, you
 7 know, kind of the business as usual cost of
 8 Hydro. Then you have the Muskrat Falls cost
 9 and that would be the -
 10 MR. O'BRIEN:
 11 Q. That's something based around test year – or
 12 the approved test year rates now with some
 13 inflation built in?
 14 MR. HAYNES:
 15 A. I would suspect, but I would also suggest
 16 that the best person to ask would be Kevin
 17 Fagan from the Rates folks when they get on
 18 the stand who's more involved in the rate
 19 mechanics, if you will, than I've ever been.
 20 MR. O'BRIEN:
 21 Q. Okay. Apart from this deferral account
 22 we're talking about, has Hydro implemented
 23 any long-term strategies to actually reduce
 24 that figure?
 25 MR. HAYNES:

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1 A. We are continually looking at our cost of
 2 operation. We're looking at – you know,
 3 we've had a fair bump in operating costs and
 4 capital costs over the last few years.
 5 We're having a second look at our capital
 6 program to try to reduce that to what's
 7 essential and maintain a reliable level of
 8 service. I've instructed the Engineering VP
 9 in particular to go back and obviously he is
 10 the steward of the capital program, but
 11 basically he's building it for, you know,
 12 the Transmission people, the Generation
 13 people, to go back and – as with, you know,
 14 Mr. LeBlanc and Ms. Williams, to go back and
 15 look at our capital proposal over the next
 16 number of years and how can we – you know,
 17 have a second look and I know what they put
 18 forward is what was considered, thought to
 19 be what we required to do it, to go back
 20 and, you know, squeeze it again and look for
 21 savings. We have implemented other
 22 operational things. In this hearing, we did
 23 put in a productivity allowance of a million
 24 dollars, but we've also done other things.
 25 We've committed to no FTE increases. We've

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1 absorbed a number of new positions that were
 2 required in the Energy Control Centre to
 3 facilitate the NLSO, which we did not go
 4 back and look for. I think there were six
 5 positions required to manage the DC lines
 6 and all those things, you know, the DC
 7 operational side of things. So, we've done
 8 a lot of things like that to try to control
 9 the increase.
 10 On a go-forward basis, we have created
 11 a productivity and efficiency team to go
 12 back and look for every dollar we can and
 13 basically, you know, we are striving to find
 14 those savings and we put forward in this
 15 hearing obviously the million dollars, which
 16 was a number we thought we could achieve by
 17 doing some of those things.
 18 In the settlement hearings, we've
 19 agreed to move the vacancy allowance from 40
 20 to 55, you know, which is a significant
 21 number of dollars as well. So, yes, we are
 22 focused on that and we realize that, you
 23 know, we are – you know, we have challenges.
 24 We are operating in a broad remote area in a
 25 lot of our areas and there are challenges in

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1 keeping those costs down. But we are
 2 committed to do that and we are looking at
 3 that every day. We have financial reviews
 4 on a monthly basis looking at where we can
 5 save, trim, cut, control.
 6 MR. O'BRIEN:
 7 Q. Anything in terms of a focused review on
 8 that particular figure or that chart to say
 9 "look, this is where we're going to be in
 10 the future. How do we get that number
 11 down?"
 12 MR. HAYNES:
 13 A. Other than when I go around the system and
 14 speak, if I – and I haven't done it in a
 15 while because – I haven't been out this
 16 year, but basically if I'm visiting the
 17 system, when you're talking to the folks in
 18 the field, we stress it every other day that
 19 there is a rate issue coming forward and we
 20 need every individual in Hydro to look at
 21 the way they can control their costs,
 22 whether that's, you know, getting another
 23 extra two weeks out of a pair of work gloves
 24 or whatever, and those are words that I've
 25 used. We want every employee to be engaged

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1 that it's their parents, grandparents, their
 2 children and grandchildren that are going to
 3 be living this rate and we need everyone to
 4 contribute. That's a constant message that
 5 we have to all our employees.
 6 MR. O'BRIEN:
 7 Q. Are there any written instructions in that
 8 regard?
 9 MR. HAYNES:
 10 A. No, those are verbal, you know, meetings
 11 with the employees and so on. There's no
 12 written thing. Basically those are when
 13 you're in the field talking to the folks,
 14 just coaching them to do better, and we have
 15 these meetings on a monthly review of our
 16 operating costs. Those are constant themes.
 17 MR. O'BRIEN:
 18 Q. In terms of this overall figure then, the
 19 \$22.89, the current estimate for
 20 Interconnected – Island Interconnected
 21 domestic rates, has Hydro itself asked
 22 Nalcor for production of their documents,
 23 their investment – or sorry, the Nalcor –
 24 what did you call it? Investment group?
 25 MR. HAYNES:

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1 A. Investment – not that I'm aware of.
 2 MR. O'BRIEN:
 3 Q. No?
 4 MR. HAYNES:
 5 A. No, basically the 22.89 has been a number
 6 that's been used fairly often from the point
 7 of view of, you know, without – it's a
 8 target. We have to do better.
 9 MR. O'BRIEN:
 10 Q. But what's behind that in terms of the
 11 projections? Has Hydro asked for production
 12 of any documents to show how that 22.89 was
 13 made from Nalcor?
 14 MR. HAYNES:
 15 A. Not that I'm aware of, but Kevin Fagan could
 16 probably speak to the reality of what the
 17 recovery required from Muskrat Falls does to
 18 the cost of service.
 19 MR. O'BRIEN:
 20 Q. And I note that in certain RFIs in this –
 21 responses to RFIs, there's some indication
 22 of consultation with Nalcor and I'm
 23 wondering is it possible for you to obtain
 24 further information from Nalcor, just to
 25 show the timing and the amount here and what

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1 it's made up of?
 2 MR. HAYNES:
 3 A. The 22.89?
 4 MR. O'BRIEN:
 5 Q. Yeah.
 6 MR. HAYNES:
 7 A. Well, basically, the thing in there is
 8 basically the Muskrat Falls purchase power
 9 costs and that basically is an outcome of
 10 what the finalized capital cost is. I don't
 11 think there's – I personally don't think
 12 there's a lot of value in going back and
 13 whether it's 22.89 or 23 or 21, I think, you
 14 know, the quantum of the issue is obvious
 15 and you know, I'm not sure what they could
 16 provide. I will add that in recent months,
 17 I've initiated a regular meeting between the
 18 Regulatory folks and the Investment
 19 Evaluation folks to make sure that we are
 20 not, you know, kind of misaligned on the
 21 assumption. So, that has been – that is
 22 ongoing, but basically it's a, you know,
 23 make sure that we're not – that their longer
 24 term model is kind of consistent with what
 25 the Regulatory folks would look at. The

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1 Regulatory folks are primarily looking at
 2 this particular rate application and the
 3 next couple of years. The Investment
 4 Evaluation folks are looking at the long-
 5 term thing. So, the models as you get out
 6 are a little bit simpler, if you will. But
 7 I cannot speak to that modelling detail.
 8 MR. O'BRIEN:
 9 Q. Do you know what – whether load would – load
 10 factors and forecast could affect that
 11 figure?
 12 MR. HAYNES:
 13 A. Absolutely.
 14 MR. O'BRIEN:
 15 Q. Yeah. Is there -
 16 MR. HAYNES:
 17 A. It's a big deal. We are very conscious of
 18 load factor, the load actually, and you
 19 know, we realize that the load forecast is
 20 there. We're concerned about retaining our
 21 customers. We'd like to increase the number
 22 of electrical customers. However, that's a
 23 challenge as well. But basically, the
 24 revenue requirement from Muskrat Falls
 25 doesn't change much whether our load is –

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1 the energy we take is, you know, 1.6
 2 gigawatt hours or one gigawatt hour. The
 3 revenue doesn't change. They will – you
 4 know, there'd obviously be more revenues
 5 from what they can sell south or west or
 6 whatever or a combination of both, but that
 7 doesn't change. The revenue requirement for
 8 Muskrat is pretty – you know, it is there
 9 and Hydro is obligated to pay.
 10 MR. O'BRIEN:
 11 Q. The 22.89, do you know if that includes O&M
 12 costs for operation of the assets?
 13 MR. HAYNES:
 14 A. I think that's the – that is a projected end
 15 consumer rate at a high level.
 16 MR. O'BRIEN:
 17 Q. Yeah.
 18 MR. HAYNES:
 19 A. It doesn't get down to, you know, rate
 20 class, whatever, whatever. I think there's
 21 a domestic one. But it is – it will be the
 22 collective of all, which would be the lines,
 23 the LTA and everything at the – and on the
 24 post Muskrat Falls' timeframe.
 25 MR. O'BRIEN:

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1 Q. Do you have any idea as to whether those are
 2 projected to change, increase, decrease?
 3 MR. HAYNES:
 4 A. There are increases in our obligation to
 5 Muskrat Falls go forward and all have to do
 6 with the way the financing is done,
 7 operation increases, and I can't speak to
 8 the detail. Those are in the PPA, but they
 9 are there. I will say that from the point
 10 of view of – from the perspective of where
 11 we are on their operational costs in the
 12 short term, we are dialoguing with the folks
 13 at Nalcor and we are looking for details.
 14 We are pressuring them from the point of
 15 view of, you know, to be prudent and
 16 realistic on the cost. But at the end of
 17 the day, the Order in Council says that we
 18 have to absorb those costs.
 19 MR. O'BRIEN:
 20 Q. Are you aware of any circumstances that
 21 might exist at around the time Muskrat Falls
 22 comes into existence that might affect these
 23 figures?
 24 MR. HAYNES:
 25 A. The only thing that would change – the

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1 biggest thing that would have an impact, if
 2 there was a change in the final capital cost
 3 of Muskrat Falls and I'm not aware at this
 4 point in time that there is.
 5 MR. O'BRIEN:
 6 Q. Okay.
 7 MR. HAYNES:
 8 A. But that would be – you know, obviously that
 9 would be – the biggest impact would be that
 10 or if there's a delay in the project or if
 11 there's other capital has to be spent that
 12 was unplanned, it would add to the cost.
 13 MR. O'BRIEN:
 14 Q. And it's still projected -
 15 MR. HAYNES:
 16 A. Those are risks.
 17 MR. O'BRIEN:
 18 Q. And when you mention delays, projections are
 19 still -
 20 MR. HAYNES:
 21 A. My understanding is that LIL will be in
 22 service middle of this year and that the
 23 first power of Muskrat Falls is still the
 24 fall of 2019.
 25 MR. O'BRIEN:

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1 Q. Fall of 2019?

2 MR. HAYNES:

3 A. Yeah. That's the first unit.

4 MR. O'BRIEN:

5 Q. Let me ask you, what will it mean for

6 Newfoundland and Labrador Hydro and its rate

7 case that's filed right now if that offshore

8 island purchases deferral account is not

9 approved?

10 MR. HAYNES:

11 A. Well, I guess, the first question would be,

12 moving out, will we be able to get delivery

13 of the recall power or LIL. If we don't –

14 you know, if we're going to use that

15 particular asset, then I would consider it

16 being used and useful and I don't think it's

17 inappropriate for us to actually pay the

18 OPEX cost. If were to go back to Nalcor and

19 say that we are – that we can't pay their

20 cost, I guess they may decide that they're

21 not going to actually put it in service, in

22 which case we would lose that advantage. I

23 think that would be totally wrong, but I

24 don't know how we could not take advantage

25 of the .2 cent power, but I mean, you know,

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1 they're trying to get this thing done in

2 service. I don't know if they would slow

3 down. I'm not sure what they would do, but

4 it would be a factor.

