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<p>1 November 5, 2015</p> <p>2 (9:05 a.m.)</p> <p>3 CHAIRMAN:</p> <p>4 Q. Good morning, everybody. Before we go to Mr.</p> <p>5 Johnson, I understand, I believe, sir, you</p> <p>6 have some matters you wish to take up with</p> <p>7 your new President, is that - do I understand</p> <p>8 that?</p> <p>9 MR. JOHN MACISAAC - EXAMINATION-IN-CHIEF BY MR.</p> <p>10 MACDOUGALL:</p> <p>11 MR. MACDOUGALL:</p> <p>12 Q. That's true, Mr. Chair. Just very quickly,</p> <p>13 Mr. Chair, yesterday Mr. Johnson asked if Mr.</p> <p>14 MacIsaac could find out the final cost on the</p> <p>15 building overnight, and Mr. MacIsaac has been</p> <p>16 able to do that. Mr. MacIsaac, can you</p> <p>17 indicate what the final cost was on the</p> <p>18 building as part of the ProEnergy contract?</p> <p>19 MR. MACISAAC:</p> <p>20 A. Yes, yesterday I indicated that by recall, the</p> <p>21 variance on the building was 12 million</p> <p>22 dollars and that's consistent with the</p> <p>23 information that we confirmed.</p> <p>24 MR. MACDOUGALL:</p> <p>25 Q. So the variance was 12 million leading to a</p>	<p>1 CHAIRMAN:</p> <p>2 Q. Mr. Johnson, we're back to you.</p> <p>3 MR. JOHN MACISAAC - CROSS-EXAMINATION BY JOHNSON, Q.C.:</p> <p>4 JOHNSON, Q.C.:</p> <p>5 Q. Thank you. If you could turn up GT-CA-NLH-</p> <p>6 004, Mr. MacIsaac, page 2 of 2. We see here</p> <p>7 that these were the tender prices received</p> <p>8 from each of the four bidders; ProEnergy, Wood</p> <p>9 Group, PW Power Systems, GE Power and Water,</p> <p>10 and I just want to refer you to the top line</p> <p>11 there, ProEnergy, the tender price of 99.8</p> <p>12 million dollars. Was that the final contract</p> <p>13 price, Mr. MacIsaac?</p> <p>14 MR. MACISAAC:</p> <p>15 A. I believe it was.</p> <p>16 JOHNSON, Q.C.:</p> <p>17 Q. And if we could next turn to Information 35.</p> <p>18 I'm looking at the contract column.</p> <p>19 Information 35, just for the record, was NP-</p> <p>20 NLH-017 in Hydro's 2016 capital budget</p> <p>21 application, and we see that the contract, as</p> <p>22 originally budgeted, was 102.7 million, so the</p> <p>23 contract, in fact, came in under the original</p> <p>24 estimate in terms of what the contract was</p> <p>25 entered into for?</p>
<p>1 final overall cost of -</p> <p>2 MR. MACISAAC:</p> <p>3 A. Nominally 20 million dollars.</p> <p>4 MR. MACDOUGALL:</p> <p>5 Q. Thank you, Mr. MacIsaac, and then also</p> <p>6 yesterday Ms. Greene had asked what was the</p> <p>7 date that Hydro arrived at the settlement of</p> <p>8 the variance request with ProEnergy, and I</p> <p>9 understand you can also put that date on the</p> <p>10 record this morning?</p> <p>11 MR. MACISAAC:</p> <p>12 A. Yes, we can, but we had also complete the</p> <p>13 undertaking as well, so we finished with</p> <p>14 ProEnergy and had settled on an account with</p> <p>15 them on June 26th, and placed the dollars into</p> <p>16 escrow for payment on the same date, and the</p> <p>17 reason for placing it into escrow was to</p> <p>18 ensure that the Newfoundland subcontractors</p> <p>19 and contractors were paid first, so it's on</p> <p>20 the 26th of June, and, yes, your point is well</p> <p>21 taken that there was 30 days in between when</p> <p>22 we should have come back sooner.</p> <p>23 MR. MACDOUGALL:</p> <p>24 Q. With those comments, Mr. Chair, Mr. MacIsaac</p> <p>25 is available again for cross-examination.</p>	<p>1 MR. MACISAAC:</p> <p>2 A. Apology for confusion in that space.</p> <p>3 JOHNSON, Q.C.:</p> <p>4 Q. Pardon?</p> <p>5 MR. MACISAAC:</p> <p>6 A. There's other contracts in there, so that's</p> <p>7 not just for the ProEnergy contract, there's</p> <p>8 other contracts in that space for the work</p> <p>9 that we had to do at site as well.</p> <p>10 JOHNSON, Q.C.:</p> <p>11 Q. I see, okay. I guess, that would be the -</p> <p>12 that 102.7 million, that would include the</p> <p>13 99.8?</p> <p>14 MR. MACISAAC:</p> <p>15 A. Correct.</p> <p>16 JOHNSON, Q.C.:</p> <p>17 Q. And it would include a couple of million more</p> <p>18 for other contracts?</p> <p>19 MR. MACISAAC:</p> <p>20 A. That's correct.</p> <p>21 JOHNSON, Q.C.:</p> <p>22 Q. And if you go over a little bit further then,</p> <p>23 you see the total forecast line for contract</p> <p>24 at \$118,540,795.00, and we'll come to that</p> <p>25 figure a little bit further in a moment, but I</p>

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<p>1 think it would be useful if you could provide</p> <p>2 or if you could undertake to provide a copy of</p> <p>3 the actual contract that was entered into with</p> <p>4 ProEnergy, would that be possible?</p> <p>5 MR. MACISAAC:</p> <p>6 A. Absolutely.</p> <p>7 JOHNSON, Q.C.:</p> <p>8 Q. Okay.</p> <p>9 MS. GLYNN:</p> <p>10 Q. Noted on the record.</p> <p>11 JOHNSON, Q.C.:</p> <p>12 Q. And my understanding as to how these contracts</p> <p>13 work is the contract would provide separate</p> <p>14 amounts for a variety of components, for</p> <p>15 instance, the building was a component, it had</p> <p>16 an 8 million dollar component put in there,</p> <p>17 correct?</p> <p>18 MR. MACISAAC:</p> <p>19 A. It was an allowance that we -</p> <p>20 JOHNSON, Q.C.:</p> <p>21 Q. An allowance, I'm sorry.</p> <p>22 MR. MACISAAC:</p> <p>23 A. That we had put in, that we had inserted in as</p> <p>24 a line item, given that the engineering was</p> <p>25 still outstanding, and we had done an estimate</p>	<p>1 amount for unscheduled work, both unscheduled</p> <p>2 material costs, as well as unscheduled labour</p> <p>3 costs, would that be right?</p> <p>4 MR. MACISAAC:</p> <p>5 A. Contingency.</p> <p>6 JOHNSON, Q.C.:</p> <p>7 Q. That would be your contingency, and it was</p> <p>8 about - my understanding is that there was</p> <p>9 about 2.5 million dollars under each of those?</p> <p>10 MR. MACISAAC:</p> <p>11 A. I'd have to go back and look at it to respond</p> <p>12 to the granularity, but there was a</p> <p>13 contingency.</p> <p>14 JOHNSON, Q.C.:</p> <p>15 Q. Okay, and that'll be borne out by the contract</p> <p>16 when we see it?</p> <p>17 MR. MACISAAC:</p> <p>18 A. Correct.</p> <p>19 JOHNSON, Q.C.:</p> <p>20 Q. Now yesterday you undertook to provide a break</p> <p>21 down of the variances on the building's cost,</p> <p>22 so that would be the 8 million versus the 20</p> <p>23 million that you just indicated was the final</p> <p>24 cost on the building. This morning, what I</p> <p>25 would seek is a further undertaking to provide</p>
<p>Page 6</p> <p>1 of what we thought the building would be.</p> <p>2 JOHNSON, Q.C.:</p> <p>3 Q. Yes, I understand.</p> <p>4 MR. MACISAAC:</p> <p>5 A. So it was inserted in as an allowance in the</p> <p>6 response.</p> <p>7 JOHNSON, Q.C.:</p> <p>8 Q. Right, and correct me if I'm wrong, but the</p> <p>9 contract would provide for separate amounts as</p> <p>10 well for things such as the combustion turbine</p> <p>11 generator, the generation step-up transformer?</p> <p>12 MR. MACISAAC:</p> <p>13 A. That's correct.</p> <p>14 JOHNSON, Q.C.:</p> <p>15 Q. Mechanical, electrical, broken down over a</p> <p>16 variety of different categories?</p> <p>17 MR. MACISAAC:</p> <p>18 A. In a number of different buckets, that's</p> <p>19 correct.</p> <p>20 JOHNSON, Q.C.:</p> <p>21 Q. Okay, fuel oil, storage tanks, that type of -</p> <p>22 MR. MACISAAC:</p> <p>23 A. Right.</p> <p>24 JOHNSON, Q.C.:</p> <p>25 Q. And I understand that it also provided an</p>	<p>Page 8</p> <p>1 an explanation for the variances between the</p> <p>2 contract at 99 something million and the</p> <p>3 actuals, broken down by those component pieces</p> <p>4 that we're talking about. So you'll have the</p> <p>5 building part done, but it'll be the other</p> <p>6 elements to the extent that they varied from</p> <p>7 the contract price, okay.</p> <p>8 MR. MACISAAC:</p> <p>9 A. Agreed.</p> <p>10 JOHNSON, Q.C.:</p> <p>11 Q. All right.</p> <p>12 MS. GLYNN:</p> <p>13 Q. Noted on the record.</p> <p>14 JOHNSON, Q.C.:</p> <p>15 Q. Are you able to speak here this morning as to</p> <p>16 whether there were other components in the</p> <p>17 contract where there were variances besides</p> <p>18 the building, or is it just the building, Mr.</p> <p>19 MacIsaac?</p> <p>20 MR. MACISAAC:</p> <p>21 A. On a high level, I would say that the building</p> <p>22 was the outlier, and balance of plant was</p> <p>23 largely along with budget, and the variances,</p> <p>24 if any, are small by nature as a percent.</p> <p>25 JOHNSON, Q.C.:</p>

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<p>1 Q. Okay.</p> <p>2 MR. MACISAAC:</p> <p>3 A. So the single largest driver for the total</p> <p>4 variance is, in fact, the building.</p> <p>5 JOHNSON, Q.C.:</p> <p>6 Q. Right, okay. Did the building become bigger</p> <p>7 than originally envisioned, did it still have</p> <p>8 the same foot point as what the owner</p> <p>9 envisioned at the outset?</p> <p>10 MR. MACISAAC:</p> <p>11 A. I'm going to back up and try to get the</p> <p>12 context right. Before we had awarded the</p> <p>13 contract, what we had was an area that we had</p> <p>14 identified where the building would reside,</p> <p>15 but because we didn't know at the time whether</p> <p>16 we were going to have two units, four units,</p> <p>17 or one single unit, we generally said this is</p> <p>18 the location that the building is going to go</p> <p>19 within, and when we built our estimate, we</p> <p>20 said - we went and did one of these, and said</p> <p>21 - sorry for the gesture, we approximated what</p> <p>22 we thought initially would be an appropriate</p> <p>23 footprint for the building, and we ended up in</p> <p>24 a place where we have a building that's</p> <p>25 different than what we originally had</p>	<p>1 Q. I see, okay. Now this building was fabricated</p> <p>2 with local contractors, the building was sub'd</p> <p>3 out?</p> <p>4 MR. MACISAAC:</p> <p>5 A. The building was erected locally.</p> <p>6 JOHNSON, Q.C.:</p> <p>7 Q. Erected locally.</p> <p>8 MR. MACISAAC:</p> <p>9 A. It was erected locally. It was fabricated and</p> <p>10 I'm going to say either in Ontario or Quebec,</p> <p>11 but it came from Upper Canada.</p> <p>12 JOHNSON, Q.C.:</p> <p>13 Q. Right.</p> <p>14 MR. MACISAAC:</p> <p>15 A. So it's an engineered steel building and it's</p> <p>16 with a supplier that ProEnergy does a lot of</p> <p>17 buildings, and the reason that they use the</p> <p>18 supplier that they're familiar with was to get</p> <p>19 the building moved up in the production</p> <p>20 schedule in terms of priority because they</p> <p>21 could leverage their scale with this same</p> <p>22 supplier of steel buildings.</p> <p>23 JOHNSON, Q.C.:</p> <p>24 Q. So was it the supply cost of the building</p> <p>25 itself that was the most material driver for</p>
<p>1 envisioned, both in terms of complexity, the</p> <p>2 design, and to execute.</p> <p>3 JOHNSON, Q.C.:</p> <p>4 Q. So would I take from your response or should I</p> <p>5 assume that a building calling for four units,</p> <p>6 say, we expect it to be bigger than one</p> <p>7 calling for one unit, would that be valid?</p> <p>8 MR. MACISAAC:</p> <p>9 A. It depends on the type of unit.</p> <p>10 JOHNSON, Q.C.:</p> <p>11 Q. Okay.</p> <p>12 MR. MACISAAC:</p> <p>13 A. And really we could have been in a place where</p> <p>14 we had more than one enclosure, and some of</p> <p>15 the suppliers that are out in the marketplace</p> <p>16 offer pre-engineered solution for shelters</p> <p>17 too, so we were in a place where we knew,</p> <p>18 given our climatic conditions, that it would</p> <p>19 be prudent for reliability reasons to have an</p> <p>20 enclosure. A lot of these gas turbines, a lot</p> <p>21 of these gas turbines in North America and</p> <p>22 elsewhere sit outside and don't have buildings</p> <p>23 whatsoever. They sit outside.</p> <p>24 (9:15 a.m.)</p> <p>25 JOHNSON, Q.C.:</p>	<p>1 the variance, or was the putting it all</p> <p>2 together down here on the site was the -</p> <p>3 MR. MACISAAC:</p> <p>4 A. It's two pieces. One is that the building</p> <p>5 became a heavier design, and the other is the</p> <p>6 cost for erection of buildings here, and both</p> <p>7 of those are drivers and, I mean, without</p> <p>8 going into too much detail, I know we all</p> <p>9 recognize the environment and the</p> <p>10 construction, the industrial construction</p> <p>11 environment here, because there is other</p> <p>12 projects that, you know, feel schedule and</p> <p>13 cost pressures and they've been in the news,</p> <p>14 and I would say that when we look at the</p> <p>15 result that we have compared to others, we've</p> <p>16 done well.</p> <p>17 JOHNSON, Q.C.:</p> <p>18 Q. And, as you say, we'll see the undertaking on</p> <p>19 the variances and the drivers, I guess.</p> <p>20 MR. MACISAAC:</p> <p>21 A. Yeah.</p> <p>22 JOHNSON, Q.C.:</p> <p>23 Q. You mentioned that you had a project manager</p> <p>24 on site yesterday?</p> <p>25 MR. MACISAAC:</p>

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<p>1 A. We did, we had a dedicated team, actually.</p> <p>2 JOHNSON, Q.C.:</p> <p>3 Q. A dedicated team, which included the project</p> <p>4 manager. The project manager would have been</p> <p>5 there the whole time, I take it?</p> <p>6 MR. MACISAAC:</p> <p>7 A. He was there daily.</p> <p>8 JOHNSON, Q.C.:</p> <p>9 Q. Okay, who was that individual? That would be</p> <p>10 a person from your shop, I take it?</p> <p>11 MR. MACISAAC:</p> <p>12 A. Stephen Parsons.</p> <p>13 JOHNSON, Q.C.:</p> <p>14 Q. And what's his normal title within the</p> <p>15 organization?</p> <p>16 MR. MACISAAC:</p> <p>17 A. He's with us as a project manager and he's</p> <p>18 seconded to us from AMEC.</p> <p>19 JOHNSON, Q.C.:</p> <p>20 Q. And he had experience in project management?</p> <p>21 MR. MACISAAC:</p> <p>22 A. He does, extensive.</p> <p>23 JOHNSON, Q.C.:</p> <p>24 Q. You indicated that at some point there was a</p> <p>25 consultant retained to do high level</p>	<p>1 on the deck for, he has a really good sense</p> <p>2 for projects as well, he's done a lot of -</p> <p>3 he's probably got 40 years experience doing</p> <p>4 large scale projects.</p> <p>5 JOHNSON, Q.C.:</p> <p>6 Q. And was he tasked with anything in particular?</p> <p>7 MR. MACISAAC:</p> <p>8 A. Oversight.</p> <p>9 JOHNSON, Q.C.:</p> <p>10 Q. Oversight?</p> <p>11 MR. MACISAAC:</p> <p>12 A. Oversight.</p> <p>13 JOHNSON, Q.C.:</p> <p>14 Q. And including the budget and the costing, etc?</p> <p>15 MR. MACISAAC:</p> <p>16 A. Schedule and cost, so he was a functional</p> <p>17 coach to Mr. Parsons and the team on an</p> <p>18 ongoing basis.</p> <p>19 JOHNSON, Q.C.:</p> <p>20 Q. Okay.</p> <p>21 MR. MACISAAC:</p> <p>22 A. To ensure that we're doing all the</p> <p>23 fundamentals consistently.</p> <p>24 JOHNSON, Q.C.:</p> <p>25 Q. Now if I could just bring you to DD-NLH-002 in</p>
<p>oversight. You referred to them as a</p> <p>functional coach, Ringacoltig?</p> <p>3 MR. MACISAAC:</p> <p>4 A. Ringacoltig, that's correct.</p> <p>5 JOHNSON, Q.C.:</p> <p>6 Q. Okay, and when were they brought in?</p> <p>7 MR. MACISAAC:</p> <p>8 A. From the outset.</p> <p>9 JOHNSON, Q.C.:</p> <p>10 Q. From the outset. You indicated that they'd</p> <p>11 come in every two out of four weeks?</p> <p>12 MR. MACISAAC:</p> <p>13 A. He was on a rotation, and his name was Mr.</p> <p>14 Randall Orr.</p> <p>15 JOHNSON, Q.C.:</p> <p>16 Q. I'm sorry, I didn't get that?</p> <p>17 MR. MACISAAC:</p> <p>18 A. Randall Orr, like the hockey player.</p> <p>19 JOHNSON, Q.C.:</p> <p>20 Q. Okay, and so when you say every two out of</p> <p>21 four weeks, he'd come for two, go for two, is</p> <p>22 that how it worked?</p> <p>23 MR. MACISAAC:</p> <p>24 A. Depending on the schedule and where we were,</p> <p>25 and if there were issues that he wanted to be</p>	<p>Page 16</p> <p>1 the prudence review for a second, and this</p> <p>2 asked for information, copies of consultant's</p> <p>3 contracts which contributed, and Hydro didn't</p> <p>4 provide the contracts, but they provided a</p> <p>5 listing of expenditures on the next page.</p> <p>6 MR. MACISAAC:</p> <p>7 A. Yeah.</p> <p>8 JOHNSON, Q.C.:</p> <p>9 Q. If you could turn to that, I didn't see</p> <p>10 Ringacoltig there, and I'm just wondering is</p> <p>11 it because they're under one of these line</p> <p>12 items?</p> <p>13 MR. MACISAAC:</p> <p>14 A. It's imbedded within, yes, it is, Mr. Johnson.</p> <p>15 It would be included.</p> <p>16 JOHNSON, Q.C.:</p> <p>17 Q. Included in one of these line items? I see</p> <p>18 Ringacoltig, is that what you're -</p> <p>19 MR. MACISAAC:</p> <p>20 A. Sorry, Ringacoltig.</p> <p>21 JOHNSON, Q.C.:</p> <p>22 Q. Okay.</p> <p>23 MR. MACISAAC:</p> <p>24 A. I pronounced it with an Irish -</p> <p>25 JOHNSON, Q.C.:</p>

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<p>1 Q. Oh, sorry.</p> <p>2 MR. MACISAAC:</p> <p>3 A. He pronounces it gaelic.</p> <p>4 JOHNSON, Q.C.:</p> <p>5 Q. Oh, I see, okay. It's like Kavanagh, not</p> <p>6 Kavanagh, is it?</p> <p>7 CHAIRMAN:</p> <p>8 Q. I thought it was cheese first.</p> <p>9 MR. MACDOUGALL:</p> <p>10 Q. So did many of us, Mr. Chair, so you're not</p> <p>11 alone.</p> <p>12 MR. MACISAAC:</p> <p>13 A. I'm okay, because I get tortured on my</p> <p>14 pronunciation all the time.</p> <p>15 JOHNSON, Q.C.:</p> <p>16 Q. All right, so that solves that mystery. So</p> <p>17 they were paid \$161,000.00 for their efforts?</p> <p>18 MR. MACISAAC:</p> <p>19 A. Yes.</p> <p>20 JOHNSON, Q.C.:</p> <p>21 Q. I take it this contract was designed, because</p> <p>22 this was like a turn key EPC contract, you</p> <p>23 referred to it, and this was designed to put</p> <p>24 the risk on the contractor, and I think you</p> <p>25 said yesterday -</p>	<p>1 MR. MACISAAC:</p> <p>2 A. That's correct.</p> <p>3 JOHNSON, Q.C.:</p> <p>4 Q. I guess, they would have had probably a letter</p> <p>5 of credit that they'd have to put up too?</p> <p>6 MR. MACISAAC:</p> <p>7 A. That's right.</p> <p>8 JOHNSON, Q.C.:</p> <p>9 Q. So that you could call on that to get the job</p> <p>10 done?</p> <p>11 MR. MACISAAC:</p> <p>12 A. There was a letter of credit in place as well.</p> <p>13 JOHNSON, Q.C.:</p> <p>14 Q. So if they disputed and said, look, we're out</p> <p>15 of here, we're not doing any more work, you</p> <p>16 could have had recourse against the</p> <p>17 performance bond or a letter of credit?</p> <p>18 MR. MACISAAC:</p> <p>19 A. Correct.</p> <p>20 JOHNSON, Q.C.:</p> <p>21 Q. Now the contractor's approach to you folks for</p> <p>22 more money, we're talking the March surprise,</p> <p>23 I'll call it, that more money request, was</p> <p>24 that totally to do - exclusively to do with</p> <p>25 the building?</p>
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<p>1 MR. MACISAAC:</p> <p>2 A. Correct.</p> <p>3 JOHNSON, Q.C.:</p> <p>4 Q. That you said to them, well, boys, if your</p> <p>5 price had come in under the contract price, I</p> <p>6 doubt you'd be looking to share that reward</p> <p>7 with us, right?</p> <p>8 MR. MACISAAC:</p> <p>9 A. Correct.</p> <p>10 JOHNSON, Q.C.:</p> <p>11 Q. And I take it, this contract would have called</p> <p>12 for performance bonds, security to make sure -</p> <p>13 MR. MACISAAC:</p> <p>14 A. We have those.</p> <p>15 JOHNSON, Q.C.:</p> <p>16 Q. To make sure that they couldn't walk away from</p> <p>17 the project.</p> <p>18 MR. MACISAAC:</p> <p>19 A. There were performance bonds in place. They</p> <p>20 actually were in a place where they couldn't</p> <p>21 walk away from the project, but in addition to</p> <p>22 that we could also place them on notice during</p> <p>23 the performance as well.</p> <p>24 JOHNSON, Q.C.:</p> <p>25 Q. So you could call the performance bond?</p>	<p>1 MR. MACISAAC:</p> <p>2 A. Initially, it was more than the building.</p> <p>3 JOHNSON, Q.C.:</p> <p>4 Q. Okay, so initially what other things were they</p> <p>5 claiming besides the building?</p> <p>6 MR. MACISAAC:</p> <p>7 A. A whole list of mechanical and electrical, in</p> <p>8 addition to building civil.</p> <p>9 JOHNSON, Q.C.:</p> <p>10 Q. So wanting to depart from their contract on a</p> <p>11 number of components?</p> <p>12 MR. MACISAAC:</p> <p>13 A. Correct.</p> <p>14 JOHNSON, Q.C.:</p> <p>15 Q. And the overall amount of the claim that they</p> <p>16 brought forward to you at that time was how</p> <p>17 much, what were they seeking?</p> <p>18 MR. MACISAAC:</p> <p>19 A. Nominally 27 million dollars.</p> <p>20 JOHNSON, Q.C.:</p> <p>21 Q. 27 million, and the amount that was agreed to</p> <p>22 pay out to them was how much?</p> <p>23 MR. MACISAAC:</p> <p>24 A. 12.</p> <p>25 JOHNSON, Q.C.:</p>

