



Commission of Inquiry Respecting the Muskrat Falls Project

STANDING APPLICATION FOR CONSUMER ADVOCATE FOR THE MUSKRAT FALLS INQUIRY

DECISION

MAY 30, 2018

LEBLANC, J.:

INTRODUCTION

[1] By way of an application for standing dated May 28, 2018, Dennis Browne, Q.C., in his capacity as Consumer Advocate pursuant to section 117 of the *Public Utilities Act*, R.S.N.L. 1990, c. P-47 and paragraph 9(2)(a) of the *Independent Appointments Commission Act*, S.N.L. 2016, c. I-2.1, applied for full standing and a recommendation for funding before this Commission of Inquiry on behalf of electricity consumers and ratepayers in this Province.

[2] In my decision given on April 6, 2018, I indicated that, while I would welcome the involvement of a representative for electricity consumers and ratepayers at the Inquiry hearings, I was concerned that Mr. Browne did not have the necessary authority to act as Consumer Advocate before this Inquiry. As a result, I deferred consideration of Mr. Browne's application pending his designation or appointment by the Government of Newfoundland and Labrador as Consumer Advocate for the purposes of representing electricity consumers and ratepayers at the Inquiry hearings.

[3] On May 29, 2018, Mr. Browne forwarded a copy of an Order in Council whereby the Lieutenant-Governor-in-Council appointed him as Consumer Advocate to represent the interests of domestic and general service consumers in the Muskrat Falls Inquiry to the extent that the Consumer Advocate is granted standing. The Order in Council provided by Mr. Browne appears to have been an amended one so as to include authority for the Consumer Advocate to represent the interests of


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domestic and general service consumers before this Inquiry. His appointment is in place now until October 7, 2018. Mr. Browne has advised Commission counsel that his appointment is always one that has a duration of one year and that he expects to be reappointed before October 7, 2018 and thereafter during the term of the Commission of Inquiry.

[4] With this authority to act on behalf of electricity consumers and ratepayers as Consumer Advocate for this Inquiry now being in place, and my expectation that he will be reappointed to continue to do so during the full term of this Inquiry, I am satisfied that providing full standing to Mr. Browne as Consumer Advocate on behalf of domestic and general service consumers of electricity in this Province is appropriate, particularly after my consideration of those matters set out in section 5(2) of the *Public Inquiries Act, 2006*, S.N.L. 2006, c. P-38.1. In saying this, the grant of standing will be subject to Mr. Browne providing Commission counsel, on a timely basis, with his further appointment subsequent to October 7, 2018 and thereafter for the duration of this Inquiry.

[5] As well, I am prepared to recommend that the Government of Newfoundland and Labrador provide funding and other expenses for counsel for the Consumer Advocate in order to participate in the Inquiry hearings. I am not prepared to recommend that funding be provided for consultants or other experts at this time. As I stated in my earlier decision, the marshalling of witnesses and evidence is to be done primarily by and through Commission counsel. Should the Consumer Advocate wish to make suggestions to Commission counsel in this regard, I would urge him to do so.

[6] Obviously the grant of full standing to Mr. Browne as Consumer Advocate requires that he be fully compliant with the Commission's Rules of Procedure. This includes a duty now upon his being granted standing to provide disclosure of any documents in his possession relevant to the mandate of this Commission of Inquiry within the next 14 days. That time period may well be extended but only upon agreement of Commission counsel.



JUSTICE RICHARD D. LEBLANC
COMMISSIONER