

January 25, 2010

BY E-MAIL TO <cblundon@pub.nl.ca>

Ms. Cheryl Blundon
Secretary, Board of Commissioners of Public Utilities
P.O Box 21040
St. John's, NL A1A 5B2

Re: Application by Nalcor Energy pursuant to Section 5.5(1) of the *Electrical Power Control Act*: Information Requests PUB-CIE-1 through PUB-CIE-13; our file no. 7550/004

Dear Ms. Blundon,

This is further to the above-mentioned Information Requests which we received on Friday, January 22, 2010 to which the Board asked for an answer by Thursday, January 28th at noon Newfoundland time.

Unfortunately, I am in meetings and away from my office as of Monday, January 25, 2010, with my return scheduled for January 28th in the morning.

But in any case, the nature and complexity of the questions posed by the Board are more than any party could answer in three and one-half working days.

Our intervention explicitly asked for an order, *inter alia*:

- “suspending Nalcor’s application and setting aside for future examination the duty to consult and accommodate the Innu of Ekuanishit” pursuant to s. 27(1)(g) of the *Electrical Power Control Act*, 1994, S.N.L. 1994, c. E-5.1; and
- in any event, granting intervenor funding in the nature of advance costs pursuant to s. 90 of the *Public Utilities Act*, R.S.N.L. 1990, c. P-47, and as provided for in *British Columbia (Minister of Forests) v. Okanagan Indian Band*, [2003] 3 S.C.R. 371.

We would be grateful if the Board could indicate when and how it anticipates addressing these issues, which will determine our approach to the Information Requests.

We would also point out that the Board's powers under s. 27(1)(g) of the *Electrical Power Control Act, 1994*, clearly take precedence over the 120-day schedule provided for in s. 7 of the *Water Management Regulations, N.L.R. 4/09*.

Yours,

DIONNE SCHULZE



David Schulze

cc:

	Counsel/Representative	E-Mail
	Mr. Dan Simmons	dsimmons@ottenheimerbaker.com
Nalcor Energy	Mr. Ian K. Kelly, Q.C.,	IFKelly@curtisdawe.nf.ca
	Mr. Geoffrey P. Young	gyoung@nlh.nf.ca
Churchill Falls (Labrador) Corporation Limited	Mr. Jamie M. Smith, Q.C	jsmith@scwlegal.com
	Mr. Peter A. Hickman Assistant Corporate Secretary & Senior Legal Counsel	PHickman@nalcorenergy.com
Twin Falls Power Corporation Limited	Mr. Jim Haynes President and CEO	jhayes@nlh.nf.ca
The Innu of Uashat mak Mani-Utenam, Innu Takuaikan Uashat mak Mani-Utenam (Band Council) and certain traditional families of the Uashat mak Mani-Utenam Innu Nation	Mr. Gary Carot, Counsel to the Innu of Uashat mak Mani-Utenam, Innu Takuaikan Uashat mak Mani-Utenam (Band Council) and certain traditional families of the Uashat mak Mani-Utenam Innu Nation	gcarot@orassocies.ca