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<p>1 Q. 12 million, okay, and the 12 is - you 2 recognize the building cost, would I be 3 correct? 4 MR. MACISAAC: 5 A. That's correct. 6 JOHNSON, Q.C.: 7 Q. That you referred to earlier. Now you said 8 yesterday that Revay were consulted by Hydro 9 and Revay, they're into - I had to Google 10 them. They're into dispute resolution on 11 construction projects? 12 MR. MACISAAC: 13 A. That's correct. 14 JOHNSON, Q.C.: 15 Q. And whenabouts were they retained? Were the 16 on retainer before the presentation of this 17 demand from - it was after that? 18 MR. MACISAAC: 19 A. Correct. 20 JOHNSON, Q.C.: 21 Q. Okay, and so did you ask Revay to assist the 22 file and provide a recommendation? 23 MR. MACISAAC: 24 A. We started down that road. We started to 25 build the front end assessment with them and</p>	<p>1 work to come back to the table and have 2 further discussion, and we went offline to go 3 and start to do the work with Revay &amp; 4 Associates to get ourselves prepped, and when 5 ProEnergy and their subs came to the 6 realization that we were prepared to very 7 seriously take on their claim for extra as a 8 variance on multiple - they reached out to us 9 and said let's get together and talk and go 10 through it again, and we did that a number of 11 times where we'd step back and said that's not 12 acceptable. So our engagement with Revay 13 helped us frame where we thought we 14 potentially could land. Their input at the 15 front was more from a strategic level, here's 16 what you have, this is what we would see as a 17 potential outcome based on the work that they 18 do across North America, and their front end 19 assessment of what we had and where we should 20 travel to. So we went outside ourselves to 21 get some external guidance on (a) where we 22 thought we could potentially land, and (b) 23 what our strengths were in going back to 24 ProEnergy. 25 JOHNSON, Q.C.:</p>
<p>1 also a strategy for going back and challenging 2 the claim. 3 JOHNSON, Q.C.: 4 Q. Okay. 5 MR. MACISAAC: 6 A. If I could, just for two minutes - 7 JOHNSON, Q.C.: 8 Q. Sure. 9 MR. MACISAAC: 10 A. Just to help you, maybe guide the discussion. 11 JOHNSON, Q.C.: 12 Q. Yeah. 13 MR. MACISAAC: 14 A. So we started in a place where ProEnergy came 15 to us. We were taken back. I would have 16 characterized it at the time internal to our 17 leadership team as commercially irresponsible 18 on behalf of ProEnergy because up until that 19 point in time, we were exceedingly satisfied 20 with the work that they were doing, and we sat 21 down with them and tried to have a 22 conversation about what we deemed to be 23 reasonable and fair. They got dug in, and we 24 said there's insufficient common ground here 25 for us to be in a place without doing more</p>	<p>1 Q. And did they provide a recommendation in 2 writing or an opinion in writing as to what 3 the potential risk and exposure was? 4 MR. MACISAAC: 5 A. We met with them in Montreal and they then 6 came down and did an assessment of what we 7 had. I'd have to check and see what we have 8 in writing from them, but they gave us a sense 9 for how strong our case was. 10 JOHNSON, Q.C.: 11 Q. Okay, and if you could undertake to check and 12 see if you did get anything? 13 MR. MACISAAC: 14 A. We will 15 JOHNSON, Q.C.: 16 Q. And if you did, to provide that, what the 17 recommendation was? 18 MR. MACISAAC: 19 A. Yes. 20 MS. GLYNN: 21 Q. Noted on the record. 22 JOHNSON, Q.C.: 23 Q. Thank you, and in terms of, like, the 24 contract, your characterization of the 25 contract from yesterday, it appeared to me to</p>
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<p>1 be a contract that shifted the risk to the 2 contractor away from the owner as opposed to a 3 labour plus material? 4 MR. MACISAAC: 5 A. That's correct, with the exception of the 6 building. With the exception of the building, 7 because the building was put in there as an 8 allowance, so we out the allowance in for the 9 building and we then assumed risk on the 10 building component because they didn't give us 11 the number for the building, we provided them 12 with an allowance for the building, right. 13 JOHNSON, Q.C.: 14 Q. So they wouldn't have been held to that 15 allowance? Didn't they bid on the basis that 16 that was an acceptable allowance? 17 MR. MACISAAC: 18 A. The intent would be that they would be inside 19 of that, but there's more risk inside of that 20 for ourselves on the building because it's not 21 specifically - it's entirely all yours. Where 22 we suggested to them what the allowance was 23 inside of (a) our budget, and (b) back to 24 them, in budgetary pricing, and so, for 25 example, on the response from the next</p>	<p>1 Q. Did Hydro seek a legal opinion on its 2 position, vis a vis, this claim? 3 MR. MACISAAC: 4 A. Yes. 5 JOHNSON, Q.C.: 6 Q. In light of the contractual provision? 7 MR. MACISAAC: 8 A. Yes, we did. 9 JOHNSON, Q.C.: 10 Q. And internal or external? 11 MR. MACISAAC: 12 A. Both. 13 JOHNSON, Q.C.: 14 Q. Did you receive written opinions? 15 MR. MACISAAC: 16 A. I'm sure we must have. 17 JOHNSON, Q.C.: 18 Q. And, I guess, were they an assessment of the 19 strength and merits of the claim being put 20 forward and Hydro's reply to it, would that 21 have been part of it? 22 MR. MACISAAC: 23 A. Directly involved in the conversation to the 24 point that our external legal counsel was 25 involved in our conversations with Revay, and</p>
<p>1 closest, they come in with a budget on the 2 building under the 8 million dollar allowance, 3 we carried the 8 million dollars in our 4 pricing and we did it across the others as 5 well. 6 JOHNSON, Q.C.: 7 Q. Yeah. 8 MR. MACISAAC: 9 A. So that it's an apples for apples equal 10 scenario because at that point it's still very 11 much preliminary in budgetary. We didn't know 12 what the solution was, therefore, the EPC 13 contractor has an allowance that he works 14 within and he's obliged to come back and tell 15 us if it's going to be more than the 8 million 16 dollar allowance, and we initially started 17 down the road with the understanding that the 18 allowance was going to be sufficient for the 19 build of the building. 20 JOHNSON, Q.C.: 21 Q. And you thought it was sufficient right up 22 until you were told that it wasn't? 23 MR. MACISAAC: 24 A. That's correct. 25 JOHNSON, Q.C.:</p>	<p>1 the legal counsel that we retained in that 2 space was both a lawyer and an engineer. 3 JOHNSON, Q.C.: 4 Q. Okay, all right, and - 5 MR. MACISAAC: 6 A. And I apologize, I'd give you his name, but it 7 escapes me at the moment. 8 JOHNSON, Q.C.: 9 Q. Okay. 10 MR. MACISAAC: 11 A. It'll come back to me. 12 JOHNSON, Q.C.: 13 Q. Perhaps what you could do is undertake to 14 provide a copy of any such opinion that 15 grounded your decision to resolve the matter. 16 MR. MACISAAC: 17 A. Yeah. 18 MR. MACDOUGALL: 19 Q. Mr. Chair, I know Mr. MacIsaac has agreed to 20 provide those opinions. I think I would just 21 like to put on the record, we'd have to take a 22 look and determine whether in providing them 23 there's any privilege or confidentiality 24 issues around them. Mr. MacIsaac, new to the 25 role, may not be aware of those matters, but</p>

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<p>1 since Mr. Johnson is asking for legal 2 opinions, I do want to just put that on the 3 record and we will qualify the undertaking to 4 the extent it may be necessary in that regard 5 if that's amenable to the Board. 6 JOHNSON, Q.C.: 7 Q. If there's a claim of privilege, we can deal 8 with it. That's my perspective. 9 MS. GLYNN: 10 Q. Noted on the record. 11 MR. MACDOUGALL: 12 Q. Thank you. Thank you, Mr. Johnson. 13 (9:30 a.m.) 14 JOHNSON, Q.C.: 15 Q. Okay. Moving on to a couple of final topics, 16 Mr. MacIsaac, you indicated yesterday that 17 there was a PMI, a Project Management 18 Institute, that you avail of at Nalcor, and 19 you indicated that you've had the services of 20 a certified auditor in each of 2011, 2013, and 21 2015? 22 MR. MACISAAC: 23 A. That's correct. 24 JOHNSON, Q.C.: 25 Q. And so they provide a report, do they? Tell</p>	<p>1 A. Yes. 2 MS. GLYNN: 3 Q. Noted on the record. 4 MR. MACISAAC: 5 A. And the reports have a Stantec stamp on the 6 front of them. 7 JOHNSON, Q.C.: 8 Q. Yes. 9 MR. MACISAAC: 10 A. And the resource that was involved in doing 11 the reports is a freelance guy who's worked - 12 he's currently actually working here in the 13 province. He currently works for the Wood 14 Group and leads - or he's one of the senior 15 leaders inside their project management group, 16 but he's a freelance project management guy. 17 The first time we engaged him, he was with 18 Stantec, and we reached out and used him over 19 again for consistency inside the audits, so 20 you might pick up that there's some stuff in 21 there that says "Wood Group", but he's a 22 freelance engineering type who does this work 23 in addition to project management work. 24 JOHNSON, Q.C.: 25 Q. And I take it, his 2015 report would be in</p>
<p>1 me what they audit you on, if you could 2 provide some colour on that? 3 MR. MACISAAC: 4 A. I got myself in trouble when I talked about 5 colour yesterday. 6 JOHNSON, Q.C.: 7 Q. Flavour. 8 MR. MACISAAC: 9 A. So what they use for benchmarking, and it 10 really was a benchmarking exercise, they use 11 what's considered to be the gold standard for 12 project management and it's called PMBOK, 13 which is the Project Management Body of 14 Knowledge, and it's a well documented - I 15 mean, it's like this, it's very thick and it 16 talks about the fundamentals of effective 17 project management, and it measures human 18 resource management, risk management, 19 communications management, time management, 20 integration, cost, and quality. 21 JOHNSON, Q.C.: 22 Q. Okay. Perhaps we could ask you to undertake 23 to provide these reports in relation to these 24 2011, 2013, and 2015. Would that be possible? 25 MR. MACISAAC:</p>	<p>1 relation to the 2014 year? 2 MR. MACISAAC: 3 A. Exactly. 4 JOHNSON, Q.C.: 5 Q. Okay. 6 MR. MACISAAC: 7 A. So he would have - what he does is he comes in 8 and takes a sampling of small, medium, and 9 large projects randomly and he audits them 10 against these dimensions. 11 JOHNSON, Q.C.: 12 Q. Okay. All right, I think that will be useful 13 to have. My last topic, yesterday in 14 questioning with my friend, Mr. O'Brien, you 15 indicated that your role with respect to asset 16 management as it pertained to Hydro was as a 17 functional coach for asset management? Do you 18 recall that? 19 MR. MACISAAC: 20 A. Okay. 21 JOHNSON, Q.C.: 22 Q. And I'll just bring it up, actually, page 72. 23 It might be useful just to - at the bottom of 24 page 71, Mr. O'Brien said starting at line 22, 25 "The asset management concept, what was your</p>

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<p>1 role with respect to asset management as it 2 pertains to Hydro", and you indicated, 3 "Functional coach for asset management", and 4 then there was a bit of discussion, "What does 5 a functional coach do", etc. I won't read it 6 there, it's there for us to read, but I'll 7 just ask you a question, did you have 8 knowledge of Hydro's preventative maintenance 9 catch-up plan for its transformers and air 10 blast circuit breaker maintenance? 11 MR. MACISAAC: 12 A. In detail, no, I did not at the time. 13 JOHNSON, Q.C.: 14 Q. Okay. 15 MR. MACISAAC: 16 A. I'll just reiterate some of the response 17 yesterday did give you a sense for the office 18 of asset management and the resource that's in 19 there as the manager provides input around 20 strategy and best practice for maintenance and 21 asset renewal, and asset owners in the field - 22 because that's where you need to the 23 ownership, so we have discreet resources in 24 the field that are the asset owners, they're 25 the long term asset owners and asset planners.</p>	<p>1 MR. MACISAAC: 2 A. When we get into the investigation, some of 3 that information started coming out. So when 4 we started doing root cause work on the issues 5 that we had in Sunnyside and Western Avalon 6 was when I became familiar with our planning 7 around transformers and breakers at that time. 8 JOHNSON, Q.C.: 9 Q. Okay. 10 MR. MACISAAC: 11 A. That was when I gained resolution on some of 12 the detail we had around our maintenance 13 strategy and that space. 14 JOHNSON, Q.C.: 15 Q. So up until that root cause examination, etc, 16 after those events of early 2014, up until 17 then were you aware that they were in a midst 18 of a catch-up plan on preventative 19 maintenance? 20 MR. MACISAAC: 21 A. I was not. 22 JOHNSON, Q.C.: 23 Q. I think those are my questions. Thank you 24 very much, Mr. MacIsaac. 25 MR. MACISAAC:</p>
<p>Page 34</p> <p>1 They drive the day to day condition 2 assessment, prioritization of work against 3 those condition assessments and the execution 4 of the maintenance inside of a day, a week, a 5 month, and a year. So they're much closer to 6 the detailed maintenance undertakings. At a 7 higher level, the functional coaching is about 8 holistically taking care of your assets and 9 it's not simply about maintenance. 10 JOHNSON, Q.C.: 11 Q. Right. 12 MR. MACISAAC: 13 A. It's about asset renewal, it's about 14 maintenance, it's about replacement, and how 15 it all ties together as a strategy for 16 extending the life of your assets. 17 JOHNSON, Q.C.: 18 Q. Okay, you indicated that you were not aware of 19 - you did not know in detail - 20 MR. MACISAAC: 21 A. Not in detail. 22 JOHNSON, Q.C.: 23 Q. About Hydro's preventative maintenance catch- 24 up plan. What did you know about it and when 25 did you know it?</p>	<p>Page 36</p> <p>1 A. Thank you. 2 CHAIRMAN: 3 Q. Sir. 4 MR. COXWORTHY: 5 Q. Thank you, Mr. Chair. 6 MR. JOHN MACISAAC - CROSS-EXAMINATION BY MR. COXWORTHY: 7 JOHNSON, Q.C.: 8 Q. Good morning, Mr. MacIsaac. My name is Paul 9 Coxworthy, I'm counsel for the island 10 industrial customer group. 11 MR. MACISAAC: 12 A. Okay, good morning. 13 MR. COXWORTHY: 14 Q. Good morning. My understanding is you started 15 with Nalcor as VP Project Execution and 16 Technical Services in October 2010? 17 MR. MACISAAC: 18 A. Correct. 19 MR. COXWORTHY: 20 Q. And prior to that, you weren't employed with 21 Nalcor or Hydro? 22 MR. MACISAAC: 23 A. I was not. 24 MR. COXWORTHY: 25 Q. The time that you would have spent in relation</p>

<p style="text-align: right;">Page 37</p> <p>1 to consideration of the new gas turbine for  2 Holyrood, would that have been time that you  3 would have charged as a Nalcor officer  4 directly into Hydro? Perhaps I'll provide you  5 some context here.</p> <p>6 MR. MACISAAC:  7 A. Okay.</p> <p>8 MR. COXWORTHY:  9 Q. Because you're hesitating - I mean, I don't  10 want to cut you off.</p> <p>11 MR. MACISAAC:  12 A. I'm searching for the question, sorry.</p> <p>13 MR. COXWORTHY:  14 Q. I don't want to cut you off. Perhaps we could  15 turn to PUB-NLH-228, Attachment 1, and you'll  16 see there's been some evidence from prior  17 witnesses about charging in time directly to  18 Hydro by Nalcor, leadership persons, and so  19 this is a table that summarizes that and  20 you'll see there's a line there for VP Project  21 Execution and Technical Services. So if you're  22 not familiar with this, I'll certainly give  23 you a moment to look at it.</p> <p>24 MR. MACISAAC:  25 A. I'm looking at it, thank you. Okay.</p>	<p style="text-align: right;">Page 39</p> <p>1 - perhaps I shouldn't put it "at all", but you  2 didn't really focus on the issue of combustion  3 turbine at Holyrood, perhaps the need for one  4 to be installed there, perhaps not until 2012  5 or even later.</p> <p>6 MR. MACISAAC:  7 A. Okay.</p> <p>8 MR. COXWORTHY:  9 Q. You might have heard it before, something  10 about it before that, is that fair?</p> <p>11 MR. MACISAAC:  12 A. Okay, yes, that's fair.</p> <p>13 MR. COXWORTHY:  14 Q. I don't want to mischaracterize. I don't want  15 to dwell then on the time in 2011, but 2012,  16 2013, 2014, 2015, of that time that was being  17 directly charged to Hydro, would that include  18 the time you were spending in relation to the  19 consideration of acquisition of a new gas  20 turbine for Holyrood, would that be included  21 in that time that was charged in to Hydro?</p> <p>22 MR. MACISAAC:  23 A. I would - I'm going to back up and provide a  24 little bit of context.</p> <p>25 MR. COXWORTHY:</p>
<p style="text-align: right;">Page 38</p> <p>1 MR. COXWORTHY:  2 Q. So as I would understand it, and, of course,  3 you only came on board late in 2010, so I  4 think it would be fair to say the  5 preponderance of the hours charged into Hydro  6 for 2010 were not your hours, it would have  7 been your predecessor's?</p> <p>8 MR. MACISAAC:  9 A. That would be correct.</p> <p>10 MR. COXWORTHY:  11 Q. That would be a reasonable assumption. So  12 starting from 2011, 2012, 2013, 2014, and  13 onwards, that would be your time, both actual  14 and forecasted, to be charged into Hydro?  15 That's my understanding -</p> <p>16 MR. MACISAAC:  17 A. That's correct.</p> <p>18 MR. COXWORTHY:  19 Q. Your understanding as well.</p> <p>20 MR. MACISAAC:  21 A. Yeah.</p> <p>22 MR. COXWORTHY:  23 Q. I just wanted to get a sense then from 2011  24 onwards, and I certainly acknowledge your  25 evidence that you really weren't aware at all</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Absolutely.</p> <p>2 MR. MACISAAC:  3 A. So that we're working with a shared point of  4 reference. The time that I have in here is  5 activity based. I live and die by my  6 calendar, and it's something that I work with  7 - Audrey Brophy on a daily basis.</p> <p>8 MR. COXWORTHY:  9 Q. Is that your assistant?</p> <p>10 MR. MACISAAC:  11 A. Yes, yeah, she's more than that.</p> <p>12 MR. COXWORTHY:  13 Q. Absolutely, your right hand person.</p> <p>14 MR. MACISAAC:  15 A. She is my right hand for sure, and so that's  16 all activity based, and would be out of my  17 calendar. So that she actually submits my  18 timesheets based on the time that's in my  19 calendar from the meetings that I'm in, and  20 the sessions that I lead. So it's purely  21 activity based. When you talk about 2012 and  22 the pre-work that we were doing on gas turbine  23 options, I wouldn't want to leave you with the  24 impression that I'm directly involved in doing  25 that work. That would not be the case. That</p>

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<p>1 would be occurring underneath the manager for 2 project execution inside of regulated Hydro, 3 and one of his leads, his or her leads, and in 4 this case, his lead. So it's somewhat removed 5 from myself only to the extent that I provide 6 the directional input and be asked to go and 7 pre-build and develop options, and get 8 ourselves organized so that we can come back 9 and inform system planning and our VP of 10 regulated Hydro, our customer, of options that 11 are potentially out there.</p> <p>12 MR. COXWORTHY:</p> <p>13 Q. And correct me if I've misunderstood, in 2012, 14 at least, the people that would have been more 15 directly involved with assessing the gas 16 turbine - the need or whether there was a need 17 for a gas turbine at Holyrood in 2012 would 18 have been the Manager, Project Execution?</p> <p>19 MR. MACISAAC:</p> <p>20 A. No, assessing the need falls with Paul 21 Humphries and his shop. Assessing the need 22 falls with Paul Humphries and his shop. 23 Developing options scope and schedule falls 24 with Project Execution and Technical Services.</p> <p>25 MR. COXWORTHY:</p>	<p>1 calendar this week, but it kind of got blown 2 up, to sit with our project teams and do risk 3 and solves, and all we talk about is our 4 project load of all of the projects right 5 across regulated Hydro by portfolio, by 6 project manager, and I do that on a regular 7 basis.</p> <p>8 MR. COXWORTHY:</p> <p>9 Q. Is it weekly? I'm sorry, did I miss -</p> <p>10 MR. MACISAAC:</p> <p>11 A. Every other week.</p> <p>12 MR. COXWORTHY:</p> <p>13 Q. Every other week, thank you.</p> <p>14 MR. MACISAAC:</p> <p>15 A. So if you looked at Mr. Read's calendar 16 because he lives by his calendar as well, you 17 would see that in his calendar every other 18 week he's got risks and solves with all of the 19 project teams that are directly linked to 20 regulated Hydro capital work.</p> <p>21 MR. COXWORTHY:</p> <p>22 Q. Before we leave PUB-NLH-228, I just wanted to 23 note that in 2008, 2009, 2010, that your 24 predecessor in that position was charging in - 25 I think it's reasonable to say, significant</p>
<p>Page 42</p> <p>1 Q. Thank you, and that person, the Manager of 2 Project Execution and Regulated Operations, 3 that's a person that would have reported to 4 you?</p> <p>5 MR. MACISAAC:</p> <p>6 A. That's correct, sir. 7 (9:45 a.m.)</p> <p>8 MR. COXWORTHY:</p> <p>9 Q. And to the extent there was that sort of 10 dialogue going on, reporting to you, would 11 that have been time you would have charged in 12 directly to Hydro, do you know, in 2012?</p> <p>13 MR. MACISAAC:</p> <p>14 A. I would say logically, yes.</p> <p>15 MR. COXWORTHY:</p> <p>16 Q. What other significant projects would you have 17 been involved in in 2012 that would have 18 resulted in your time being charged directly 19 to Hydro, other than consideration of options 20 for CT for Holyrood?</p> <p>21 MR. MACISAAC:</p> <p>22 A. I think there's value in context again, and 23 you can narrow me down. Inside of a typical 24 week or every other week, on an ongoing basis, 25 I have it in my calendar - I have it my</p>	<p>Page 44</p> <p>1 more time directly to Hydro than you did 2 afterwards. There's a drop there. Are you 3 aware of whether there was any change in 4 mandate in your position that coincided with 5 your coming on board that would explain the 6 change in the amount of time that was being 7 charged directly to Hydro?</p> <p>8 MR. MACISAAC:</p> <p>9 A. In terms of change in mandate?</p> <p>10 MR. COXWORTHY:</p> <p>11 Q. Yes, that would explain why the amount of time 12 that was being directly charged to Hydro 13 changed starting from, say, 2011?</p> <p>14 MR. MACISAAC:</p> <p>15 A. I can't speak to a change in mandate, and I'm 16 not aware of - and that would be Mr. Mallam, 17 and I'm not aware of how Mr. Mallam allocated 18 his time. So all I can speak to is the time 19 that has gone in for myself.</p> <p>20 MR. COXWORTHY:</p> <p>21 Q. You're not aware of a change in mandate?</p> <p>22 MR. MACISAAC:</p> <p>23 A. No.</p> <p>24 MR. COXWORTHY:</p> <p>25 Q. So no one sat down with you, Mr. Martin or</p>