5 MR. O'BRIEN:

6 Q. Have you had discussions on that as a

7 possibility?

8 MR. HAYNES:

9 A. No. I mean, our thrust is to actually –

10 look, we would like to have that line in

11 service so we can take advantage of .2 cent

12 power versus, you know, 11-12-13 cent

13 Holyrood power or energy, I should say, not

14 power, energy. And I would also add that

15 there are other advantages to the DC line

16 being in service from the point of view of,

17 you know – and I'll use the Maritime Link as

18 an example. So, the Maritime Link was in

19 service. We did make some small purchases

20 over the line that were economic; that we

21 considered to be economic. It did bring

22 technical advantages to the system in the

23 sense that when they had frequency control,

24 which is an aspect that the controller

25 turned on, you know, we had prevented a

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1 couple of under frequency load setting

2 events which is everybody's happy with that,

3 you know, and the DC line from Labrador,

4 when it comes in initially, it may not have

5 that, but later on will have that as well.

6 So, we can survive more faults and more

7 things that we – you know, we obviously have

8 six or seven under frequency load setting

9 events per year affecting our customers and

10 Newfoundland Power customers. Those things

11 would be largely mitigated by the DC

12 controllers in service. And Maritime Link

13 has already helped us prevent a couple.

14 MR. O'BRIEN:

15 Q. Let me ask you just as a follow up there.

16 In terms of the deferral account itself, it

17 seems to be kind of interwoven with the

18 case. Would you be looking to proceed – if

19 the deferral account isn't approved, would

20 you be looking to proceed on an Isolated

21 Island scenario like it's filed and recover

22 those O&M costs and not recover O&M costs, I

23 guess, for the fixed link? Is that the

24 plan, just to proceed on that, or would you

25 be looking at the expected supply scenario

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1 where -

2 MR. HAYNES:

3 A. Well, you know, the expected supply scenario

4 that was put forward also anticipates that

5 the line will be in service.

6 MR. O'BRIEN:

7 Q. And you could have the line in service and

8 not have the deferral account.

9 MR. HAYNES:

10 A. It could be in service – you could have the

11 line in service and not see the deferral

12 account, but I think there are financial

13 issues with Nalcor have and my understanding

14 is that the full recovery of the Lower

15 Churchill costs will be recovered sometime.

16 If that is deferred, I don't – my view,

17 strongly, is that if we're going to use that

18 asset and it's used and useful, then there's

19 no issue and no – it doesn't seem to be

20 wrong for us to pay the operating expense of

21 that particular asset.

22 MR. O'BRIEN:

23 Q. Or there could be two scenarios there. You

24 could actually have the Isolated – or the

25 expected supply scenario and ask for

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1 approval of payment of those O&M costs and
 2 still not have a deferral account, couldn't
 3 you?
 4 MR. HAYNES:
 5 A. Yes, but that makes your – yes, yes, but at
 6 the end of the day then, the step change
 7 required from both Muskrat Falls – it's a
 8 steeper step. So, we're only – my
 9 perspective, we're only deferring the
 10 inevitable, a major change. So, instead of,
 11 you know, going from 11.7 to 22.89, maybe
 12 we're going from – I wouldn't even pick a
 13 number, but let's say it's less. So, we're
 14 not easing anybody into the new reality.
 15 We're actually making it worse because
 16 there's a bigger step change.
 17 MR. O'BRIEN:
 18 Q. No, I understand.
 19 MR. HAYNES:
 20 A. And most people would prefer, at least my
 21 perspective personally is that if you have a
 22 – you know, if you're walking up to that new
 23 rate in steps, at least people can adjust
 24 their spending and so on. And listen, we
 25 understand – I shouldn't say listen. We

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1 understand fully what the implications are
 2 to the ratepayers and we are trying our best
 3 to actually mitigate what we can. We think
 4 this is a reasonable way to start, but it
 5 doesn't solve the whole issue.
 6 MR. O'BRIEN:
 7 Q. Okay. And I guess my question is more along
 8 the lines if the Board feels that there's
 9 not sufficient evidence for the deferral
 10 account, to base a deferral account on, are
 11 you – would you be proceeding with still a
 12 request to have those O&M costs paid because
 13 you'd want to have -
 14 MR. HAYNES:
 15 A. I think we would be outside our mandate. If
 16 we see an opportunity to reduce our costs,
 17 then we obviously have to jump on that
 18 opportunity and we would not pursue Nalcor
 19 to actually afford the ability for us to get
 20 recaptured power. That would be – we would
 21 look for that, yes.
 22 MR. O'BRIEN:
 23 Q. Okay.
 24 MR. HAYNES:
 25 A. I think we would be outside of our mandate

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1 if we were – saw an opportunity to save a
 2 dollar and ignored it.
 3 MR. O'BRIEN:
 4 Q. Well, let's talk about the deferral account
 5 just in terms of the practicalities behind
 6 it. So, it's based on purchase of recapture
 7 energy from Churchill Falls? Is that right?
 8 MR. HAYNES:
 9 A. Yes.
 10 MR. O'BRIEN:
 11 Q. Okay. So, as of – from what we understand,
 12 there's 300 megawatts that's available for –
 13 or not necessarily available, but there's
 14 300 megawatts of recapture power?
 15 MR. HAYNES:
 16 A. The recapture contract between Churchill and
 17 Newfoundland Hydro is 300 megawatts
 18 delivered at the – basically, I'm going to
 19 say the Quebec-Labrador border. I think the
 20 contract talks about mile 148.8 on the
 21 Quebec North Shore Railway, but I don't
 22 think anyone cares about that. But
 23 basically, we reflect that back to the 230kV
 24 bus in Churchill Falls. So, at the 230kV
 25 bus in Churchill Falls is where our – in

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1 reality, our contractual delivery point is
 2 on the border, but our effective delivery
 3 point is at the bus. So, it's about 307
 4 megawatts.
 5 MR. O'BRIEN:
 6 Q. How much was that, sorry?
 7 MR. HAYNES:
 8 A. 307 megawatts that we actually get out of
 9 the -
 10 MR. O'BRIEN:
 11 Q. 307, okay.
 12 MR. HAYNES:
 13 A. - at the 230kV bus in Churchill.
 14 MR. O'BRIEN:
 15 Q. Okay.
 16 MR. HAYNES:
 17 A. And from that, from that particular power,
 18 we basically feed all of Labrador – not all
 19 of Labrador, the Interconnected Labrador,
 20 you know, Labrador East and Labrador West,
 21 and a portion of that as well is used for
 22 the mining interests there and the balance
 23 of which right now is being sold to provide
 24 the Nalcor cost and they basically sell it
 25 down through Quebec.

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1 MR. O'BRIEN:
 2 Q. Okay.
 3 MR. HAYNES:
 4 A. And it is Hydro's contractual power and so,
 5 what we want to do is we want to actually
 6 redirect that power, not continue to sell it
 7 south through Quebec, but to actually
 8 deliver it to the Island where the biggest
 9 displacement opportunity we have and the
 10 most savings we can effect are basically by
 11 using recapture insofar as we can to
 12 displace fuel at Holyrood. In that process
 13 of displacing fuel at Holyrood, we still
 14 have limitations. We still have to meet the
 15 capacity requirements. We still have to –
 16 you know, we don't run the Holyrood machines
 17 typically below 70 megawatts for reliability
 18 issues and we have – you know, we have had
 19 issues there before. If you run too long at
 20 too low a load, you have other issues with
 21 the equipment that will cause you to spend
 22 capital or major outages. So, you have to
 23 put all that in a – you know, to look at the
 24 whole of all that, what we need to make
 25 capacity, what we need for reserve

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1 requirements, and you know, we cannot
 2 recapture – we cannot recall the
 3 approximately, you know, I'm going to say
 4 about 1500 gigawatt hours that's available
 5 and that's available excess recall power to
 6 Labrador's needs. We cannot get it all to
 7 the Island. You know, I think in 2016, we
 8 had about 388 and hopefully, we'll do better
 9 than that there. In 2019, we had about 900
 10 and something and we hope to get whatever we
 11 can down to displace it. You will not get
 12 it all because of, you know, we still have
 13 to meet the capacity plan requirements on
 14 the Island, you know, look at what
 15 similarities contingency is from that
 16 perspective. So, there's a lot of work done
 17 on that there to actually calculate or to
 18 come to a number that's reasonable to use.
 19 MR. O'BRIEN:
 20 Q. Okay. And you mentioned this, I think, just
 21 in terms of it being the – I guess, that's
 22 primarily where these savings are going to
 23 come from is the recapture energy that's
 24 available.
 25 MR. HAYNES:

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1 A. Yes. Yes, and prior to Muskrat Falls, that
 2 is a huge advantage that we have.
 3 Accessibility to .2 cent power delivered to
 4 the Island pre Muskrat Falls is an option
 5 that we need to jump on and take most
 6 advantage of that we possibly can.
 7 MR. O'BRIEN:
 8 Q. Because you do have accessibility over the
 9 Maritime Link, but that said, 90 percent of
 10 what Holyrood is in any event, isn't it?
 11 MR. HAYNES:
 12 A. Well, I'm not sure what the number is but
 13 it's definitely not .2 cents.
 14 MR. O'BRIEN:
 15 Q. No, it's 9 – I think it's 9 to 10 cents.
 16 MR. HAYNES:
 17 A. It's what it is to buy off the market and
 18 you know, and if the – I'll be so bold as to
 19 say, if they know that you're stuck, the
 20 price is not as cheap as it could be.
 21 MR. O'BRIEN:
 22 Q. Right. So, what's available is the issue
 23 and how much is available, I mean, because
 24 it's cheaper, a fair bit cheaper, right.
 25 All right. Well, let's talk about what's

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1 available. So, you got 307 megawatts. The
 2 evidence suggests that there's somewhere in
 3 the range of 115 megawatts of capacity that
 4 might be available for delivery to the
 5 Island.
 6 MR. HAYNES:
 7 A. That 115 number or 110 is basically the
 8 amount of peak capacity that's available.
 9 When Labrador is under peak obviously, you
 10 know, the first utilization of recapture
 11 power and energy is to Labrador load.
 12 MR. O'BRIEN:
 13 Q. Is to Labrador, yeah.
 14 MR. HAYNES:
 15 A. And so, over peak period that the forecast
 16 at the time was about 110-115 megawatts that
 17 would be available to bring to the Island.
 18 Then we have losses, because, you know,
 19 there is a consumption of losses when you
 20 get down, which I'm going to suggest is
 21 probably around eight or ten percent, but I
 22 don't know the number offhand, but there is
 23 – that's just the reality of electrical
 24 system. And so, that's available. Now off
 25 peak, there's more.

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1 MR. O'BRIEN:
 2 Q. Okay.
 3 MR. HAYNES:
 4 A. So, as you're chasing the load around
 5 Labrador from the point of view of, you
 6 know, nighttime/daytime, that amount of
 7 demand can move around. We would like to
 8 take that demand and we would actually – we
 9 can still use the energy. We'll just run
 10 back on our capacity here, load up the line
 11 to its limit which basically in the interim
 12 period is around 200-225 megawatts,
 13 depending on whether the Maritime Link
 14 frequency controller is in service, and we
 15 could actually import the water, and so we
 16 could--so, we want to optimize that
 17 utilization to bring as much recapture
 18 energy to the Province and store it in our
 19 reservoirs or whatever to the best of our
 20 ability.
 21 MR. O'BRIEN:
 22 Q. Okay. And in terms of what's required up in
 23 Labrador right now, the test year forecast I
 24 understand has 245 megawatts built in. Does
 25 that sound right?

