



Commission of Inquiry Respecting the Muskrat Falls Project

STANDING APPLICATION FOR KATHY DUNDERDALE FOR THE MUSKRAT FALLS INQUIRY

DECISION

APRIL 6, 2018

LEBLANC, J.:

INTRODUCTION

[1] Kathy Dunderdale is seeking full standing and a recommendation for funding in order to participate in the hearings of the Muskrat Falls Inquiry. Ms. Dunderdale states that her participation in the Inquiry is necessary as she was “the lead, whether as Minister or Premier during the pre-sanction period” for the Project as well as being involved in other major files associated with the Project, including the New Dawn Land Claims Agreement with the Labrador Innu, negotiation with Emera Inc. and with the Federal Government as regards the Federal Loan Guarantee. She was also involved in the decision to exempt the Project from oversight by the Public Utilities Board.

[2] I am satisfied that Ms. Dunderdale’s interests will be affected, possibly adversely, by the findings of this Commission and that her participation in the Inquiry hearings will further the conduct of the Inquiry as well as its openness and fairness. As such, she will be granted full standing on the understanding that her participation at the hearings will be only to the extent necessary based upon her involvement and her interests.

[3] Ms. Dunderdale has also applied for funding based upon her financial inability to pay for legal counsel at this time. I have reviewed her financial documents as well as her affidavit in support of her funding request. Based upon that and the fact that her involvement in this Project was in her capacity as an elected member of the House of Assembly, I will recommend that she receive funding for one legal counsel as well as expenses including travel expenses for her and her counsel to attend hearings outside of St. John's. I am not at present recommending any other funding for expenses related to consultants and/or experts.

[4] Obviously the grant of full standing is subject to Ms. Dunderdale's compliance with the Commission's Rules of Procedure including her duty to now provide a disclosure of documents in her possession to Commission counsel within the next 14 days. That time period may well be able to be extended upon agreement by Commission co-counsel.

[5] One final matter that must be raised is a concern I have about the possibility of a conflict of interest arising in that another party given standing, Mr. Edmund Martin, has counsel representing him from the same law firm as the proposed counsel for Ms. Dunderdale. I have no doubt that this is a matter that Stewart McKelvey will give special consideration to prior to the commencement of the hearings.



JUSTICE RICHARD D. LEBLANC
COMMISSIONER