



Commission of Inquiry Respecting the Muskrat Falls Project

**STANDING APPLICATIONS FOR
JULIA MULLALEY
CHARLES W. BOWN
ROBERT THOMPSON
(PUBLIC SERVANTS OF THE GOVERNMENT OF NEWFOUNDLAND
AND LABRADOR TASKED FOR INVOLVEMENT IN THE
MUSKRAT FALLS PROJECT)
FOR THE MUSKRAT FALLS INQUIRY**

DECISION

APRIL 6, 2018

LEBLANC, J.:

INTRODUCTION

[1] I will deal with the standing applications of Julia Mullaley, Charles W. Bown and Robert Thompson together based upon the similarities of their interests in their applications.

[2] Julia Mullaley was the Deputy Clerk of the Executive Council in the Government of Newfoundland and Labrador from April 4, 2011 to August 22, 2012 and later was appointed as Clerk of the Executive Council beginning on August 1, 2013. In those roles, she was in a senior public service position in this Province at times that were very relevant to the sanction and/or construction of the Muskrat Falls Project. As Clerk of the Executive Council, Ms. Mullaley advises that she acted as Deputy Minister to the Premier as well as being the Secretary to Cabinet. As such, she advises that she was directly involved in discussions, reviews and analyses

conducted at various points in time related to the Project. As well, Ms. Mullaley was appointed the chairperson of the Muskrat Falls Oversight Committee established by Government on March 13, 2014. She is presently the Auditor General of Newfoundland and Labrador having been so appointed on December 7, 2017.

[3] Robert Thompson acted as Clerk of the Executive Council from October 2003 to May 2007. He became the Deputy Minister of Natural Resources from December 2008 to December 2010 after which time he resumed the position of Clerk of the Executive Council until he left that position in August 2013. In all of these positions, Mr. Thompson was privy to and involved in discussions and activities related to the Muskrat Falls Project at a senior management level within the Government.

[4] Charles W. Bown was the Assistant Deputy Minister, Energy Policy with the Department of Natural Resources from June 2006 until September 2010. He was then appointed Associate Deputy Minister Energy until September 2012 at which time he was made the Deputy Minister of Natural Resources, a position which he held until December 2016. He states that he has participated in the conceptualization and drafting of this Province's energy plan, was involved as regards Nalcor's role in that project and in its sanction, construction and other negotiation. He was the Government's principal contact person with Nalcor on Project matters and issues and has been a member and is currently the chairperson of the Muskrat Falls Oversight Committee. He is also now acting as the Chief Executive, Major Projects and Initiatives with the Government of Newfoundland and Labrador.

[5] Upon hearing from each of these applicants, I am fully satisfied that they have had significant involvement at senior authoritative and management levels within the Government of Newfoundland and Labrador in both pre-sanctioning, sanction and construction of the Muskrat Falls Project. As such, it is appropriate that each of these parties be granted full standing at the Inquiry hearings. At the least their involvement will further the conduct of the Inquiry based upon their knowledge and involvement in the Muskrat Falls Project to date.

[6] With regard to Mr. Thompson, I note that his involvement with the Muskrat Falls Project ended in 2013. As a result, his interests may not be engaged for those parts of the hearings dealing with the Project after that date.

[7] I would expect that his counsel, as well as counsel for Ms. Mullaley and Bown, will exercise his/her professional judgment so that any questioning will be related to issues relevant to these three parties.

[8] It is my understanding that Ms. Mullaley, Mr. Bown and Mr. Thompson are not seeking a recommendation for funding for legal counsel or otherwise as their legal costs will be paid for by the Government of Newfoundland and Labrador. I would add that as these parties each apparently have similar interests it would be most prudent and more efficient if all three were to have the same counsel. However, that is a matter that I will leave to the parties to consider.

[9] As a result of granting standing to these three parties, I would remind them of their obligation to comply with the Commission's Rules of Procedure, including their obligation to provide all documents or things in their possession or control relevant to the Inquiry's mandate to Commission co-counsel in the next 14 days.



JUSTICE RICHARD D. LEBLANC
COMMISSIONER