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1 MR. HAYNES:
 2 A. That sounds right.
 3 MR. O'BRIEN:
 4 Q. About that area?
 5 MR. HAYNES:
 6 A. Yeah.
 7 MR. O'BRIEN:
 8 Q. But I understand it doesn't include power on
 9 order for Wabush Mines.
 10 MR. HAYNES:
 11 A. I'm sorry, you said 245. That would include
 12 – when you look at the Labrador load,
 13 there's two components. Hydro has – you
 14 know, first we have the Twin Co block, which
 15 basically is 225 megawatts, which basically
 16 is – you know, the contract was up in
 17 December of 2014 between CF(L)Co and Twin
 18 Falls Power Corporation. So, that power is
 19 available. That is allocated basically to
 20 the Labrador West load. So, that's
 21 basically – that has some caveats around its
 22 utilization. In the meantime, the load in
 23 Labrador seldom goes below the total anyway.
 24 You know, when the mines are operating, the
 25 loads are high. So, we really have, you

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1 know, access to, you know, 225 plus, 300
 2 megawatts of total capacity up there. When
 3 you take the – excluding the Twin Co block,
 4 which is allocated to Industrial – you know,
 5 to Labrador West and primarily Industrial
 6 Customers – there's a little bit of nullage
 7 (phonetic) around that, but most of it is.
 8 MR. O'BRIEN:
 9 Q. Yeah.
 10 MR. HAYNES:
 11 A. And so the 115 is what's available from
 12 recapture. So, you know, the load that's in
 13 Labrador is more like 300 minus 115 as being
 14 the amount.
 15 MR. O'BRIEN:
 16 Q. Right. You got your 225 plus that 300 minus
 17 115.
 18 MR. HAYNES:
 19 A. And minus the Industrial load, IOC primarily
 20 right now.
 21 MR. O'BRIEN:
 22 Q. Right. And how about – we understand
 23 there's going to be – Wabush Mines may be
 24 reopening.
 25 MR. HAYNES:

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1 A. Tacora Resources have indicated that. I
 2 understand they're still in their financial
 3 final feasibility numbers and it's going to
 4 take them a certain amount of time to get up
 5 and reactivate the mine obviously, but my
 6 understanding that they have not – my
 7 understanding is that at this point in time,
 8 they have not committed yet.
 9 MR. O'BRIEN:
 10 Q. No.
 11 MR. HAYNES:
 12 A. But they're still under – they're still
 13 looking.
 14 MR. O'BRIEN:
 15 Q. If they do, what sort of impact? We
 16 understand somewhere in the range of 48
 17 megawatts.
 18 MR. HAYNES:
 19 A. 48 megawatts in my understanding, which is,
 20 you know, a little bit less than the
 21 previous Wabush Mines load, but in the same
 22 order of magnitude.
 23 MR. O'BRIEN:
 24 Q. And maybe not for this year, but for next
 25 year.

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1 MR. HAYNES:
 2 A. Could be, yeah.
 3 MR. O'BRIEN:
 4 Q. That could impact the recapture power
 5 availability? Is that right?
 6 MR. HAYNES:
 7 A. Yes. That's possible, but I would go back
 8 to my point before and obviously you have to
 9 look at the, you know, time of the year and
 10 the structure, but you know, we were never
 11 in a position to utilize all the recapture.
 12 MR. O'BRIEN:
 13 Q. No.
 14 MR. HAYNES:
 15 A. Prior to Muskrat Falls. So, there's an
 16 amount of recapture that's still sold south
 17 that could be directed to the mining load as
 18 well. So, it's not, you know, A minus B.
 19 It's a fair analysis to actually come up
 20 with those numbers. And the other thing
 21 uncertain is when will Tacora actually start
 22 taking load, of course.
 23 MR. O'BRIEN:
 24 Q. I'm sorry, I didn't hear.
 25 MR. HAYNES:

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1 A. When will Tacora – if they do proceed with
 2 reactivating the mine, they will ramp up
 3 load and how long does it take to get -
 4 MR. O'BRIEN:
 5 Q. How long it takes to do it, okay.
 6 MR. HAYNES:
 7 A. - to get there, right. But we would want to
 8 mine any value of recapture to the advantage
 9 of the Island system.
 10 MR. O'BRIEN:
 11 Q. And what about we understand that there's a
 12 number of applications for demand for data
 13 centres in Labrador. How would that affect
 14 the availability?
 15 MR. HAYNES:
 16 A. Similar sort of thing. There are
 17 applications for data centres and there are
 18 some already in place up there, small ones.
 19 That would also nip away at the – you know,
 20 we have always said that the Labrador
 21 recapture basically is kind of – is used for
 22 Labrador and the excess coming down here.
 23 That as well nips away, but they also – now,
 24 they may not take as much. I don't know
 25 what timeframe it takes them to get to

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1 operating, but that whole data centre issue
 2 is an industry issue across North America,
 3 if not the world. So, everybody is
 4 struggling with that.
 5 MR. O'BRIEN:
 6 Q. Have you done any analysis on that?
 7 MR. HAYNES:
 8 A. Pardon?
 9 MR. O'BRIEN:
 10 Q. Have you done any analysis on that?
 11 MR. HAYNES:
 12 A. We've looked at – from the point of view of-
 13 MR. O'BRIEN:
 14 Q. Sort of how much that might impact the
 15 availability of recapture?
 16 MR. HAYNES:
 17 A. We have – there's some of the loads that we
 18 cannot serve without capital investments.
 19 There are other loads that basically, you
 20 know, there's a one or two megawatt centre
 21 here, they can be accommodated. If you want
 22 to come in and establish, you know, a 50 or
 23 100 megawatt – I'm going to call them
 24 generically data centres, that's going to
 25 require capital and actually has to come

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1 back to the Public Utilities Board for
 2 approval because we know that we can't just
 3 plug them anywhere. But now, when you're in
 4 a distribution system, if it's a one or two
 5 megawatt load, they can probably be
 6 accommodated and some are. But we haven't
 7 gone down through, you know, a detailed –
 8 it's a risk. It does nip away at recapture,
 9 but I would also add that recapture, you
 10 know, does come down, we still have a line
 11 to connect – we are still connected to North
 12 America, but we would still look for other
 13 things that would be competitive with
 14 Holyrood costs.
 15 MR. O'BRIEN:
 16 Q. Have you done any analysis on that?
 17 MR. HAYNES:
 18 A. Only at a high level. You know, we have
 19 engaged the Nalcor Energy Marketing to
 20 consider those things, and you know, those
 21 are all kind of covered under the
 22 confidentiality part, as Mr. Young mentioned
 23 and Mr. Browne mentioned.
 24 MR. O'BRIEN:
 25 Q. Do you expect them to be any different than

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1 what you get over the Maritime Link?

2 MR. HAYNES:

3 A. They may be, but you know, we don't know.

4 We don't – we want to beat every bush, if

5 you will, for whatever value we can bring to

6 the customer.

7 MR. O'BRIEN:

8 Q. So, in terms of the availability of

9 recapture power, let's say in 2019-2020,

10 could that be significantly impacted if you

11 had data centres, had, I guess, Wabush

12 Mines?

13 MR. HAYNES:

14 A. If Tacora – right now – I don't want to do a

15 lot of math on the stand, but -

16 MR. O'BRIEN:

17 Q. And I won't ask you to do that, but -

18 MR. HAYNES:

19 A. But if Tacora were to come back on, and

20 let's assume, to keep my math simple, 50

21 megawatts, so if they came on at 50

22 megawatts, that's probably in the order of

23 three or four hundred gigawatt hours a year,

24 but we do have 1.6 gigawatt hours a year

25 available. So, you know, there's a fair bit

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1 of recapture power, energy available in

2 Labrador. So, you know, I don't think it's

3 the – I think there's still a lot of value.

4 Obviously, you know, there's a lot of

5 factors absolutely that will affect that,

6 but there's still – there's a lot of excess

7 energy available in Labrador that's exported

8 south right now that we can serve Labrador

9 load and still have energy to bring back to

10 the Island to displace fuel.

11 MR. O'BRIEN:

12 Q. Would the Happy Valley transmission line, if

13 that comes in say in the next year or two,

14 will that affect load, recapture load?

15 MR. HAYNES:

16 A. Well, there's two things to that there. If

17 the Happy Valley line were to come into – if

18 that retermination were done, there would be

19 less losses, which is a savings, because the

20 power would come down over the 315kV line.

21 So, that's probably going to save, you know,

22 maybe 15 megawatts of peak losses, not

23 obviously 15 megawatts times 8716 energy,

24 but there would be a significant number. It

25 would also probably make available a little

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1 bit more energy, power, to Goose Bay because

2 the current 77 megawatt limitation will

3 probably increase to about a hundred or so,

4 or more than that when the transformer goes

5 in. So, it does allow us to do more. It

6 gets us to Goose Bay. It doesn't

7 necessarily get us to the end of the

8 distribution feed where a potential new load

9 may be. So, there's still work to be

10 required.

11 MR. O'BRIEN:

12 Q. Okay. There's still capital work needed to

13 get to that point.

14 MR. HAYNES:

15 A. Yes, yeah.

16 MR. O'BRIEN:

17 Q. Okay. And do you have any – just back to

18 the data centre point, do you have any

19 analysis as to how much load is being

20 requested right now in the various

21 applications that are before Hydro?

22 MR. HAYNES:

23 A. I think from the point of view of the total

24 load -- and Ms. Dalley could probably speak

25 to that better because what we have done,

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1 which I didn't say when we talked about the

2 structure, we have created what we call a

3 key account manager under the Regulatory

4 department basically whose job is to

5 actually, you know, I'm going to say from

6 simplicity sake, be the single point of

7 contact for new customer requests. So, we

8 tried to consolidate all our prospective

9 customers into one group and then they would

10 look at, you know, does this require

11 planning work or distribution work. So, we

12 actually can speak – you know, they can come

13 into a single point of contact and you know,

14 coordinate whatever work is required in

15 Hydro to allow us to meet that load. But we

16 have never said no, we can't deliver the

17 load. We can't obviously deliver it now.

18 It would have to be taken – what do we need

19 to do to do it? What do we need to build to

20 get there?

