

The Consumer Advocate

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March 28, 2018

Commission of Inquiry Respecting
the Muskrat Falls Project
5th Floor, Suite 502, Beothuk Bldg.
20 Crosbie Place
St. John's, NL A1B 3Y8

Attention: The Commissioner

Dear Commissioner:

Re: Commission of Inquiry / Muskrat Falls Project
- Standing and Funding Application for the Consumer Advocate

Pursuant to Section 5(2) of the *Public Inquiries Act, 2006*, a person may be granted standing by the Commissioner in reference to a Commission of Inquiry. Section 5(2) of the *Public Inquiries Act, 2006* provides that in granting standing the Commissioner may consider *inter alia*:

- (b) whether the person's participation will further the conduct of the inquiry; and
- (c) whether the person's participation will contribute to the openness and fairness of the inquiry.

The Consumer Advocate is seeking standing to represent the ratepayers of the province who are paying for the Muskrat Falls Project ("consumers"). This standing will ensure that all consumers will be represented through the Consumer Advocate. This representation by the Consumer Advocate should contribute to the openness and fairness of the Inquiry. Such representation may avoid duplication and promote time and cost efficiencies which will facilitate the conduct of the Inquiry.

The Consumer Advocate will provide opportunities for the public to raise their issues before the Commission. These opportunities will include a website to be established whereby any resident of the province can present questions for the Consumer Advocate to raise before the Commission.

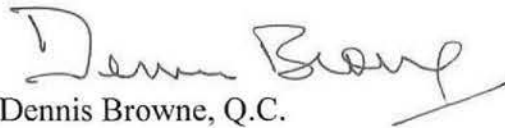
In summary, the Consumer Advocate requests standing for the purposes stated. The Consumer Advocate will require funding for the Consumer Advocate, legal counsel, consultants, if required, and further funds necessary to establish a general website accessible to all the residents of the province.

Pursuant to Rule 16 of the Commission of Inquiry's Rules of Procedure, an Affidavit is annexed hereto, in support of this Application for Standing and Funding (Schedule "A").

The Department of Justice and Public Safety is aware that this Application for Standing and Funding is being filed and have forwarded a letter to confirm same (Schedule "B") which letter is appended to the enclosed Affidavit.

Please advise if you require anything further in relation to the enclosed Application.

Yours truly,

A handwritten signature in cursive script that reads "Dennis Browne". The signature is written in dark ink and is positioned above the typed name.

Dennis Browne, Q.C.
Consumer Advocate

Encl.
/bb

cc Todd Stanley, Q.C., Deputy Minister
Department of Justice and Public Safety

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CANADA

PROVINCE OF NEWFOUNDLAND
AND LABRADOR

CITY OF ST. JOHN'S

TO WIT:


AFFIDAVIT

I, Dennis Browne, Q.C., of the City of St. John's, in the Province of Newfoundland and Labrador, make oath and say as follows:

1. I am appointed as Consumer Advocate pursuant to the provisions of Section 117 of the *Public Utilities Act* (the "Act") and paragraph 9(2)(a) of the *Independent Appointments Commission Act* to represent the interest of domestic and general service consumers, on terms and conditions acceptable to the Minister of Justice and Public Safety, and that I am appointed under the authority of Section 61 of the *Automobile Insurance Act* and subsection 3.1(8) of the *Insurance Companies Act* to represent consumers in reference to the Public Utilities Board's review of automobile insurance.
2. My Application for Standing and Funding is taken with the knowledge of the Department of Justice and Public Safety.
3. It is my understanding that the Department of Justice and Public Safety will be taking measures to reflect my representation as stated in my Application.
4. Funding will be required in support of this Application as the Consumer Advocate has no funding as such, other than what is provided for in relation to the payment of invoices for services rendered.

5. The Consumer Advocate has no funds to contribute nor personnel to participate in the Inquiry. In the matter of this Application, funding will be required to provide representation for the Consumer Advocate and counsel to the Consumer Advocate and funds will be disbursed and accounted for by way of the usual process of forwarding invoices for services rendered.
6. The representation of the Consumer Advocate is unique in that, as stated in the Application, the Consumer Advocate will be representing the interests of consumers who are the electricity ratepayers of the province (“consumers”).
7. There is no financial information available for the Consumer Advocate other than that stated herein as there is no funding for the office of the Consumer Advocate as such and the Consumer Advocate would not be able to participate without funding.
8. The Consumer Advocate has not contacted other groups or individuals with a view to forming an amalgamated group for the purpose of seeking funding, as the Application anticipates that the Consumer Advocate, if granted standing, will be representing all the consumers of the province.
9. Annexed hereto is a letter from the Deputy Minister of the Department of Justice and Public Safety in support of this Application.

SWORN TO at St. John's, in the Province of Newfoundland and Labrador, this 28 day of March, 2018, before me:



STEPHEN FITZGERALD
Barrister, NL



DENNIS BROWNE, Q.C.

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Government of Newfoundland and Labrador
Department of Justice and Public Safety

Todd Stanley, QC
Deputy Minister and Deputy Attorney General

28 March 2018

Via email PDF

Office of the Consumer Advocate
PO Box 23135
Terrace on the Square
St. John's, NL Canada
A1B 4J9

Attention: Dennis Browne Q.C.

RE: Commission of Inquiry into Muskrat Falls Project

Further to our discussion, I can confirm that the Department of Justice and Public Safety, as the Department responsible for both the Public Utilities Board and for the Commission of Inquiry Respecting the Muskrat Falls Project, has reviewed and agreed and supports your application for standing and participation before the Commission of Inquiry, as Consumer Advocate and consistent with the roles and responsibilities of the Consumer Advocate in matters before the Public Utilities Board.

We are currently finalizing the development of a policy respecting the compensation of legal counsel fees for parties granted standing before the Commission of Inquiry and will ensure matters dealing with the funding of the representation as Consumer Advocate before the Commission of Inquiry will be dealt with in that policy.

Yours truly,

A handwritten signature in black ink, appearing to read "Todd Stanley".

Todd Stanley, QC
Deputy Minister and Deputy Attorney General

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