



Commission of Inquiry Respecting the Muskrat Falls Project

STANDING APPLICATION FOR EDMUND MARTIN FOR THE MUSKRAT FALLS INQUIRY

DECISION

APRIL 6, 2018

LEBLANC, J.:

INTRODUCTION

[1] Edmund Martin has applied for full standing at the hearings to be held by the Commission of Inquiry Respecting the Muskrat Falls Project. Mr. Martin was employed as President and Chief Executive Officer of Nalcor Energy and later became responsible for proposing and overseeing the construction of the Muskrat Falls Project. He was also employed prior to January 1, 2008 as President and CEO of Newfoundland Hydro Limited and other related companies. His employment ended with these companies in April of 2016.

[2] As a result of his employment, I am satisfied that he had considerable involvement in the Muskrat Falls Project both administratively and in a management role, and has significant knowledge as to all of the matters this Commission of Inquiry is investigating pursuant to its Terms of Reference. As such, his having standing will further the conduct of this Inquiry pursuant to section 5(2) of the *Public Inquiries Act, 2006*, S.N.L. 2006 c. P-38.1.

[3] Furthermore, I am satisfied that the interests of Mr. Martin may be adversely affected by the findings of this Commission and that he, therefore, should be given

the opportunity to participate fully in the Inquiry hearings which will be conducted in accordance with this Inquiry's Terms of Reference as interpreted by me on March 14, 2018.

[4] I am also satisfied that the openness and fairness of this Inquiry requires the full participation by Mr. Martin.

[5] Therefore, it is appropriate here to grant full standing at the Inquiry hearings to Mr. Martin. This will enable his counsel to deal with Commission co-counsel directly in order to provide recommendations and suggestions as regards evidence and witnesses to be called at the hearings. Subject to the Rules of Procedure, in advance of a witness's testimony at the public hearing, Mr. Martin will be entitled to receive notice of the witnesses to be called, copies of documents relevant to that witness and a statement of the witness's expected evidence. Being granted full standing he will also be permitted, through his counsel, to examine witnesses to be called and to make final submissions.

ONE OTHER MATTER

[6] Mr. Martin has not applied for me to make a recommendation on funding and I do not need to deal with this specifically.

[7] However, I do raise a concern about a possible conflict of interest arising as I note that one other proposed party, Ms. Kathy Dunderdale, has also applied for standing with her counsel being a member of the same law firm as the proposed counsel for Mr. Martin. 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 LEBLANC
COMMISSIONER