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<p>1 anyone else, and sort of explained to you that 2 maybe there might be a change in policy or 3 practice about how much time would be charged 4 in to Hydro directly as compared to across all 5 Nalcor lines of business? Was that a 6 discussion that was had with you when you came 7 on board in 2010 or as you were learning the 8 business, because I certainly acknowledge that 9 - certainly not having been part of the Hydro 10 organization before that, I'm sure there was a 11 steep learning curve? 12 MR. MACISAAC: 13 A. A learning curve, yes. I wouldn't 14 characterize it as steep because there's a lot 15 of transferable skillsets that I brought from 16 previous engagements that were project related 17 and having - 18 MR. COXWORTHY: 19 Q. In terms of where you're charging your time, I 20 mean, that wouldn't be something that would be 21 transferable from your previous. 22 MR. MACISAAC: 23 A. I'm sorry. So in terms of where I'm charging 24 my time, again it's activity based and there 25 was no discussion between myself and Mr.</p>	<p>1 leadership meetings? 2 MR. MACISAAC: 3 A. Based on my recall, there's always been 4 leadership team meetings. 5 MR. COXWORTHY: 6 Q. And at these Nalcor leadership meetings, would 7 you discuss significant Hydro matters like, 8 for instance, consideration of a new gas 9 turbine for Holyrood, would that be at topic 10 of discussion at a - 11 MR. MACISAAC: 12 A. Those types of topics do come up, yes. 13 MR. COXWORTHY: 14 Q. And how would they come to the Nalcor 15 leadership meeting? Would they come 16 exclusively through Mr. Henderson bringing 17 them up or would other people, such as 18 yourself, who might hear about something 19 through your manager of project execution, 20 bring something to the fore? 21 MR. MACISAAC: 22 A. It's a standing item on our agenda where we 23 speak to issues that go across lines of 24 business and functional groups, and that's how 25 they come up.</p>
<p>1 Martin about how I should allocate my time. 2 MR. COXWORTHY: 3 Q. In previous evidence, I think from both Mr. 4 Martin and Mr. Henderson, but Mr. Martin, in 5 particular, spoke about the matrix 6 organization and you were asked some questions 7 about that. 8 MR. MACISAAC: 9 A. Uh-hm. 10 MR. COXWORTHY: 11 Q. The matrix leadership model, and I understand 12 there were monthly meetings of the Nalcor 13 leadership team as part of that organizational 14 model? 15 MR. MACISAAC: 16 A. There are. 17 MR. COXWORTHY: 18 Q. And you would have been a participant in those 19 monthly meetings? 20 MR. MACISAAC: 21 A. That's correct, sir. 22 MR. COXWORTHY: 23 Q. And was this in place when you started in 24 October, 2010, or something that came along 25 later, the idea of having monthly Nalcor</p>	<p>1 MR. COXWORTHY: 2 Q. For instance, again to use the gas turbine in 3 Holyrood, who'd likely have raised that issue 4 at a Nalcor leadership monthly meeting? 5 MR. MACISAAC: 6 A. It would like be brought forward by one of two 7 people, or potentially by both, and it would 8 be our VP of System Planning and System 9 Operations, or our VP of regulated Hydro 10 operations. 11 MR. COXWORTHY: 12 Q. So Mr. Henderson or Mr. Humphries, right? 13 MR. MACISAAC: 14 A. Correct. 15 MR. COXWORTHY: 16 Q. I understood from your evidence yesterday, Mr. 17 MacIsaac, that your - again I don't want to 18 say first knowledge, because I don't think you 19 put it quite that way, but the first time it 20 really was sort of brought home to you that 21 there was an issue with respect to black start 22 capability at Holyrood was when Mr. LeDrew 23 told you about a condition assessment report 24 that had been produced, and I think you timed 25 that around late 2011, and certainly that's</p>

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<p>1 consistent with the record.</p> <p>2 MR. MACISAAC:</p> <p>3 A. Okay.</p> <p>4 MR. COXWORTHY:</p> <p>5 Q. Had that issue ever come up at a Nalcor</p> <p>6 monthly leadership meeting prior to Mr. LeDrew</p> <p>7 having brought it forward to you?</p> <p>8 MR. MACISAAC:</p> <p>9 A. I honestly don't recall.</p> <p>10 MR. COXWORTHY:</p> <p>11 Q. How about after Mr. LeDrew told you about that</p> <p>12 in November, 2011, did that come up - do you</p> <p>13 recall it coming up at any of these Nalcor</p> <p>14 monthly meetings?</p> <p>15 MR. MACISAAC:</p> <p>16 A. What I can tell you is that inside of the work</p> <p>17 that we did in 2012, where we brought in an</p> <p>18 external outside resource to do facilitation</p> <p>19 of the risk workshops that we did for</p> <p>20 different siting options of the gas turbine.</p> <p>21 MR. COXWORTHY:</p> <p>22 Q. Like the WorleyParsons, if I'm pronouncing it</p> <p>23 correct -</p> <p>24 MR. MACISAAC:</p> <p>25 A. Yeah, WorleyParsons.</p>	<p>1 of the related applications in the prudence</p> <p>2 review. And this was a question, Mr.</p> <p>3 MacIsaac, asking Hydro "when did the</p> <p>4 investigations of options for meeting the 60</p> <p>5 megawatt combustion turbine requirements" --</p> <p>6 and this wouldn't necessarily be sited at</p> <p>7 Holyrood, but in general in terms of meeting</p> <p>8 anticipated load requirements in 2015. You've</p> <p>9 talked about, of course, the issue of siting</p> <p>10 of that.</p> <p>11 MR. MACISAAC:</p> <p>12 A. Um-hm.</p> <p>13 MR. COXWORTHY:</p> <p>14 Q. So "the investigation of options for meeting</p> <p>15 the 60 megawatt combustion turbine</p> <p>16 requirements formally commenced late in the</p> <p>17 first quarter of 2012." And I believe you</p> <p>18 said that your manager of project execution</p> <p>19 and regulated operations would be at least one</p> <p>20 of the people sort of identified who would be</p> <p>21 tasked with identifying those options?</p> <p>22 MR. MACISAAC:</p> <p>23 A. So there is two people that worked on it. The</p> <p>24 real guts of the work, one of them would have</p> <p>25 been our mechanical discipline lead because he</p>
<p>Page 50</p> <p>1 MR. COXWORTHY:</p> <p>2 Q. Thank you, WorleyParsons. I'm sure you're</p> <p>3 right.</p> <p>4 MR. MACISAAC:</p> <p>5 A. Yeah, so when we brought those folks in, we</p> <p>6 talked about black start inside of those</p> <p>7 meetings, and in coming back to our leadership</p> <p>8 team and debriefing our leadership team on the</p> <p>9 options, and at that time it would have been,</p> <p>10 I believe, Jim Haynes would have been in place</p> <p>11 in that slot.</p> <p>12 MR. COXWORTHY:</p> <p>13 Q. Yes, I said Mr. Henderson, but, of course, at</p> <p>14 that early stage it would have been Mr.</p> <p>15 Haynes.</p> <p>16 MR. MACISAAC:</p> <p>17 A. Yes.</p> <p>18 MR. COXWORTHY:</p> <p>19 Q. Or that earlier stage, I should say.</p> <p>20 MR. MACISAAC:</p> <p>21 A. Yeah.</p> <p>22 MR. COXWORTHY:</p> <p>23 Q. If we could turn to the RFI response GT-CA-</p> <p>24 NLH-021? So this would be in the application</p> <p>25 for the 100 megawatt CT turbine, which is one</p>	<p>Page 52</p> <p>1 would be very familiar with both steam</p> <p>2 turbines and gas turbines, and we also had one</p> <p>3 of our project management resources working on</p> <p>4 it as well, and the project management</p> <p>5 resource would be looking at it from scope and</p> <p>6 schedule and pricing budgetary work and our</p> <p>7 discipline lead would be looking at it from a</p> <p>8 technical perspective. The two would work</p> <p>9 together on it.</p> <p>10 MR. COXWORTHY:</p> <p>11 Q. Those two individuals, would they report to</p> <p>12 the manager of project execution, regulated</p> <p>13 operations?</p> <p>14 MR. MACISAAC:</p> <p>15 A. That's correct, sir.</p> <p>16 MR. COXWORTHY:</p> <p>17 Q. And that person then reports up to you?</p> <p>18 MR. MACISAAC:</p> <p>19 A. That's correct.</p> <p>20 MR. COXWORTHY:</p> <p>21 Q. Did you give any direction to your manager of</p> <p>22 project execution about that in March of --</p> <p>23 sorry, in 2012, in the first quarter of 2012,</p> <p>24 about investigating options?</p> <p>25 MR. MACISAAC:</p>

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1 A. I'm sure I would have. I probably have said  
 2 that already as well.  
 3 MR. COXWORTHY:  
 4 Q. Okay. And what direction was that?  
 5 MR. MACISAAC:  
 6 A. At that point in time, and I'm going by  
 7 recall, I would have said let's go to market  
 8 and get proposals. Let's canvas the market  
 9 and understand what options are out there.  
 10 Let's build a scope and a schedule and a  
 11 budget in support of being ready for the  
 12 decision point and further informing the  
 13 decision point around supply planning and  
 14 making an application.  
 15 MR. COXWORTHY:  
 16 Q. We'll turn to it later, but there are some  
 17 later RFIs, I think perhaps 31 in the  
 18 sequence, but leaving it aside for a second.  
 19 There's some later RFIs that indicate that in  
 20 early 2013, after the January 2013 outage  
 21 events, an effort was started by way of  
 22 telephone calls and emails to start  
 23 identifying what's actually out there in terms  
 24 of 50 or 60 megawatt turbines and there were  
 25 phone calls made and information obtained and

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1 emails sent and information obtained in that  
 2 fashion. Can you tell us whether there was  
 3 even that level of effort at any point in  
 4 2012, in terms of making telephone inquiries  
 5 or email inquiries to determine what was out  
 6 there in terms of options for a 50 or 60  
 7 megawatt gas turbine?  
 8 MR. MACISAAC:  
 9 A. I believe the correct answer is yes, and I  
 10 know that we've done it more than the once.  
 11 So the fact that it occurred in 2013, it also  
 12 occurred in 2012 as well.  
 13 MR. COXWORTHY:  
 14 Q. And do you know whether there was a report or  
 15 anything in writing generated that would have  
 16 identified to you or perhaps if not up to you,  
 17 up to your manager of project execution, what  
 18 options had been identified in 2012?  
 19 MR. MACISAAC:  
 20 A. I'm sure there is.  
 21 MR. COXWORTHY:  
 22 Q. Okay.  
 23 MR. MACISAAC:  
 24 A. It would link to that siting assessment work  
 25 that was done and also provide a scope and a

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1 budget and a schedule.  
 2 MR. COXWORTHY:  
 3 Q. I was going to get to this later, but perhaps  
 4 now is a good time to do it. If we could turn  
 5 to GT-PUB-NLH-031? And this was a question  
 6 that was posed to Hydro, again in the  
 7 application for installation of the 100  
 8 megawatt CT, and there was a report that  
 9 stated that "after January 2013, a number of  
 10 after market options to meet the 2015 capacity  
 11 requirement were identified". And I certainly  
 12 understand that prior to January 2013, there  
 13 apparently wasn't any consideration of after  
 14 market options. The thinking was let's get a  
 15 new build gas turbine. Is that your  
 16 understanding as well?  
 17 MR. MACISAAC:  
 18 A. That's a fair characterization, yeah.  
 19 MR. COXWORTHY:  
 20 Q. So as far as you didn't give any direction to  
 21 look at after market options in 2012?  
 22 MR. MACISAAC:  
 23 A. I think what I would have said to our team  
 24 would be to go out and look at the market and  
 25 see what options are out there and we would

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1 not have precluded after market in 2012 or  
 2 2013.  
 3 MR. COXWORTHY:  
 4 Q. Okay. So scrolling down then in GT-PUB-NLH-  
 5 031, yes, and if you look starting at line 14,  
 6 this sort of describes the effort that started  
 7 in 2013 and at line 14, "detailed proposals  
 8 were not received. However information was  
 9 received through various telephone discussions  
 10 and email transmissions." So these two  
 11 individuals, I forget their positions, that  
 12 you described who operated under your manager  
 13 of project execution regulated operations,  
 14 would these persons have been the persons  
 15 making these phone calls, sending these  
 16 emails?  
 17 MR. MACISAAC:  
 18 A. That's correct, sir.  
 19 MR. COXWORTHY:  
 20 Q. "After consideration of this information,  
 21 Hydro concluded that additional generation  
 22 could not be delivered and installed in the  
 23 short timeframe available to effect support of  
 24 the system that would be experienced prior to  
 25 March 30, 2013." Obviously a very tight

<p style="text-align: right;">Page 57</p> <p>1 timeline if you're starting an effort in 2 January of 2013. But going back to January 3 2012, or I'm sorry, to 2012 in general, would 4 there be a recording of what information was 5 gathered by the persons we've just talked 6 about, the people who were working underneath 7 your manager of project execution, that they 8 would have gathered by way of telephone 9 discussions or email transmissions or for that 10 matter any other means? I imagine even a 11 Google search might disclose some information. 12 (10:00 a.m.) 13 MR. MACISAAC: 14 A. I'd suggest to you yes, that knowing the 15 individuals that are involved, there is 16 probability that either one or both would 17 still have either emails or copies of the work 18 they had done back in that timeframe, because 19 they're both a little bit old school in that 20 they like paper, so I suspect there's both 21 potentially. I don't know how complete it 22 would be in terms of completeness of the file, 23 but I suspect there's a project plan, a 24 budgetary proposal, a scope of the work, so I 25 would say yes.</p>	<p style="text-align: right;">Page 59</p> <p>1 similar to what was obtained in January 2013? 2 MR. MACISAAC: 3 A. I can't see any reason why not. 4 MR. COXWORTHY: 5 Q. Okay. Could I have an undertaking for a 6 similar table to Table 1? 7 MR. MACISAAC: 8 A. Agreed. 9 MR. COXWORTHY: 10 Q. There's a later table in here that looks at 11 availability of 100 megawatt turbines. My 12 understanding from previous evidence, that 13 wouldn't have been looked at before January 14 2013, but you're telling us or your evidence 15 here is about what scope you would have 16 provided in January 2012 and certainly you 17 indicated that you didn't necessarily restrict 18 them to just new builds. That, I guess, if 19 their inquiries turned up an after market 20 option, you know, that wasn't something that 21 they were directed not to bring to you. Would 22 100 megawatt turbines have been part of the 23 scope of the search in 2012? 24 MR. MACISAAC: 25 A. When you add them together, potentially yes.</p>
<p style="text-align: right;">Page 58</p> <p>1 MR. COXWORTHY: 2 Q. Sure. If we could continue to scroll down 3 then in this RFI response, there's some tables 4 that summarize the -- Table 1, yes, thank you, 5 Ms. Gray, if we could stop there. There's 6 some tables that summarize the information 7 that was gathered in 2013 in that January 2013 8 period. 9 MR. MACISAAC: 10 A. Yeah. 11 MR. COXWORTHY: 12 Q. And Table 1 summarizes the information that 13 was obtained in relation to 50 and 60 megawatt 14 and apparently not much on offer at that time. 15 MR. MACISAAC: 16 A. That was based on what was in the market at 17 the time. 18 MR. COXWORTHY: 19 Q. At that time, that's right. And I guess my 20 question is, and you know, I don't know that I 21 want to go through an exercise of going 22 through emails, but do you think it would be 23 possible to compile a table of what 24 information was obtained in 2012 about the 25 availability of 50 and 60 megawatt turbines,</p>	<p style="text-align: right;">Page 60</p> <p>1 MR. COXWORTHY: 2 Q. You mean adding two 50s together? 3 MR. MACISAAC: 4 A. Additive or four 25s, yes, yeah, for sure. 5 MR. COXWORTHY: 6 Q. So I guess I would ask then, as part of the 7 undertaking, not just to restrict it to any 50 8 or 60 megawatt, but if those inquiries that 9 were made in 2012 turned up the availability 10 of other options that were additive to get you 11 to 50 or, you know, a 100 megawatt if -- I 12 don't -- I presume these things come in fairly 13 standard sizes. 14 MR. MACISAAC: 15 A. That's correct. 16 MR. COXWORTHY: 17 Q. Or I should say, capacities. So I presume 18 once you get past 50 or 60 megawatt, you're 19 talking about 100 megawatt? 20 MR. MACISAAC: 21 A. They're additive, so you can go -- the 22 majority of them are 20 or 25s and when you 23 get larger, you then build it to size. 24 MR. COXWORTHY: 25 Q. I just wanted to make sure in the undertaking</p>

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1 request that we're capturing all the  
 2 information that was obtained in 2012 about  
 3 the availability of gas turbine options,  
 4 regardless of the megawatt involved.  
 5 MR. MACISAAC:  
 6 A. Agreed.  
 7 MR. COXWORTHY:  
 8 Q. Thank you.  
 9 MS. GLYNN:  
 10 Q. Noted on the record.  
 11 MR. DUMARESQUE:  
 12 Q. Mr. Chairman, sorry to interrupt, but would  
 13 you mind scrolling down a little bit? I'd  
 14 like to see the contents of that second table.  
 15 MR. COXWORTHY:  
 16 Q. I have no objection to that, Mr. Chair, if  
 17 it's of assistance to Mr. Dumaresque.  
 18 MR. DUMARESQUE:  
 19 Q. Okay. I just wanted to confirm it's the one  
 20 that I have. Thank you very much.  
 21 MR. COXWORTHY:  
 22 Q. I'm still in the application for installation  
 23 of the 100 megawatt CT. If we could turn to  
 24 Appendix F1? So just before that enormous  
 25 AMEC report, Ms. Gray.

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1 MS. GRAY:  
 2 Q. Thank you.  
 3 MR. COXWORTHY:  
 4 Q. Yes, that's the one. If we could turn to page  
 5 6 of 26 in Appendix F1? This is the  
 6 WorleyParsons report I think you -- or at  
 7 least one of them that you were referring to  
 8 earlier, Mr. MacIsaac. So at page 6 of 26,  
 9 that's the executive summary, and there's an  
 10 introduction. It's a risk management report  
 11 that's been developed by the Nalcor project  
 12 stakeholders for the CT addition project and  
 13 you'll see the next paragraph, that  
 14 conferences were held in March 8-9th, 2012.  
 15 So obviously some time prior to that it had  
 16 been identified that a CT addition project was  
 17 something that needed to be looked at. I'm  
 18 not suggesting there had been any decision  
 19 been made to proceed, but something that  
 20 needed to be looked at. Is that fair?  
 21 MR. MACISAAC:  
 22 A. That's why we were doing the work.  
 23 MR. COXWORTHY:  
 24 Q. Absolutely. So, moving on then to the scope  
 25 and project content section on the same page,

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1 "the activities and operations associated with  
 2 this risk assessment, siting study, and then  
 3 the installation of a new 50 megawatt minimal"  
 4 -- do you know what was meant by minimal  
 5 there?  
 6 MR. MACISAAC:  
 7 A. That was the low end.  
 8 MR. COXWORTHY:  
 9 Q. Okay. So it wasn't closing the door to a  
 10 higher end?  
 11 MR. MACISAAC:  
 12 A. Something bigger, that's correct.  
 13 MR. COXWORTHY:  
 14 Q. "Combustion turbine at one of three locations"  
 15 -- and you have already adverted to this in  
 16 your earlier evidence that one of the  
 17 locations that was considered was the 74L,  
 18 which is the Newfoundland Power right of way  
 19 in the east end of St. John's, White Hills I  
 20 think you referred to it.  
 21 MR. MACISAAC:  
 22 A. Exactly.  
 23 MR. COXWORTHY:  
 24 Q. That's my understanding as well. And also two  
 25 other sites, Hardwoods I think you were aware

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1 of was being considered perhaps and Holyrood.  
 2 But in any event, that information is  
 3 summarized there, as that was the risk  
 4 assessment that was being made. If we could  
 5 turn to the next page, page seven, and there's  
 6 certain assumptions there, sanction of the  
 7 Lower Churchill Project, project in service to  
 8 meet the 2015-2016 peak, and then limitations,  
 9 system capability of starting Holyrood from  
 10 Hardwoods or the 74L site. Do you have any  
 11 further understanding beyond those words of  
 12 what's meant by limitations include system  
 13 capability of black starting Holyrood from  
 14 Hardwoods or 74L?  
 15 MR. MACISAAC:  
 16 A. No, sir, I don't.  
 17 MR. COXWORTHY:  
 18 Q. No, okay, and you're not the author of this, I  
 19 understand. So you can't provide any  
 20 illumination on what might have been meant by  
 21 that?  
 22 MR. MACISAAC:  
 23 A. I may not be able to provide additional  
 24 illumination, but I can provide additional  
 25 context.

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1 MR. COXWORTHY:  
 2 Q. Sure.  
 3 MR. MACISAAC:  
 4 A. When we do these risk reviews, and I know the  
 5 individual that was leading this, we  
 6 prioritize and ensure that we identify risks  
 7 and we're very pragmatic and deliberate so  
 8 that the report that you end up with when you  
 9 look at your heat map is very conservative  
 10 from a risk perspective. So that's not  
 11 telling you that you could not black start  
 12 from Hardwoods. What it's saying is there's  
 13 some limitations around it.  
 14 MR. COXWORTHY:  
 15 Q. Okay. So if we could turn then to page 11 of  
 16 26 in the same document? And you may have a  
 17 recollection of this, Mr. MacIsaac, but you'll  
 18 note that you were one of the participants in  
 19 the conference.  
 20 MR. MACISAAC:  
 21 A. Yeah. I think the way I characterized it was  
 22 that I was in and out, but that's based on my  
 23 availability.  
 24 MR. COXWORTHY:  
 25 Q. Sure.

