

COMMISSION OF INQUIRY RESPECTING THE MUSKRAT FALLS PROJECT

**IN THE MATTER OF an Application by
Mark Denis Turpin, seeking funding pursuant to s. 5(5)
of the *Public Inquiries Act*, 2006 S.N.L. 2006
c. P-38.1 and ss. 15-7 of the Commission's
*Rules of Procedure***

APPLICATION FOR FUNDING

The Applicant, Mark Denis Turpin, states as follows:

1. The Applicant was retained as a consultant with Nalcor Energy from October 2011 to May 2016. During this time, the Applicant was involved in the Muskrat Falls Project and fulfilled the following roles:
 - a. Lead Estimator;
 - b. Area Manager Bulk Excavation, CH-0006;
 - c. Construction Manager Bulk Excavation, CH-0006;
 - d. Area Manager North Dam, CH-0007; and
 - e. Construction Manager North Spur, CH-0008.
2. The Applicant is no longer retained by Nalcor Energy. He currently works as an Independent Consultant with Project Control Services Inc.
3. Grant Thornton and Counsel for the Commission of Inquiry Respecting the Muskrat Falls Project have requested that the Applicant be interviewed in relation to the Inquiry. This may result in the Applicant being required to testify before the Commission.
4. The Applicant requires funding for legal counsel to provide the Applicant with legal advice in relation to preparing for the interview(s) and to attend the interview(s) with the Applicant. Further, in the event the Applicant is required to testify at the Inquiry, the

Applicant requires funding for legal counsel to provide him with legal advice in relation to preparing for the testimony and to attend the Hearing if/when the Applicant testifies.

5. Nalcor Energy initially offered to provide the Applicant with funding for a specific legal counsel, pre-arranged by Nalcor. The Applicant was advised by that legal counsel that counsel's primary role would be to protect Nalcor's interest. As a result, it is the Applicant's position that it is not appropriate for that legal counsel to represent the Applicant given the potential for conflict of interest.
6. Nalcor then offered to provide the Applicant with funding for a second specific legal counsel, again pre-arranged by Nalcor. The Applicant was then advised by that legal counsel that, due to a conflict of interest, that legal counsel was unable to represent the Applicant. Nalcor has advised the Applicant it is not willing to provide funding for alternate counsel.
7. The Applicant is currently on assignment for Husky West White Rose Extension Project for the Gravity Base in Argentina, NL. He remains at this site during the week and returns to St. John's on the weekends if he is not required to work. Accordingly, the Applicant's participation in the Inquiry would result in travel and additional expense associated therewith.
8. The Applicant wishes to retain Michael NR King of the law firm of Sullivan Breen King as his legal counsel in relation to the above noted matters. The contact information for said legal counsel is as follows:

Sullivan Breen King
233 Duckworth Street, Suite 300
St. John's, NL
A1C 1G8
(709) 739-4141 (t)
(709) 739-4145 (f)

9. The Applicant submits he would not be able to participate in the within process without funding for legal counsel.

10. The Applicant therefore makes the within application pursuant to ss. 15-17 of the *Commission of Inquiry Respecting the Muskrat Falls Project Rules of Procedure* and s. 5(5) of the *Public Inquiries Act*, and seeks the Commission's recommendation to the Government of Newfoundland and Labrador that the Applicant be provided funding for legal counsel in relation to the within Inquiry.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 9th day of November, 2018.



Michael NR King
Sullivan Breen King
233 Duckworth Street, Suite 300
St. John's, NL A1C 1G8

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AFFIDAVIT

I, Mark Denis Turpin, of St. John's, NL, the Applicant herein, make oath and swear as follows:

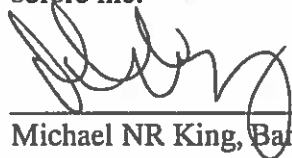
1. I was retained as a consultant with Nalcor Energy from October 2011 to May 2016.
2. During this time, I was involved in the Muskrat Falls Project and fulfilled the following roles:
 - a. Lead Estimator;
 - b. Area Manager Bulk Excavation, CH-0006;
 - c. Construction Manager Bulk Excavation, CH-0006;
 - d. Area Manager North Dam, CH-0007; and
 - e. Construction Manager North Spur, CH-0008.
3. I am no longer retained by Nalcor Energy. I currently work as an Independent Consultant with Project Control Services Inc.
4. Grant Thornton and Counsel for the Commission of Inquiry Respecting the Muskrat Falls Project have requested that I be interviewed in relation to the Inquiry. I also understand I may be required to testify at the Hearing in relation to the Inquiry.
5. I require funding for legal counsel to provide me with legal advice in relation to preparing for the interview(s) and to attend the interview(s) with me. Further, in the event I am required to testify at the Inquiry, I would require funding for legal counsel to provide me with legal advice in relation to preparing for the testimony and to attend the Hearing with me.
6. Nalcor Energy initially offered to provide me with funding for a specific legal counsel, pre-arranged by Nalcor. I was advised by that legal counsel that their primary role is to protect Nalcor's interest. As a result, I felt it was not appropriate for that legal counsel to represent me.

7. Nalcor then offered to provide me with funding for a second specific legal counsel, again pre-arranged by Nalcor. I have since been advised by that legal counsel that, due to a conflict of interest, that legal counsel is unable to represent me. Nalcor has advised me it is not willing to provide funding for alternate counsel.
8. I am currently on assignment for Husky West White Rose Extension Project for the Gravity Base in Argenta, NL. I remain at this site during the week and return to St. John's on the weekends if I am not required to work. Accordingly, my participation in the Inquiry would result in travel and additional expense associated therewith.
9. I therefore wish to retain Michael NR King of the law firm of Sullivan Breen King as my legal counsel in relation to the above noted matters. The contact information for said legal counsel is as follows:

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10. I swear this affidavit in support of my application for the Commission to make recommendation to the Government of Newfoundland and Labrador that I be funded for counsel.
11. I swear this affidavit believing the contents herein to be true and accurate to the best of my knowledge, information and belief.

SWORN TO in St. John's, in
the Province of Newfoundland
& Labrador, this 9th day of
November, 2018
before me:



Michael NR King, Barrister - NL



Mark Denis Turpin