

1 Q. (Expert Evidence – JT Browne Consulting, page 3) It is stated “*The TFA is a long term*
2 *agreement that begins upon full commissioning of the LIL and is expected to extend*
3 *for about 50 years. Under this agreement, Hydro is required to make payments to*
4 *LIL Opco in accordance with terms specified in the agreement.*” Later on the same
5 page it is stated “*None of the amounts are to be included in customer rates until the*
6 *MFP is commissioned, or nearing commissioning, and Hydro is receiving services*
7 *from the MFP*”. It is understood that the LIL will be commissioned on July 1, 2018,
8 and that the Muskrat Falls Project (MFP) will be commissioned about two years
9 later in 2020. Under the Muskrat Falls Agreements, is the term “*nearing*
10 *commissioning*” defined? Could Hydro make the case that Muskrat Falls will be
11 “*nearing commissioning*”, so the costs of the LIL/LTA transmission could be included
12 in Island customer rates beginning in July 2018?

13
14
15 A. This response has been provided by JT Browne Consulting.

16
17 Mr. Browne is not aware of a specific definition for the term “near commissioning”
18 as it relates to the Muskrat Falls Project.

19
20 With regards to whether an argument can be made that the Muskrat Falls Project
21 will be “near commissioning” by July 2018, Mr. Browne believes this is a matter of
22 legal interpretation and Mr. Browne is not a position to provide a legal opinion.