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1 MR. MACISAAC:  
 2 A. So yes, I did participate, but I was not there  
 3 full time all the way through.  
 4 MR. COXWORTHY:  
 5 Q. Okay. And there's a Howard Richards who's  
 6 identified as project manager, but before you  
 7 answer that question, there's also an  
 8 "apologies included below: Alberta Marche,  
 9 Manager of Project Execution - Regulated" and  
 10 I guess it's that latter person, based on your  
 11 evidence to this point, that I would  
 12 understand was the person who reported to you  
 13 and who these persons who in 2012 and 2013  
 14 would have been looking at options would have  
 15 been reporting to. Is that right? Is that  
 16 the person?  
 17 MR. MACISAAC:  
 18 A. That's correct.  
 19 MR. COXWORTHY:  
 20 Q. So Howard Richards then, that project manager  
 21 position, is that -- how is that different  
 22 from what Ms. Marche would have been  
 23 responsible for?  
 24 MR. MACISAAC:  
 25 A. So I had previously said to you, I used a

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1 different name, Mr. Read, Greg Read.  
 2 MR. COXWORTHY:  
 3 Q. Yeah.  
 4 MR. MACISAAC:  
 5 A. So, Alberta Marche was his predecessor. So  
 6 she was previously in the role that Mr. Read  
 7 is in today and Howard Richards is the other  
 8 gentleman that I was referring to. I said we  
 9 had a project manager working on it, someone  
 10 from project execution and a discipline lead.  
 11 Mr. Richards is that gentleman from the  
 12 project -  
 13 MR. COXWORTHY:  
 14 Q. So he was the project manager specific to this  
 15 CT addition project?  
 16 MR. MACISAAC:  
 17 A. So when you asked me to go back and get emails  
 18 and put together that undertaking, he's the  
 19 gentleman that I'm going to -  
 20 MR. COXWORTHY:  
 21 Q. We're going to see his -- well, I haven't  
 22 asked for the emails, but he would be one of  
 23 the persons you would expect that would have  
 24 been -  
 25 MR. MACISAAC:

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1 A. He and our discipline lead for mechanical  
 2 engineering and his name is Mr. Nelson  
 3 Seymour.  
 4 MR. COXWORTHY:  
 5 Q. Okay. So am I right in thinking that Mr. --  
 6 at this time, Mr. Richards would have reported  
 7 to Alberta Marche and then -- the reporting  
 8 lines would have been Mr. Richards to Alberta  
 9 Marche and Alberta Marche to you?  
 10 MR. MACISAAC:  
 11 A. That's correct, sir.  
 12 MR. COXWORTHY:  
 13 Q. Before we leave this page, just it's a  
 14 different issue, but if we could go to the  
 15 bottom of page ten? And you'll see there's a  
 16 table there that assigns risk severity ratings  
 17 and they go from extreme with action required,  
 18 immediate attention, high, immediate  
 19 attention, and then it goes to moderate and  
 20 low, and I just wanted to go to that because  
 21 there are some tables later on that refer to  
 22 these different levels of risk and I believe  
 23 they're referring back to these definitions  
 24 here.  
 25 So if we could turn to page 12 of 26?

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<p>1 And going back, of course, to Mr. LeDrew 2 having advised you in late 2011 that "look, 3 there is a black start issue at Holyrood". At 4 this time in early 2012, were you aware that 5 the question of whether a new 50 or 60 6 megawatt CT turbine should be obtained was 7 also at issue where consideration of a longer 8 term or permanent black start solution for 9 Holyrood was a consideration as well? Were 10 you aware that there was a linkage? 11 MR. MACISAAC: 12 A. Well, I think you just showed me earlier in 13 the same document where there was a discussion 14 around black start capability. 15 MR. COXWORTHY: 16 Q. The limitations section. 17 MR. MACISAAC: 18 A. Right. 19 MR. COXWORTHY: 20 Q. So at the bottom of page 12 of 26, "Section 21 4.2, key success factors identified by the 22 risk workshop team" -- and there are others on 23 the next page, I don't want to suggest there's 24 only these four. There are others on the next 25 page, but one of the ones that's identified is</p>	<p>1 for sure, and at that time, it was understood 2 that the transmission that we had in place at 3 the time afforded us an option to black start 4 Holyrood from Hardwoods. I'm sure you've 5 heard that before. 6 MR. COXWORTHY: 7 Q. Oh, I have, yes. 8 MR. MACISAAC: 9 A. Okay. 10 MR. COXWORTHY: 11 Q. And I don't -- well, let's move on, because 12 there's some information, I think, in this 13 report that speaks to that. So if we could 14 turn to page 15 of 26? And there are risk 15 summaries for each of the sites and you'll see 16 that this is for the 74L site, which is the 17 White Hills or east end St. John's site. And 18 I guess it's my understanding that these were 19 summaries that were generated out of the 20 information that was exchanged between the 21 workshop participants. Is that reasonable? 22 MR. MACISAAC: 23 A. It's a template and it's a workbook that draws 24 from all of the sheets that you populate and 25 then gives you your summary before and after</p>
<p>1 "provide black start capability to Holyrood". 2 So would you have been aware of that prior to 3 your participation in these conferences of 4 that's one of the key success factors to this 5 CT addition project is providing black start 6 capability to Holyrood? 7 MR. MACISAAC: 8 A. There would have been discussion around this 9 piece of work to take into consideration black 10 start capability. In terms of the timing, 11 it's all around March timeframe of 2012, sir. 12 MR. COXWORTHY: 13 Q. And would you have been aware at -- because 14 you said you were in and out of the 15 conference. 16 MR. MACISAAC: 17 A. I was in this session. I call them work 18 sessions. 19 MR. COXWORTHY: 20 Q. Sure. So you were aware that black start 21 capability for Holyrood or to Holyrood, I'm 22 sorry, was one of the key success factors for 23 this project? 24 MR. MACISAAC: 25 A. It was definitely a consideration on the map</p>	<p>1 risk mitigation. 2 MR. COXWORTHY: 3 Q. Sure. And before and after, what's the after, 4 as you understand it? 5 MR. MACISAAC: 6 A. The measures that you take to mitigate the 7 risk, if there's any immediate measures that 8 are at your disposal that you could go and 9 action that would reduce or mitigate the risk. 10 MR. COXWORTHY: 11 Q. So the after doesn't mean the addition of a 12 CT, a 50 or 60 megawatt CT at that site? It 13 could mean other steps prior to that? 14 MR. MACISAAC: 15 A. There's - 16 MR. COXWORTHY: 17 Q. In the context of this particular report. 18 (10:15 a.m.) 19 MR. MACISAAC: 20 A. There's a lot of different risk elements here. 21 MR. COXWORTHY: 22 Q. I agree, absolutely. 23 MR. MACISAAC: 24 A. So if you're speaking specifically to one risk 25 element and you want to draw it out, we can</p>

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<p>1 speak to that. But to talk in broad general</p> <p>2 terms -</p> <p>3 MR. COXWORTHY:</p> <p>4 Q. Okay. Well, let's move -- absolutely, you're</p> <p>5 right. It's certainly not just about black</p> <p>6 start.</p> <p>7 MR. MACISAAC:</p> <p>8 A. Okay.</p> <p>9 MR. COXWORTHY:</p> <p>10 Q. No question. No question. And of course,</p> <p>11 that's been the focus, continue to be the</p> <p>12 focus of my questions. So let's focus in on</p> <p>13 that. If we could scroll down just a little</p> <p>14 bit more on that page? And you'll see there</p> <p>15 is an item, I think it's item number 16.</p> <p>16 There are two numbers there and I don't recall</p> <p>17 what's on top. One is risk and the other one</p> <p>18 is a number of the item, but the one that's</p> <p>19 across from 16 and 12, "black start at</p> <p>20 Holyrood, transmission must be available to</p> <p>21 allow this to happen. Could result in ability</p> <p>22 to start Holyrood leading to production</p> <p>23 impact" and this was related as a moderate</p> <p>24 risk for the east end site, for 74L?</p> <p>25 MR. MACISAAC:</p>	<p>1 risk there is rated as high. Now these are</p> <p>2 both sites obviously that are not at Holyrood.</p> <p>3 They're remote from Holyrood, if I can put it</p> <p>4 that way. As a participant in that conference</p> <p>5 or for that matter, in terms of any</p> <p>6 information you have since, are you aware of</p> <p>7 why the risk was assessed as high for the</p> <p>8 Hardwoods site, as opposed to moderate for</p> <p>9 74L?</p> <p>10 MR. MACISAAC:</p> <p>11 A. It would have been based on the -- so again,</p> <p>12 mechanical engineer and I was new in the job</p> <p>13 at the time, but it would have been based on</p> <p>14 the transmission infrastructure that you have</p> <p>15 between those two locations.</p> <p>16 MR. COXWORTHY:</p> <p>17 Q. And that would be the existing transmission</p> <p>18 structure?</p> <p>19 MR. MACISAAC:</p> <p>20 A. I would say. If you look at the two -- and I</p> <p>21 would have to go back and ask our team why the</p> <p>22 difference. So again -</p> <p>23 MR. COXWORTHY:</p> <p>24 Q. If you want to go back to your team and ask</p> <p>25 for the difference, so that you can be certain</p>
<p>Page 74</p> <p>1 A. Yeah.</p> <p>2 MR. COXWORTHY:</p> <p>3 Q. Both before and after whatever mitigation</p> <p>4 steps might be available?</p> <p>5 MR. MACISAAC:</p> <p>6 A. Correct.</p> <p>7 MR. COXWORTHY:</p> <p>8 Q. Okay. And so I wanted to then move on to page</p> <p>9 17 of 26, and if we could scroll up just a</p> <p>10 little bit, Ms. Gray, to identify? This was</p> <p>11 the same sort of risk summary but for</p> <p>12 Hardwoods.</p> <p>13 MR. MACISAAC:</p> <p>14 A. Correct.</p> <p>15 MR. COXWORTHY:</p> <p>16 Q. And we don't need to scroll down this time</p> <p>17 because it's higher up in the list. If you</p> <p>18 look across at the item ranked ten, number</p> <p>19 ten, and for the Holyrood site -- or I'm</p> <p>20 sorry, for the Hardwoods site of a new 50 or</p> <p>21 60 megawatt, rather than a moderate risk being</p> <p>22 identified as "black start at Holyrood:</p> <p>23 transmission must be available to allow this</p> <p>24 to happen. Could result in inability to start</p> <p>25 Holyrood leading to production impact", the</p>	<p>Page 76</p> <p>1 in your mind and certain in terms of the</p> <p>2 information that you provide to the Board -</p> <p>3 MR. MACISAAC:</p> <p>4 A. Sure.</p> <p>5 MR. COXWORTHY:</p> <p>6 Q. - I certainly would be happy to take an</p> <p>7 undertaking from you to make that inquiry and</p> <p>8 come back and if there's another explanation</p> <p>9 for why Hardwoods was rated high at the time</p> <p>10 and 74L is rated moderate, certainly, you</p> <p>11 know, I don't want to cut off the possibility</p> <p>12 of that information coming forward.</p> <p>13 MR. MACISAAC:</p> <p>14 A. Sure, okay.</p> <p>15 MS. GLYNN:</p> <p>16 Q. Noted on the record.</p> <p>17 MR. COXWORTHY:</p> <p>18 Q. Thank you. If we could turn then to page 19</p> <p>19 of 26? And this is the -- not the risk</p> <p>20 assessment for Holyrood, but the opportunities</p> <p>21 assessment for siting the new gas turbine at</p> <p>22 Holyrood, as distinct from 74L or Hardwoods.</p> <p>23 There's also a risk summary for Holyrood as</p> <p>24 well. It wasn't that there weren't any risks</p> <p>25 with installing it there.</p>

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1 But this is the opportunities assessment,  
 2 and the item I took you to for 74L and for  
 3 Hardwoods, the concern about being able to  
 4 black start Holyrood, that doesn't appear in  
 5 the assessment of siting the new gas turbine  
 6 at Holyrood, I think for obvious reasons, you  
 7 know, at least they are obvious to me as a  
 8 layperson. You don't have to transmit the  
 9 power over a long transmission line. But it  
 10 is identified as an opportunity, if you look  
 11 at item ten. "Black start on site and does  
 12 not require a significant transmission path."  
 13 So there was an opportunity identified by this  
 14 risk assessment that siting this 50 or 60  
 15 megawatt gas turbine at Holyrood would be --  
 16 you know, I would put to you, the best  
 17 solution or the most reliable solution to  
 18 Holyrood's black start problem. Would you  
 19 agree that this was identifying that siting  
 20 the new gas turbine in Holyrood was the best  
 21 or most reliable solution?  
 22 MR. MACISAAC:  
 23 A. It diminishes the risk profile because you're  
 24 not reliant on the transmission link between  
 25 Hardwoods and Holyrood.

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1 MR. COXWORTHY:  
 2 Q. This information was reported up to the Nalcor  
 3 leadership team subsequent, maybe not the  
 4 whole report, but at least the conclusions  
 5 that were arrived at? Was it reported to the  
 6 Nalcor leadership team?  
 7 MR. MACISAAC:  
 8 A. If you go back to the participants, you would  
 9 see that Mr. Haynes is one of the  
 10 participants.  
 11 MR. COXWORTHY:  
 12 Q. Absolutely, and yourself.  
 13 MR. MACISAAC:  
 14 A. And myself, so the answer is yes, sir.  
 15 MR. COXWORTHY:  
 16 Q. And was there discussion of that, do you  
 17 recall, in 2012 at the Nalcor leadership team  
 18 meeting or level?  
 19 MR. MACISAAC:  
 20 A. I'm going to say honestly I'm saying yes,  
 21 because obviously it was an important topic  
 22 for us.  
 23 MR. COXWORTHY:  
 24 Q. But you don't have a specific recollection?  
 25 MR. MACISAAC:

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1 A. I don't have a -  
 2 MR. COXWORTHY:  
 3 Q. No, and granted it's three years ago or more  
 4 than three years ago. We've gone through  
 5 Appendix F1. There's other material in there.  
 6 It's obviously a very extensive effort made in  
 7 early 2012 to identify the pros and cons of  
 8 various sites for a new 50 and 60 watt. Is  
 9 there any similar documentation of the options  
 10 that were available to acquire a 50 or 60  
 11 megawatt CT? Is there anything of this nature  
 12 or even approaches this sort of documentation  
 13 in terms of what options were available in  
 14 2012? I know I've asked you to produce a  
 15 table. That's going to sort of be an after  
 16 the fact document, I think, unless it happened  
 17 to have been created at the time.  
 18 MR. MACISAAC:  
 19 A. Yeah, I think the table will reflect, so in  
 20 that separate undertaking, it will reflect the  
 21 proposals that we would have received at the  
 22 time and they would have been indicative of  
 23 scope and pricing for the purpose of building  
 24 a scope, building a budget and building a  
 25 schedule.

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1 MR. COXWORTHY:  
 2 Q. Mr. MacIsaac, yesterday you gave some evidence  
 3 about how you were involved in the first  
 4 quarter of 2014 and in the period immediately  
 5 prior to the application that was filed with  
 6 the Board for installation of the 100 megawatt  
 7 that you would have been involved in the  
 8 decision on whether to press go on that or not  
 9 in early 2014.  
 10 MR. MACISAAC:  
 11 A. I was definitely in the room and part of the  
 12 dialogue.  
 13 MR. COXWORTHY:  
 14 Q. You weren't the only button pusher to press  
 15 go, but you were one of them.  
 16 MR. MACISAAC:  
 17 A. I was part of the leadership team discussion  
 18 on that subject, yes, sir.  
 19 MR. COXWORTHY:  
 20 Q. Sure. Was that application considered at any  
 21 time prior to 2014, the writing of that  
 22 application for either a 50 or 60 watt or a  
 23 100 watt?  
 24 MR. MACISAAC:  
 25 A. I'm going to defer to my colleague in system

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1 planning. I know that -  
 2 MR. COXWORTHY:  
 3 Q. To your knowledge.  
 4 MR. MACISAAC:  
 5 A. With the work that we would have done in  
 6 prepping the file a number of times, I'm --  
 7 that work is typically taken forward to the  
 8 system planning group and they then use that  
 9 inside of preparation of the application. So  
 10 I'm going to defer to Mr. Humphries in terms  
 11 of how the work was then advanced.  
 12 MR. COXWORTHY:  
 13 Q. If we could turn to Mr. MacIsaac's evidence of  
 14 yesterday, page 98-99? And Mr. MacIsaac, this  
 15 was in response to questions put to you by Mr.  
 16 O'Brien yesterday. So at the bottom of page  
 17 98, line 19, "your involvement with the CT.  
 18 So Mr. Martin had indicated in his testimony  
 19 that Mr. Henderson was responsible for making  
 20 sure the CT happened, but it was your role  
 21 then to procure it and to go about getting the  
 22 bid package together and construction  
 23 management. Is that a fair summary?"  
 24 And your response, "it was our mandate to  
 25 deliver to Mr. Henderson an installed new gas

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1 turbine commissioned and ready for operation"  
 2 which I don't think was your intention, but it  
 3 reads sort of as only a partial response, in  
 4 terms of I'm not sure how far back into the  
 5 process that takes your mandate and does it  
 6 take your mandate back to identifying the  
 7 options that are available out there, which I  
 8 would presume you would do before you go to  
 9 tender because before you go to tender you  
 10 want to have some idea of what is out there,  
 11 it seems to me, in terms of the types of  
 12 specifications or range of specifications that  
 13 you may want to include in a tender. So, you  
 14 know, I want to sort of take you, walk you  
 15 back from -- it's one thing to say "to deliver  
 16 to Mr. Henderson an installed new gas turbine"  
 17 which, you know, might be only from once we've  
 18 identified a successful bidder, let's go from  
 19 there. But I want to walk you back from there  
 20 in terms of your role.  
 21 MR. MACISAAC:  
 22 A. Okay.  
 23 MR. COXWORTHY:  
 24 Q. And does it go back to identifying, even pre-  
 25 tender, the options for a gas turbine at

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1 Holyrood?  
 2 MR. MACISAAC:  
 3 A. So I'm going to let you keep going because I  
 4 think I'm getting to -  
 5 MR. COXWORTHY:  
 6 Q. I just want to identify what you understood as  
 7 your mandate, and you've said your mandate was  
 8 "to deliver to Mr. Henderson an installed new  
 9 gas turbine, commissioned and ready for  
 10 operation" and at least I read Mr. O'Brien's  
 11 question as perhaps going before that or  
 12 certainly, even if it doesn't, I'm asking all  
 13 the work that goes into prior to identifying a  
 14 successful bidder, going all the way back to  
 15 2012 and identifying what options are out  
 16 there and you have your people working under  
 17 you calling. Was that part of your mandate as  
 18 well?  
 19 MR. MACISAAC:  
 20 A. Absolutely. I think we've said it yes, in a  
 21 number of different ways, where we're a  
 22 customer service group to operations. So we  
 23 provide technical support inside of doing  
 24 that, plus the project execution piece.  
 25 That's well within our mandate.

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1 MR. COXWORTHY:  
 2 Q. Was black start capability for Holyrood that  
 3 the new gas turbine, was that a major  
 4 consideration for obtaining the 100 megawatt  
 5 turbine? When you were pursuing these  
 6 options, did you understand that that was a  
 7 major consideration?  
 8 MR. MACISAAC:  
 9 A. There's primary and there's secondary and both  
 10 of them are major considerations, and we have  
 11 the functionality for black starting of the  
 12 Holyrood plant within the scope of the CT that  
 13 was installed in Holyrood.  
 14 MR. COXWORTHY:  
 15 Q. And you've made a distinction between primary  
 16 and secondary. How would you characterize the  
 17 black start purpose or objective? Was that a  
 18 primary one or was it a secondary one?  
 19 MR. MACISAAC:  
 20 A. It was primary as well.  
 21 MR. COXWORTHY:  
 22 Q. If we could turn -- this is again in the  
 23 application for the 100 megawatt CT, and  
 24 there's a report in support of that  
 25 application, part of the application, and if

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1 we could turn to page 42 in that report? It's  
 2 the project schedule, Mr. MacIsaac. It starts  
 3 at page 41.  
 4 MR. MACISAAC:  
 5 A. Okay.  
 6 MR. COXWORTHY:  
 7 Q. And it continues on to page 42, and you gave  
 8 some evidence -- I don't know if you -- I  
 9 think you were taken to this table, but if we  
 10 could go to the commissioning section, Ms.  
 11 Gray? That's right. Thank you. And the  
 12 activity that was going on around  
 13 commissioning, and you've noted that it was  
 14 somewhat delayed, I think. Correct me if I'm  
 15 wrong, I guess it had been hoped for that  
 16 there would be connection to the grid in  
 17 December 2014 or commissioning to the grid, I  
 18 think might have been the term.  
 19 MR. MACISAAC:  
 20 A. The end of December.  
 21 MR. COXWORTHY:  
 22 Q. It didn't happen until January 21st.  
 23 (10:30 a.m.)  
 24 MR. MACISAAC:  
 25 A. We were three weeks late.

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1 MR. COXWORTHY:  
 2 Q. Was testing of the 100 megawatt CT -  
 3 MR. MACISAAC:  
 4 A. And I want to be clear in that space. I said  
 5 it before yesterday and I'll say it again.  
 6 What we were doing was providing a stretch  
 7 objective for the contractor, right.  
 8 MR. COXWORTHY:  
 9 Q. Sure. You were already sort -  
 10 MR. MACISAAC:  
 11 A. And all the resources -  
 12 MR. COXWORTHY:  
 13 Q. - of pushing the limits as to what was  
 14 achievable.  
 15 MR. MACISAAC:  
 16 A. And all the resources that were engaged, we  
 17 were providing a stretched target for  
 18 everybody and the guys from Liberty who've  
 19 done a fair amount of benchmarking in this  
 20 space acknowledge in their report that it was  
 21 -- they either said highly or very aggressive  
 22 schedule, and we said that in our reports to  
 23 the PUB every other week. We said this is a  
 24 very aggressive schedule and there are  
 25 schedule risks right from the outset.

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1 MR. COXWORTHY:  
 2 Q. My question isn't so much about the fact it  
 3 was three weeks later than the schedule. It's  
 4 what was achieved up to and including the  
 5 point of commissioning.  
 6 MR. MACISAAC:  
 7 A. Sure.  
 8 MR. COXWORTHY:  
 9 Q. So was testing for the 100 megawatts ability  
 10 to provide black start capability -- which  
 11 you've acknowledged was one of the main  
 12 objectives of this project -- was that  
 13 included in this commissioning schedule? I  
 14 mean, there's no specific reference to black  
 15 start testing capability in this project  
 16 schedule, but when we look at the  
 17 commissioning activity that was done in  
 18 November or scheduled to have been done in  
 19 November or December or maybe even going back  
 20 to October and August, commission  
 21 interconnection to infrastructure, and granted  
 22 those dates may have moved a bit, slid a  
 23 bit, was that part of the commissioning  
 24 process to test the 100 megawatt to determine  
 25 whether it had the capability to black start?