21 MR. O'BRIEN:

22 Q. Okay.

23 MR. HAYNES:

24 A. And you know, if you have a major load, as I

25 said, it would require capital on the

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1 distribution side or contribution in aid of
 2 construction on the distribution side or it
 3 may require even transmission upgrades over
 4 time or even, you know, generation from that
 5 perspective if you go long enough.
 6 MR. O'BRIEN:
 7 Q. So, what about policies put in place with
 8 new connections? Is Hydro looking at that?
 9 MR. HAYNES:
 10 A. We have looked at the legislated – we have
 11 looked at the legislation and we do not see
 12 where we can actually arbitrarily deny a
 13 customer class as a whole. You know, we
 14 could look at one particular customer and if
 15 the load was significant, come back and say
 16 these are the consequences or whatever, but
 17 we can't blanket – we don't think that we
 18 can blanket – you know, put up a policy and
 19 say – and I know other jurisdictions have,
 20 but under their legislative and regime that
 21 they operate under, but we have examined the
 22 legislation. We do not see where we can
 23 actually come up and arbitrarily say data
 24 centres need not apply. We would have to
 25 look at them one by one and we are. So, you

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1 know, a big centre will generate a technical
 2 study obviously. A bunch of smaller centres
 3 don't necessarily if they're spread all over
 4 distribution systems here and there.
 5 MR. O'BRIEN:
 6 Q. So, the limitation on a big centre would be
 7 capital for -
 8 MR. HAYNES:
 9 A. Well, for instance, if it was a 50 or 100
 10 megawatt, I mean, we don't – we do not build
 11 on spec in the sense of having, you know, a
 12 huge amount of transformer capacity up there
 13 available. We obviously have some in the
 14 sense that when you put in a new
 15 transformer, you size it for your projected
 16 load and sometimes you buy a certain size
 17 because it makes sense. So, we may have
 18 some inherent over capacity just by nature
 19 of the business, but we don't go out and say
 20 we always keep 50 megawatts for a
 21 prospective load. So, if somebody came in
 22 and wanted 50 megawatts, then we would have
 23 to go back and look at the ramifications on
 24 transformers, on the transmission system and
 25 so on, and come up, you know, what would be

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1 the cost to serve that customer. So, we
 2 don't say no, we're not looking at you.
 3 We'll put you in the queue, if you will, and
 4 it'll take – some of these studies can take,
 5 you know, some months or longer, depending
 6 on how complex or how big a load is. On the
 7 distribution side, basically, you know,
 8 there are contribution in aid of
 9 construction process for that, if it's
 10 required. We may have to change
 11 transformers or reconduct the transmission
 12 or distribution lines, things like that.
 13 Typically, when you get in the transmission
 14 system, that's – it's a new area for a lot
 15 of people and they're attracted obviously to
 16 the low cost rates in Labrador.
 17 MR. O'BRIEN:
 18 Q. And the cold weather.
 19 MR. HAYNES:
 20 A. Um?
 21 MR. O'BRIEN:
 22 Q. And the cold weather.
 23 MR. HAYNES:
 24 A. And a lot of cold weather. They don't need
 25 air conditioning because just open—I won't

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1 say open the door, turn on the fans,
 2 obviously, but you know, this problem is all
 3 over North America right now and people have
 4 reacted different ways. It is a challenge.
 5 MR. O'BRIEN:
 6 Q. I guess the focus for us is really how much
 7 available recapture power is going to be
 8 there and has Hydro looked at all of these
 9 scenarios to determine what's available.
 10 MR. HAYNES:
 11 A. Well, I don't know if we've actually gone
 12 down in the weeds (phonetic) from the point
 13 of view of, you know, what we potentially
 14 could lose in the next two years on recall.
 15 Part of it had to do with the speed of the
 16 construct. The mines obviously is a bit
 17 slower to go, but the data centres could be
 18 fairly quick, I understand. But a
 19 transformer will take us 18 months to – you
 20 know, if we have to buy a new transformer of
 21 50 MVA, 100 MVA, that's probably an 18-month
 22 delivery schedule on its own. So, if
 23 someone – and you know, we have a regulatory
 24 process. If we have to do all that, if it's
 25 a supplemental application or even if it's

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1 wrapped in with our regular capital
 2 application, it takes time. So, we just
 3 can't – I don't think we're in a position
 4 where we're going to find that we can
 5 deliver 100 megawatts tomorrow to anybody.
 6 But at two megawatts or three megawatts here
 7 and there, that's a slightly different
 8 question. But those are small components,
 9 if you will, of the total recapture
 10 available.
 11 MR. O'BRIEN:
 12 Q. All right.
 13 MR. HAYNES:
 14 A. It may affect our peak, but the energy part
 15 is -
 16 MR. O'BRIEN:
 17 Q. The energy part is different than peak.
 18 MR. HAYNES:
 19 A. - something that we just (unintelligible).
 20 MR. O'BRIEN:
 21 Q. Yeah, okay. So, the deferral account is not
 22 proposed strictly on the basis that it would
 23 collect savings between the recapture power
 24 and power that was thermal. You're building
 25 in a cost of O&M for -

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1 MR. HAYNES:
 2 A. It's a net savings.
 3 MR. O'BRIEN:
 4 Q. It's a net savings, right?
 5 MR. HAYNES:
 6 A. Net savings, yes.
 7 MR. O'BRIEN:
 8 Q. So, that's the O&M cost for the operation of
 9 the Labrador transmission assets and -
 10 MR. HAYNES:
 11 A. And the Labrador Island Link.
 12 MR. O'BRIEN:
 13 Q. And those aren't Hydro assets?
 14 MR. HAYNES:
 15 A. No, they're not.
 16 MR. O'BRIEN:
 17 Q. Is there any intention to bring them into
 18 Hydro's rate base at any point?
 19 MR. HAYNES:
 20 A. Not to my knowledge. They've all been
 21 exempted by the Crown.
 22 MR. O'BRIEN:
 23 Q. There's no indication that it's going to
 24 change. So, how did the idea come about of
 25 paying for those assets? Is that something

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1 that was Nalcor's idea or is that Hydro's
 2 idea? There's an assumption that that would
 3 be -
 4 MR. HAYNES:
 5 A. Well, I think there's--from my understanding
 6 is that from a Nalcor perspective, from an
 7 overall, you know, capital budget and
 8 ifferous (phonetic) rules with respect to
 9 the way the project is done, that if the
 10 asset is used and useful, they can't
 11 continue to accrue that O&M cost as a – you
 12 know, and just keep billing into the
 13 project. The asset is used and useful
 14 therefore you can't continue to charge --
 15 you know, the O&M expense couldn't be
 16 expensed, you know, and accrue up in project
 17 financing. That's my understanding. Now, I
 18 would suggest that Lisa, from the point of
 19 view of the accounting rules and so on,
 20 would be a much more competent person than
 21 me to answer that question.
 22 MR. O'BRIEN:
 23 Q. Appreciate that, okay. So, when the account
 24 was considered, this deferral account, did
 25 Hydro consider the optics of having Hydro

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1 pay O&M costs of Nalcor, in light of the
 2 Muskrat Falls exemption?
 3 MR. HAYNES:
 4 A. I think it was a concern. We'd obviously
 5 like – we would prefer not to, but at the
 6 end of the day, what we see is .2 cent power
 7 available, transmission lines that are
 8 available and that they have a legitimate
 9 O&M expense and the assets are going to be
 10 used and useful for the benefit of our
 11 customers and we think it's logical that
 12 they're able to collect the O&M cost for
 13 that.
 14 MR. O'BRIEN:
 15 Q. So, Hydro is the only customer that will be
 16 using those assets? Is that fair?
 17 MR. HAYNES:
 18 A. That is likely, however, the open access
 19 system that we have in place will allow
 20 other ones, other customers to use that if
 21 someone were to find availability on the
 22 line. Now, we're pretty sure that we're
 23 going to chew up all the capacity anyway
 24 because the line is not – the line is
 25 limited to 200-225 megawatts, not its full

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1 900-megawatt capacity in the short term.
 2 That won't change until Muskrat Falls plant
 3 comes into service.
 4 MR. O'BRIEN:
 5 Q. It's limited to 200 to 225?
 6 MR. HAYNES:
 7 A. 200 to 225, depending on the status of
 8 frequency control on the Maritime Link and I
 9 might be off by five or ten megawatts, but
 10 that's the – the concept is that when it
 11 frequently control, frequency control
 12 provided by the Maritime Link, we can
 13 squeeze a few more megawatts over the line.
 14 MR. O'BRIEN:
 15 Q. So, if there's only 110 megawatts at a
 16 certain time -
 17 MR. HAYNES:
 18 A. 110 over peak.
 19 MR. O'BRIEN:
 20 Q. - there's room – I know. Let's suppose at
 21 peak there's room to -
 22 MR. HAYNES:
 23 A. Yes, if we don't find something else to fill
 24 it up with.
 25 MR. O'BRIEN:

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1 Q. Okay. So, is Hydro – does Hydro have a
 2 proposal how O&M costs would be dealt with
 3 in that situation?
 4 MR. HAYNES:
 5 A. If there were a third party – well, they –
 6 if there was a third party user to the line,
 7 they would basically be paying the NLSO, the
 8 tariff we use on the transmission line,
 9 which actually would come back and actually
 10 reduce cost over time.
 11 MR. O'BRIEN:
 12 Q. So, how does that work?
 13 MR. HAYNES:
 14 A. We don't "make money". It's basically the –
 15 we have put to the NLSO what our – the users
 16 of the line, whether it's – the owners of
 17 the line, the line or the access route say
 18 from the Quebec border to Soldiers Pond, for
 19 instance, or even through, in the – I'm
 20 going to suggest that if we go down too far,
 21 I would want Ron LeBlanc to answer these
 22 questions, but -
 23 MR. O'BRIEN:
 24 Q. That's okay.
 25 MR. HAYNES:

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1 A. But basically, they put into the cost of
 2 service or, I'm sorry, the tariff what their
 3 expected cost will be.
 4 MR. O'BRIEN:
 5 Q. Right.
 6 MR. HAYNES:
 7 A. And basically, we will – they will pay that
 8 particular rate for service that they
 9 procure through the NLSO. Those costs go in
 10 and basically they will help. If we get
 11 customers on that line, it's to our
 12 ratepayers' advantage because basically they
 13 will be paying economic rent for utilization
 14 of Hydro's assets to get it from say
 15 Soldiers Pond to Bottom Brook, for instance.
 16 MR. O'BRIEN:
 17 Q. Right, and in terms of using the link and
 18 the Labrador transmission assets -
 19 MR. HAYNES:
 20 A. Similar sort of thing.
 21 MR. O'BRIEN:
 22 Q. - there's O&M associated with that that
 23 Hydro pays. Would that O&M be reduced?
 24 MR. HAYNES:
 25 A. We will not cross out of that anybody else.

