



Commission of Inquiry Respecting the Muskrat Falls Project

**FUNDING APPLICATION FOR KATHY DUNDERDALE  
FOR THE MUSKRAT FALLS INQUIRY**

**DECISION**

**FEBRUARY 8, 2019**

**LEBLANC, J.:**

**INTRODUCTION**

[1] On April 6, 2018, pursuant to her application, Kathy Dunderdale was granted full standing at the hearings of the Commission of Inquiry respecting the Muskrat Falls Project. It was understood at the time that her participation in the hearings would only be as necessary and to the extent of her interests. Ms. Dunderdale was also granted funding for one legal counsel “as well as expenses including travel expenses for her and her counsel to attend hearings outside of St. John’s”.

[2] Ms. Dunderdale now seeks funding in order to appear as a witness during the Phase Two hearings. She has indicated in her application that she had planned to be outside of the Province to be with family members when she is expected to be called as a witness. She has asked that the Commission pay the cost of return airfare for her to appear in order to testify.

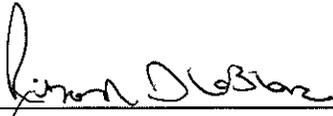
[3] At the time of her application Ms. Dunderdale was scheduled to testify during the period of March 20 – 22, 2019. In order to avoid interrupting her time with her family and believing that she would be returning to St. John’s in early April 2019, I asked Commission counsel to inquire of Ms. Dunderdale’s legal counsel when, in

fact, in April she would be returning. My purpose in doing this was to reschedule her appearance. Notwithstanding what was the earlier understanding as to her availability, I have now been advised that Ms. Dunderdale may not be returning to St. John's until as late as May or June 2019 and that she is actually unsure of her return date.

[4] Commission counsel have now advised that Ms. Dunderdale will be testifying on March 14, 2019. This date has been set based upon Commission counsel's understanding that she would possibly not be returning until May or June of 2019. As a result, I am prepared to recommend to Government that they provide funding for Ms. Dunderdale for airfare at the most economic rate from Halifax to St. John's and return in order that she can appear and testify at the Inquiry's hearing. In doing this I recognize Ms. Dunderdale's financial circumstances as well as the fact that her involvement in the Muskrat Falls Project was in her capacity as an elected member of the House of Assembly.

[5] I have decided to proceed with a funding recommendation as opposed to issuing a subpoena with conduct money as I see Ms. Dunderdale as a party to this Commission of Inquiry whose actual residence is in St. John's. Parties, in my view, absent exigent or special circumstances, should not expect to be paid to attend as a witness before the Commission of Inquiry.

[6] I would ask that Government decide on this recommendation as soon as is possible so that the necessary arrangements for attendance of Ms. Dunderdale on March 14, 2019 can be made. Should funding be approved by Government, the Commission will make the necessary arrangements to obtain a return ticket for Ms. Dunderdale.

  
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**JUSTICE RICHARD D. LEBLANC**  
**COMMISSIONER**