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The Honourable Justice Richard D. LeBlanc,
Commissioner of Inquiry
Respecting the Muskrat Falls Project
Beothuk Building
5th Floor, 20 Crosbie Place
St. John's, NL A1B 3Y8

Dear Mr. Justice LeBlanc,

**Re: Commission of Inquiry Respecting the Muskrat Falls Project
Application for Standing During Phase 2**

We act as counsel to Andritz Hydro Canada Inc. ("**Andritz**"), with respect to the Commission of Inquiry.

Andritz is a major contractor to Muskrat Falls Corporation ("**MFC**") for the supply and installation of the powerhouse and spillway hydro mechanical equipment, and the supply of turbines and synchronous generators.

On January 28, 2019, Andritz, by way of its legal counsel, was served with a Summons to Produce (the "**Summons**") for the production of documents related to the work of Andritz for the Lower Churchill Project as enumerated therein. Commission Co-Counsel also wishes to interview and call as a witness at the Inquiry, Bill Mavromatis, the project manager of Andritz for the Lower Churchill Project.

Our client respectfully requests standing before the Commission of Inquiry for Phase 2, as it relates to Part 4(b) of the Terms of Reference.

Our client's request for standing is based on Section 5(2) of the *Public Inquiries Act, 2006* and paragraph 10 of the Commission's *Rules of Procedure*, and in particular:

1. whether the person's participation would further the conduct of the Inquiry;
2. whether the person's interest may be adversely effected by the findings of the Commission;
and
3. whether the person's participation would contribute to the openness and fairness of the Inquiry.

The Summons and the intent to call a witness from Andritz during Phase 2 of the Inquiry confirms the view of Commission Co-Counsel that the participation of Andritz would further the conduct of the Inquiry, and contribute to the openness and fairness of the Inquiry.

The commercial market in which Andritz operates is small and extremely competitive, with a limited number of current and potential clients. Andritz is concerned about its reputation and interests possibly being adversely affected by testimony of witnesses at the Inquiry and by the findings of the Commission.

As per Simon Ruel, *The Law of Public Inquiries in Canada*, (Toronto: Thomson Reuters Canada, 2010) at p.134:

Potential damage to reputations in the context of a public inquiry is the over-arching factor suggesting a high degree of procedural fairness. While risks of prejudice to reputations have to be balanced with the broader social interest in proceeding with a public inquiry, the adherence to strong procedural safeguards will be essential to ensure that reputations are not unduly jeopardized, particularly considering the looseness of the evidentiary standards before a commission of inquiry, and that potential damage to reputations is multiplied considering the usually large publicity surrounding inquiry proceedings and broad circulation of their reports [footnotes omitted].

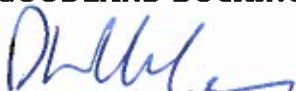
The request for standing by Andritz is only in relation to those aspects of Phase 2 of the Inquiry involving the interests of Andritz. Counsel for Andritz would be limited to questioning of the witnesses speaking to issues impacting the interests of Andritz and its involvement in the Muskrat Falls Project. Documents and other disclosure normally provided to counsel for the parties with standing would similarly be restricted. To accommodate this request for standing, Andritz respectfully requests that Commission Co-Counsel inform counsel for Andritz where it is anticipated that evidence will be possibly impacting the interest of Andritz.

Andritz also recognizes that a grant of standing for Phase 2 as requested obligates Andritz to comply with the Commission's *Rules of Procedure* including Rule 19, and the obligations related to the disclosure of documents not yet received by the Commissioner.

We trust this is satisfactory.

Yours truly,

GOODLAND BUCKINGHAM


Dennis N. Clarke