Application for Standing and Funding before the

Commission of Inquiry (the "Commission")

Respecting the Muskrat Falls Project (the "Project")

I, **Kathy Dunderdale**, make this application for limited standing before and funding from the Commission in accordance with the Rules of Procedure of the Commission.

My grounds for limited standing are as follows:

1. Under the Rules of Procedure paragraph 10 (a) my interests may be adversely affected by the findings of the Commission in terms of personal reputation and public regard given my integral role as Minister of Natural Resources and Premier for the period of 2006 until the sanctioning of the Project ("the Pre-Sanction Period "). There is no other person or group of which I am aware that would protect my personal interests before the Commission.

2. The Terms of Reference of the Commission directly address whether the determination that the project should be exempt for the oversight by the Board of Commissioners of Public Utilities was reasonable and justified and I was an integral party to this decision. This exemption occurred during my government's tenure and the Commission's decisions in this regard could affect my personal and general reputation.

3. The Terms of Reference of the Commission directly address whether the Government was fully informed and was made aware of any risks or problems anticipated with the Project, so that it had sufficient and accurate information upon which to appropriately decide and sanction the project and I was Premier at the time of and ultimately responsible for Government's decision to sanction the project. The Commission's decisions in this regard could affect my personal and general reputation.

4. Under the Rules of Procedure paragraph 10 (b), my participation would further the conduct of inquiry both in regards to the best evidence of my own personal involvement but also in testing and qualifying any other evidence which may come before the Commission especially in regards to the interface of Government during the Pre-Sanction Period with Nalcor and other significant parties.

5. I repeat the preceding paragraph and advise that my participation is unique in that I was the lead, whether as Minister or Premier, during the Pre-Sanction period and, of the different ministers/premiers involved, had the most extensive and consistent association with the Muskrat Falls file. To be more specific, I was intimately involved in a number of major government files associated with the Project, including but not limited to, The New Dawn Land Claims Agreement with the Labrador Innu; the development of an MOU with Emera and its subsequent conversion to a legally binding agreement; the negotiation of the Federal Loan Guarantee for the Project; and the maintenance of communication links with the Federal Government , other provinces - particularly Nova Scotia, Quebec, and Ontario - as well as energy discussions with New England governors and law makers in Washington, D.C.

6. Under the Terms of Reference paragraph 10 (b) and (c), my participation would contribute to the openness and fairness of the Inquiry by providing insight into the decision-making process by Government during the Pre-Sanction period, which position might not be otherwise represented before the Commission with the breadth and depth that my participation would provide. Further, my participation would provide a unique ability to test and qualify other evidence provided to the Commission related to the Terms of Reference for the Pre-Sanction Period. My participation will not be duplicative of the participation of other participants because of my unique role throughout the Pre-Sanction Period. In addition, any closing submission which may be provided by me can

provide contemporaneous context to the decisions made and suggestions for improvement to the processes leading to Sanction.

7. My application for standing is limited in that: (a) the Terms of Reference consideration by **Nalcor** of options to address the electricity need of the province and how that informed **Nalcor's** decisions cannot be addressed by me and (b) why there were significant differences between the estimated costs of the Project at the time of Sanction and the cost actually incurred by Nalcor is a post-sanctioning issue outside of the Pre-Sanction period, and I could not usefully provide any additional information or assistance in that regard. Accordingly, my application for standing only applies for participation related to the items noted in paragraphs 2-5 above and arising during the Pre-Sanction Period.

My grounds for funding are as follows:

1. My involvement with the Project all occurred during my tenure as Minister of Natural Resources and Premier, in the normal conduct of public business on behalf of the Government of Newfoundland and Labrador and the people of the province and I should not have to bear the financial burden of my participation related to public decision-making on a private basis.

2. Even if the Commission does not accept the premise the funding should be provided as indemnification for costs arising from my public service, I wish to state that I could not properly and appropriately participate in the hearings based on personal resources.