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1 I mean, we're – I assure you that basically
 2 no one's going to get a free ride on that
 3 besides -
 4 MR. O'BRIEN:
 5 Q. So, how is that going to be done? Like is
 6 there a proposal -
 7 MR. HAYNES:
 8 A. I think it's done through the NLSO tariff,
 9 but as I said, Ron would be the best
 10 individual to speak to that particular
 11 setup.
 12 MR. O'BRIEN:
 13 Q. All right. I wonder if we could bring up
 14 NP-NLH-004? And if we scroll down – oh,
 15 sorry. This response talks about how O&M
 16 costs for Nalcor are expected to be charged
 17 and it indicates that Nalcor's power supply
 18 division is responsible for determining the
 19 cost to operate and maintain the
 20 transmission assets of the Muskrat Falls
 21 Project, specifically the Labrador Island
 22 Link and the Labrador transmission assets.
 23 To what extent is Hydro involved in that
 24 calculation?
 25 MR. HAYNES:

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1 A. Well, what they have done – first of all,
 2 the two primary aspects obviously are the
 3 Labrador transmission assets and the
 4 Labrador Island Link.
 5 MR. O'BRIEN:
 6 Q. Right.
 7 MR. HAYNES:
 8 A. They are – they're structured in a way that
 9 they're doing the maintenance – basically,
 10 they've contracted CF(L)Co to do a portion
 11 of it, in the sense of the 350kV lines from
 12 Churchill to Muskrat would be maintained by
 13 Churchill Falls and basically they will
 14 maintain the other assets in the longer term
 15 and, you know, through their own employees
 16 or whatever. They have gone out and looked
 17 at cost. They've looked at Hydro. They
 18 looked at CF(L)Co. They put forward what
 19 they consider to be the cost to maintain
 20 those assets. We are challenging them on
 21 that from the point of view of, you know,
 22 the – and that's a work in progress. The
 23 estimates that are in the – that are put
 24 forward in the questions on the deferral
 25 account by the PUB and by Newfoundland Power

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1 and PUB-110 and NP-115 are estimates. It is
 2 not a lump sum number that we pay. It'll be
 3 a cost as it is incurred or there's a true-
 4 up every quarter or whatever the case was.
 5 That was their estimate at the time and we
 6 are reviewing those numbers and we are
 7 looking for more detail and we are
 8 challenging them. But they are – you know,
 9 they're – they've been instructed, as we
 10 are, to basically do it as least cost as
 11 they can, but there is a cost to do it.
 12 But, it'll be what they actually incur. It
 13 won't be, you know, the 27 or 25 million
 14 dollars in 2018 and we're not going to pay
 15 for service until the actual line is in
 16 service. So, it doesn't start July 1. So,
 17 there's a – if that's delayed coming in,
 18 hopefully it won't, but if there is a delay,
 19 we won't be paying starting July 1st. We
 20 will pay when we start actually getting
 21 useable service over the line and actually
 22 delivering value to the customers.
 23 MR. O'BRIEN:
 24 Q. Okay. There's a few questions just that
 25 I've got based on that and I'll start with

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1 the last, I guess, in terms of delay. Do
 2 you have any foresight as to when the -
 3 MR. HAYNES:
 4 A. We're still anticipating the line will be
 5 available July 1st.
 6 MR. O'BRIEN:
 7 Q. July 1st?
 8 MR. HAYNES:
 9 A. I'm going to say the 1st, you know, first
 10 part of July.
 11 MR. O'BRIEN:
 12 Q. And you don't have any information other
 13 than that to say otherwise at this point?
 14 MR. HAYNES:
 15 A. No, I don't.
 16 MR. O'BRIEN:
 17 Q. Okay. And your understanding is you pay
 18 actual cost not estimates?
 19 MR. HAYNES:
 20 A. I think there may be a true-up process in
 21 that process, but basically the intent is
 22 that we're not just – they didn't tell us
 23 that it's 27 million dollars or whatever the
 24 number was in that particular answer for
 25 2018 and here's the bill. It will be what

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1 their incurred cost is and I will suggest
 2 also that we have been pretty, you know,
 3 strong with them that we want reliable line
 4 and, you know, and we want it done properly
 5 and they are – you know, a reasonable and
 6 legitimate cost that will actually come into
 7 play.
 8 MR. O'BRIEN:
 9 Q. All right. Well, just walk me through sort
 10 of when you say you had to be strong with
 11 them, what was the process in terms – or
 12 what's going to be the process in terms of
 13 you making sure that it's least cost?
 14 MR. HAYNES:
 15 A. We will review their cost. They've – you
 16 know, they are still working at what the
 17 costs are going to be. They gave us an
 18 estimate and they're defining it. So, we
 19 will question it. If they're doing
 20 something that we think is – you know, that
 21 shouldn't be part of the cost, we'll say so,
 22 and we'll challenge that part.
 23 MR. O'BRIEN:
 24 Q. Okay. Well, let's look at what the estimate
 25 is. I think we have one in PUB-NLH-18.

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1 That looks like forecast cost to Hydro for
 2 the use of LIL and LTA for 2018, 2019 and
 3 2020. Have you had discussions with Nalcor
 4 as to whether or not these are reasonable
 5 costs?
 6 MR. HAYNES:
 7 A. There's been discussions ongoing with Nalcor
 8 and the Finance people looking at the –
 9 between, you know, primarily Finance folks
 10 looking at what the components are. The
 11 level of detail down below I can't speak to,
 12 but as I said, the 27.3, if that's 26 or 25,
 13 that is not a fixed number. I think that's
 14 the thing I'd like to reinforce. It'll be a
 15 cost as a – you know, their actual incurred
 16 cost, as opposed to an estimate at the end
 17 of the day.
 18 MR. O'BRIEN:
 19 Q. So, if it's 30 or 35, it'll be 30 or 35?
 20 MR. HAYNES:
 21 A. I don't expect. I don't expect it'll go up.
 22 I think, you know, they would have erred on
 23 the side of caution when they provided the
 24 numbers, but you know, that remains to be
 25 seen obviously.

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1 MR. O'BRIEN:
 2 Q. And if it does go up, what kind of process
 3 will Hydro be involved with in ensuring the
 4 cost is reasonable?
 5 MR. HAYNES:
 6 A. And ensure that we're not being charged for
 7 something that shouldn't be charged. You
 8 know, part of the cost that they had is –
 9 there is an intercompany policy on costs
 10 that go back and forth between the
 11 companies. Power supply operate and
 12 maintain Churchill Falls as well, so we
 13 would pay attention to ensure that we're not
 14 inadvertently subsidizing another entity.
 15 But we do expect that the full cost of LTA
 16 and LIL should be to our account.
 17 MR. O'BRIEN:
 18 Q. Okay.
 19 MR. HAYNES:
 20 A. That cost and that cost only.
 21 MR. O'BRIEN:
 22 Q. In setting up the deferral account, do you
 23 propose that the Board have any opportunity
 24 to review those costs over time?
 25 MR. HAYNES:

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1 A. Well, I think under the Orders it's probably
 2 exempt in fact.
 3 MR. O'BRIEN:
 4 Q. And I – yeah.
 5 MR. HAYNES:
 6 A. But basically, you know, obviously we would
 7 make our best representations to the Board
 8 that these are reasonable costs if they are.
 9 If they're not, we'll say so.
 10 MR. O'BRIEN:
 11 Q. Okay. And I think that was more my
 12 question. So, okay.
 13 MR. HAYNES:
 14 A. We will challenge the cost as we would
 15 expect to be challenged on the cost.
 16 MR. O'BRIEN:
 17 Q. And is there – apart from these figures, is
 18 there any other information that Hydro can
 19 provide the Board in terms of how these
 20 figures were reached, any studies, analysis
 21 that Nalcor did?
 22 MR. HAYNES:
 23 A. I can't speak to the details. I know that
 24 they are undertaking benchmarking studies,
 25 but I understand they're not complete yet,

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1 to look at norms from the point of view. I
 2 mean, the biggest difference in these
 3 systems is its DC systems and you know,
 4 there are benchmarking things out in the –
 5 you know, there are benchmarking – you see
 6 an article in a magazine every now and then.
 7 But basically, the DC systems are not very
 8 publicly known and they're all quite
 9 different. And so, I think each DC system,
 10 depending on the vendor, depending on
 11 whether they have synchronized condensers,
 12 the number of filters you have and things
 13 like that, like it's a pretty complicated
 14 operation. From the wires and steel point
 15 of view and transformers, it should be
 16 pretty straightforward from that
 17 perspective, but the DC component is the
 18 concern, and quite frankly, it is a concern
 19 for us because there's long delays on that,
 20 but I understand it's starting to come to
 21 fruition pretty good now from the point of
 22 view of the controls and so on. And all the
 23 vendors have gone through – you know, the
 24 vendor has gone through ownership change
 25 which has caused some challenges too, but

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1 they're at that with a vengeance, I can
 2 assure you that. They are committed to
 3 deliver a highly reliable system.
 4 MR. O'BRIEN:
 5 Q. And will Hydro have the opportunity to
 6 provide the Board with those kinds of
 7 studies?
 8 MR. HAYNES:
 9 A. I'm not sure, but if we can, we will, but
 10 I'd have to – they're not – I know that
 11 they're not complete at this point in time.
 12 But as a part of the overall Lower Churchill
 13 review in Phase 2, it probably would be, but
 14 I can't commit.
 15 MR. O'BRIEN:
 16 Q. Okay. So, these particular costs, these are
 17 costs provided by Nalcor. Did Hydro have
 18 any input in preparing those estimations?
 19 MR. HAYNES:
 20 A. No, I don't think so. That's their
 21 estimates to actually complete the work
 22 required to bring the lines in service and
 23 operate and maintain.
 24 MR. O'BRIEN:
 25 Q. And do you know if they're – does this

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1 represent 100 percent of the cost expected
 2 as an estimate, I guess?
 3 MR. HAYNES:
 4 A. You mean in the short term?
 5 MR. O'BRIEN:
 6 Q. Yeah.
 7 MR. HAYNES:
 8 A. I would – I can't imagine it – I'm sure it
 9 does.
 10 MR. O'BRIEN:
 11 Q. Okay. Will Hydro have any visibility sort
 12 of on an annual basis as what to expect each
 13 year or will it be after the fact you'd be
 14 submitted – given a bill?
 15 MR. HAYNES:
 16 A. I do not know the process, but I expect that
 17 we will always look for, you know, a future
 18 looking, you know, two or three year
 19 perspective because we need that to form our
 20 rate applications obviously.
 21 MR. O'BRIEN:
 22 Q. And that was my point, I guess, in terms -
 23 MR. HAYNES:
 24 A. We can't go blindly. We would be looking
 25 for projections of costs year over year so

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1 we can actually see where things are going
 2 and what we have to incorporate into our
 3 future GRA applications.
 4 MR. O'BRIEN:
 5 Q. And if Hydro is now, I guess, an independent
 6 entity for the most part from Nalcor, will
 7 they have the ability to change those costs
 8 or to refuse to pay any of those costs?
 9 MR. HAYNES:
 10 A. You have the right – any off-taker has the
 11 right to contest a cost. Now, at the end of
 12 the day, if they are real costs, then
 13 basically I think the exemption orders kind
 14 of layout the future the way they have. But
 15 it does not mean that we will not be
 16 challenging any costs that we think are
 17 inappropriate. We will. But at the end of
 18 the day, what the long-term outcome is, I
 19 guess, is – we'll see, subject to debate and
 20 discussion.
 21 MR. O'BRIEN:
 22 Q. Given sort of some concern, I guess, that
 23 some of the intervenors have about the
 24 availability of recapture power and how much
 25 might be there, is there a possibility that

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1 this deferral account could result in monies
 2 owed to Hydro from customers?
 3 MR. HAYNES:
 4 A. I don't think that's a practical reality,
 5 but it's something that we discussed briefly
 6 amongst ourselves. We haven't, you know,
 7 quote unquote "signed the contract" with
 8 power supply or Nalcor with respect to that
 9 there, but it is something that we would be
 10 conscious of. I don't think that's a
 11 practical reality because, you know, there's
 12 1600 gigawatt hours available in Labrador,
 13 15-1600 gigawatt hours, which is pretty well
 14 the total annual production out of Holyrood
 15 in any one year in recent years. So, we
 16 think there's a lot of runway from that
 17 perspective.
 18 MR. O'BRIEN:
 19 Q. And I guess my -
 20 MR. HAYNES:
 21 A. I can't say it's not a risk, but I think
 22 it's an extremely low probability risk
 23 because even if recapture was gone, as I
 24 said, we will still go looking for other
 25 opportunities to bring power in over that

