



## Commission of Inquiry Respecting the Muskrat Falls Project

### **DECISION ON AN APPLICATION FOR STANDING FOR GRID SOLUTIONS CANADA ULC FOR THE MUSKRAT FALLS INQUIRY**

#### **DECISION**

**FEBRUARY 11, 2019**

**LEBLANC, J.:**

#### **INTRODUCTION**

[1] Grid Solutions Canada ULC (“Grid Solutions”) seeks limited standing to participate in Phase Two of the public hearings for the Muskrat Falls Inquiry. Grid Solutions’ intent would be to participate in the hearings only where their interests are engaged and they also wish to make submissions at the conclusion of those hearings related to their interests.

[2] Phase Two of the Inquiry hearings will generally involve a review of why the costs of the Muskrat Falls Project have increased. Such will include evidence related to contractual arrangements made between Nalcor Energy or its subsidiaries (“Nalcor”) and contractors as well as performance, oversight and procurement issues related to the construction of the Project.

[3] Grid Solutions has entered into two contracts on the Muskrat Falls Project related to Converter Stations and Transition Compounds as well as AC Substations. The Applicant also states that it has also been involved as the Civil Works Engineer

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on two other contracts for HVDC specialties at Soldier's Pond, Muskrat Falls and Churchill Falls.

[4] The Phase Two hearings will be dealing with these contracts to some extent in its review of the section 4(b) Terms of Reference for this Commission of Inquiry.

## ANALYSIS

[5] In its application, counsel for Grid Solutions has submitted that standing should be granted as the participation of Grid Solutions would further the conduct of the Inquiry, would allow it to protect its interests as there is potential that those interests could be adversely affected by the Commission's findings and that by participating it would contribute to the openness and fairness of the Inquiry. (See section 5(2) of the *Public Inquiries Act, 2006*, S.N.L. 3006, c. P-38.1 and Rule 10 of the Commission's Rules of Procedure.)

[6] While not necessarily for the same reasons put forward in its application, I am satisfied that Grid Solutions is a necessary party for the Phase Two hearings and that its involvement in those hearings will assist this Commission of Inquiry in dealing with its mandate. I accept the position set out in its application that Grid Solutions' standing will be such as to be limited to participation only to the extent of its interests. Therefore, counsel for Grid Solutions will only be permitted to question witnesses speaking to matters impacting its interests and its involvement in the Muskrat Falls Project. Documents and other disclosure provided to counsel for parties with standing will be similarly restricted as much as Commission staff can do this.

[7] It will be the responsibility for counsel for Grid Solutions to work with Commission co-counsel so that Grid Solutions will be aware of and be represented at the hearings where the evidence will involve or impact its interests.

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[8] The Commission's requirements in Rule 19 of its Rules of Procedure are of utmost importance. This standing application comes late in that there are only days before the Phase Two hearings will begin. I note that Grid Solutions was served with a Summons for documents on January 25, 2019 and this was to be responded to on or before February 8, 2019. I would expect now that any other relevant documents not covered by that Summons but in the possession of Grid Solutions will be provided to the Commission on or before February 15, 2019.

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