

Q. In reference to the evidence of Earl Ludlow, page 24, line 7, and Newfoundland Power's Regulatory Proceedings Cost, please advise, for the years 1990 to current, as to Newfoundland Power's practice, when appearing before the Board on either Capital Budget Applications or General Rate Applications, of employing outside legal counsel.

A. From 1990 to 1997, Newfoundland Power utilized internal counsel when appearing before the Public Utilities Board on Capital Budget Applications and General Rate Applications.

Since 1997 the Company has been represented by both internal and external legal counsel when appearing before the Board on major Applications. Table 1 below provides a summary of the major regulatory hearings from 1998 to present where outside legal counsel has been used.

Table 1 Regulatory Hearings Where Outside Legal Counsel Has Been Used 1998 – Present	
Regulatory Proceeding	Name of External Counsel
1998 General Rate Application ¹	Ian Kelly, Q.C.
2000 Capital Budget Application	Ian Kelly, Q.C.
2001 Capital Budget Application	Ian Kelly, Q.C.
2001 Aliant Pole Purchase Application	Ian Kelly, Q.C.
2001 General Rate Proceeding (NF Hydro)	Gillian Butler, Q.C.
2002 Capital Budget Application	Gillian Butler, Q.C.
2003 Capital Budget Application	Gillian Butler, Q.C.
2003 General Rate Application	Gillian Butler, Q.C.

¹ The 1999 Capital Budget Application was dealt with as part of the 1998 General Rate Application.

In the early to mid-1980s Newfoundland Power typically was represented by both internal and external counsel in major hearings (i.e., the 1982, 1984 and 1986 General Rate Applications). The reinstatement of this practice in 1998 was the result of a number of factors including the increasing length, rigour and litigious character of major regulatory proceedings. In light of the changing nature of regulatory proceedings and to ensure effective representation before the Board, the Company has determined it is prudent to retain outside counsel with litigation expertise to assist in the preparation and presentation of the Company's case in major regulatory proceedings.