



Commission of Inquiry Respecting the Muskrat Falls Project

**STANDING APPLICATION FOR
MANITOBA HYDRO INTERNATIONAL
FOR THE MUSKRAT FALLS INQUIRY**

**DECISION
AUGUST 22, 2018**

LEBLANC, J.:

[1] Manitoba Hydro International (MHI) has applied for standing to represent its interest at the hearings to be held by the Commission of Inquiry Respecting the Muskrat Falls Project.

[2] While Applications for Standing were to be filed earlier this year, the Commission is willing to consider late applications, particularly where the party seeking standing has had late notice of its need to seek participation in the Inquiry hearings. I am satisfied that MHI's Application for Standing should now be considered by me based upon when notice was provided to MHI that the Commission was looking into work it had done regarding the decision to proceed with the Muskrat Falls Project.

[3] MHI prepared reports at the request of the Board of Commissioners of Public Utilities for Newfoundland and Labrador (PUB) as well as for the Government of Newfoundland and Labrador. These reports were utilized ultimately in the determination by the Government of Newfoundland and Labrador to proceed with the construction of the Muskrat Falls Project.

[4] The reports prepared by MHI referred to above have been of some interest to this Commission of Inquiry and have also been the subject of consideration by an

expert retained by the Commission. It is likely that these reports will be the subject of some consideration at the Inquiry hearings and, as such, MHI believes that it should be granted standing to protect its interests.

[5] I am satisfied here that MHI's assessments, findings and opinions were considered by the PUB which was asked to assess whether the Muskrat Falls Project represented the least cost option comparing it to another defined option then under consideration by Nalcor Energy. I am also satisfied that the report prepared for the Government of Newfoundland and Labrador subsequent to the decision of the PUB played a role in it ultimately sanctioning the construction of the Muskrat Falls Project. As such, I am satisfied that MHI's involvement in the Inquiry hearings would further the conduct of this Inquiry considering Section 4(a) of the Commission's Terms of Reference.

[6] I am also satisfied that MHI's participation in the Inquiry is appropriate considering Section 5 of the *Public Inquiries Act, 2006*, S.N.L. 2006 c. P-38.1, particularly subsection 5(2)(a), (b) and (c) in that its interests could be adversely affected by the Commission's findings and that its participation will likely further the work of the Inquiry and contribute to its openness and fairness.

[7] As MHI's interests here relate only to the work of the Commission in Phase One of the hearings, I will grant MHI limited standing so that it can participate in only that Phase of the Inquiry's hearings and for the purposes of making final submissions. It is to be understood by MHI that its standing is premised on it complying with the Commission's Rules of Procedure, including Rule 19 which requires any party given standing to submit any relevant documents and things in its possession related to the subject matter for this Inquiry to Commission co-counsel within fourteen (14) days of the grant of standing.



JUSTICE RICHARD D. LEBLANC
COMMISSIONER

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