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1 MR. MACISAAC:  
 2 A. No, the intent was -  
 3 MR. COXWORTHY:  
 4 Q. The gas turbines in Holyrood or the main  
 5 turbines in Holyrood.  
 6 MR. MACISAAC:  
 7 A. The black start testing was always later. It  
 8 was not in this plan. This plan was about  
 9 bringing the unit into service and  
 10 synchronizing it to the grid. The black start  
 11 planning came later.  
 12 MR. COXWORTHY:  
 13 Q. So certainly, you know, one of the other main  
 14 objectives of having the 100 megawatt was to  
 15 provide the ability to provide additional  
 16 capacity to the system. So when it was  
 17 commissioned in January 21st of 2015, it had  
 18 that ability? Were you confident it had that  
 19 ability?  
 20 MR. MACISAAC:  
 21 A. It was synchronized to the grid at that point.  
 22 MR. COXWORTHY:  
 23 Q. Okay. So it had the ability to deliver on  
 24 that objective, as of January 21st?  
 25 MR. MACISAAC:

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<p>1 A. Which objective, sir?</p> <p>2 MR. COXWORTHY:</p> <p>3 Q. The objective of adding an extra 100 megawatts</p> <p>4 of capacity to the system?</p> <p>5 MR. MACISAAC:</p> <p>6 A. Shortly after January 21st we had run the unit</p> <p>7 at and above 100 megawatts.</p> <p>8 MR. COXWORTHY:</p> <p>9 Q. So that had been tested. The achievement of</p> <p>10 that objective had been tested at the</p> <p>11 commissioning stage. And I guess I'm asking</p> <p>12 why wasn't the achievement of another primary</p> <p>13 objective, ensuring black start capability,</p> <p>14 why wasn't that tested during the</p> <p>15 commissioning stage?</p> <p>16 MR. MACISAAC:</p> <p>17 A. We were still doing work on the unit and on an</p> <p>18 ongoing basis, ensuring that we got it to a</p> <p>19 fully optimized place. You know, there's --</p> <p>20 inside of the first number of weeks and</p> <p>21 months, there's a learning curve for our</p> <p>22 operators, but there's also an optimization of</p> <p>23 the unit too. And inside of emissions</p> <p>24 testing, fine tuning of fuel and air delivery</p> <p>25 systems, the water delivery system, it's</p>	<p>1 sir, yeah.</p> <p>2 MR. COXWORTHY:</p> <p>3 Q. And were you part of the execution of that</p> <p>4 plan?</p> <p>5 MR. MACISAAC:</p> <p>6 A. I was not, but I also know that it -- the</p> <p>7 constraint was our master outage plan, which</p> <p>8 comes from system planning and system</p> <p>9 operations. The competing priorities in that</p> <p>10 space would have been work within the Holyrood</p> <p>11 plant, as we take the units offline, doing</p> <p>12 maintenance and other capital work in the</p> <p>13 Holyrood plant, plus the rest of the</p> <p>14 infrastructure around us. I'm probably not</p> <p>15 doing justice to the complexity of all of the</p> <p>16 coordination of outages. As you take</p> <p>17 infrastructure out, you still need to serve</p> <p>18 customers.</p> <p>19 MR. COXWORTHY:</p> <p>20 Q. Sure.</p> <p>21 MR. MACISAAC:</p> <p>22 A. So there's the complexity of both generation</p> <p>23 and transmission in order to ensure that the -</p> <p>24 MR. COXWORTHY:</p> <p>25 Q. And that complexity was understood though in</p>
<p>1 realistic and commonplace to go through both a</p> <p>2 learning curve and the optimization curve of</p> <p>3 the unit. The black start of the Holyrood</p> <p>4 plant was anticipated to be later on in the</p> <p>5 summer period and that would de-risk --</p> <p>6 because we were still in January and February,</p> <p>7 sir, we wouldn't add the risk of trying to</p> <p>8 black start the Holyrood plant in January,</p> <p>9 February or March.</p> <p>10 MR. COXWORTHY:</p> <p>11 Q. I would acknowledge that, that it's not the</p> <p>12 ideal time to be testing for black start.</p> <p>13 MR. MACISAAC:</p> <p>14 A. I wouldn't have thought so either.</p> <p>15 MR. COXWORTHY:</p> <p>16 Q. But having said that, would you agree it would</p> <p>17 be important then to conduct that black start</p> <p>18 test at the earliest opportunity that was</p> <p>19 reasonably safe?</p> <p>20 MR. MACISAAC:</p> <p>21 A. And we had it planned for this summer.</p> <p>22 MR. COXWORTHY:</p> <p>23 Q. Summer of 2015?</p> <p>24 MR. MACISAAC:</p> <p>25 A. And we did have it planned for this summer,</p>	<p>1 January 2015, if not before that, that the --</p> <p>2 just conducting this black start test wasn't a</p> <p>3 straightforward exercise.</p> <p>4 MR. MACISAAC:</p> <p>5 A. And that's why it wasn't in the original plan.</p> <p>6 The original plan was to ensure that we</p> <p>7 satisfied load through the winter and it was</p> <p>8 integrated into our outage plan for this</p> <p>9 coming summer and it was identified as</p> <p>10 important, but not at all cost. So I'm going</p> <p>11 to -</p> <p>12 MR. COXWORTHY:</p> <p>13 Q. And it wasn't part of the project execution</p> <p>14 piece for this particular project?</p> <p>15 MR. MACISAAC:</p> <p>16 A. No, no, our project execution team that was in</p> <p>17 place was directly involved in the pre-work,</p> <p>18 actually the scope, the design, the materials.</p> <p>19 MR. COXWORTHY:</p> <p>20 Q. Of the black start test?</p> <p>21 MR. MACISAAC:</p> <p>22 A. Of the black start testing, yes, sir.</p> <p>23 MR. COXWORTHY:</p> <p>24 Q. So would there have been a schedule generated</p> <p>25 similar to this project schedule for that</p>

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<p>1 smaller aspect of the project with milestone 2 dates? 3 MR. MACISAAC: 4 A. I'm suggesting that we have the design, the 5 scope, the budgetary estimates and more than 6 likely the planning around it as well. 7 MR. COXWORTHY: 8 Q. Would all of that have been compiled into a 9 document or a set of documents? 10 MR. MACISAAC: 11 A. I think you're going to ask me for it, so if 12 it's not in a document today, it will be 13 probably next week. 14 MR. COXWORTHY: 15 Q. Okay. Well, if I could ask for an undertaking 16 for that? 17 MR. MACISAAC: 18 A. Sure, yeah. 19 MR. COXWORTHY: 20 Q. Thank you. 21 MS. GLYNN: 22 Q. Noted on the record. 23 MR. COXWORTHY: 24 Q. Mr. MacIsaac, I just want to move on I think 25 to a final topic, and that's the events of</p>	<p>1 MR. MACISAAC: 2 A. Okay. 3 MR. COXWORTHY: 4 Q. So it's in that context that I'll ask you 5 about this paragraph. "The new 123 megawatt 6 combustion turbine at Holyrood had operated 7 well on prior days but failed to start when 8 called upon at 6:12 on Wednesday morning. A 9 fuel valve was positioned incorrectly. Hydro 10 has provided no explanation for how the 11 position of the valve changed from one day to 12 the next, if indeed it had changed at all. 13 Hydro considers the valve to be sensitive 14 which gives minor rotation of the handle a 15 disproportionate effect on the flow of fuel. 16 The sensitivity made it more difficult to 17 align the valve for startup." 18 In terms of your own review, can you 19 comment on whether that aligns with your 20 understanding of what occurred on that day or 21 do you not yet have an understanding of what 22 occurred on that day to be able to answer that 23 question? 24 MR. MACISAAC: 25 A. That would align -- what you're dealing with</p>
<p>Page 94</p> <p>1 March 4th, 2015 in relation to the 100 2 megawatt CT and the delay in getting it 3 started up that morning. And I don't know -- 4 Information 29, which is the Liberty report 5 dated October 22nd, 2015, it only came out in 6 October. I don't know how familiar you are 7 with it. Have you - 8 MR. MACISAAC: 9 A. I've read the report. 10 MR. COXWORTHY: 11 Q. You've read the report? 12 MR. MACISAAC: 13 A. For sure. 14 MR. COXWORTHY: 15 Q. And I just wanted to turn to page four, and if 16 we could scroll down a little bit in page 17 four? Yes. In Section D, the Holyrood 18 combustion turbine, and Mr. Henderson, I guess 19 to be fair, I asked him, "look, do you agree 20 that all the facts, not the opinions, but all 21 the facts in this report, are they accurate?" 22 and Mr. Henderson said "look, I haven't 23 reviewed it. It hasn't been reviewed 24 internally by Hydro sufficiently for me to be 25 able to say that." And so, you know -</p>	<p>Page 96</p> <p>1 is new operators that are becoming familiar 2 with the equipment and human nature is such 3 that we all believe that we can run it just a 4 little bit better. 5 MR. COXWORTHY: 6 Q. Oh, and absolutely, you know, and learning, 7 but is this - 8 MR. MACISAAC: 9 A. And you're going up the learning curve, right, 10 and people want to own the assets and operate 11 them and in this instance, what happened is an 12 operator intervention which changed the fuel 13 delivery and impacted our ability to start the 14 unit and when it was discovered, when it was 15 restored to its previous set point, the unit 16 fired and started and that all took place 17 inside of about an hour and a half. 18 MR. COXWORTHY: 19 Q. So you're adding to this that you do think 20 that the valve position was changed from where 21 it was at commissioning? 22 MR. MACISAAC: 23 A. Where it was from the previous day, sir. 24 MR. COXWORTHY: 25 Q. From the previous day?</p>

1 MR. MACISAAC:  
 2 A. More than likely where it was from the  
 3 previous 24 hours, yeah.  
 4 MR. COXWORTHY:  
 5 Q. Okay. And would that be in -- I mean, how  
 6 easy would it be? Is it a matter of, you  
 7 know, inadvertently doing it? Could it be  
 8 inadvertently changed by someone coming into  
 9 contact with it? I mean, where is this valve?  
 10 MR. MACISAAC:  
 11 A. I'm not intimately familiar with the valve.  
 12 MR. COXWORTHY:  
 13 Q. Okay. Thank you, Mr. MacIsaac. I have no  
 14 further questions.  
 15 MR. MACISAAC:  
 16 A. Okay, thank you.  
 17 CHAIRMAN:  
 18 Q. Mr. Fleming, sir.  
 19 MR. JOHN MACISAAC, CROSS-EXAMINATION BY MR. DENIS FLEMING  
 20 MR. FLEMING:  
 21 Q. Thank you, Mr. Chair. Most of the questions I  
 22 have have been asked, so I'll be very brief.  
 23 There was a discussion with Mr. Coxworthy  
 24 regarding testing of the CT for black start  
 25 capability in the summer of 2015 and why that

1 went, and just going to restate the answer,  
 2 probably three to five days.  
 3 MR. FLEMING:  
 4 Q. Just to test it for black start would have  
 5 taken three to five days on that one issue?  
 6 You're nodding your head yes?  
 7 MR. MACISAAC:  
 8 A. That's correct, sir.  
 9 MR. FLEMING:  
 10 Q. Okay. Had the -- do you know if the fact that  
 11 the eight smaller diesel generators were on  
 12 site to provide black start factored into the  
 13 decision not to conduct the test in August?  
 14 So in other words, had they not been there,  
 15 would the test have been done and the CT  
 16 tested for black start for this coming winter?  
 17 MR. MACISAAC:  
 18 A. It would make sense that it was a  
 19 consideration.  
 20 MR. FLEMING:  
 21 Q. Okay, thank you. That's all I have.  
 22 CHAIRMAN:  
 23 Q. So that's it?  
 24 MR. FLEMING:  
 25 Q. That's it. I told you -- I promised I'd be

1 was not completed, and I believe you said that  
 2 you were somewhat involved in that process,  
 3 but it's not under your mandate, the testing  
 4 for black start?  
 5 MR. MACISAAC:  
 6 A. No, so it would have been that our project  
 7 team, that was a skeleton team at that point  
 8 in time, was involved at the interface to both  
 9 ECC, which is system operations and system  
 10 planning and operations in coordination with  
 11 the plant.  
 12 MR. FLEMING:  
 13 Q. That test was scheduled for August I  
 14 understand.  
 15 MR. MACISAAC:  
 16 A. Okay.  
 17 MR. FLEMING:  
 18 Q. Okay. Do you know how long that test would  
 19 have taken?  
 20 MR. MACISAAC:  
 21 A. Several days.  
 22 MR. FLEMING:  
 23 Q. Okay. If the -  
 24 MR. MACISAAC:  
 25 A. I would say depending on how well the test

1 brief.  
 2 CHAIRMAN:  
 3 Q. Mr. Fleming, when you say short, boy, you sure  
 4 mean it.  
 5 MR. FLEMING:  
 6 Q. I promised I'd be brief.  
 7 CHAIRMAN:  
 8 Q. Find it very unusual for a lawyer. Do we want  
 9 to start with Mr. Dumaresque or do we want to  
 10 take a break? Want to start?  
 11 MR. DUMARESQUE:  
 12 Q. No, we could take a break, I think.  
 13 CHAIRMAN:  
 14 Q. Take a break?  
 15 MR. DUMARESQUE:  
 16 Q. If you would, yeah.  
 17 CHAIRMAN:  
 18 Q. We'll take a break.  
 19 (BREAK - 10:42 a.m.)  
 20 (RESUME - 11:19 a.m.)  
 21 CHAIRMAN:  
 22 Q. So there is one preliminary matter, I believe,  
 23 sir -  
 24 JOHNSON, Q.C.:  
 25 Q. Yes, Mr. Chairman.

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<p>1 CHAIRMAN: 2 Q. - that you wish to raise. 3 JOHNSON, Q.C.: 4 Q. Yes, Mr. Chairman, actually it would be me as 5 opposed to Mr. - 6 CHAIRMAN: 7 Q. Oh, I'm sorry. I got - 8 MS. GLYNN: 9 Q. No, no, that was me. 10 JOHNSON, Q.C.: 11 Q. I know, it's take your pick here. 12 CHAIRMAN: 13 Q. I'm in the right church but the wrong pew. 14 JOHNSON, Q.C.: 15 Q. That's right. Yes, there's a redacted version 16 of the contract on the record and it's very, 17 very voluminous and before I actually asked 18 him to produce the full thing, I'll see if 19 whether that will meet my needs further. So 20 we'll leave the undertaking there and then 21 I'll tell Hydro whether we got to do something 22 else with it. 23 CHAIRMAN: 24 Q. Okay. Do you have one -- did you have one 25 matter, sir?</p>	<p>1 Q. Mr. Dumaresque, can you make sure you're 2 speaking into the mic? I'm sorry, some of the 3 Commissioners and probably in the back may be 4 having trouble. Thank you. 5 MR. DUMARESQUE: 6 Q. Yeah. So now you're president of Newfoundland 7 Hydro? 8 MR. MACISAAC: 9 A. Effective yesterday, sir. 10 MR. DUMARESQUE: 11 Q. And so the position of Vice-President Nalcor 12 responsible for Hydro no longer exists, so you 13 just -- has the vice just been dropped and 14 you're now the president and that you're not 15 the CEO, right? 16 MR. MACISAAC: 17 A. I'm not the CEO, sir, no. I'm -- there's 18 still a CEO for Hydro and that's Mr. Martin 19 and he's the CEO of Hydro, CF(L)Co and Nalcor, 20 and that would be a structure very similar to 21 others like Emera and utilities across the 22 country. 23 MR. DUMARESQUE: 24 Q. Yeah, just so that I'm clear that on this, on 25 the structure that instead of vice-president</p>
<p>Page 102</p> <p>1 MR. MACDOUGALL: 2 Q. No, that was the same matter. 3 CHAIRMAN: 4 Q. Oh, okay, okay. 5 MR. MACDOUGALL: 6 Q. And Mr. Johnson spoke to it instead. 7 CHAIRMAN: 8 Q. So, Mr. Dumaresque, it's now you're now front 9 and centre. 10 MR. JOHN MACISAAC, CROSS-EXAMINATION BY MR. DANNY 11 DUMARESQUE 12 MR. DUMARESQUE: 13 Q. Thank you, Mr. Chairman. Good morning or good 14 afternoon, what is it? Good morning, yeah. 15 Mr. MacIsaac, just to get an understanding, I 16 guess, of your past and current position. You 17 were vice-president of Nalcor, what is it, for 18 strategic - 19 MR. MACISAAC: 20 A. Vice-President of Project Execution, Technical 21 Services and Asset Management. 22 MR. DUMARESQUE: 23 Q. Okay. So now you're president of Newfoundland 24 Hydro? 25 MS. GLYNN:</p>	<p>Page 104</p> <p>1 Hydro, now that is now president Hydro. You 2 still are a Nalcor employee and similar to the 3 role and responsibilities that Mr. Henderson, 4 former vice-president - 5 MR. MACISAAC: 6 A. So I'm in a place where it's a different 7 structure. 8 MR. DUMARESQUE: 9 Q. Okay. 10 MR. MACISAAC: 11 A. Let me just take a minute and explain. So my 12 previous role as Vice-President of Project 13 Execution, Technical Services and Asset 14 Management, on an interim basis, that's being 15 filled by Jim Keating. 16 MR. DUMARESQUE: 17 Q. Okay. 18 MR. MACISAAC: 19 A. And Jim Keating is our Vice-President of Oil 20 and Gas, but he's also taken on executive 21 sponsorship on an interim basis for 22 Engineering, Project Execution and Technical 23 Services. In my new role, I'm a dedicated 24 resource to Hydro and it's a different 25 structure where -- and there's a couple of</p>

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1 phases, but the intent is to set ourselves up  
 2 for future stake for in feed from Muskrat  
 3 Falls and interconnection to the rest of the  
 4 North American grid. So Mr. Henderson has  
 5 gone across to lead the efforts in that space  
 6 in terms of preparedness. It's called --  
 7 there's a whole bunch of teams that work  
 8 underneath that, but it's effectively about  
 9 getting ourselves ready for integration of  
 10 Muskrat Falls and interconnection to the North  
 11 American grid. There's a number of vice-  
 12 president positions that will be in that new  
 13 structure specifically dedicated to Hydro, and  
 14 I will lead the folks that are within that  
 15 team as the president for Newfoundland and  
 16 Labrador Hydro.

17 MR. DUMARESQUE:  
 18 Q. So does Mr. Henderson now report to you or to  
 19 Mr. Martin?  
 20 MR. MACISAAC:  
 21 A. Mr. Martin.  
 22 MR. DUMARESQUE:  
 23 Q. And you report to Mr. Martin?  
 24 MR. MACISAAC:  
 25 A. I do, sir.

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1 MR. DUMARESQUE:  
 2 Q. Okay, thank you. So what I would like to  
 3 start with is, as some of the other people  
 4 have questioned yesterday and even today, I  
 5 guess, is the timing surrounding the  
 6 identification of adding capacity and I think  
 7 yesterday you indicated that it started as  
 8 early as March 2012 and in 2013. Is that  
 9 correct?  
 10 MR. MACISAAC:  
 11 A. So the -- I would say consistent with what I  
 12 have said previously that there is a number of  
 13 different times, based on a request from  
 14 system planning, system operations and also  
 15 from our VP of regulated Hydro where our team  
 16 in project execution undertook to prepare  
 17 options for adding generation and the options  
 18 that we were working on since March 2012 were  
 19 combustion turbines, in various different  
 20 configurations. So that's correct, sir.  
 21 MR. DUMARESQUE:  
 22 Q. Yeah, and as you said yesterday, you were  
 23 primarily interested in the beginning in new  
 24 CTs, but you didn't ignore the after market or  
 25 new and unused units. Could you explain to me

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1 the -- or outline to me the process, for  
 2 example, how many people would be involved in  
 3 this investigation and what was the nature of  
 4 the process to identify possible equipment?  
 5 MR. MACISAAC:  
 6 A. It's been done a number of different times, so  
 7 I can speak to what we did in 2012, for  
 8 example, where we went out to the market and  
 9 cast a reasonably broad net with folks that we  
 10 would typically have dealt with from an  
 11 historical perspective, and on more than one  
 12 occasion, we've gone out to the market with a  
 13 broad base solicitation for those prepared to  
 14 offer interest and response, and that happened  
 15 inside of 2012 and 2013 and also again in 2014  
 16 where we issued an RFP as well.

17 MR. DUMARESQUE:  
 18 Q. Okay. I would like to refer to GT, I guess  
 19 it's PUB-NLH-031.  
 20 MR. MACISAAC:  
 21 A. Okay.  
 22 MR. DUMARESQUE:  
 23 Q. So this would be the report stating in January  
 24 2013 that a number of after market options  
 25 were identified. Would you be able to scroll

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1 down to the Table 2? Okay. So these would  
 2 have been options that you came up with in  
 3 early 2013? Is that correct?  
 4 MR. MACISAAC:  
 5 A. I believe some of them, yes, sir, yeah. Some  
 6 used are in here, to your point.  
 7 MR. DUMARESQUE:  
 8 Q. Yeah, Table 2 is the one that refers to the  
 9 after market.  
 10 MR. MACISAAC:  
 11 A. Um-hm.  
 12 MR. DUMARESQUE:  
 13 Q. And so, but my question is these would be  
 14 units that you identified in January or  
 15 specifically when in 2013?  
 16 MR. MACISAAC:  
 17 A. I'm just reading. It says a request of known  
 18 suppliers for both new and after market with  
 19 the objective of an in service for 2014.  
 20 MR. DUMARESQUE:  
 21 Q. Yes. So you're confirming that this was  
 22 January of 2013?  
 23 MR. MACISAAC:  
 24 A. It says after January of 2013, so at some  
 25 point in time after January 2013.

