



Commission of Inquiry Respecting the Muskrat Falls Project

STANDING APPLICATION FOR ASTALDI CANADA INC. FOR THE MUSKRAT FALLS INQUIRY

DECISION
APRIL 6, 2018

LEBLANC, J.:

INTRODUCTION

[1] Astaldi Canada Inc. (“Astaldi”) has provided considerable construction services for the Muskrat Falls Project. Astaldi states that its services were affected by matters outside of its control that ultimately impacted the schedule and costing of this particular Project. Astaldi is concerned about its reputation as a publicly traded company as a result of this Inquiry’s mandate and its involvement in the Project. Therefore, it seeks standing at the Inquiry hearings. I take their application as one requesting full standing.

[2] Based upon the Commission’s work to date, I am satisfied that Astaldi is a necessary party to this Inquiry based upon its interests being possibly adversely affected by the Commission’s findings and on the basis that their participation, to the extent necessary, will further the conduct of the Inquiry. I am also satisfied that fairness dictates their participation in the hearings at least to some extent.

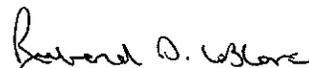
[3] I am not satisfied that Astaldi should be given full standing. Much of the hearings will deal with matters not in any way related to issues involving Astaldi. It is unnecessary then to grant them a right to full participation in the hearings in those circumstances.

[4] I am prepared to grant Astaldi limited standing in that they will be permitted to participate only in relation to those matters involving its interests. At this time I see this as being when the hearings will focus on the construction and cost escalation for this Project. I expect that these matters will be dealt with in Phase Two of the Inquiry which will likely commence in February 2019. During that phase of the Inquiry, counsel for Astaldi will be limited to questioning only those witnesses speaking to issues impacting the interests of Astaldi and its involvement in the Muskrat Falls Project. Documents and other disclosure normally provided to counsel for the parties with standing will be similarly restricted.

[5] To accommodate this, Commission co-counsel will be informing counsel for Astaldi where it is anticipated that evidence will be possibly impacting their interests.

[6] While limiting Astaldi standing as I have, should Commission co-counsel or Astaldi determine that Astaldi's interests may be impacted at other times during the Inquiry they will be required to notify counsel for Astaldi so that it can participate in that part of the hearings. I say this as, in its application, Astaldi has indicated that Nalcor had issued a request for proposals from pre-qualified bidders for work eventually performed by Astaldi. This was done prior to the official sanctioning of the Project. Should it be necessary for Astaldi to be heard on this, I leave it open to consider a further grant of standing to them on matters where its interests are engaged.

[7] Finally, the grant of standing means that Astaldi must comply with the Commission's Rules of Procedure. I would remind counsel for Astaldi of the requirements of Rule 19, in particular with regard to its obligations related to document disclosure not yet received by the Commission.



JUSTICE RICHARD D. LEBLANC
COMMISSIONER