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March 27, 2018

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**Courier Delivered**

Commission of Inquiry Respecting  
Muskrat Falls Project  
5<sup>th</sup> Floor, Suite 502 Boethuck Building  
20 Crosbie Place  
St. John's, NL A1B 3Y8

**Attn: The Hon. Richard Leblanc,  
Commissioner**

Dear Sir:

**Re: Application to Participate  
(Standing and Funding)**

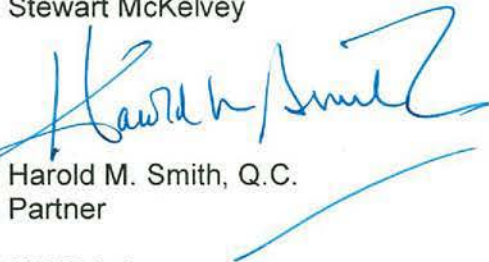
We are solicitors for Mr. Edmund Martin and as such have been instructed to file with you the attached Application to Participate, which seeks standing before the Commission and your recommendation to the Minister for funding of our client.

The Application is pursuant to Section 5 of the *Public Inquiries Act*.

If you require additional information in respect of the consideration of this request, please have your staff contact the undersigned as Mr. Martin is out of province.

Yours very truly,

Stewart McKelvey



Harold M. Smith, Q.C.  
Partner

HMS/dmk

Enclosure

**IN THE MATTER of the *Public Inquiries Act***  
(the "Act")

**AND**

**IN THE MATTER of a Commission of Inquiry**  
Respecting the Muskrat Falls Project and an  
Application pursuant to s. 5 for Standing to  
Participate in the Inquiry

**APPLICATION TO PARTICIPATE**

1. The Applicant is Edmund (Ed) Martin, whose address for service is c/o Harold M. Smith, Q.C., of Stewart McKelvey, [REDACTED] Email: hsmith@[REDACTED] Telephone No. (709) [REDACTED] 894; Fax No. (709) [REDACTED] 565.
2. The Applicant believes in the integrity and thoroughness of the decision processes associated with his tenure as CEO of Nalcor Energy which concluded in April 2016. He also believes that Muskrat Falls will contribute significantly over the life of the facility to Nalcor Energy and the future of Newfoundland and Labrador.
3. The Applicant seeks standing to fully participate in the Inquiry upon the following grounds:
  - (a) The Applicant's interests may be adversely affected by the findings of the Commission.
  - (b) The Applicant believes his participation would further the conduct of the Inquiry.
  - (c) The Applicant's participation would contribute to the openness and fairness of the Inquiry.
4. The Applicant provided the following in support of each of the grounds:

General

5. The Applicant was employed in August 2005 as President and Chief Executive Officer of Newfoundland and Labrador Hydro Ltd.; President and Chief Executive Officer of Churchill Falls (Labrador) Corporation Limited; President and Chief Executive Officer of Lower Churchill Development Corporation Limited; and President and Chief Executive Officer of Gull Island Power Company Limited.
6. The Applicant as of January 1, 2008 became President and Chief Executive Officer of Nalcor Energy, and remained Chief Executive Officer and President of the entities listed in paragraph 5 above, as well as additional subsidiaries added subsequent to this date.
7. That the Applicant's employment ended on or about April, 2016.
8. During the Applicant's employment, the Applicant became knowledgeable of many of those matters the Commission is investigating and the use of public disinformation to criticize the Project and those that sponsored or led it.

Adverse Effect of Commission Findings

9. The Applicant believes that captious critics of the Project are under informed and that their perspectives arise from incomplete or partial information.
10. The Applicant wishes to participate to ensure the Inquiry has complete information with a perspective steeped in the reality of the information available at the time, not fraught with the benefit of hind sight.
11. Without full participation, the Applicant is concerned captious critics and the press will use incomplete, partial or non-factual information as means to damage the Applicant's reputation as an executive and cast doubt upon a tireless, hardworking team to bring the Muskrat Falls Project to fruition under his leadership.

Further Conduct of the Inquiry

12. The Applicant's knowledge of the efforts to bring the Muskrat Falls Project to fruition, including significant knowledge of the internal activities of the Companies involved and, the Applicant's knowledge and background respecting the Muskrat Falls Project, is believed also to be of assistance to the conduct of the Inquiry. The Applicant is concerned that the breadth of the Inquiry may encourage deviation and the Applicant believes that his background is such that he could be a resource for the Inquiry to minimize deviation by parties pursuing agenda(s) based on incomplete or partial information.

Contribution to Openness and Fairness

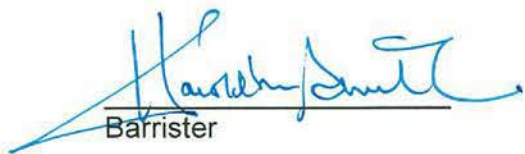
13. The decision to sanction the Project is a key point for the Inquiry to investigate and the Applicant was present and had a direct role throughout the process with Government. The Applicant was in a position which dealt with the multitude of considerations on a macro (and micro) basis that required a full perspective of all elements of the Project and the decisions made. The Applicant believes the Inquiry could benefit from this full perspective in gaining openness and fairness to all parties.

Request For Funding

14. Pursuant to section 5(5) of the Act, the Applicant seeks partial funding based upon the considerable time commitment the Applicant and counsel must make to be an effective resource to the Inquiry and its mandate. The Applicant is a private citizen and the costs of full participation are uncertain but nevertheless, are expected to be substantial given that the Applicant, whether or not granted standing, is expected as the former Chief Executive to be readily available for extended periods.
15. The Applicant does not seek any compensation in respect of his personal time, travel costs or expenses.
16. The Applicant seeks funding for legal counsel in respect of participation in the Inquiry based on the appropriate documentation the Commission's appointed entity.

Submitted to the Commission of Inquiry this 27 day of March, 2018

Signed and Delivered  
in the presence of

  
Barrister

  
Edmund (Ed) Martin

**AFFIDAVIT**

I, Edmund (Ed) Martin, of St. John's, in the Province of Newfoundland and Labrador, make oath and say:

1. That I have personal knowledge of the matters set forth in the within Application to Participate.
2. The content of this Application is true.

**SWORN/AFFIRMED** before me at  
St. John's, in the Province of Newfoundland  
and Labrador, this 27 day of March, 2018.

  
\_\_\_\_\_  
Harold Smith  
A.B. Computer

  
\_\_\_\_\_  
Edmund (Ed) Martin