

28 March, 2018

COMMISSION OF INQUIRY RESPECTING THE MUSKRAT FALLS PROJECT
5th Floor, Suite 502, Beothuck Building
20 Crosbie Place St. John's, NL A1B 3Y8

Email: admin@muskratfallsinquiry.ca

Attention: Justice Richard LeBlanc (Commissioner)
Kathleen O'Brien (Counsel)
Barry Learmonth (Counsel)

Dear Sir/Madame:

Re: Application for Standing/Funding

I was appointed to the Board of Directors of Nalcor in the spring of 2004 and served as Chairman of the Board from 2014 to my resignation in 2016. In 2016 the remainder of the Board of Directors consisting of Tom Clift (Head of Governance), Gerry Shortall (Head of Audit) and Leo Abbass also resigned. Between us we had over forty years of experience as Board Members of Nalcor.

In my capacity as Director and later, as Chair, each of the Board members conducted extensive examinations of all information provided to the Board by Nalcor and all other associated or relevant entities. This included extensive review of the decisions, approaches and issues relating to the sanction of this project and all ongoing matters of a business, political, financial, regulatory and other nature. Where necessary we sought, obtained and reviewed reports and recommendations from applicable financial, legal and technical experts.

Nalcor has advised former members of their Boards of Directors that "if any of you are asked to give an interview or to testify, we will, through our external counsel, McInnes Cooper, be available to help prepare you for your interview/testimony and provide you with access to any documentation which you may want to review leading up to your interview/testimony."

From this statement we understand that unless and until we are subpoenaed as witnesses we will have no input into the information that is placed before the Commission of Inquiry. Given statements made by the present Chief Executive Officer upon assuming his office and by the Government of today we believe that it is imperative that the Board of Directors as constituted immediately prior to the termination of Mr. Edward Martin as Chief Executive Officer of Nalcor, consisting of myself, Leo Abbass, Gerry Shortall and Tom Clift, all of whom have a wealth of knowledge relating to the ongoing operations of the Muskrat Falls Project, be provided with both standing and funding at this Commission of Inquiry.

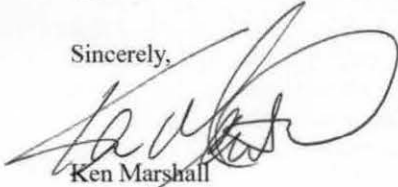
Although we cannot speak for other Boards it is our belief and certainly we have personal knowledge during our respective tenure(s) with the Board, that the Directors treated the matters placed before them with the utmost seriousness and thoroughly reviewed these matters to ensure that the interests of Nalcor and of the people of this Province were protected. In carrying out these responsibilities we ensured that the Premier and the appropriate Ministers were advised of our decisions.

As a group we have substantial and direct interest in the outcome of this Inquiry as well as information and perspectives relevant to this Inquiry. We believe that we will contribute to the thoroughness of this Inquiry. As a group and as individuals we expect that given our roles with Nalcor our actions and perhaps, omissions, will be investigated under the *Public Inquiries Act*. If our actions or omissions are brought into question at this Inquiry then our reputations may be questioned or challenged, potentially resulting in substantial long term consequences to each of us. As such, we believe that through our counsel we ought to be afforded an opportunity to examine or cross-examine witnesses with respect to evidence relevant to our interests as Board Members of Nalcor.

I therefore request on behalf of myself, Mr. Abbass, Mr. Clift and Mr. Shortall that we be provided with an opportunity to be heard on the issue of both standing, either full or limited, and funding during the hearings scheduled to take place on April 06, 2018 at the 3rd Floor, Beothuck Building, 20 Crosbie Place, St. John's, Newfoundland and Labrador.

Should you wish to discuss this request for standing further, or have any questions regarding my application please contact me at ken.marshall.09@ or via mobile 709 429.

Sincerely,



Ken Marshall