3. Attached to this Application for Standing and Funding is an Affidavit with supporting materials all in accordance with the Rules of Procedure and in particular paragraph 16 setting forth why I could not participate without such funding, a description of the purpose of such funding, a statement of the extent to which I could or could not

contribute my own funds and the person who would be responsible for administering the funds to be provided.

4. The detail provided in the Affidavit clearly demonstrates a personal financial inability to participate if funding is not provided either from a cash income basis or personal asset basis.

5. The costs to the Commission of my funding may be limited to the extent that my participation is restricted to my limited standing and relates only to the Pre-Sanction period. For example, my costs would not extent to participation or review of internal Nalcor decision-making or costs changes for the Project post-sanction.

K. Dunderdale

Kathy Dunderdale

Affidavit

I, KATHY DUNDERDALE of, City of St. John's, Province of Newfoundland and Labrador

(Print your name) *(City and Province)*

I swear or affirm:

1. THAT I made an Application for Standing and Funding before the Commission of Inquiry Respecting the Muskrat Falls Project (the "Commission"
2. THAT I provide this Affidavit in accordance with Paragraph 16 of the Rules of Procedures of the Commission.
3. THAT I would not be able to participate in the Inquiry without funding.
4. THAT attached to this application is information regarding my personal financial circumstances including :

[redacted]

5.	THAT the purposes for which the funds are required are solely for the payment to my counsel of its legal fees for attendance at the Inquiry for the purposes of my limited standing, for advices to me during the course of the Inquiry including preparation of my evidence and the review of evidence of other witnesses and attendance at the inquiry as may be necessary, and related disbursements.
6.	THAT given my personal financial circumstances as more particularly set forth in the attachments, I am unable to contribute my own funds and can only provide my own personal commitment of time and effort to participate in the inquiry.
7.	THAT I would be personally responsible for administering the funds but I am prepared to provide detailed invoicing from my counsel and proof of payment of same in form as may be satisfactory to the Commission.
8.	THAT the contact information for me is as follows: Kathy Dunderdale [redacted] Telephone number: 709-[redacted]377 Email: dunderdale@[redacted]
9.	THAT I make this Affidavit in support of my Application for funding.

SWORN ~~TO~~ or AFFIRMED at St. John's NL, this 28th day of March, 2018.

Signature of Person Authorized to Administer Oaths

Bruce Grant - Barrister NL.

Signature – Kathy Dunderdale

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Report these amounts on your tax return.

Box 016, Pension or superannuation – Enter this amount on line 115. It may qualify for the pension income amount (see line 314 in your tax guide). See line 115 and 130 in your tax guide.

Box 018, Lump-sum payments – Enter this amount on line 130.

The amounts in the following boxes are included in box 018:

- Box 102, Lump-sum payments – non-resident services transferred under paragraph 60(j)
- Box 108, Lump-sum payments from a registered pension plan (RPP) that you cannot transfer
- Box 110, Lump-sum payments accrued to December 31, 1971
- Box 158, Lump-sum payments that you cannot transfer that are not reported elsewhere
- Box 180, Lump-sum payments from a deferred profit-sharing plan (DPSP) that you cannot transfer
- Box 190, Lump-sum payments from an unregistered plan

Box 020, Self-employed commissions – Enter your gross commissions income on line 166 and your net commissions income on line 139.

Box 022, Income tax deducted – Enter this amount on line 437.

Box 024, Annuities – See line 115 in your tax guide.

The amounts in the following boxes are included in box 024:

- Box 111, Income averaging annuity contracts (IAAC)
- Box 115, Deferred profit-sharing plan (DPSP) annuity or instalment payments

Box 028, Other income – Amounts not reported anywhere else on the T4A slip. See line 130 and lines 135 to 143 in your tax guide.

Box 030, Patronage allocations – Enter this amount on line 130. Do not report the amount if it was for goods or services you consumed and for which you cannot deduct the cost when you calculate your income. This amount does not qualify for the federal dividend tax credit.