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1 line because, you know, it's available and
 2 we could dovetail with any recapture that is
 3 available, you know, to optimize the whole.
 4 MR. O'BRIEN:
 5 Q. Where we'd looked at sort of the Maritime
 6 Link purchases for now, the evidence
 7 suggests sort of between nine and ten cents,
 8 which is not far off what Holyrood would be.
 9 So, if you were looking at other
 10 availabilities on the Labrador Island Link,
 11 you'd still have to look for something that
 12 was cost effective before you'd do that.
 13 Would you agree with me?
 14 MR. HAYNES:
 15 A. Well, Quebec or through Quebec, we would
 16 look for the cheapest alternative we can
 17 get.
 18 MR. O'BRIEN:
 19 Q. Okay. I wonder if we could pull up NP-NLH-
 20 286? So, this is an RFI response that
 21 basically looks at the possibility that
 22 what's recovered might sort of be less
 23 economical than having a deferral account in
 24 the first place. There's a supply – or
 25 there's a table down here that shows, if we

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1 scroll down, it shows the recapture energy
 2 and a bunch of different scenarios with ML
 3 purchases, total gigawatt hours and a change
 4 in customer billings. You see you get to
 5 scenario three, as the recapture energy goes
 6 down from 388 to 188, you've got an –
 7 customer billings actually increase.
 8 MR. HAYNES:
 9 A. Yes, because with that particular table
 10 assumes you're buying more from Maritime –
 11 over the Maritime Link at a higher price.
 12 MR. O'BRIEN:
 13 Q. At a higher price, right?
 14 MR. HAYNES:
 15 A. Yes, yeah.
 16 MR. O'BRIEN:
 17 Q. So, if you don't have the scenario where
 18 you're able to find alternatives through
 19 Labrador and through Quebec, then if the
 20 recapture energy hits a certain point, then
 21 it looks as though it starts to cost
 22 customers money. Is that fair?
 23 MR. HAYNES:
 24 A. That's the way it looks, but that also looks
 25 at one year, the first year, six months

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1 basically of 2018. It doesn't look at – you
 2 know, it's an indicative of what 100
 3 gigawatt hour reduction would do, if you'd
 4 buy the full replacement over the Maritime
 5 Link.
 6 MR. O'BRIEN:
 7 Q. And that additional billings, based on
 8 Hydro's proposal, would be recovered in the
 9 energy supply deferral account? Is that
 10 right?
 11 MR. HAYNES:
 12 A. Yes.
 13 MR. O'BRIEN:
 14 Q. Okay. Well, let's look at 287. So, we
 15 talked about one year there for 2018. Let's
 16 look at the 2019 one. So, that's a bigger
 17 sort of group of scenarios there. So, if
 18 you went down by a hundred each year at some
 19 point as well, same thing applies. Scenario
 20 six, you've got more Maritime Link purchases
 21 than what's there for recapture energy. So,
 22 it's not cost effective at that point. Is
 23 that fair?
 24 MR. HAYNES:
 25 A. I'm not sure -

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1 MR. O'BRIEN:
 2 Q. And maybe you can answer – you can -
 3 MR. HAYNES:
 4 A. I suspect that – I think you probably need
 5 to – I'm not familiar with that particular
 6 question or what went under it, but the -
 7 MR. O'BRIEN:
 8 Q. If you can scroll up again.
 9 MR. HAYNES:
 10 A. You look at recapture only, you're assuming
 11 that all replacement energy that we don't
 12 get of recapture, it comes over the Maritime
 13 Link. You know, we haven't explored other
 14 options or whatever in that particular
 15 question.
 16 MR. O'BRIEN:
 17 Q. No.
 18 MR. HAYNES:
 19 A. And as I said before, the recapture energy
 20 available in Labrador, even the 900, you
 21 know, it's still at one point – there's
 22 still 500 gigawatt hours up there that's
 23 available that we – that doesn't mean we
 24 can't get that in if there's more load in
 25 Labrador. We may still be able to squeeze

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1 that in over the system. That's a technical
 2 study in itself in the sense of what we can
 3 get down through Muskrat Falls. And I'm not
 4 certain of the outcome of that answer.

5 MR. O'BRIEN:
 6 Q. So, have you done that kind of a technical
 7 study?

8 MR. HAYNES:
 9 A. I think the Planning folks, the Transmission
 10 Planning folks who work in Mr. LeBlanc's
 11 shop have done some work on the amount of
 12 power we can get down through Muskrat Falls,
 13 but the two lines from Muskrat to Churchill
 14 are high rated lines, but the issue is
 15 there's no synchronized condenser capacity
 16 at Churchill - I'm sorry, at Muskrat Falls.
 17 So, there are limitations of 200. And I
 18 don't think there's a one for one, but I
 19 can't answer that question.

20 MR. O'BRIEN:
 21 Q. Okay. So -

22 MR. HAYNES:
 23 A. I mean, this is a hypothetical case.

24 MR. O'BRIEN:
 25 Q. It's a hypothetical case.

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1 MR. HAYNES:
 2 A. Yeah.

3 MR. O'BRIEN:
 4 Q. Yeah, and it's - and it doesn't take into
 5 account the potential of cheaper power from
 6 - through Quebec.

7 MR. HAYNES:
 8 A. No.

9 MR. O'BRIEN:
 10 Q. So, I guess, my point is more that if this
 11 type of scenario where we're relying on
 12 recapture power is to be considered and
 13 followed, there'd have to be a least cost
 14 analysis done by Hydro to do it. Is that
 15 fair?

16 MR. HAYNES:
 17 A. There would need to be a look at how much
 18 energy we can actually get down, looking at
 19 reasonable scenario for Labrador growth, be
 20 it the mining company or data centres.

21 MR. O'BRIEN:
 22 Q. Because it may be at some point that it's
 23 not cost effective with that particular
 24 scenario. Is that fair?

25 MR. HAYNES:

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1 A. I think it's a remote possibility,
 2 personally. I think there's an adequate -
 3 there's quite a bit of recapture available
 4 and you know, the utilization doesn't have
 5 to be in the winter. It can be in the
 6 summer we can actually use for putting water
 7 in the reservoir. I think there are other
 8 opportunities to buy power on the market as
 9 well that would be cost effective or may be
 10 more cost effective in the Maritime Link
 11 purchase.

12 MR. O'BRIEN:
 13 Q. And do you have any studies on that?

14 MR. HAYNES:
 15 A. I don't have any studies, no, not that I'm
 16 aware of.

17 MR. O'BRIEN:
 18 Q. Do you know if Hydro is undergoing -

19 MR. HAYNES:
 20 A. I know that NEM on our behalf are exploring
 21 possibilities for other purchases and
 22 whatever and they're doing that on our
 23 behalf, but there's no conclusion as yet.

24 MR. O'BRIEN:
 25 Q. Okay. And are they exploring -

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1 MR. HAYNES:
 2 A. And a lot of it would be - I would also,
 3 like I said, a lot of that stuff will be
 4 covered on our proposed confidentiality
 5 agreements as well.

6 MR. O'BRIEN:
 7 Q. So, if we have a scenario where the - you'd
 8 agree with me that a reduction in any
 9 available recapture power would affect the
 10 amounts that would be saved in these net
 11 savings in the deferral account. Is that
 12 fair?

13 MR. HAYNES:
 14 A. They can, depending on the quantity and time
 15 of the year that they happen, yes. But you
 16 know, you have to look at - even the 900,
 17 there's still, as I said, you know, 500 -
 18 still 500 gigawatt hours available recall
 19 besides that.

20 MR. O'BRIEN:
 21 Q. Yeah.

22 MR. HAYNES:
 23 A. So, it really depends on where it is, when
 24 it is and so on. It's not just -

25 MR. O'BRIEN:

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1 Q. But if there is a reduction -

2 MR. HAYNES:

3 A. It's not just A minus B. That's what I'm

4 trying to say.

5 MR. O'BRIEN:

6 Q. The case indicates that there's potential

7 savings up to 2020, I believe, somewhere in

8 the range of about 175 million, 174 million.

9 MR. HAYNES:

10 A. Depending, yeah.

11 MR. O'BRIEN:

12 Q. But if that recapture power is reduced, the

13 availability, then that figure is going to

14 reduce as well?

15 MR. HAYNES:

16 A. Yes, as the price of oil would affect it as

17 well, in that sense.

18 MR. O'BRIEN:

19 Q. Okay. So, if mitigation is an issue for

20 Hydro going forward, why wouldn't Hydro look

21 at other options as well, as opposed to

22 having this type of a scenario, look at a

23 rate rider or some sort of thing to set up a

24 more certain scenario for deferral of -

25 MR. HAYNES:

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1 A. We're open to any creative way to create an

2 amount of money from a deferral account

3 point of view to help rate mitigation.

4 We're not stuck on this one. We think this

5 is a reasonable way forward. It's energy

6 that we already own and control. Yes, there

7 are some risks of some of that energy being

8 used for mining interests or other interests

9 in Labrador. We also think there's a fair

10 bit left over that we can monetize.

11 MR. O'BRIEN:

12 Q. I understand that openness to that and I'm

13 just wondering why would Hydro not have

14 produced an alternate scenario or looked at

15 an alternate approach or proposal in this

16 rate case?

17 MR. HAYNES:

18 A. Our perspective was that this is the one

19 that brings the most value. As I said, we

20 are - as we said in our application and

21 other answers, we are open to any discussion

22 on how we can actually facilitate rate

23 mitigation, but this is - these are - this

24 is energy that we have available and that we

25 see as being available over the next couple

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1 of years, three years, prior to Muskrat

2 Falls and we don't think that we're going to

3 consume all that energy in Labrador at this

4 point in time. However, you know, first of

5 all, if there is a 100 megawatt load

6 required, then we have to go through a

7 capital budget process as, you know, that

8 building construction is going to take a

9 couple of years. There's no - the mining

10 interest in Labrador West would be the most

11 significant quick uptake, if Wabush Mines

12 were to come in quickly, but as I say, if

13 that's a 50 megawatt load, that's probably

14 350 gigawatt hours, which still leaves a

15 terawatt hour at least left over.

16 MR. O'BRIEN:

17 Q. Okay. And in terms of certainty though,

18 wouldn't you expect that a rate rider of

19 some sort would have more certainty to

20 collection?

21 MR. HAYNES:

22 A. Well, it might. Maybe it's a combination of

23 the two. As I said, we're open to

24 discussion, but we think it is imperative

25 that we actually assist in the rate

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1 smoothing process somehow. If you truly

2 want to take on rate mitigation, it probably

3 should have been done ten years ago when we

4 started to build up a different approach to

5 financing the Lower Churchill. That's water

6 under the bridge unfortunately.

7 MR. O'BRIEN:

8 Q. Thank you, Mr. Haynes. I'm going to switch

9 gears a little bit here. I just want to

10 talk a bit about the organizational

11 structure that you gave us some evidence

12 earlier about that and just give me a quick

13 overview about the major changes in that

14 structure from when you were there before,

15 when you were in Hydro before you retired

16 and when you came back.

17 MR. HAYNES:

18 A. Okay. So, when I retired, the field

19 operations were primarily under myself, as

20 Regulated Operations. There were financial

21 people dedicated to Hydro, but they were

22 within the Nalcor financial department.

