

NLIS 6
Executive Council
Natural Resources
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Unofficial English Translation of the Régie de l'énergie's Decision Available

The Government of Newfoundland and Labrador today released an unofficial English translation of the Régie de l'énergie's decision, as well as a summary of the document, on complaints filed by Nalcor Energy against Hydro-Quebec Transénergie. The unofficial English translation is being provided by the Provincial Government as the official decision is available in French only from the Régie de l'énergie.

The Honourable Danny Williams, Premier of Newfoundland and Labrador stated that the translation of the Régie's decision indicates that in order to reach its desired results the Régie acted as follows:

- It reached certain conclusions without legal justification to support same;
- It ignored express factual evidence and denied existence of some;
- It made findings of fact while ignoring the weight of the evidence;
- It contradicted itself and put aside its own previous decisions;
- It used unsupported conclusions to pre-empt legitimate related arguments;
- It ignored established principles of open access;
- It engaged in significant misinterpretation of evidence;
- It justified unsupported statements on the basis of "discretion";
- It supported suppression of necessary evidence and working papers to assess System Impact Study;
- It engaged in a major misinterpretation of the Open Access Transmission Tariff (OATT) which has no legal ground in civil administrative or common law rendering the entire complaint process ineffective;
- It breached principles of fairness and natural justice.

"The overall result is to deny access to Québec facilities for the benefit of fellow Canadians while expecting open access from our American counterparts when requesting similar access south of the border," said the Premier. "It is behaviour which should not be tolerated by Canadians or Americans who believe in fairness and competition in the market place for the benefit of consumers."

This is an unofficial translation and was completed under the supervision of legal counsel to Nalcor Energy. It does not represent an official translation and the Provincial Government is not responsible for any translation errors. The document, as well as the summary, can be viewed at www.nr.gov.nl.ca/nr/.

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