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<p>1 MR. DUMARESQUE: 2 Q. But it was in 2013? 3 MR. MACISAAC: 4 A. I believe so, yes, sir. It says January 2014 5 -- I'm just reading the response, because 6 we've done this a number of times where we've 7 gone to the market and I don't want to mislead 8 you. 9 MR. DUMARESQUE: 10 Q. No, and I want to be very clear about the 11 timing. 12 MR. MACISAAC: 13 A. Okay. It says "In January 2014, Hydro 14 requested known suppliers of new and after 15 market combustion turbines to submit high 16 level budgetary proposals to supply and 17 install" -- so I would suggest that this is 18 from January 2014. These responses are from 19 January 2014. 20 MR. DUMARESQUE: 21 Q. Okay. So could we go to GT-DD-NLH-030? And 22 in this question I asked if you could confirm 23 if you were aware of the advertisement by 24 ProEnergy Parts Solutions and CFAS on the 1X 25 New Siemens SGTG-3000E. Your response was</p>	<p>1 information." 2 MR. MACISAAC: 3 A. Yeah. 4 MR. DUMARESQUE: 5 Q. And what I want to be clear on is that when 6 you say you were aware of the advertisement 7 that that is exactly the same as timing of 8 when you received advertised information. Is 9 that correct? You became aware of it and then 10 you say you received advertised information. 11 Am I to conclude that you became aware and 12 received this information at that time, 13 February of 2014? 14 MR. MACISAAC: 15 A. I'm going to have to double check for you that 16 we didn't know before. So it could be that 17 inside of some of the forays into options in 18 the marketplace that this particular unit 19 could have been in some of those searches 20 previously and I honestly don't know that. So 21 I'll have to check it for you. 22 (11:30 a.m.) 23 MR. DUMARESQUE: 24 Q. Yes, so do we need to put that in an 25 undertaking?</p>
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<p>1 "Hydro was aware of the advertisement by 2 ProEnergy Solutions and CFAS." Can you tell 3 me when you were aware, specifically when you 4 became aware and how you became aware of this 5 particular unit? 6 MR. MACISAAC: 7 A. I don't mean to repeat what's already written 8 there, but it says in February 2014. So one 9 of the folks on our team would have become 10 aware of this advertisement, either one of the 11 folks on our discipline side or one of the 12 folks on the project execution side, because 13 we were, on an ongoing basis since 2012, 14 looking at pursuing options in the 15 marketplace. So this advertisement, obviously 16 someone within our team became aware, because 17 that's what it says in February. 18 MR. DUMARESQUE: 19 Q. Well, actually, I would like to make sure that 20 we're clear on this point. 21 MR. MACISAAC: 22 A. Okay. 23 MR. DUMARESQUE: 24 Q. Because in that second sentence, you say "in 25 February 2014, Hydro received advertised</p>	<p>1 MS. GLYNN: 2 Q. You're requesting an undertaking for that? 3 MR. DUMARESQUE: 4 Q. Yes, I would like to request an undertaking of 5 when they became aware of the advertisement. 6 MR. MACISAAC: 7 A. And what we'll do is we'll go back and check 8 and see if this unit was in any of the 9 previous requests from the marketplace. I 10 think that's what you want to understand is 11 did we know that it was there before. 12 MR. DUMARESQUE: 13 Q. Absolutely. 14 MR. MACISAAC: 15 A. Okay. 16 MR. DUMARESQUE: 17 Q. That timing is important. 18 MR. MACISAAC: 19 A. Okay. 20 MS. GLYNN: 21 Q. Undertaking is noted on the record. 22 MR. DUMARESQUE: 23 Q. Thank you. And so in the investigation of 24 these unused or grey market, so you would 25 have, as you just said, you had a team? Would</p>

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<p>1 that be one person, two people?</p> <p>2 MR. MACISAAC:</p> <p>3 A. Several, sir.</p> <p>4 MR. DUMARESQUE:</p> <p>5 Q. Several?</p> <p>6 MR. MACISAAC:</p> <p>7 A. Yeah.</p> <p>8 MR. DUMARESQUE:</p> <p>9 Q. And they would be checking the internet, for</p> <p>10 example, wouldn't they? Would that be -</p> <p>11 MR. MACISAAC:</p> <p>12 A. It's always one of our sources.</p> <p>13 MR. DUMARESQUE:</p> <p>14 Q. Always one of your sources?</p> <p>15 MR. MACISAAC:</p> <p>16 A. Yes, sir.</p> <p>17 MR. DUMARESQUE:</p> <p>18 Q. So in the undertaking, I guess, we'll find</p> <p>19 out, but certainly this particular unit was</p> <p>20 advertised extensively for quite a long time</p> <p>21 before 2014 on the internet. Are you aware of</p> <p>22 that?</p> <p>23 MR. MACISAAC:</p> <p>24 A. I nodded, but I would say yes, I'm aware now</p> <p>25 that it was advertised through a broker</p>	<p>1 proposals to the marketplace, this was one of</p> <p>2 the units that came back in and we also looked</p> <p>3 at it then and we looked at the different</p> <p>4 options that were in the marketplace. The</p> <p>5 decision was made to publicly tender and</p> <p>6 inside of publicly tendering, this unit was</p> <p>7 offered by ProEnergy in response to that</p> <p>8 public tender process. But we'd been through</p> <p>9 a request for proposals before that and this</p> <p>10 unit was inside of the response from ProEnergy</p> <p>11 on request for proposals as well.</p> <p>12 MR. DUMARESQUE:</p> <p>13 Q. So this request for proposals you mentioned,</p> <p>14 that is the January -- that is the February</p> <p>15 request that's identified in that table that</p> <p>16 we just saw, that when you requested all known</p> <p>17 suppliers of new and after market turbines to</p> <p>18 submit a high level budgetary proposals? Is</p> <p>19 that the report that you're referencing?</p> <p>20 MR. MACISAAC:</p> <p>21 A. That's consistent with my recall, sir.</p> <p>22 MR. DUMARESQUE:</p> <p>23 Q. And that happened, as I said, in January of</p> <p>24 2014, according to the response to the RFI.</p> <p>25 MR. MACISAAC:</p>
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<p>1 previously. We know that today that it's been</p> <p>2 in the market for a period of time.</p> <p>3 MR. DUMARESQUE:</p> <p>4 Q. You know that today that it was in the market</p> <p>5 for a period of time?</p> <p>6 MR. MACISAAC:</p> <p>7 A. Um-hm.</p> <p>8 MR. DUMARESQUE:</p> <p>9 Q. But you don't recall if you knew that before</p> <p>10 February of 2014? Because you were doing this</p> <p>11 investigation for some time, including 2013.</p> <p>12 MR. MACISAAC:</p> <p>13 A. You're correct, sir. We've been in the market</p> <p>14 looking at different options for a period of</p> <p>15 time, and I'll restate what I said earlier,</p> <p>16 we're going to check for you if this unit was</p> <p>17 previously identified in any of -- inside of</p> <p>18 that undertaking if this unit was in that</p> <p>19 listing from 2012 or 2013.</p> <p>20 MR. DUMARESQUE:</p> <p>21 Q. Okay. And so when you became aware that this</p> <p>22 unit was available, what specific steps did</p> <p>23 you take then to become familiar with it?</p> <p>24 MR. MACISAAC:</p> <p>25 A. So, inside of providing a request for</p>	<p>1 A. So we're going to undertake to confirm that</p> <p>2 for you, but I would say yes, based on what's</p> <p>3 written here.</p> <p>4 MR. DUMARESQUE:</p> <p>5 Q. So you just outlined what happened then from</p> <p>6 the time that you received that information,</p> <p>7 you led to the tender.</p> <p>8 MR. MACISAAC:</p> <p>9 A. Yes.</p> <p>10 MR. DUMARESQUE:</p> <p>11 Q. But was there anything, any other process that</p> <p>12 you undertook from January of 2014, if we're</p> <p>13 assuming that that's the first time that you</p> <p>14 identified this unit? Was there any other</p> <p>15 process that you undertook to get a better</p> <p>16 understanding of this machine, including, for</p> <p>17 example, whether you actually went to -- Hydro</p> <p>18 went to visit?</p> <p>19 MR. MACISAAC:</p> <p>20 A. So I'm searching for your question, but I'll</p> <p>21 try to be specific in my response. So, in the</p> <p>22 timeframe between the public tender and</p> <p>23 awarding and inside of application as well,</p> <p>24 and I have a chronology of this, so I should</p> <p>25 refer to it, but what we did was after we had</p>

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<p>1 done an initial review of the responses from 2 the public tender -- so we had the public 3 tender responses, not the RFP responses, but 4 the public tender responses, we then had 5 identified one of the front runners, which was 6 the unit that we actually purchased and 7 installed and we sent a team to visit and that 8 included an independent engineer from AMEC 9 went and did an assessment of the unit and 10 some of our own folks, a discipline lead and 11 one of our project engineering people, went 12 and viewed the unit in storage as well.</p> <p>13 MR. DUMARESQUE: 14 Q. So let me just look at GT-PUB-NLH-012? So in 15 this answer, you say "in January 2014, Hydro 16 requested all known suppliers of new and after 17 market turbines" and of course, just scroll 18 down to the second page there, the last unit 19 on the second page. There is a unit 20 ProEnergy.</p> <p>21 MR. MACISAAC: 22 A. Yes.</p> <p>23 MR. DUMARESQUE: 24 Q. 1X Siemens SGT6-3000E. Is this the unit that 25 we purchased?</p>	<p>1 that space. So these are high level 2 indicative budgetary proposals. They haven't 3 visited site. So they -- I should back up and 4 say first, the response that we got from the 5 marketplace, the most complete response was 6 actually the one from ProEnergy on this unit. 7 Additionally, that these responses are purely 8 indicative. It does not include a site visit. 9 So they don't know the site conditions. It 10 doesn't include site works. It did not 11 include a building. It didn't include fuel 12 storage or water storage. It didn't include 13 water purification. It did not include the 14 fact that it had to be converted from a gas 15 fuelled unit to a liquid fuel unit. There is 16 a lot of pieces of this response, as others as 17 well, that would only provide you an 18 indication of what was out there.</p> <p>19 Now we did -- we took these responses and 20 called them up and said, you know, what do you 21 have and can you describe in more completeness 22 what you have, so that it would further inform 23 our budgetary work.</p> <p>24 MR. DUMARESQUE: 25 Q. Yes, and I don't want to dwell at this point</p>
<p style="text-align: right;">Page 118</p> <p>1 MR. MACISAAC: 2 A. It is. It's a bit misleading because there's 3 been a number of different numbers used to 4 represent the capacity of the unit.</p> <p>5 MR. DUMARESQUE: 6 Q. Yes.</p> <p>7 MR. MACISAAC: 8 A. So I should probably clarify that for all. 9 The rated capacity is based on ISO designation 10 in the unit is 123.5 megawatts, but that's 11 based on a certain outside temperature and as 12 the temperature goes down, you get better 13 performance out of the unit. You get more 14 capacity. But this in fact is the same unit.</p> <p>15 MR. DUMARESQUE: 16 Q. Yes, this is the unit?</p> <p>17 MR. MACISAAC: 18 A. It is, sir.</p> <p>19 MR. DUMARESQUE: 20 Q. So, and at this point, I just want to 21 reference you to the price. The high level 22 budgetary proposal to supply and install this 23 unit was 59.8 million US dollars by ProEnergy.</p> <p>24 MR. MACISAAC: 25 A. So I'm going to help with a bit of context in</p>	<p style="text-align: right;">Page 120</p> <p>1 on that aspect of it. I understand that, the 2 context of the cost. But this is the -- 3 January, in January 2014, so what I'm -- I go 4 back to what I was looking for in the other 5 question. Between January of 2014 and April - 6 - basically I think it's April 7th when you 7 registered the application to the Public 8 Utilities Board for the funding of this 9 additional generation, from January to April 10 of 2014, were there any site visitations? Was 11 anybody from Hydro go and meet ProEnergy, for 12 example?</p> <p>13 MR. MACISAAC: 14 A. I'm not aware that we went to meet ProEnergy 15 in that timeframe, sir. The first trips to 16 the US -- and again, this is based on my 17 recall and my knowledge, the first trips to 18 the US to look at this unit would have 19 occurred after the public tender process where 20 we sent an AMEC engineer, an independent 21 engineer. He was previously with Ontario 22 Power Group where he was responsible for their 23 thermal plants and their gas turbines and 24 diesels, a guy with 30 years plus experience, 25 so he knows this space quite well. He went</p>

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<p>1 down and he did an assessment and we also 2 dispatched people, a manager and one of our 3 engineering resources, after the AMEC 4 gentleman went down. They went down and they 5 reviewed the stored unit, but they also went 6 to the ProEnergy facility and reviewed their 7 facilities in terms of the work that they do 8 around building plants, refurbishing plants 9 and doing maintenance work on plants.</p> <p>10 MR. DUMARESQUE: 11 Q. Okay. So it seems like we're pretty clear 12 that when this unit was identified, between 13 that and April, there was no site visitations 14 for inspection by Hydro or that Hydro 15 officials went and met with ProEnergy?</p> <p>16 MR. MACISAAC: 17 A. Well, I have it right here in front of me, Mr. 18 Dumaresque. I found the chronology. So, the 19 public tender was issued on April 7th. The 20 PUB application was submitted on April 10th. 21 The public tender closed on April 21st. The 22 third party visit by the AMEC resource was 23 April 28th to May 1st and our people went down 24 shortly thereafter. I don't know the dates, 25 but it was right around the same timeframe.</p>	<p>1 MR. DUMARESQUE: 2 Q. Yes. In this, in GT-DD-NLH-030, if you could 3 go back to it? 4 MR. MACISAAC: 5 A. Okay. 6 MR. DUMARESQUE: 7 Q. Thank you. It says that in February of 2014, 8 Hydro received advertised information from 9 both these companies.</p> <p>10 MR. MACISAAC: 11 A. Yeah. 12 MR. DUMARESQUE: 13 Q. I asked in the question if so, did you receive 14 a copy of the offer and particularly if you 15 received the contents of the advertised 16 complete package. So would you -- as the 17 attachment showed, there was nothing only the 18 picture of the ad. Would you -- yeah, you can 19 take -- maybe just look at Attachment 1, page 20 one of two. So we see the turbine there, and 21 also page two. Yes, so we see the same 22 turbine and just would like for this -- at 23 least for this, just as a reference there for 24 everybody, on that particular page you see the 25 asking price is US 23 million dollars for</p>
<p style="text-align: right;">Page 122</p> <p>1 And then we received PUB approval on May 7th 2 and we awarded the EPC contract on May 16th.</p> <p>3 MR. DUMARESQUE: 4 Q. Yes, yeah, I'm familiar with that chronology.</p> <p>5 MR. MACISAAC: 6 A. Okay.</p> <p>7 MR. DUMARESQUE: 8 Q. But I want to say again, to your knowledge or 9 can you confirm that there was no other visits 10 or meetings with ProEnergy by anybody from 11 Hydro between January and April of 2014?</p> <p>12 MR. MACISAAC: 13 A. We didn't send people down there, I think was 14 your question.</p> <p>15 MR. DUMARESQUE: 16 Q. Yes. 17 (11:45 a.m.) 18 MR. MACISAAC: 19 A. And that was the way I answered it. We didn't 20 send people down there. That doesn't mean 21 that we didn't have discussions with the folks 22 that had responded to the RFP. So we did have 23 discussions where we asked folks to clarify 24 their responses for the request for proposals 25 that were in January.</p>	<p style="text-align: right;">Page 124</p> <p>1 complete package. So, I didn't get any -- get 2 that information. Would you give an 3 undertaking to provide me with all the 4 information that you received as a result of 5 responding to this advertisement, you know, 6 when you -- because you say you received 7 advertised information. Are you saying that 8 all you got is those two pictures? You didn't 9 get anything else at that stage?</p> <p>10 MR. MACISAAC: 11 A. Well, I'll have to check for you, in terms of 12 what else we got at that point.</p> <p>13 MR. DUMARESQUE: 14 Q. Could you? Yeah, could you -</p> <p>15 MR. MACISAAC: 16 A. Sure.</p> <p>17 MR. DUMARESQUE: 18 Q. - take that as an undertaking, please, to 19 provide me with all information received as a 20 result of that advertisement?</p> <p>21 MS. GLYNN: 22 Q. Noted on the record.</p> <p>23 MR. DUMARESQUE: 24 Q. I'd like now to look at the cost of equipment 25 and as we just went through in GT-PUB-NLH-012,</p>

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<p>1 when it comes to the cost of the after market 2 equipment, I go again to page two of four and 3 I would like to go back to that same unit. So 4 that was being advertised then for the 5 engineering, procurement and construction for 6 this unit for 59.8 million US dollars. In 7 your assessment of this type of high level 8 budgetary proposal, would this be a reliable 9 ballpark figure that you could go and put into 10 your budget then?</p> <p>11 MR. MACISAAC: 12 A. No, sir.</p> <p>13 MR. DUMARESQUE: 14 Q. No?</p> <p>15 MR. MACISAAC: 16 A. No, sir, not at that level, not at that point, 17 not until we interrogated it and understood 18 what was in scope and not in scope.</p> <p>19 MR. DUMARESQUE: 20 Q. Okay.</p> <p>21 MR. MACISAAC: 22 A. And I'm sorry, but I'm going to repeat myself. 23 Inside of this response, folks would not have 24 made site visits and they would not have 25 included for inside of the finished scope.</p>	<p>1 of them have various degrees of completeness. 2 So what we do is we go back and we interrogate 3 them for completeness and how much engineering 4 is included and how much engineering is not 5 included, how much have you got in there for 6 all of the auxiliaries around the unit. 7 Because the equipment package itself versus 8 the auxiliaries that go around it, like the 9 building, like the water, like the connection 10 to our switchyard, the connection to our 11 water, the connection to the grid, none of 12 those things are included initially, so you go 13 back and interrogate because it's different 14 shades of grey and you have to go back and ask 15 all the questions in order to determine what 16 in fact they're representing.</p> <p>17 MR. DUMARESQUE: 18 Q. Okay. I put in exhibits, various exhibits and 19 one of the exhibits that I deposited which you 20 should have a record of the relevant sections 21 is the Gas Turbine World 2013 GTW Handbook.</p> <p>22 MS. GLYNN: 23 Q. So we need to enter that as Information No. 24 36, and if you can just give Ms. Blundon a 25 second to distribute it.</p>
<p style="text-align: right;">Page 126</p> <p>1 You know, they would not have included for the 2 fuel storage, the fuel pumping station, the 3 fuel delivery, all of the prep work that goes 4 with that, the building, the turnaround area, 5 the fuel heating. It would not have included 6 for the building. Would not have included for 7 all of the treated water storage, the water 8 treatment plant, the step up transformer, the 9 conversion from natural gas to liquid fuel. A 10 lot of those things, sir, were not included in 11 these responses. And we found that out by 12 asking the right questions.</p> <p>13 MR. DUMARESQUE: 14 Q. Yes, I placed exhibits on -- yes, okay. 15 Before I go there, could you explain to me 16 your understanding of what would be included 17 then in that particular price?</p> <p>18 MR. MACISAAC: 19 A. Normally, the gas turbine package itself.</p> <p>20 MR. DUMARESQUE: 21 Q. But you asked for engineering, procurement and 22 construction, but are you -</p> <p>23 MR. MACISAAC: 24 A. Yeah, and we also recognize that when we get 25 these initial responses that, you know, some</p>	<p style="text-align: right;">Page 128</p> <p>1 MR. DUMARESQUE: 2 Q. Thank you.</p> <p>3 MR. MACISAAC: 4 A. Thank you.</p> <p>5 MR. DUMARESQUE: 6 Q. Okay. I'd like to go to page 38, and this is 7 a description, I guess, of the estimated 8 equipment only budget prices for standard 9 single fuel gas turbine plants without option. 10 And without reading it all, I just would like 11 to point out -- and first of all, maybe just 12 to back up a little bit. This handbook is 13 prepared annually, that it's certainly very 14 well recognized as a reference tool put 15 together by people that are working in the 16 business. Are you familiar with this 17 handbook?</p> <p>18 MR. MACISAAC: 19 A. I've looked at what you've shared with us, 20 sir, yes.</p> <p>21 MR. DUMARESQUE: 22 Q. But you've never seen a copy of this before?</p> <p>23 MR. MACISAAC: 24 A. I haven't myself personally. No, I haven't, 25 sir.</p>

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<p>1 MR. DUMARESQUE:  2 Q. Okay.  3 MR. MACISAAC:  4 A. I would not be surprised that our mechanical  5 engineering or our project execution folks  6 don't look at it on an ongoing basis, probably  7 online shared as well.  8 MR. DUMARESQUE:  9 Q. Okay. But so, in terms of the standard  10 packages, they point out that they do not  11 include engineering, construction or owner  12 project costs, but in the scope of supply, it  13 would include the turbine, the generator, the  14 balance of plant mechanical and electrical.  15 Is that your understanding of what the  16 standard package would contain?  17 MR. MACISAAC:  18 A. In anticipation of this question, because I  19 think really what we're about today is to  20 assure yourself and others in the room, and  21 more broadly customers, of the value received,  22 what we did was we took just a single line  23 drawing, if you will, and said let's show the  24 entire scope of the project, a picture is  25 worth a thousand words, and the actual gas</p>	<p>1 Q. That was my question, yeah.  2 MR. MACISAAC:  3 A. Yeah, you're right. That's the same unit.  4 MR. DUMARESQUE:  5 Q. So, just for clarification -  6 MR. MACISAAC:  7 A. Yeah, it is.  8 MR. DUMARESQUE:  9 Q. - the CTG-3000E, as in 2013, this specific  10 unit at that point had been -- the name had  11 changed then and the unit is now M501DA?  12 MR. MACISAAC:  13 A. You're correct, sir.  14 MR. DUMARESQUE:  15 Q. Right. And so just to draw your attention to  16 that plant, budget plant price of 32.5 million  17 dollars.  18 MR. MACISAAC:  19 A. That's equipment only.  20 MR. DUMARESQUE:  21 Q. That's equipment only, but let's be clear, the  22 scope of the equipment would be the turbine,  23 the generator, the mechanical and electrical  24 balance of plant.  25 MR. MACISAAC:</p>
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<p>1 turbine package itself, and if it would be  2 okay with you, I'd like to bring that picture  3 up so that people can actually see, this is  4 the package, this is the broader scope.  5 MR. DUMARESQUE:  6 Q. Yeah, if you -  7 MR. MACISAAC:  8 A. We have that.  9 MR. DUMARESQUE:  10 Q. If you have that.  11 MR. MACISAAC:  12 A. Yeah.  13 MR. DUMARESQUE:  14 Q. Well, before I get to that, I would just like  15 to refer to page 44 because I've already  16 indicated that the scope of the supply  17 includes turbine generator, balance of plant  18 mechanical and electrical, and on page 44, we  19 have, on the top of the page there, the M501DA  20 and this would be an ISO base load of 113.950  21 kW, kilowatt I guess. So, as you mentioned  22 earlier -  23 MR. MACISAAC:  24 A. That's the same unit.  25 MR. DUMARESQUE:</p>	<p>1 A. For the package itself.  2 MR. DUMARESQUE:  3 Q. For the package itself.  4 MR. MACISAAC:  5 A. For the package itself.  6 MR. DUMARESQUE:  7 Q. That's right.  8 MR. MACISAAC:  9 A. That's correct, sir. And I want to make sure  10 that we don't move away from that point just  11 for a second because this is about ensuring  12 that folks understand that customers received  13 value. Inside of the detailed breakdown that  14 has been asked for in an undertaking, you  15 would see that line item that we actually paid  16 31,500,000, something like that. So it's in  17 that right order of magnitude. So we paid  18 consistent with what this is indicating we  19 should have paid for it.  20 MR. DUMARESQUE:  21 Q. Yes, we will get to that.  22 MR. MACISAAC:  23 A. Okay.  24 MR. DUMARESQUE:  25 Q. So, okay, we -- I can have a look at your</p>

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1 picture if you want.