Box 032, Registered pension plan contributions (past service) – Enter the amount you can deduct on line 207 (see Guide T4040, *RRSPs and Other Registered Plans for Retirement*).

- Box 126, Pre-1990 past service contributions while a contributor (included in box 032)
- Box 162, Pre-1990 past service contributions while not a contributor (included in box 032)

Box 034, Pension adjustment – Enter this amount on line 206. This amount is not an income or a deduction.

Box 040, RESP accumulated income payments – Enter this amount on line 130 and fill out the Form T1172, *Additional Tax on Accumulated Income Payments from RESPs*.

- ~~Box 122, RESP accumulated income payments paid to other (included in box 040)~~

Box 042, RESP educational assistance payments – Enter this amount on line 130. For details, see Information Sheet RC4092, *Registered Education Savings Plans*.

Box 046, Charitable donations – See line 349 in your tax guide.

Box 048, Fees for services – Report this amount as business or professional income.

Box 129, Tax deferred cooperative share. This amount may be deferred. For more information, see Line 9605 – Patronage dividends in Guide T4002, *Self-employed Business, Professional, Commission, Farming, and Fishing Income*.

Box 133, Variable pension benefits – See line 115 in your tax guide.

Box 135, Recipient-paid premiums for private health services plans – See line 330 in your tax guide.

Box 196 – Tuition assistance for adult basic education

Enter at line 256 the amount of tuition assistance that is more than the scholarship exemption you can claim for this tuition assistance.

Enter on line 104:

- Box 104, Research grants – See line 104 in your tax guide
- Box 107, Payments from a wage-loss replacement plan – See line 104 in your tax guide
- Box 118, Medical premium benefits
- Box 119, Premiums paid to a group term life insurance plan
- Box 127, Veterans' benefits
- Box 132, Wage Earner Protection Program
- Box 152, SUBP qualified under the *Income Tax Act*
- Box 156, Bankruptcy settlement

Enter on line 115:

- Box 194, PRPP payments – See line 115 and 130 in your tax guide.

Enter on line 125:

- Box 131, Registered disability savings plan

Enter on line 130:

- Box 105, Scholarships, bursaries, fellowships, artists' project grants, and prizes – See line 130 in your tax guide.
- Box 106, Death benefits – See line 130 in your tax guide.
- Box 109, Periodic payments from an unregistered plan
- Box 117, Loan benefits
- Box 123, Payments from a revoked DPSP
- Box 125, Disability benefits paid out of a superannuation or pension plan
- Box 129, Tax deferred cooperative share
- Box 130, Apprenticeship incentive grant or Apprenticeship completion grant
- ~~Box 134, Tax-Free Savings Account (TFSA) taxable amount~~
- Box 136, Federal Income Support for Parents of Murdered or Missing Children grant (PMMC)
- Box 150, *Labour Adjustment Benefits Act* and *Appropriation Acts*
- Box 154, Cash award or prize from payer

Do not report on your tax return – Canada Revenue Agency use only

- Box 014, Recipient number
- Box 036, Plan registration number
- Box 116, Medical travel assistance
- Box 124, Board and lodging at special work sites
- Box 142, Indian (exempt income) – Eligible retiring allowances
- Box 143, Indian (exempt income) – Non-eligible retiring allowances
- Box 144, Indian (exempt income) – Other income
- Box 146, Indian (exempt income) – Pension or superannuation
- Box 148, Indian (exempt income) – Lump-sum payments
- Box 195, Indian (exempt income) – PRPP payments

See the privacy notice on your return / Consultez l'avis de confidentialité dans votre déclaration

Déclarez ces montants dans votre déclaration de revenus.

Case 016, Prestations de retraite ou autres pensions – Inscrivez ce montant à la ligne 115. Vous pourriez avoir droit au montant pour revenu de pension (lisez la ligne 314 de votre guide d'impôt). Lisez la ligne 115 et 130 de votre guide d'impôt.

