



NEWFOUNDLAND AND LABRADOR  
**BOARD OF COMMISSIONERS OF PUBLIC UTILITIES**

**HEAD OFFICE**

120 Torbay Road  
P.O. Box 21040  
St. John's, Newfoundland and Labrador  
Canada, A1A 5B2

**GRAND FALLS - WINDSOR OFFICE**

18 High Street  
Grand Falls-Windsor  
Newfoundland and Labrador  
Canada, A2A 1C6

**E- Mail**

2010 01 29

TO:	Counsel/Representative	E-Mail
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	jhaynes@nlh.nf.ca
The Conseil des Innus de Ekuanitshit	Mr. David Schulze, Counsel to the Conseil des Innus de Ekuanitshit	dschulze@dionneschulze.ca
The Innu of Uashat Mak Mani- Utenam, The Innu Takuaikan, Uashat Mak Mani-Utenam Band Council and certain traditional families of The Uashat Mak Mani-Utenam Innu Nation	Mr. Gary Carot, Avocat/Lawyer for The Innu of Uashat Mak Mani- Utenam, the Innu Takuaikan, Uashat Mak Mani- Utenam Band Council and certain traditional families of the Uashat Mak Mani-Utenam Innu Nation	gcarot@orassocies.ca

Dear Sirs:

**Re: Application by Nalcor Energy pursuant to Section 5.5(1) of the *Electrical Power Control Act* –  
Rules of Procedure and Schedule of Dates**

The Board has now established a process for the consideration of Nalcor Energy's application referenced above.

The process which has been established will not involve an oral hearing. The Board will however consider timely applications for an oral hearing of an issue, which are made in accordance with Board process.

The Board will consider all issues raised concurrently, including any request to stay the hearing of an issue. As such each participant is advised to address all issues which he or she considers relevant as this matter proceeds.

The Board has established Rules of Procedure and a schedule for the proceeding and asks that all participants respect this schedule. Copies of both are attached.

You will note that the schedule sets out several reserved dates. In the event that the Board grants a request for an oral hearing of submissions or evidence in relation to any issue, the oral hearing will proceed on the days reserved in the schedule. Please ensure that you or your agent are available on these reserved days and maintain this availability as the matter proceeds. I also note that a day has been reserved for a technical conference. This technical conference is intended to allow for the full and complete exchange of information before the record is closed and will not involve Board members. Also please note that all motions must be made in writing with supporting documentation.

Should you have any questions or require further clarification please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl Blundon".

Cheryl Blundon  
Board Secretary

Attachments

**Nalcor Energy Application  
Water Management Agreement  
Rules of Procedure – January 2010**

**Public Record**

1. Unless otherwise ordered by the Board, all documents filed with respect to this proceeding shall be placed on the public record.
2. A party may apply to the Board for an Order that a document or information filed in the proceeding is confidential and should not be released or released only on condition.
3. The Board is bound by the provisions of the provincial privacy legislation (*Access to Information and Protection of Privacy Act, RSNL 2002 Chapter A-1.1*). Information considered confidential or proprietary in nature that may be disclosed during the proceeding should be identified. All such information will be dealt with in accordance with the provisions of the provincial privacy legislation.

**Form of Documents**

3. (1) Unless otherwise ordered by the Board, the official record of this proceeding will be the original paper copy filed with the Board's Secretary.
- (2) Every written document filed by a party shall be prepared as follows:
  - (a) Typed, written or printed on 8½" X 11" letter size paper, 3-hole punched for standard binders.
  - (b) Single or double sided.
  - (c) Each page shall be numbered.
  - (d) Where reasonable, each line shall be numbered.

### **Filing of Documents**

4. (1) All documents shall be filed with the Board Secretary.
- (2) Documents may be filed by:
  - (a) Hand delivery;
  - (b) Courier service;
  - (c) Registered Mail;
  - (d) Facsimile; or
  - (e) Other means directed by the Board.
- (3) Filing is accomplished when the Board receives the submission.
- (4) All documents will be date stamped when received at the Board's Office.
- (5) All documents filed according to the scheduled dates shall be filed no later than 3:00 p.m. on the date stipulated. Documents filed after this time or on a Board holiday shall be considered as filed on the next Board business day.

### **Revisions to Documents**

5. (1) A party may revise any document to correct errors or to provide new information before the completion of this proceeding.
- (2) Where all or any part of a document is revised, each revision shall indicate the page(s) revised, the line(s) revised, the number of the revision (i.e. 1<sup>st</sup> revision), and the date of the revision.
- (3) Where a revision is made to a document the Board may, upon its own motion or upon the request of another party, after receiving submissions of the parties, make any order in respect of the revisions.