2 MR. MACISAAC:

3 A. Sure, yeah. So I don't know, Jenny, if you

4 can reduce the scale a bit. So the portion

5 that we're referring to is the portion that is

6 outlined in red. The scope of the entire

7 project falls within the green and it goes

8 outside of the green in terms of

9 interconnection to plant services, meaning

10 interconnection back to the switchyard,

11 interconnection to the grid, interconnection

12 to water, interconnection to the waste water

13 treatment system. So you can see that the CTG

14 package, the package itself, is inside of red,

15 inside of the building and it was suggested

16 that the equipment supply only price was 32

17 and a half million, supply only, and we

18 actually paid 31 and a half million installed.

19 MR. DUMARESQUE:

20 Q. Okay. Thank you for the picture.

21 MR. MACDOUGALL:

22 Q. Mr. Chair, that picture is not specifically in

23 the record. Mr. MacIsaac had prepared it, I

24 guess in anticipation of where Mr. Dumaresque

25 may go since he had pre-filed the information.

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1 We will undertake to provide a hard copy of

2 that. Maybe at this time, we could just give

3 it an information number?

4 MS. GLYNN:

5 Q. I think that that should be an exhibit because

6 it comes through a witness, but Exhibit No. 4.

7 MR. MACDOUGALL:

8 Q. Thank you very much.

9 MS. GLYNN:

10 Q. Thank you. Sorry, Exhibit No. 3, sorry.

11 MR. DUMARESQUE:

12 Q. Okay. So just that we don't lose sight of the

13 point, in 2013, the specific plant, the

14 equipment that you're talking about, the

15 turbine, the generator, mechanical and

16 electrical balance of plant, brand new with

17 full manufacturer's warranty, brand new with

18 full manufacturer's warranty, was identified

19 at 32.5 million dollars, US dollars. Do you

20 accept that?

21 MR. MACISAAC:

22 A. What I see in the Gas Turbine World Handbook

23 is indicative pricing.

24 MR. DUMARESQUE:

25 Q. Yes.

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1 MR. MACISAAC:

2 A. So I would suggest that, you know, that would

3 represent what's out there.

4 MR. DUMARESQUE:

5 Q. Okay. So now I would like to go and have a

6 look at the ad again and that was under GT-DD-

7 NLH-030, the second page. So, asking price.

8 The asking price of this package at that time

9 in January of 2014 was 23 million dollars for

10 a complete package. Now, this -- can you

11 confirm that this price was the asking price

12 for the seven-year-old turbine and five-year-

13 old generator?

14 (12:00 p.m.)

15 MR. MACISAAC:

16 A. In chronological age, I would say that you're

17 correct, but the unit was unfired. It was

18 never used. So representing it as something

19 different than new is a stretch.

20 MR. DUMARESQUE:

21 Q. It's a matter of interpretation I would

22 submit.

23 MR. MACISAAC:

24 A. Okay. We'd probably agree to disagree on that

25 one.

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1 MR. DUMARESQUE:

2 Q. Yeah. As a matter of fact, maybe just to be

3 clear, if you just scroll down a little bit,

4 the gas turbine model now the SGT6-3000E

5 renamed 501D5A is indeed a 2007 year and then

6 the generator I believe -- I don't know if it

7 was down further, but the generator is -- it

8 might be in the other ad.

9 MR. MACISAAC:

10 A. There was a stop in production that explains

11 the difference between the age of the two. So

12 the customer that it was originally intended

13 for placed a hold and then went back to them

14 and said proceed.

15 MR. DUMARESQUE:

16 Q. Yeah.

17 MR. MACISAAC:

18 A. And that's the reason for a couple of years in

19 the age difference between the two.

20 MR. DUMARESQUE:

21 Q. That would have been a question, but I'm -

22 MR. MACISAAC:

23 A. I'm sorry.

24 MR. DUMARESQUE:

25 Q. - I'm happy that you answered it in advance.

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<p>1 MR. MACISAAC:  2 A. Okay. Sorry for that.  3 MR. DUMARESQUE:  4 Q. But that's what we're talking about is a  5 seven-year-old turbine and a five-year-old  6 generator. Now, this package was advertised  7 by those two companies. Can you confirm that  8 these two advertisements were by brokers?  9 Would you classify these companies as brokers?  10 MR. MACISAAC:  11 A. I believe they are brokers of after market  12 equipment, sir.  13 MR. DUMARESQUE:  14 Q. Right.  15 MR. MACISAAC:  16 A. Yeah.  17 MR. DUMARESQUE:  18 Q. Yes, and that is correct, they were brokers,  19 and as a matter of fact, they were not the  20 owners. And can you confirm when the tender  21 was accepted on April the 21st if ProEnergy  22 Services were the owners of this unit?  23 MR. MACISAAC:  24 A. I know they weren't the owners of the unit at  25 the time. They had a first right of refusal</p>	<p>1 A. Not to Newfoundland Hydro, to ProEnergy.  2 MR. DUMARESQUE:  3 Q. To ProEnergy?  4 MR. MACISAAC:  5 A. To ProEnergy, sir.  6 MR. DUMARESQUE:  7 Q. And they confirmed that to you in writing?  8 MR. MACISAAC:  9 A. I think that we have documentation that  10 supports that there was a contractual  11 agreement between whoever the entity that  12 owned the unit at the time, that was the  13 broker, and it's a dated document, an  14 agreement between ProEnergy and the broker  15 that was within weeks of when we awarded it.  16 MR. DUMARESQUE:  17 Q. I don't want to be under any confusion here.  18 MR. MACISAAC:  19 A. Yeah.  20 MR. DUMARESQUE:  21 Q. ProEnergy Parts Solutions was the broker who  22 had right of first refusal. ProEnergy  23 Services LLC owns ProEnergy Parts Solutions,  24 is that correct?  25 MR. MACISAAC:</p>
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<p>1 on the unit and what we would do in that space  2 to mitigate the exposure for customers is that  3 we would have had bonding in place that comes  4 along with the offer from all respondents. In  5 the event that ProEnergy weren't able to  6 secure the unit, the bonding is intended to  7 mitigate the risk in going to the next offer.  8 MR. DUMARESQUE:  9 Q. Okay.  10 MR. MACISAAC:  11 A. So I know they had first option on it.  12 MR. DUMARESQUE:  13 Q. Yes.  14 MR. MACISAAC:  15 A. And we awarded, I'm going to say on the 16th,  16 and I believe ProEnergy signed the contract to  17 transfer ownership within the same month, so I  18 think it was within a span of two weeks they  19 had reached out and said we're taking the  20 unit.  21 MR. DUMARESQUE:  22 Q. Are you confirming that the ownership actually  23 transferred to Newfoundland Hydro a couple of  24 weeks?  25 MR. MACISAAC:</p>	<p>1 A. I'm not familiar with the construct, but I  2 would say yes.  3 MR. DUMARESQUE:  4 Q. And I only ask that because I'm wondering when  5 you say ProEnergy, you're not distinguishing  6 between ProEnergy Parts Solutions, which was  7 the advertiser of this unit, and the ProEnergy  8 LLC, which is the company that signed the  9 contract to provide the unit?  10 MR. MACISAAC:  11 A. You're right, I'm not distinguishing between  12 the two, so I -  13 MR. DUMARESQUE:  14 Q. Yeah, and that's what I - that's okay, but I  15 just wanted to be clear about that, that  16 ProEnergy Parts Solutions that advertised this  17 particular package was a broker of used and  18 aftermarket equipment, but they are a  19 subsidiary of ProEnergy LLC.  20 MR. MACISAAC:  21 A. But that's not who the unit came from, I don't  22 believe, sir.  23 MR. DUMARESQUE:  24 Q. No, no, and this is the other part of my  25 question to try to be clear, is that you don't</p>

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1 refer to the owner at all, so I want to go  
 2 back to that, that this company is the broker  
 3 with right of first refusal on behalf of the  
 4 real owner, and do you know the real owner?  
 5 MR. MACISAAC:  
 6 A. I don't personally, no.  
 7 MR. DUMARESQUE:  
 8 Q. You don't personally - you wouldn't have  
 9 undertaken to find out who the original owner  
 10 would have been?  
 11 MR. MACISAAC:  
 12 A. I know it's in the documentation in terms of  
 13 who the owner of the unit was.  
 14 MR. DUMARESQUE:  
 15 Q. Okay.  
 16 MR. MACISAAC:  
 17 A. But we undertook to go and inspect it and  
 18 ensure that it was fit for purpose, right.  
 19 MR. DUMARESQUE:  
 20 Q. Okay, so is it your understanding that the  
 21 owner would have any number of brokers with  
 22 right of first refusal, would that be  
 23 standard? Would the other company, for  
 24 example -  
 25 MR. MACISAAC:

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1 A. Right of first refusal is normally with one  
 2 entity.  
 3 MR. DUMARESQUE:  
 4 Q. I agree, and that's what my experience in  
 5 business is.  
 6 MR. MACISAAC:  
 7 A. Yeah.  
 8 MR. DUMARESQUE:  
 9 Q. So looking at that advertisement there from  
 10 CFAS Enterprises, which is the asking price of  
 11 23 million dollars for the complete package,  
 12 this broker would not be - would not have a  
 13 right of first refusal from the owner, would  
 14 that be a fair statement?  
 15 MR. MACISAAC:  
 16 A. I'm not sure I understand the question. Can  
 17 you run it by me one more time?  
 18 MR. DUMARESQUE:  
 19 Q. This company, CFAS Enterprises Inc., who was  
 20 advertising the unit for 23 million or nearest  
 21 offer, would not be the - would not have the  
 22 right of first refusal because it could only  
 23 be - normally be granted or could be granted  
 24 only to the one broker, which was ProEnergy  
 25 Services?

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1 MR. MACISAAC:  
 2 A. I believe so, yes.  
 3 MR. DUMARESQUE:  
 4 Q. ProEnergy Parts Solutions.  
 5 MR. MACISAAC:  
 6 A. That would make sense.  
 7 MR. DUMARESQUE:  
 8 Q. Yeah, and the point that I want to make is  
 9 that in the advertised price of 23 million, of  
 10 course, this company would normally advertise  
 11 it having some allowance for profit on their  
 12 part, and they would be obviously going to buy  
 13 it - if they would find a buyer for it, they  
 14 would buy it then from ProEnergy Parts  
 15 Solutions. So I'd like now to go at this  
 16 point - this is the cost of the bricks and  
 17 mortar, I guess, or the equipment, I guess, as  
 18 opposed to the cost of installation. So  
 19 Hydro, when it was doing its budget  
 20 preparations in 2012/2013, did you ever do up  
 21 any budget which would separate the cost of  
 22 equipment versus the cost of installation?  
 23 MR. MACISAAC:  
 24 A. We normally do.  
 25 MR. DUMARESQUE:

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1 Q. You normally would?  
 2 MR. MACISAAC:  
 3 A. We would normally identify equipment costs and  
 4 put an estimate inside of the equipment costs  
 5 because we're not a general contractor, so the  
 6 way we build our estimates and the way a  
 7 contractor builds his estimates are, in fact,  
 8 slightly different. So inside of going out to  
 9 the marketplace and respondents like GE, Pratt  
 10 & Whitney, or whoever, if we're going for EPC  
 11 turn key pricing, they build - they can put  
 12 it, slice it, dice it however you want it, but  
 13 they'll put it in the buckets, as you  
 14 described it, but normally what they do is  
 15 they imbed the install cost inside of the big  
 16 pieces of work, or they can say here's our  
 17 equipment supply only price, and draw the  
 18 labour component out separately. It's done a  
 19 number of different ways.  
 20 MR. DUMARESQUE:  
 21 Q. That's right, and I referenced - I don't know  
 22 if it was actually entered as an exhibit when  
 23 I questioned Mr. Martin several weeks ago. It  
 24 was CE-47, Rev 1. Now that was a document  
 25 that I referenced at the time that I thought

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1 would have been on the record, but because  
 2 it's not part of the GRA, it was a document  
 3 that was registered during the assessment of  
 4 the Muskrat Falls Project, and I remember  
 5 placing it on the table at the time. I  
 6 thought it might be in the record now. I'm  
 7 wondering if it is or not.

8 MS. GLYNN:  
 9 Q. No, it has not been entered. Have you  
 10 circulated it to the parties?

11 MR. DUMARESQUE:  
 12 Q. Well, at the time that I made this reference  
 13 with Mr. Martin, I provided the document - I  
 14 thought I gave it to the PUB to be entered.

15 MR. MACISAAC:  
 16 A. So it's an RFI from?

17 MR. DUMARESQUE:  
 18 Q. No, it is a submission that was part of the  
 19 record for the Muskrat Falls evaluation and it  
 20 was classified as CE-47, Rev. 1, and,  
 21 therefore, it's in that one that - I will  
 22 undertake to put it into the record, but just  
 23 for our purposes here today because I know  
 24 that Mr. MacIsaac just said that Newfoundland  
 25 and Labrador Hydro has done some assessments

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1 of the installation cost as opposed to the  
 2 equipment cost, so I was referencing this as  
 3 one of the pieces of information because it  
 4 was a document that came from Hydro that  
 5 identified the cost of equipment and  
 6 installation at 40 million dollars, and it  
 7 broke out the cost of installation to be 15  
 8 million dollars. So if it's not there, that's  
 9 fine, I will undertake to put it in, but would  
 10 you have any other such documentation  
 11 separating the installation cost as opposed to  
 12 the equipment cost? Since you said you did  
 13 that before, would you have -

14 MR. MACISAAC:  
 15 A. For this particular unit?

16 MR. DUMARESQUE:  
 17 Q. No, no, for the - when you were evaluating the  
 18 purchase and installation of the 50 and 60  
 19 megawatt combustion turbine generators for the  
 20 added capacity that you thought would be  
 21 required, new units, for example, when you  
 22 were doing all that evaluation, did you do any  
 23 costing at that time and do you have any  
 24 reports that would identify the installation  
 25 cost separate from the equipment cost?

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1 MR. MACISAAC:  
 2 A. We can go back and look. I'm sure inside the  
 3 budgetary pricing that we would have built up  
 4 either in the proposal from the marketplace,  
 5 or on our own - because there's a couple of  
 6 different prices here, and I don't mean to be  
 7 clouding the issue, there's the installation  
 8 work that has to be done to actually install  
 9 the equipment, then there's all the work that  
 10 we do at the interface around the auxiliaries.  
 11 So you can see labour in more than one  
 12 location and it could be that the labour that  
 13 you see is the labour to install the unit, it  
 14 could be the labour to do auxiliaries around  
 15 or within the building, or it could be the  
 16 labour of the work that we do, Hydro does,  
 17 with its own forces, and sometimes the  
 18 composition of that labour is interconnection  
 19 to existing services. That labour component  
 20 includes the commissioning, so all of that  
 21 from a Hydro perspective with our own forces  
 22 is rolled in. So on the install of this unit,  
 23 for example, would have our folks from TRO  
 24 doing work in both the switch yard and on the  
 25 transmission line, right. It would have our

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1 ECC folks, it would have our PNC technicians.  
 2 There would be a number of our own forces that  
 3 would be involved at the interface or the  
 4 battery limit to the scope of supply from  
 5 ProEnergy, and then the labour component  
 6 that's inside the proposal can be reflected in  
 7 a number of different ways and vendors all do  
 8 it differently with the objective of obscuring  
 9 from you the difference between their proposal  
 10 and somebody else, right.

11 (12:15 p.m.)

12 MR. DUMARESQUE:  
 13 Q. Yes, thank you. So would you undertake then  
 14 to provide me with any reports or any budget  
 15 documents that would identify the installation  
 16 cost of putting a 50 or 60 - you know, when  
 17 you were doing your assessment of adding 50 or  
 18 60 megawatt combustion turbine -

19 MR. MACISAAC:  
 20 A. Including the contractor's cost and our own  
 21 costs?

22 MR. DUMARESQUE:  
 23 Q. Yes, that's right, and -

24 MR. MACISAAC:  
 25 A. Yeah.

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<p>1 MR. DUMARESQUE: 2 Q. And actually - and I'd like to have it broken 3 out between what you had estimated to be the 4 contractor's cost as opposed to the owner's 5 cost because - 6 MR. MACISAAC: 7 A. Not a problem. 8 MR. DUMARESQUE: 9 Q. Because in the tender document, of course, we 10 know there was owner's cost that was exempt 11 from what was actually tendered, right? 12 MR. MACISAAC: 13 A. And I'm just backtracking to a previous 14 discussion, if I could, Mr. Dumaresque, just 15 to clarify the response for you. I know that 16 we talked about who had title, and I mentioned 17 that ProEnergy had first right of refusal, and 18 I found the RFI that I was looking for and 19 what it says between the customer and the 20 contractor dated March 16th, so after right of 21 first refusal, ProEnergy had gone back to the 22 equipment supplier and confirmed that they 23 were taking the unit, but the signed agreement 24 was dated May 16th. You were looking for 25 that, and then I think you also asked the</p>	<p>1 megawatts, and the response was that you got 2 it from two manufacturers, so I would like to 3 ask for another undertaking, if you would 4 provide me with the quotes that you received 5 from manufacturers of new equipment in 2013, I 6 believe it was, when you made those requests. 7 MR. MACISAAC: 8 A. It might have been 2012, but in any case, 9 we'll get it for you. 10 MR. MACISAAC: 11 A. Yeah, 2012/2013. 12 MR. DUMARESQUE: 13 Q. In the budget preparation, as I said before, 14 what I understood and what I saw from a high 15 level quote or preparation on budget from 16 Hydro under the CE-47, it was 40 million 17 dollars that Hydro had looked at for the 18 engineering and procurement and construction 19 of the 50 megawatt unit at the time, and I 20 understand that that's not a final figure, but 21 it was an estimate, a high level estimate. As 22 you went to prepare the budget for this 23 additional generation, I'd like to reference 24 GT-CA-NLH-017, and towards the bottom of that 25 page, the answer - I don't know if I got -</p>
<p>1 question about Hydro's ownership, and we 2 wouldn't take ownership or make payment on 3 that piece of kit until it was safely sitting 4 on a foundation at Holyrood. So again it goes 5 back to the risk question and ensuring that we 6 keep customers harmless on the risk profile, 7 so we wouldn't accept ownership and we 8 wouldn't take an invoice on the big piece of 9 kit until it was safely sitting on a 10 foundation in Holyrood, and we'd done a walk 11 around on it to make sure that it was fit for 12 purpose. 13 MR. DUMARESQUE: 14 Q. Right. 15 MR. MACISAAC: 16 A. Okay. 17 MS. GLYNN: 18 Q. I just want to note that previous undertaking 19 on the record for the budget estimates. 20 MR. DUMARESQUE: 21 Q. And in your budget estimates, you also would 22 have gone out and got quotes on new equipment, 23 and I don't have the RFI, you might, but I 24 asked if you had gotten quotes for new 25 equipment, and I think at that time it was 60</p>	<p>1 there is a reference there to - I don't see it 2 there now. It may be down, yeah, keep on 3 going. Yes, the last sentence there or the 4 last three sentences, 24, "The project budget 5 estimate for the 60 megawatt plant was 6 developed in consultation with one of the 7 leading CT equipment manufacturers, Pratt &amp; 8 Whitney Power Systems located in Connecticut, 9 USA". Do you confirm that that was the 10 company that assisted you? 11 MR. MACISAAC: 12 A. They would have given us budgetary proposals, 13 sir. I don't know that I would consider it to 14 be them assisting us. They would have been 15 one of the respondents that gave us proposals 16 on a 60 megawatt unit. They may not be the 17 only one, but it clearly states there that 18 Pratt &amp; Whitney did. 19 MR. DUMARESQUE: 20 Q. Can you tell me when you first made contact 21 with this company and how that contact was 22 made to develop in consultation with them a 23 budget for this 60 megawatt plant? 24 MR. MACISAAC: 25 A. I'm sorry?</p>

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<p>1 MR. DUMARESQUE:  2 Q. Can you tell me the time when you made the  3 contact with this company because you say it  4 was developed in consultation with them? When  5 did you make this contact, was it in 2012 or  6 2013, as you were preparing the budget for the  7 60 megawatt plant?  8 MR. MACISAAC:  9 A. I would say that the dialogue with Pratt &amp;  10 Whitney didn't stop, so Pratt &amp; Whitney  11 obviously -  12 MR. DUMARESQUE:  13 Q. Didn't stop. I'm wondering when it started?  14 MR. MACISAAC:  15 A. Yes, and I can't tell you when it started. I  16 do know that in 2012, we went to the market  17 and I think that this was either part of the  18 work that was done in 2012, or some of the  19 work that was done in 2013, but I do know that  20 in 2012 and 2013, and also in 2014, we were in  21 discussions with Pratt &amp; Whitney on their  22 proposals to us, just like we were in  23 discussion with GE, and in discussion with the  24 Wood Group, and these guys weren't treated any  25 differently than anybody else. I'm not</p>	<p>1 GE and like the Wood Group, that we talk with  2 and deal with on an ongoing basis on gas  3 turbines. So it wouldn't have started in 2012,  4 it would have been a relationship that  5 preexisted 2012, and I'm just trying to get  6 the context right.  7 MR. DUMARESQUE:  8 Q. Uh-hm.  9 MR. MACISAAC:  10 A. And also Pratt &amp; Whitney Power Systems were  11 one of the respondents to the public tender  12 process, so it didn't stop at a certain point  13 either. They were folks that we talked to all  14 the way through. So I'm not quite sure on  15 your point.  16 MR. DUMARESQUE:  17 Q. But you have identified in this particular  18 sentence there that you developed the budget  19 for the 60 megawatt plant in consultation with  20 PW Power Systems. You did not indicate that  21 you developed it with Siemens or Rolls Royce,  22 or anyone else. You say you developed it with  23 PW Power Systems, and that's my question.  24 MR. MACISAAC:  25 A. That's what it says, sir.</p>
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<p>1 certain I know where you're going.  2 MR. DUMARESQUE:  3 Q. Okay, then I'll try to clarify.  4 MR. MACISAAC:  5 A. Okay.  6 MR. DUMARESQUE:  7 Q. You say you would have been in consultation  8 with them from the beginning, so what I'm  9 asking is because you say this budget was  10 developed in consultation with them on the 60  11 megawatt, it's fair to, I think, assume, and  12 maybe you can say yes or no to this, fair to  13 assume that this company would have been  14 discussing with you the budget for this unit  15 in 2012, 2013, as opposed to the time from  16 January to April of 2014 when you got the  17 response back on aftermarket, because I don't  18 want to confuse the two there?  19 MR. MACISAAC:  20 A. I wouldn't agree with that.  21 MR. DUMARESQUE:  22 Q. No?  23 MR. MACISAAC:  24 A. And the way you book-ended it. Pratt &amp;  25 Whitney Power Systems are an organization like</p>	<p>1 MR. DUMARESQUE:  2 Q. Yeah, so you're -  3 MR. MACISAAC:  4 A. And I think the word "consultation" probably  5 mischaracterizes because the way that works  6 is, we take proposals from the marketplace for  7 a certain piece of scope, and then we build  8 the estimate. So it would have been - should  9 have more been aptly characterized that we  10 received proposals, budgetary indicative  11 proposals from Pratt &amp; Whitney in that time  12 frame for a 60 megawatt solution.  13 MR. DUMARESQUE:  14 Q. And this would have been as a result of your  15 proposal call or outreach in 2012, I gather,  16 is that right?  17 MR. MACISAAC:  18 A. I'm pretty sure that you're correct. I think  19 this is the 2012 time frame.  20 MR. DUMARESQUE:  21 Q. Do you know a Mr. Kerry McDonough?  22 MR. MACISAAC:  23 A. We do.  24 MR. DUMARESQUE:  25 Q. You know him personally?</p>