23 The Engineering department was stand

24 alone. It was called Project Execution and

25 Technical Services and it provided

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1 engineering services to all of Nalcor, that
 2 being primarily, you know, Hydro and
 3 CF(L)Co. And I won't say much on the Lower
 4 Churchill because that was kind of self-
 5 contained, separate project, run by others,
 6 but basically, they were providing services,
 7 you know, to Menihek, Churchill Falls,
 8 Hydro. At the time, they were doing Abitibi
 9 as well. That's one of the changes.

10 The regulatory folks were under the
 11 Finance department, if I recall correctly,
 12 and now they're self-contained under
 13 Regulatory Department and other corporate
 14 services where we merged it with, you know,
 15 environment, safety and HR, and those are
 16 the bigger changes.

17 But from the point of view of the – you
 18 know, when you're – and I'll use an example
 19 that engineering folks there, if they're
 20 doing projects for Churchill and Hydro and
 21 Churchill is under a fairly, you know,
 22 aggressive capital program as well to renew
 23 their assets, and there may have been
 24 competing resources. That's not an issue
 25 any more now. Engineering folks are focused

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1 solely – I say solely – largely on Hydro.
 2 There are obviously some interactions
 3 between Hydro and Nalcor on, you know,
 4 Soldiers Pond commissioning and we also look
 5 after fully now the Exploits assets as well.
 6 So, those are being looked after by Hydro.
 7 So, we do focus on that. We consider that
 8 part of our – you know, I'm going to say
 9 regulated world in the way we treat it and
 10 the way we do it, although it's not, quote
 11 unquote "regulated" at this point in time,
 12 but we treat it the same way. We have a
 13 power purchase agreement for that. But that
 14 is the biggest change.

15 On the other, of course, I mentioned is
 16 the change in the control centre. So, the
 17 NLSO will eventually, you know, take over
 18 operating responsibility for the wire side
 19 of the bulk system, which we consider to be
 20 the 230kV system and above. So, they would
 21 include the – we would operate actually the
 22 LIL. We would operate the Labrador
 23 transmission assets and presumably, in the
 24 future, we will actually have operating
 25 responsibility for the 735kV lines to Hydro

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1 Quebec because basically the legislation
 2 that has been passed basically says there
 3 will be a system controller, if you will,
 4 for the island bulk system, and that's
 5 primarily the biggest changes, I think.

6 I think one of the big pluses that
 7 they're doing is a focus on, you know, on
 8 everything Hydro from the point of view of
 9 the customers, particularly the people, you
 10 know, the view to ensure that we have as few
 11 outages as we can is high on the list of
 12 things. Our daily – there are daily
 13 planning meetings with respect to required
 14 generation for the day, what lines are in,
 15 what lines are out, what units are available
 16 or unavailable. Reserve calculations are
 17 done daily and broadcast to the folks that
 18 need to know and I think those are big
 19 things from the point of view of, you know,
 20 upping the bar on the customer service side.
 21 And it helped considerably, in my opinion.

22 MR. O'BRIEN:
 23 Q. Were these changes underway when you came
 24 back in mid-2016?
 25 MR. HAYNES:

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1 A. Some were, yes. The daily – you know,
 2 obviously with respect to, you know, going
 3 through the reviews that were done by
 4 external parties, there were a lot of
 5 changes made. I think the organizational
 6 structure with respect to separating the
 7 regulated and the unregulated happened when
 8 I came from the point of view of separating
 9 the engineering, which functions belonged to
 10 them or which people actually, coming down
 11 to it, because it was an allocation of
 12 resources from one to the other. They need
 13 people. We need people. And we went down
 14 through primarily 2015 records and said, you
 15 know, you need two electricals or ten
 16 electrical or whatever the numbers were. We
 17 did the same thing on the HR side, the
 18 environment side. They've been separated.
 19 There are still a lot of cooperation
 20 obviously between the environment folks and
 21 the HR folks and the safety folks, but
 22 basically we are responsible for our own
 23 destiny from that perspective. So, those
 24 things have happened.

25 MR. O'BRIEN:

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1 Q. So, when you came along, were you – did you
 2 have a mandate to continue with this or did
 3 you have a mandate to focus on a new
 4 structure and put it in place?
 5 MR. HAYNES:
 6 A. Well, the mandate was a new structure and we
 7 were – and separating the companies, if you
 8 will, that Hydro is, you know, fully focused
 9 on the regulatory side of the business and
 10 the power supplier, Nalcor, on the
 11 unregulated parts and the unregulated parts
 12 include Lower Churchill, Muskrat Falls and
 13 the Labrador Island Link and the Labrador
 14 transmission assets, and it always did
 15 obviously, Churchill Falls.
 16 MR. O'BRIEN:
 17 Q. And you mentioned previous reviews by
 18 external parties.
 19 MR. HAYNES:
 20 A. What I meant was the reviews that were
 21 undertaken through the Board, through the
 22 inquiry and so on.
 23 MR. O'BRIEN:
 24 Q. Oh, okay.
 25 MR. HAYNES:

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1 A. You know, we've all read those documents.
 2 We've taken them to heart from the point of
 3 view that, you know, that we need to be
 4 doing better and looking at all the
 5 reliability aspects and we have made
 6 changes, considerable changes in the way we
 7 do the daily operations. And I think
 8 actually, you know, they're actually quite
 9 good and it's nice to get – it's good to
 10 have control of it and to have a higher
 11 level of visibility on that.
 12 MR. O'BRIEN:
 13 Q. And this is recommendations from Liberty, is
 14 that -
 15 MR. HAYNES:
 16 A. Yes, yeah.
 17 MR. O'BRIEN:
 18 Q. Okay. So, in terms of your role in bringing
 19 this new organization together, is that the
 20 specific impetus from reviewing those -
 21 MR. HAYNES:
 22 A. It is to bring a higher level of focus on
 23 the regulated side of the business.
 24 MR. O'BRIEN:
 25 Q. Okay.

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1 MR. HAYNES:
 2 A. So, we don't get – I mean, so we don't get
 3 all tangled up in all the things that are
 4 going on in Muskrat Falls and basically, we
 5 are engaged in a sense of the DC stations
 6 and the AC stations that have been built,
 7 you know, Soldiers Pond station does not
 8 belong to Hydro. The Bottom Brook station
 9 too is an Emera asset and so they don't
 10 belong to us, so I have a really – you know,
 11 we have a strong desire to understand
 12 exactly what happens in those stations
 13 because we are concerned about reliability
 14 and so on. And things are progressing along
 15 those lines. Soldiers Pond was put in
 16 service last fall. There are no specific
 17 events that caused us grief from that point
 18 of view. I mean, there's always a few
 19 little hiccups here and there, but nothing
 20 of any consequence. The station has been in
 21 service. And Bottom Brook went into
 22 service, you know, both near flawlessly,
 23 which – and there was a lot of cooperation
 24 by Hydro folks and helped in commissioning
 25 both those assets and they went well. So,

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1 you know, we are very much concerned about
 2 those AC assets where our lines go through,
 3 but they will be maintained by – you know,
 4 we are – you know, the LIL assets will be
 5 maintained by their folks and the Maritime
 6 Link assets, we are looking at doing a
 7 maintenance agreement with them from the
 8 point of view of maintaining some of their
 9 assets – on the Emera, I should say.
 10 MR. O'BRIEN:
 11 Q. Will there be any maintenance agreement on
 12 the link, Labrador Island Link?
 13 MR. HAYNES:
 14 A. Not of any consequence. There's, you know,
 15 some network service and network people
 16 maybe, but that's all in the process of –
 17 you know, that will be sorted out over time.
 18 But we are still providing some service, but
 19 they are transitioning to hiring people and
 20 when you go back and look at the recent
 21 report, they are trying to fast track that.
 22 They are hiring people to maintain those
 23 assets on an ongoing basis and are staffing
 24 up as we speak. They need electricians,
 25 technicians and operators and they are

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1 moving along those lines now.

2 MR. O'BRIEN:

3 Q. Would it make sense to have a maintenance

4 agreement there if you had one over the

5 Maritime Link?

6 MR. HAYNES:

7 A. That depends on the size of the asset and

8 what's required, but basically we are – you

9 know, it's possible. I don't necessarily

10 think it would reduce costs all that much.

11 IT may, but that's – you know, we are open

12 and available to discuss anything with them,

13 but basically, it's their decision if they

14 want to enter that. But we will have some

15 utilization and but it may be pockets here

16 and there where it makes a lot more sense.

17 So, there's nothing off the table from that

18 perspective, but there are decisions made to

19 staff up the unregulated part, unregulated

20 asset, so that there's clear vision what

21 Hydro is doing and there's clear vision for

22 them. They're looking at the unregulated.

23 We're looking at the regulated.

24 MR. O'BRIEN:

25 Q. I believe the evidence suggests that Hydro

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1 wanted to be operationally independent from

2 Nalcor.

3 MR. HAYNES:

4 A. Yes, and we are operationally independent,

5 but obviously from a – when you say

6 operations, when it comes down to the

7 control centre agreement, NLSO, they will

8 actually look after – you know, when they're

9 looking for a line outage, it has to go to

10 the NLSO.

11 MR. O'BRIEN:

12 Q. Within Hydro, are they not?

13 MR. HAYNES:

14 A. Pardon?

15 MR. O'BRIEN:

16 Q. They within Hydro?

17 MR. HAYNES:

18 A. They are part of the Transmission and

19 Distribution department, but they will

20 authorize whether a line can be taken out of

21 service and they can do maintenance, so they

22 will look at whether that meets our – we

23 have to maintain our reliability targets

24 from the point of view of transmission line

25 availability or generation availability,

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1 whatever.

2 MR. O'BRIEN:

3 Q. I wonder if we could pull up PUB-NLH-24?

4 So, this is a question from the

5 Commissioners. We scroll up again just for

6 the question. "Describe the process used to

7 determine the 2016 changes to the

8 organizational structure where the

9 appropriate – were the appropriate changes

10 including whether external consultants were

11 included in the process" and I understood

12 there weren't external consultants.

13 MR. HAYNES:

14 A. No.

15 MR. O'BRIEN:

16 Q. Line 20 to 23, there's an indication there

17 "the overall goal of the organizational

18 changes was to ensure organizational

19 independence for Hydro related to operations

20 management, financial management,

21 performance accountability, regulatory

22 oversight and control and accountability for

23 shared services." So, there's five items

24 there that are listed. Was the prior – if

25 we look at operations management, for

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1 example, was the prior matrix organization

2 causing problems for Hydro from an

3 operations perspective?

4 MR. HAYNES:

5 A. I wouldn't say it was causing problems from

6 an operational management point of view, but

7 it was – you know, the thrust is to actually

8 separate the regulated part. I mean, we had

9 interactions and dealings with Lower

10 Churchill – I'm sorry, with the Upper

11 Churchill Falls because basically they

12 provide power and energy to the Goose Bay

13 side and to Labrador West. So, I wouldn't

14 say there was any specific major issue with

15 that. I would think most of the common

16 resources were on the financial side and the

17 – you know, on the shared services part.

18 So, there's no – the goal was to actually

19 separate the regulated entity from the

20 unregulated aspects of Nalcor.

21 MR. O'BRIEN:

22 Q. So, the shared services, and what was the

23 first one you said, sorry? Performance

24 accountability?

25 MR. HAYNES:

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1 A. I didn't mention performance accountability.

2 MR. O'BRIEN:

3 Q. Okay, sorry.

4 MR. HAYNES:

5 A. The performance accountability was

6 basically, you know, our performance – the

7 corporate quilt, if you call it, was a term

8 that was used was basically a Nalcor quilt.