Case 018, Paiements forfaitaires – Inscrivez ce montant à la ligne 130.

Les montants figurant dans les cases suivantes sont inclus dans la case 018 :

- Case 102, Paiements forfaitaires – transfert de services de non-résidents selon l'alinéa 60j)
- Case 108, Paiements forfaitaires d'un régime de pension agréé (RPA) non admissible à un transfert
- Case 110, Paiements forfaitaires accumulés avant le 31 décembre 1971
- Case 158, Paiements forfaitaires non admissibles à un transfert, et qui ne sont pas déclarés ailleurs
- Case 180, Paiements forfaitaires versés à partir d'un RPDB non admissibles à un transfert
- Case 190, Paiements forfaitaires – Prestations d'un régime de pension non agréé

Case 020, Commissions d'un travail indépendant – Inscrivez le montant brut de vos revenus de commissions à la ligne 166 et le montant net de vos revenus de commissions à la ligne 139.

Case 022, Impôt sur le revenu retenu – Inscrivez ce montant à la ligne 437.

Case 024, Rentes – Lisez la ligne 115 de votre guide d'impôt.

Les montants figurant dans les cases suivantes sont inclus dans la case 024 :

- Case 111, Contrat de rentes à versement invariable (CRVI)
- Case 115, Paiements d'une rente ou versements selon un régime de participation différée aux bénéfices (RPDB)

Case 028, Autres revenus – Montants non déclarés à d'autres endroits sur le feuillet T4A. Lisez la ligne 130 ainsi que les lignes 135 à 143 de votre guide d'impôt.

Case 030, Répartitions selon l'apport commercial – Inscrivez ce montant à la ligne 130. Ne déclarez pas ce montant s'il concerne des produits de consommation ou des services dont vous ne pouvez pas déduire le coût dans le calcul de votre revenu. Ce montant ne vous donne pas droit au crédit d'impôt fédéral pour dividendes.

Case 032, Cotisations à un régime de pension agréé (services passés) – Inscrivez le montant que vous pouvez déduire à la ligne 207 (consultez le guide T4040, *REER et autres régimes enregistrés pour la retraite*).

- Case 126, Cotisations pour services passés avant 1990 alors que vous cotisiez (incluses à la case 032)
- Case 162, Cotisations pour services passés avant 1990 alors que vous ne cotisiez pas (incluses à la case 032)

Case 034, Facteur d'équivalence – Inscrivez ce montant à la ligne 206. Ce montant n'est ni un revenu ni une déduction.

Case 040, Paiements de revenu accumulé d'un REEE – Inscrivez ce montant à la ligne 130. Vous devez aussi remplir le formulaire T1172, *Impôt supplémentaire sur les paiements de revenu accumulé de REEE*.

- Case 122, Paiements de revenu accumulé d'un REEE payé à un tiers (inclus dans la case 040)

Case 042, Paiements d'aide aux études d'un REEE – Inscrivez ce montant à la ligne 130. Pour en savoir plus, consultez la feuille de renseignements RC4092, *Les régimes enregistrés d'épargne-études*.

Case 046, Dons de bienfaisance – Lisez la ligne 349 de votre guide d'impôt.

Case 048, Honoraires ou autres sommes pour services rendus – Déclarez ce montant comme un revenu d'entreprise ou de profession libérale.

Case 129, Part de votre coopérative à imposition différée. Ce montant pourrait être différé. Pour en savoir plus, lisez la Ligne 9605 – Ristournes dans le guide T4002, *Revenus d'un travail indépendant d'entreprise, de profession libérale, de commissions, d'agriculture et de pêche*.

Case 133, Prestations de retraite variables – Lisez la ligne 115 de votre guide d'impôt.

Case 135, Primes versées à un régime privé d'assurance-maladie – Lisez la ligne 330 de votre guide d'impôt.

