



Commission of Inquiry Respecting the Muskrat Falls Project

**STANDING APPLICATION FOR
ANDRITZ HYDRO CANADA INC.
FOR THE MUSKRAT FALLS INQUIRY**

DECISION

FEBRUARY 5, 2019

LEBLANC, J.:

[1] Andritz Hydro Canada Inc. (“Andritz”) is a major contractor supplying and/or installing powerhouse and spillway hydro mechanical equipment as well as synchronous generators for the Muskrat Falls Project. Based upon Commission counsel having served Andritz with a summons to produce documents related to its work on the Project, as well as their intent to call an employee or employees of Andritz to testify at the Phase Two Inquiry hearings, Andritz requests standing before the Commission of Inquiry for Phase Two to the extent of its interests.

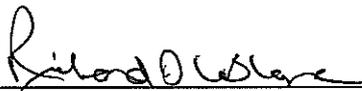
[2] Andritz indicates that it operates in a small and competitive market and, as such, is concerned that its interests and reputation may be adversely affected by the evidence tendered at the Inquiry hearings and possibly by the Commission’s findings.

[3] In preparing for Phase Two, it is evident that Nalcor’s dealings, through its subsidiary, with Andritz will be reviewed by the Commission. This could potentially lead to adverse findings with regards to their dealings and it is also important to have the involvement of Andritz in the Commission’s investigation. Based upon my

consideration of the full circumstances, I am satisfied that Andritz is a necessary party for Phase Two of the Commission's hearings in accordance with the criteria set out in section 5(2) of the *Public Inquiries Act, 2006*, S.N.L. 2006, c. P-38.1, as well as Rule 10 of the Commission's Rules of Procedure.

[4] Andritz's standing will be limited to the extent of its interests as regards the Inquiry's Terms of Reference. It will be the responsibility of counsel for Andritz to work with Commission co-counsel so that Andritz will be aware of and be present for testimony involving or impacting its interests.

[5] As with other parties granted standing, it is important that counsel for Andritz ensure that the Commission's requirements in Rule 19 of its Rules of Procedure are met. Being so close to the start of the hearings for Phase Two, I expect Andritz and its counsel to do all that is necessary to expedite the provision of disclosure so that it will be received by the Commission within five days of the release of this decision at the latest.



JUSTICE RICHARD D. LEBLANC
COMMISSIONER