9 Basically right now, our performance

10 objectives and our strategic goals and

11 objectives are Hydro only. There's nothing

12 there for Nalcor. There are things in ours

13 that may flow up to Nalcor but there's

14 nothing in Nalcor that flows down to us,

15 except that we have included, you know, that

16 we want to be engaged on the rate mitigation

17 process. But from the point of view of

18 whether oil and gas makes ten dollars or ten

19 million dollars is of no impact on Hydro.

20 So, that's all – and before, you know, for

21 instance, the performance contracts, if you

22 will, were basically part A of the contract

23 was a Nalcor piece. Right now, all that is,

24 it's Hydro only. It is totally looking at

25 Hydro's performance and delivering on our

Page 202

1 mandate and nothing to do with Nalcor.

2 MR. O'BRIEN:

3 Q. Okay. So, with the goal focused on ensuring

4 all of these changes, did you find any

5 issues with the matrix organization or

6 structure in relation to any of those

7 things, organizational independence and

8 management, finance management, performance

9 accountability, any of those?

10 MR. HAYNES:

11 A. I think it was more that you kind of get

12 lost in the shuffle sometimes with respect

13 to, you know, things that would be key to

14 Hydro from the point of view, you know, the

15 regulatory side and you know, whether there

16 were other factors, you know, affecting the

17 way we would actually file things with the

18 PUB outside of Hydro's purview and right

19 now, we have extremely little influence from

20 Nalcor with respect to anything regulatory.

21 Basically we are – you know, there are

22 obviously things that may come with respect

23 to Lower Churchill over time and so on, but

24 basically, the decision to file with the

25 regulator is a Hydro decision, not

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1 influenced by Nalcor, as I said. Mr.

2 Marshall is not – you know, yeached or nayed,

3 if you will, from the point of view of

4 whether we should or should not be filing.

5 It is ours to manage.

6 MR. O'BRIEN:

7 Q. How was the matrix organization structure

8 assessed at that time before you made the

9 change?

10 MR. HAYNES:

11 A. I can't speak to that. I think the – I

12 can't speak to what happened prior to when I

13 came and that decision was made, but a lot

14 of it was in response to the review that was

15 undertaken through the Board and Liberty,

16 from the point of view of that, you know,

17 where we're just a part of a bigger wheel

18 and we weren't, you know, self-contained and

19 we weren't necessarily looking at things

20 that meant things to us and our customers.

21 So, it partly was in response to that there,

22 that we were losing sight – I won't say

23 losing sight, but the perception was that

24 basically things were not getting enough

25 attention as required from the point of view

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1 of the overall asset management operations

2 part because it was kind of lost in the

3 bigger picture of Nalcor, and you know,

4 sincerely, the biggest thing on Nalcor's

5 plate was the Lower Churchill Project and

6 it's a major project and deserved a lot of

7 attention.

8 MR. O'BRIEN:

9 Q. And did Hydro identify that as being an

10 issue too; the idea of not getting enough

11 attention?

12 MR. HAYNES:

13 A. I can't say when the decision was made, but

14 I would certainly say that in 2013, there

15 were occasions – and I can't say specific to

16 one, but there were occasions when, you know

17 – because there's lots of puts and takes, if

18 you will, but it would have been more

19 expedient to have done a few things

20 differently, I think, from the point of view

21 of applications to the PUB, for instance, or

22 whatever, even our GRA applications. There

23 was lots of other influence. Right now

24 there's very little influence by Nalcor on

25 what we do from a regulatory side.

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1 MR. O'BRIEN:
 2 Q. Okay. So, there's no external consultants
 3 involved, but sort of what was the process
 4 of getting this new organizational
 5 structure?
 6 MR. HAYNES:
 7 A. We looked at the organizational structure we
 8 had years gone by. We looked at – I know I
 9 looked at organizational structures in other
 10 utilities from that perspective. I looked
 11 at what the NLSO would normally look like in
 12 other utilities and there are different
 13 variations. We did not want to create, you
 14 know, any more than we needed to or any less
 15 than we needed to for the focus and
 16 attention that all our assets and people
 17 needed and so, we have the generation, we
 18 have the transmission, a distribution group
 19 which basically is the old, what we would
 20 call the Transmission and Rural Operations
 21 in years gone by, and we've added on the
 22 NLSO, and the NLSO, the ECC had been at
 23 different places in different times over the
 24 years. I think the structure that we have
 25 there right now with respect to that is

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1 effective. I think it's consistent that
 2 generation and transmission are separate.
 3 There's still a lot of cooperation required
 4 and the NLSO, from the point of view of
 5 outage coordination and overall, you know,
 6 major outage windows for doing major
 7 maintenance will incorporate transmission,
 8 generation and distribution are all kind of
 9 looked at from the point of view of the
 10 least interruption to the customer so we can
 11 do the job once, you know, and we were doing
 12 a lot of that before, but right now it's
 13 solely, you know, full focus of their
 14 attention.
 15 MR. O'BRIEN:
 16 Q. Was there any Government consultation
 17 concerning the reorganization or is this -
 18 MR. HAYNES:
 19 A. I think it was more of informing the
 20 Government and the Minister responsible that
 21 we were taking this direction, as opposed to
 22 – I would not – never call it a consultative
 23 process. It was that we are changing the
 24 structure. We're going to go with, you
 25 know, separate divisions or department

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1 divisions for this and this and it was not a
 2 two-way street. It was this is what we need
 3 to do to make sure that we're actually
 4 paying attention and that we don't have any
 5 repeats of what happened in previous years.
 6 MR. O'BRIEN:
 7 Q. And was Hydro given sort of free reign to do
 8 that from Nalcor?
 9 MR. HAYNES:
 10 A. Well, we would have had constraints that we
 11 were trying to do it as cost effective as we
 12 can. We would have had a goal of, you know,
 13 FTE neutrality and as far as we could, but
 14 that wouldn't necessarily be perfect, but we
 15 were certainly conscious of actually having
 16 the right resources, the right number of
 17 resources to effect our mandate.
 18 MR. O'BRIEN:
 19 Q. When you say right resources, was there an
 20 issue in terms of having the right resources
 21 before for like – like from an engineering
 22 perspective, was that a concern?
 23 MR. HAYNES:
 24 A. Well, the engineering -
 25 MR. O'BRIEN:

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1 Q. Having the right people?
 2 MR. HAYNES:
 3 A. The Engineering Department were working on
 4 multiple projects. The managers that
 5 actually moved from Hydro to Nalcor and then
 6 we moved them back and that sort of thing.
 7 So, there was a lot of head count moving to
 8 and fro which basically that's all settled
 9 now. And any new requirement that comes up
 10 goes through a pretty, you know, rigorous
 11 process to be justified. There's nobody
 12 coming in and saying we need a new body and
 13 getting it. There's a process. We're
 14 looking at our budgets, looking at other
 15 jobs and other vacancies and trying to
 16 adhere to the vacancy allowance that we've
 17 agreed to, the 55, try to meet all those
 18 things. So, you know, it's a pretty--I
 19 think I hit a wire down there, but if I need
 20 it, I'll come back. I think I unplugged it
 21 with my foot, sorry. So, it's a – the
 22 process is to do all that. We've separated
 23 all that. So, all the engineering is
 24 focused on Hydro.
 25 MR. O'BRIEN:

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1 Q. And are they all in-house?
 2 MR. HAYNES:
 3 A. They're all in-house. All our engineers are
 4 – all our engineering department are within
 5 Hydro Place. You know, we do have some
 6 external bodies that are in the building,
 7 but they're coming down over time.
 8 MR. O'BRIEN:
 9 Q. Okay.
 10 MR. HAYNES:
 11 A. We had a major capital program on the go for
 12 the last number of years and we also see
 13 that taking off. So, we are endeavouring to
 14 get that back to a normal basis and that's
 15 the instructions I've given to the VP of
 16 Engineering, to come down to the level of
 17 people that we need. We don't need any more
 18 than we need and we don't need any less and
 19 if there's overload capacity required from
 20 the point of view of exceptional work or
 21 specialty expertise, yes, we'll buy that on
 22 the street. But we're not loading up in the
 23 sense of – you know, we don't want anybody
 24 down there doing nothing. They're all
 25 gainfully employed.

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1 MR. O'BRIEN:
 2 Q. And you're not going to have the same sort
 3 of issues of having people moving out and
 4 in, that kind of thing?
 5 MR. HAYNES:
 6 A. Well, we obviously can't stop people from
 7 applying for a job in regulatory, but
 8 basically when they leave, they leave. And
 9 you know, we have lost people to the
 10 unregulated side of the business and I'm
 11 sure we've probably hired a few from the
 12 regulated side – from the non-regulated side
 13 of the business, but they're not kind of
 14 working on a regulated job one day and then
 15 working on -
 16 MR. O'BRIEN:
 17 Q. And that was more my question, yeah.
 18 MR. HAYNES:
 19 A. - and they had a conflicting priorities,
 20 right. Now they have one priority, Hydro
 21 work.
 22 MR. O'BRIEN:
 23 Q. Okay. All right. And perhaps this is a
 24 good time –
 25 CHAIR:

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1 Q. Good time to break (phonetic). Ms. Greene,
 2 I notice that we have the signed settlement
 3 agreement. That's marked as Consent Exhibit
 4 1? Is that what I understood?
 5 GREENE, Q.C.:
 6 Q. Yes, Madam Chair. During the break, copies
 7 were made and the agreement filed with the
 8 Board and copies given to parties. So, the
 9 Settlement Agreement would be marked as
 10 Consent Exhibit No. 1.
 11 CHAIR:
 12 Q. And we have one undertaking from today. Do
 13 you have that recorded?
 14 GREENE, Q.C.:
 15 Q. There was one. I thought there might have
 16 been two, but –
 17 CHAIR:
 18 Q. Okay. Mr. Templeton, do you have two
 19 undertakings?
 20 MR. TEMPLETON:
 21 Q. Just give us one moment, Madam Chair.
 22 GREENE, Q.C.:
 23 Q. I'm sorry, Madam Chair. There was only one
 24 undertaking, I believe, and that's related
 25 to IC-NLH-122, page 18, and it was with

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1 respect to the second (inaudible) I think
 2 included in that, the others I had noted are
 3 more defer to other witnesses, as opposed to
 4 undertakings, unless Newfoundland Power has
 5 anything different.
 6 MR. O'BRIEN:
 7 Q. I think that's accurate.
 8 MR. TEMPLETON:
 9 Q. That matches our record also.
 10 MR. O'BRIEN:
 11 Q. Yeah.
 12 CHAIR:
 13 Q. All right. We'll be on again tomorrow
 14 morning, right, 9:00 a.m.
 15 MR. O'BRIEN:
 16 Q. Yeah, 9:00 a.m.
 17 UPON CONCLUSION.
 18
 19
 20
 21
 22
 23
 24
 25

CERTIFICATE

I, Paulette Murphy, do hereby certify that the foregoing is a true and correct transcript of a hearing in the matter of the 2017 General Rate Application by Newfoundland Hydro heard on the 16th day of April, 2018 at the Public Utilities Commission office, St. John's, Newfoundland and Labrador and was transcribed by me to the best of my ability by means of a sound apparatus from audio that was not recorded by Discoveries Unlimited Inc..

Dated at St. John's, NL this
21st day of April, 2018

Paulette Murphy
Discoveries Unlimited Inc.

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