

Wesley Hawe

From: Cheryl Blundon
Sent: Wednesday, October 12, 2011 4:19 PM
To: NL Public Utilities Board
Subject: FW: Muskrat Falls Review---Schedule

From: Maureen Greene
Sent: September-12-11 10:27 AM
To: Cheryl Blundon
Subject: FW: Muskrat Falls Review---Schedule

From: Colleen Lacey [mailto:clacey@odeaearle.nf.ca]
Sent: Monday, September 12, 2011 9:28 AM
To: Maureen Greene
Cc: tjohnson@odeaearle.nf.ca; rearle@odeaearle.nf.ca
Subject: Muskrat Falls Review---Schedule

Maureen,

[My email is not working properly today so I am sending you this from Colleen's account.](#)

You have asked for the Consumer Advocate's perspective on scheduling for the PUB's Review of Muskrat Falls.

At this point it is apparent that we are at a minimum of 6 weeks behind the draft schedule that was discussed at the Board's offices amongst counsel on July 20. At that time it was envisioned that MHI would file its report on September 15 and Nalcor would have filed its Submissions by July 27. It is now September 9 and it appears that the earliest MHI will be able to file its report is October 31. It is unknown when Nalcor will be able to file its submission.

If we were to assume that MHI filed by October 31 and further assumed that the time intervals would be kept intact from that point forward as set out in the draft schedule, we see that we would be into the week of December 5 – 9 for a Technical Conference with the Board's Public Consultations being the week of December 12 – 16. Functionally, this would bring the process into its crucial activities in the lead up to the Christmas period. Realistically then, given the time of year, we are not dealing with a 6 week delay, but more like a 8 – 9 week delay given that the latter part of December is a difficult period. All of these comments are predicated on the assumption that the time intervals for the various anticipated steps would remain the same as was envisioned when the draft schedule was prepared.

The assumption in the draft schedule was that within 1 week of the filings of MHI's report – the first round of RFIs would be filed, with answers to be provided one week later, with my consultants to provide their report by 7 or 8 days after the replies to the RFIs. Within a little less than a week of filing our consultants' report, there would be a second round of RFIs on the Technical Reports, with responses to be filed a little over a week later. And then, within a week, there would be a Technical Conference week, followed by a Public Consultation week. We would be into the Technical Conference approximately 5 weeks after the filing of the MHI report. While the Public Consultation week was ongoing there would be a third round of RFIs to ask questions about issues arising from the Technical Conference, with answers to be provided in a little less than a week.

The draft schedule's very tight timelines were based on a December 30, 2011 date for the Board to file its report.

As Consumer Advocate, I would suggest that these time intervals are simply too tight given the complexity of the matter and its importance. We have seen the difficulty with the RFI process thus far. RFIs take time to prepare and they also take time to answer. Then they take time to review and digest. For our consultants and ourselves to be in the position of asking RFIs within a week of MHI's filing and to be filing our evidence about a week after the replies poses a substantial challenge. For one thing, the time is too short and, for another, it is quite often the case that a follow-up round of RFIs are necessary in order for us and our experts to get to the answers we would require before filing a technical report.

Also to be kept in mind when looking at the time intervals is the fact that the Consumer Advocate and its consultants have not been made privy to the confidential filings made with the Board. It may turn out that in fact a lot of which is now labelled "confidential" may not be in fact subject to a claim of confidentiality once Nalcor screens it all. But the fact remains that once that screening takes place that information still has to be reviewed and assessed by us and our consultants and questions will undoubtedly flow from it in the RFI process. The as yet unforeseen information will undoubtedly be voluminous. *At this stage, Hydro has not indicated when they would be able to have the material screened and the appropriate material released to me for our review. My understanding is that this screening process has been held up while Nalcor directs attention to the RFI process.*

Finally, as Consumer Advocate I would be planning to have several public sessions around the Province so that I may receive public input on the matters engaged in this reference, as part of my own consultation process for this review. We had been anticipating undertaking that step prior to the Board's public consultation phase.

These are considerations which I believe should be taken into account as regards scheduling. I would be happy to discuss these with you further.

Colleen Lacey

O'Dea, Earle Law Offices

P.O. Box 5955

323 Duckworth Street

St. John's, NL A1C 5X4

Telephone: (709)726-3524

Facsimile: (709)726-9602