Case 196 – Aide visant les frais de scolarité pour la formation de base des adultes

Inscrivez à la ligne 256 le montant d'aide admissible qui dépasse le montant d'exemption pour bourses d'études que vous pouvez demander pour ces frais de scolarité.

Inscrivez à la ligne 104 :

- Case 104, Subventions de recherche – Lisez la ligne 104 de votre guide d'impôt.
- Case 107, Paiements reçus d'un régime d'assurance-salaire – Lisez la ligne 104 de votre guide d'impôt.
- Case 118, Avantages pour primes de soins médicaux
- Case 119, Primes payées pour une police d'assurance-vie collective temporaire
- Case 127, Prestations pour anciens combattants
- Case 132, Programme de protection des salariés
- Case 152, PSC admissible à ce titre selon la *Loi de l'impôt sur le revenu*
- Case 156, Règlements d'une société en faillite

Inscrivez à la ligne 115 :

- Case 194, Paiements d'un RPAC – Lisez les lignes 115 et 130 de votre guide d'impôt.

Inscrivez à la ligne 125 :

- Case 131, Régime enregistré d'épargne-invalidité

Inscrivez à la ligne 130 :

- Case 105, Bourses d'études, de perfectionnement et d'entretien; subventions reçues par un artiste pour un projet et récompenses – Lisez la ligne 130 de votre guide d'impôt.
- Case 106, Prestations consécutives au décès – Lisez la ligne 130 de votre guide d'impôt.
- Case 109, Paiements périodiques d'un plan non agréé
- Case 117, Avantages liés à un prêt
- Case 123, Paiements provenant d'un RPDB dont l'agrément a été retiré
- Case 125, Prestations d'invalidité payées à même un régime de prestations de retraite ou d'autres pensions
- Case 129, Part de votre coopérative à imposition différée
- Case 130, Subvention incitative aux apprentis ou à l'achèvement de la formation d'apprenti
- Case 134, Compte d'épargne libre d'impôt (CELI) – montant imposable
- Case 136, Soutien du revenu pour les parents d'enfants assassinés ou disparus (PEAD)
- Case 150, *Loi sur les prestations d'adaptation pour les travailleurs* et *Lois de crédits*
- Case 154, Prime en espèces ou prix payé d'un payeur

Ne déclarez pas les renseignements suivants dans votre déclaration de revenus – À l'usage de l'Agence du revenu du Canada seulement

- Case 014, Numéro du bénéficiaire
- Case 036, Numéro d'agrément du régime
- Case 116, Aide financière pour voyages pour soins médicaux
- Case 124, Logement et repas sur les chantiers particuliers
- Case 142, Indien (revenu exonéré) – Allocations de retraite admissibles
- Case 143, Indien (revenu exonéré) – Allocations de retraite non admissibles
- Case 144, Indien (revenu exonéré) – Autres revenus
- Case 146, Indien (revenu exonéré) – Prestations de retraite ou autres pensions
- Case 148, Indien (revenu exonéré) – Paiements forfaitaires
- Case 195, Indien (revenu exonéré) – Paiements d'un RPAC

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[redacted]

From: Bruce C. Grant
To: Admin
Subject: Application for Standing and Funding - Kathy Dunderdale
Date: Tuesday, April 3, 2018 11:47:19 AM

To whom it may concern,

Can this message be passed along to Barry Learmouth and Marcella Mulrooney perhaps Barry can confirm receipt by direct email to me.

After discussion with my client, Kathy Dunderdale, we request that the application previously submitted be amended to provide for full standing. My client resigned as premier in January 2014 and her interest would not extend beyond that period and if the Commission finds it more appropriate we would be willing to see standing provided solely for the pre-resignation period (as opposed to the pre-sanction period as currently included in the application). Nonetheless, for easier reference we will now seek full standing subject to the Commissions discretion as to limiting this on a time basis.

With thanks in advance,
Bruce

STEWART MCKELVEY
LAWYERS • AVOCATS

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