### **Service of Documents**

6. (1) All documents shall be served upon the other parties in this proceeding.
- (2) Parties will appoint one (1) person to receive documents for this proceeding.
- (3) Service may be made as follows:

- (a) Hand delivery;
- (b) Courier service;
- (c) Registered Mail;
- (d) Facsimile; or
- (e) Other means ordered by the Board.

(4) Service will be effective:

- (a) On the day of delivery, where the document is sent by hand, courier or facsimile.
- (b) On the date of receipt, where the document is delivered by registered mail.
- (c) On a date determined by the Board, where service is made by any other means.

### **Number of Copies of Filings and other Documents**

7. (1) Unless otherwise ordered by the Board, parties filing documents with the Board shall adhere to the following guidelines:
- (a) File with the Board Secretary one (1) original signed copy of each document.
  - (b) Provide six (6) copies of the original documents with the Board.
  - (c) Serve one (1) copy of each document to the parties.

### **Charge for Copies**

8. (1) The Board will provide a copy of any document authored by the Board or its consultants at no charge.
- (2) Copies of documents originating or authored by a party should be requested directly from the party.
- (3) Copies of the Legislation, Acts, and Regulations can be obtained from the Queen's Printer, viewed at the Board's Main Office, or viewed on the Board's Website at ([www.pub.nl.ca](http://www.pub.nl.ca)).
- (4) The Board may charge copy fees for the cost associated with the reproduction of any other document requested by an individual or party in accordance with the applicable legislation.

## Electronic Filing

9. (1) To the extent practical every party shall file with the Board an electronic version of all documentation filed with the Board in this proceeding in the following manner:
  - (a) Each individual document shall be converted while in electronic form to "read only" \*.pdf format (Adobe Acrobat), still allowing for key word searches and cut and paste functionality.
  - (b) All Documents that are generated in-house by the parties are to be filed electronically in the manner prescribed in this Order, with the exception of:
    - i. Covering letters or correspondence;
    - ii. Background reports, Board orders or historical documentation that are unavailable or impractical to provide electronically; and
    - iii. Case law filed in support of Motions.
- (2) Copies of all documentation, except those considered confidential and/or proprietary in nature, filed with the Board in this proceeding will be placed on the Board's website ([www.pub.nl.ca](http://www.pub.nl.ca)).
- (3) Documents considered confidential or proprietary in nature should be password protected when communicating through the internet.
- (4) The electronic file is not an official record for the purposes of this proceeding.

## Public Viewing

10. Interested persons may view any or all documents filed in this proceeding, except confidential information, on the Board's website ([www.pub.nl.ca](http://www.pub.nl.ca)), or at the Board's main office by contacting the Board Secretary.

## Time

11. The parties shall observe the schedule for the proceeding established by the Board.
12. All references to time shall be clear days, that is the first and the last day shall be excluded.

**Motions**

13. (1) Any Motion must be filed in writing with all supporting submissions and evidence and served on the other parties.
- (2) Any reply must be filed in writing with all supporting submissions and evidence and served on the other parties within two (2) days of the filing of the Motion.

**Information Requests**

14. (1) The Parties shall observe the dates set for the issuance and filing of requests for information ("RFIs") and dates for responses to RFIs.
- (2) RFIs, and responses to RFIs, shall constitute part of the record in the proceeding and will be considered to be evidence in the proceeding.

**Procedures for Presentation of Evidence and Cross-examination of Witnesses**

15. Where directed by the Board a party providing a response to an RFI or submitting other evidence shall provide an affidavit attesting to the evidence or, if so ordered, shall make a witness or witnesses available for cross-examination to speak to the evidence.

**Other**

16. Unless otherwise ordered by the Board, the rules of procedure set out in *Regulation 39/96* apply in this proceeding to the extent that they are consistent with this Order.

**Nalcor Energy Application  
Water Management Agreement  
Schedule of Dates – January 2010**

**The following dates are set:**

**January 2010**

January 29<sup>th</sup>                      Replies re: confidentiality issue filed

**February 2010**

February 2<sup>nd</sup>                      Deadline for 2<sup>nd</sup> round Information Requests circulated  
February 8<sup>th</sup>                      Deadline for 2<sup>nd</sup> round responses to Information Requests to be filed  
February 10<sup>th</sup>                      Evidence filed, if any  
February 11<sup>th</sup>                      Reserved for a Technical Conference if so ordered  
February 12<sup>th</sup>                      Deadline for Information Requests on evidence filed, if any  
February 16<sup>th</sup>                      Deadline for responses to Information Requests on evidence to be filed  
February 19<sup>th</sup>                      Submissions of the parties to be filed  
February 23<sup>rd</sup>                      Replies to all submissions to be filed  
February 24<sup>th</sup> – 26<sup>th</sup>              Reserved for an oral hearing of an issue, if so ordered