

# Office of the Consumer Advocate

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September 6, 2022

## Via Email

Board of Commissions of Public Utilities  
120 Torbay Road, P.O. Box 2140  
St. John's, NL A1A 5B2

**Attention: G. Cheryl Blundon, Director of  
Corporate Services / Board Secretary**

Dear Ms. Blundon:

**Re: Newfoundland Power 2023 Capital Budget Application  
- Technical Conference September 9, 2022**

In reference to the Board ordered Technical Conference which will commence Friday, September 9, in the morning, there are two issues.

1. We are requesting that this Technical Conference be open to the public and the media. In these technical conferences we are not dealing with classified information, but rather practical matters that are readily understandable. Ratepayers have a right to know and to be informed so they are in position to provide constructive commentary on Newfoundland Power's 2023 Capital Budget Application. Transparency, openness and accountability will serve this process well. The public's right to know supersedes any other concerns.
2. Also, the Technical Conference should be recorded in its entirety and placed on the record, as recommended by your consultant, Midgard. Midgard stated:

*"Consequently, it is **strongly recommended** that the Technical Conference always be transcribed because transcription is needed to develop expanded and new evidence that is otherwise missing from the Capital Budget Application. Moreover, transcription is recommended so a consistent pattern of evidence presented and subsequent clarification be applied throughout the Capital Budget Application process. Specifically, when evidence is presented for the first time (e.g. via Technical Conference because the prior application evidence was deemed inadequate and necessitated the Technical Conference), there is at least one RFI round to clarify the evidence. Midgard acknowledges that mandatory Technical*

*Conference transcription is a departure from prior practice where RFIs were used to generate evidence for the record, but Midgard strongly believes that RFIs are primarily intended to clarify application evidence rather than to be a primary evidentiary source.” (Emphasis added)*

Noteworthy too, the request for transcription is consistent with Section 6(7) of the Act, which states: “*The Board’s secretary shall keep a full record of the proceedings of the Board and serve the notices and perform the duties that the Board may require.*”.

Justice LeBlanc, in the Muskrat Falls Report recommended that Government and its agencies adopt a duty to document. Transcription of a technical conference is consistent with that policy.

We look forward to hearing from you in a timely fashion so that arrangements can be made.

Yours truly,

  
**Dennis Browne, Q.C.**  
**Consumer Advocate**

/bb

cc Newfoundland and Labrador Hydro  
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