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<p>1 MR. MACISAAC: 2 A. Yes, we do, we know Kerry. He's a - 3 MR. DUMARESQUE: 4 Q. No, you do? 5 MR. MACISAAC: 6 A. Do I know him? 7 MR. DUMARESQUE: 8 Q. Yes. 9 MR. MACISAAC: 10 A. I do know who he is. 11 MR. DUMARESQUE: 12 Q. Okay. 13 MR. MACISAAC: 14 A. I don't know him personally. Have I met him 15 before inside of review of proposals from 16 them; yes, I have. 17 MR. DUMARESQUE: 18 Q. Okay. 19 MR. MACISAAC: 20 A. But I also met the people from ProEnergy and 21 also met the people from GE, and I also met 22 the people from the Wood Group as well. It's 23 commonplace for us to bring in these folks and 24 go through the proposals with them, and I 25 wouldn't say that we treat Kerry any</p>	<p>1 or form unique, proprietary, or different than 2 how we treat all of our other suppliers. 3 MR. DUMARESQUE: 4 Q. Did you ever meet Mr. McDonough in a formal 5 meeting? 6 MR. MACISAAC: 7 A. I've sat in when they've made proposals on - 8 they had a new product they were bringing to 9 market, and I sat in and listened to their 10 pitch on, I think they were modular 25 11 megawatt units, so I've sat in and listened to 12 them pitch their product on more than one 13 occasion. 14 MR. DUMARESQUE: 15 Q. Okay. 16 MR. MACISAAC: 17 A. But I've done that with GE. 18 MR. DUMARESQUE: 19 Q. Oh, yeah. 20 MR. MACISAAC: 21 A. And I've done that it with Siemens, and I've 22 done it with the Wood Group too. 23 MR. DUMARESQUE: 24 Q. Oh, yeah, and I'm sure you did. 25 MR. MACISAAC:</p>
<p>Page 158</p> <p>1 differently as - he's a sales agent for Pratt 2 &amp; Whitney Power Systems, and we would treat 3 him the same as we treat all of the other 4 folks that we work with as suppliers of this 5 type of equipment. 6 MR. DUMARESQUE: 7 Q. First I want to know - you said "we", and 8 obviously now you say "I know him". Who are 9 the "we" that would know and have worked in 10 consultation with Mr. McDonough? Who would be 11 the others, that "we"? 12 MR. MACISAAC: 13 A. So our team inside of Project Execution and 14 Technical Services would have folks that they 15 know by name that they deal with from the 16 various suppliers. So between our Project 17 Execution team, they would have had 18 discussions with Mr. McDonough, and our - in 19 this case, this was - I think it was Howard 20 Richardson would have had discussions with Mr. 21 McDonough back in that time frame as well. 22 MR. DUMARESQUE: 23 Q. Uh-hm. 24 MR. MACISAAC: 25 A. But it wouldn't have been in any way, shape,</p>	<p>Page 160</p> <p>1 A. I think I describe myself as a hands-on 2 person. 3 MR. DUMARESQUE: 4 Q. Yeah, and I - 5 MR. MACISAAC: 6 A. So I know who he is. 7 MR. DUMARESQUE: 8 Q. Yeah, but what I want to say - what I want to 9 point out is that you have identified in this 10 particular response that you developed the 11 budget in consultation with Mr. McDonough? 12 MR. MACISAAC: 13 A. I see the wording, sir. I can't refute that, 14 that's what it says. 15 MR. DUMARESQUE: 16 Q. Right, and not - 17 MR. MACDOUGALL: 18 Q. Mr. Chair, just for clarification, that's not 19 what it says. It said it was on consultation 20 with Pratt &amp; Whitney Power. I just wanted to 21 be clear that the words being cited are 22 correct. 23 MR. DUMARESQUE: 24 Q. Okay, thank you. I would like now to move to 25 a different topic on the fair market value and</p>

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<p>1 value for money, of course, this what this</p> <p>2 thing is all about.</p> <p>3 MR. MACISAAC:</p> <p>4 A. Exactly.</p> <p>5 MR. DUMARESQUE:</p> <p>6 Q. Well, actually two things; it's the least cost</p> <p>7 option and it's reliability, these are the two</p> <p>8 things. I want to go now to talk about cost</p> <p>9 and what kind of verification of value you got</p> <p>10 on this particular unit. So in GT-CA-NLH-005,</p> <p>11 Attachment 2, you have indicated there in</p> <p>12 Attachment 2, page 1 of 24, and you referenced</p> <p>13 it earlier, that you commissioned a Mr.</p> <p>14 Seckington, I guess, is the proper</p> <p>15 pronunciation.</p> <p>16 MR. MACISAAC:</p> <p>17 A. Correct, sir.</p> <p>18 MR. DUMARESQUE:</p> <p>19 Q. So is that correct?</p> <p>20 MR. MACISAAC:</p> <p>21 A. That's correct, sir.</p> <p>22 MR. DUMARESQUE:</p> <p>23 Q. And could you tell me the nature of that</p> <p>24 inspection?</p> <p>25 MR. MACISAAC:</p>	<p>1 facility in Memphis, you know, we do see that</p> <p>2 the equipment has been in storage since</p> <p>3 approximately October, 2009 according to page</p> <p>4 5, which would be page 5 of 24.</p> <p>5 MR. MACISAAC:</p> <p>6 A. That's correct. So we'll go back and confirm</p> <p>7 it for you, but my understanding is that there</p> <p>8 was an actual pause in manufacturing between</p> <p>9 the two main components, but it was actually</p> <p>10 shipped to the customer together, and the</p> <p>11 reason that there's nothing in between -</p> <p>12 MR. DUMARESQUE:</p> <p>13 Q. And that may very well be the explanation for</p> <p>14 the difference between the birth of the</p> <p>15 turbine and the start of the storage?</p> <p>16 MR. MACISAAC:</p> <p>17 A. I think we'll probably be able to confirm that</p> <p>18 for you, that they actually took delivery of</p> <p>19 both components together, and then actually</p> <p>20 the age difference is that there was a pause</p> <p>21 in the manufacturing between the two main</p> <p>22 components.</p> <p>23 MS. GLYNN:</p> <p>24 Q. I hate to interject on this one, Mr.</p> <p>25 Dumaesque, but I want to make sure that we</p>
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<p>1 A. Well, it's described inside of the report in</p> <p>2 some detail, but for context purposes was to</p> <p>3 make a site visit and do an inspection of the</p> <p>4 unit itself and its storage records to ensure</p> <p>5 that it had been stored in accordance with the</p> <p>6 OEM recommendations, properly maintained and</p> <p>7 that it was fit for purpose.</p> <p>8 (12:30 p.m.)</p> <p>9 MR. DUMARESQUE:</p> <p>10 Q. Okay, so as he points out in his letter to Mr.</p> <p>11 Parsons, "Dear Stephen; It seems that the</p> <p>12 D5AGT has been reasonably stored". The</p> <p>13 documentation that you provided, I assume, was</p> <p>14 the complete documentation on the storage of</p> <p>15 this unit. It's attached to this, it has many</p> <p>16 pages, but it appears that two years of - from</p> <p>17 2007 to 2009 appears to be missing, and so</p> <p>18 maybe you could take an undertaking to review</p> <p>19 whether some of the documents have actually</p> <p>20 not been provided here because we go to the -</p> <p>21 well, it's very onerous, I guess, but when we</p> <p>22 look through all of the documentation and saw</p> <p>23 the start of when the unit was put into</p> <p>24 storage in this particular place in Memphis,</p> <p>25 Tennessee, at Barnhart Crane and Rigging</p>	<p>1 understand the undertaking on that one.</p> <p>2 MR. DUMARESQUE:</p> <p>3 Q. The undertaking is that in his report, he</p> <p>4 indicates that the storage records start</p> <p>5 approximately October of 2009. The turbine is</p> <p>6 a 2007, and I'm wondering are there any other</p> <p>7 records for the period birth, 2007, to October</p> <p>8 of 2009, or was that as Mr. MacIsaac said -</p> <p>9 MR. MACISAAC:</p> <p>10 A. I think what we'll do is inside of that</p> <p>11 undertaking endeavour to confirm to you that</p> <p>12 there was a pause in manufacturing.</p> <p>13 MR. DUMARESQUE:</p> <p>14 Q. Yes.</p> <p>15 MR. MACISAAC:</p> <p>16 A. And then when it was shipped to the customer,</p> <p>17 both the turbine and the generator were</p> <p>18 received in 2009.</p> <p>19 MS. GLYNN:</p> <p>20 Q. As long as Hydro and the witness are</p> <p>21 comfortable with that.</p> <p>22 MR. MACISAAC:</p> <p>23 A. We got it, we're good.</p> <p>24 MS. GLYNN:</p> <p>25 Q. Noted on the record.</p>

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1 MR. DUMARESQUE:  
 2 Q. Yes, I'd like now to look at just some other  
 3 things in the assessment, and go to page 6.  
 4 So a review of the specific works, this is in  
 5 the same inspection, that first there would be  
 6 review of the original PO and specifications  
 7 for the GT, and you go down to 3.1, and the  
 8 first bullet there after the first sentence  
 9 says, "A review of the original PO  
 10 specifications for the GT, if available; none  
 11 were available for review during the period".  
 12 Do you know if you got this information later?  
 13 MR. MACISAAC:  
 14 A. I don't know that, sir.  
 15 MR. DUMARESQUE:  
 16 Q. Would you give an undertaking to see if you  
 17 could get that information, and then -  
 18 MS. GLYNN:  
 19 Q. Is the undertaking accepted?  
 20 MR. MACISAAC:  
 21 A. Yes.  
 22 MR. MACDOUGALL:  
 23 Q. I believe Mr. MacIsaac said he could undertake  
 24 to do that.  
 25 MS. GLYNN:

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1 Q. Noted on the record.  
 2 MR. DUMARESQUE:  
 3 Q. So that's an undertaking to see if you can  
 4 find a copy of the original PO and  
 5 specifications for the GT. That's what he was  
 6 asked to do, this engineer, and he didn't have  
 7 it at the time.  
 8 MS. GLYNN:  
 9 Q. Noted on the record.  
 10 MR. DUMARESQUE:  
 11 Q. I'd like to now go to page 8, and again on  
 12 page 8 at the top, which is then an extension  
 13 of the 4.2 visual inspections of GT  
 14 components, so in this contract, Mr.  
 15 Seckington was asked to do a visual assessment  
 16 and as we see, there were no areas of free  
 17 standing water, no significant rusting or  
 18 corrosion, and the thing seems to have been  
 19 fairly effective stored, and then the GT and  
 20 generator rotors, number 6 bullet, I guess it  
 21 is, number 8, "The GT and generator rotors are  
 22 not turned, which appears consistent with  
 23 Siemens lay up", and then he goes on to  
 24 indicate, "There's a photographic record",  
 25 and, of course, it concludes in Section 6 on

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1 page 9. It says, "Overall the existing unit  
 2 seems in good condition to be a suitable  
 3 candidate for an application in Holyrood. No  
 4 significant number 3, 6 - 3, no significant  
 5 equipment damage was identified during the  
 6 walk downs. Number 4, computer equipment in  
 7 the climate control room appears well  
 8 preserved, but may be obsolete and require  
 9 replacement by newer systems". Can you  
 10 confirm if indeed the computer equipment was  
 11 replaced?  
 12 MR. MACISAAC:  
 13 A. It was replaced, but not because of  
 14 obsolescence. It was replaced because of  
 15 familiarity with our own people on the manned  
 16 machine or operating machine interface, so  
 17 what we did was we standardized to the one  
 18 that's familiar to ourselves.  
 19 MR. DUMARESQUE:  
 20 Q. Okay, and then it says, number 5, "The  
 21 equipment should", not "is", not "shall", "the  
 22 equipment should be suitable for application  
 23 at Holyrood provided that the liquid fuel  
 24 system to be provided by ProEnergy is  
 25 suitable". I think you alluded to that

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1 earlier that this particular unit when it's  
 2 manufactured was manufactured to operate with  
 3 natural gas as opposed to liquid fuel, is that  
 4 correct?  
 5 MR. MACISAAC:  
 6 A. The one that we bought was originally  
 7 outfitted with natural gas, that's correct.  
 8 The fuel train that was on the unit when it  
 9 was first transferred in title was originally  
 10 designed for natural gas, but the unit comes  
 11 with actually three different configurations  
 12 on the fuel delivery system. You can get a  
 13 fuel delivery system that is natural gas, you  
 14 can get a fuel delivery system that is liquid  
 15 fuel, and you can actually get a fuel delivery  
 16 system that is both, and this one had natural  
 17 gas, and it was included in the scope of  
 18 delivery from ProEnergy to convert it from  
 19 natural gas to liquid fuel.  
 20 MR. DUMARESQUE:  
 21 Q. So you are confirming that ProEnergy had to do  
 22 the conversion from natural gas to liquid  
 23 fuel?  
 24 MR. MACISAAC:  
 25 A. They did, sir.

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<p>1 MR. DUMARESQUE:  2 Q. The second one is, "The air intake system and  3 air filter materials are modified so that they  4 will be suitable for a salt water ambient air  5 environment".  6 MR. MACISAAC:  7 A. That's correct, sir.  8 MR. DUMARESQUE:  9 Q. Have the air intake system and the air filter  10 system, have they been modified?  11 MR. MACISAAC:  12 A. That is correct, sir.  13 MR. DUMARESQUE:  14 Q. They have. "The black start proposed to be  15 added to the existing equipment is integrated  16 into the overall scheme". Has that been done?  17 MR. MACISAAC:  18 A. There's two different black starts, and not to  19 confuse anybody, there's the black start of  20 the unit itself, and that includes both a  21 diesel and another gas turbine that actually  22 black start the gas turbine, and that's the  23 black start that's being referenced there,  24 and, yes, it was included.  25 MR. DUMARESQUE:</p>	<p>1 Q. Yes.  2 MR. MACISAAC:  3 A. And this was an amendment to our existing  4 operating permit for the Holyrood site.  5 MR. DUMARESQUE:  6 Q. Right.  7 MR. MACISAAC:  8 A. So it was reduced in time frame as a result of  9 the fact that there was already an existing  10 analysis of the dispersion modelling, the  11 wind, if you will, and inside of that wind  12 shed, we had to overlay the analysis of this  13 new piece of equipment. So we got the data,  14 it had to be modelled and it was the modelling  15 of worse case scenario that took that  16 additional time.  17 MR. DUMARESQUE:  18 Q. Yes, and the modelling and the implementation  19 of that testing, has that now been done?  20 MR. MACISAAC:  21 A. That's correct, sir.  22 MR. DUMARESQUE:  23 Q. And can you tell me if the results conform  24 with present legislation?  25 MR. MACISAAC:</p>
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<p>1 Q. Okay, the final one that he says there, "The  2 NOx emissions capability requirements can be  3 met by the existing water injection system or  4 require modification to the system". Has  5 there been any modification to your systems so  6 that the NOx emissions are able to be met?  7 MR. MACISAAC:  8 A. So that's - in order to meet our environmental  9 permit on the emissions, that's NOx, so that's  10 one of the constituents inside of the  11 emissions that were measured and permitted on,  12 and, yes, they did modify it in order to  13 ensure that we met the emissions standards.  14 MR. DUMARESQUE:  15 Q. The emissions standards, we know there was  16 some delay, whatever caused that delay, I'm  17 not sure, but there was some delay in the  18 Provincial Government issuing the certificate  19 for the installation and they were  20 particularly concerned about the NO emissions.  21 Have you any familiarity with that?  22 MR. MACISAAC:  23 A. So inside the environmental assessment phase,  24 the EA release, if you will -  25 MR. DUMARESQUE:</p>	<p>1 A. They do, sir.  2 MR. DUMARESQUE:  3 Q. They do.  4 MR. MACISAAC:  5 A. They do, sir.  6 MR. DUMARESQUE:  7 Q. So as we can see, this is the conclusion there  8 on page 9. Now the rest of it is a lot of  9 pictures, and then there's the storage  10 documents, and then there's the different  11 attestations by some former employees or  12 people associated with ProEnergy on the  13 credibility of the company, but is it fair to  14 conclude from what I have seen here that there  15 was no internal inspection of the turbine and  16 the generator?  17 MR. MACISAAC:  18 A. So the unit was stored consistent with the OEM  19 recommendations, and the inspection was to  20 ensure that all of the proper inspections and  21 maintenance were done in accordance with the  22 storage recommendations. So some of the  23 components were still in their original  24 packaging, and we weren't going to disturb the  25 original packaging because at that point we</p>

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1 hadn't bought the unit, we were inspecting it.

2 MR. DUMARESQUE:

3 Q. Yeah.

4 MR. MACISAAC:

5 A. So internal inspection - the other thing that

6 was being done in order to mitigate any

7 deterioration was that the electrical and

8 electronic components were being dehumidified,

9 again consistent with the OEM recommendations

10 for storage, and the large components were

11 being internally heated as well. So it was

12 properly stored and it was properly maintained

13 to the point that, you know, motors and shafts

14 were being turned on a regular routine that

15 was set in the schedule.

16 MR. DUMARESQUE:

17 Q. Uh-hm.

18 MR. MACISAAC:

19 A. So all the right things were being done in

20 order to properly preserve the unit to ensure

21 that there was no deterioration.

22 MR. DUMARESQUE:

23 Q. I'm only, obviously, a layperson when it comes

24 to this particular subject area, but from what

25 I've been told from others who are involved in

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1 this, and you might be able to confirm, if a

2 nitrogen blanket would be a requirement of the

3 OEM standards or would be something that would

4 need to be done to comply with OEM, or would a

5 nitrogen blanket around the critical pieces of

6 equipment, would that be required to meet the

7 OEM standards? Are you familiar with a

8 nitrogen blanket?

9 MR. MACISAAC:

10 A. I am, sir, but I'm not certain with respect to

11 the recommendations for the storage of this

12 unit, if a nitrogen blanket was or was not

13 involved, and we can check for you.

14 MR. DUMARESQUE:

15 Q. Yes, and that's my point, I guess, I would

16 like for you to check to see if there was a

17 nitrogen blanket applied in the storage of the

18 appropriate components of this package?

19 MR. MACISAAC:

20 A. If it was requested, and - first, if it was

21 requested, was it actually in place?

22 MR. DUMARESQUE:

23 Q. Yes, and it's been explained to me, the

24 importance of this nitrogen blanket is to make

25 sure not even oxygen can get inside the

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1 critical components of the turbine and

2 generator, and as I said, I have no

3 professional ability to conclude whether

4 that's critical or not, but that's something

5 that certainly has been told to me, and I'd

6 like to know if it was indeed there.

7 MR. MACISAAC:

8 A. Okay.

9 MS. GLYNN:

10 Q. The undertaking is noted on the record.

11 MR. DUMARESQUE:

12 Q. Thank you. So we know that the visual

13 inspection was done. Can you confirm if there

14 are any other reports on the unit other than

15 this one? When Mr. Martin made his statements

16 to the public, he said that there was a deep

17 inspection of the unit. Are you aware of any

18 other report that was done on this unit,

19 either to verify its mechanical and fitness

20 for Holyrood, and/or the market value?

21 MR. MACISAAC:

22 A. So you just introduced market value and deep

23 inspection and we were talking about its

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1 fitness for purpose, so I'm just parking the

2 market value piece for a second, the report

3 that we have is based on the inspection that

4 was done. And then, in addition to that, we

5 sent one of our discipline leads, she was a

6 discipline lead, excuse me, and then she

7 became the manager and she's intimately

8 familiar with gas turbines. She's currently

9 our general manager of gas turbines and

10 diesels and she's done that work with us for

11 25 years plus and one other mechanical

12 engineer went with her. I don't know what we

13 have from a written report from their visit,

14 but I would suggest that there's probably

15 something in writing or an email that says we

16 have looked at the unit and it's checked out

17 okay, and I don't know how deep it is, but

18 that would be potentially another report.

19 MR. DUMARESQUE:

20 Q. Yeah and that was my question, I guess,

21 because when I asked this question, I asked

22 for any and all reports and this was the only

23 one that I got, so in light of what you just

24 said, would you please undertake to provide us

25 with whatever emails, reports, et cetera, that

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1 came from the individuals that you just  
 2 identified.  
 3 MR. MACISAAC:  
 4 A. Absolutely.  
 5 MR. DUMARESQUE:  
 6 Q. As to the suitability of this unit.  
 7 MR. MACISAAC:  
 8 A. Yes.  
 9 MS. GLYNN:  
 10 Q. Noted on the record.  
 11 CHAIRMAN:  
 12 Q. Mr. Dumaresque, I have to say all these issues  
 13 were matters, should have been matters for  
 14 RFIs, I mean -  
 15 MR. DUMARESQUE:  
 16 Q. Mr. Chair, they were, it's just that the  
 17 answers to the RFIs neglected to provide us  
 18 with the information and that's why, if you  
 19 look at the two submissions that I made on  
 20 this, the second one in particular points out  
 21 that the information that came back, even  
 22 though the request was very specific,  
 23 certainly lacked what we understood to be  
 24 available, so it's a problem of not getting  
 25 the information that we believe exists and he

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1 just confirmed that there's other--there was  
 2 another visit by the appropriate people and  
 3 you wouldn't think that they would just go  
 4 down and take a picture and come on home on  
 5 the next flight, they would certainly,  
 6 something you're going to pay 100 million  
 7 dollars for, you would think they would do  
 8 something more extensive and I'm asking if  
 9 they did, can you please provide it to us,  
 10 which I asked before in the RFI. So as I said  
 11 now, to conclude on this particular thing,  
 12 there is no other report and as we have now  
 13 read it seems it appears it should, you know,  
 14 no visible signs of rodents and things like  
 15 that nesting in the, no birds nesting, things  
 16 of that nature, they were all noted in this  
 17 visual inspection. But that's the only  
 18 inspection that was done on the unit, that's  
 19 what I wanted to also clarify, apart from the  
 20 two people that you said went down.  
 21 MR. MACISAAC:  
 22 A. Okay.  
 23 MR. DUMARESQUE:  
 24 Q. And that's correct, right?  
 25 MR. MACISAAC:

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1 A. That's correct and ProEnergy would have  
 2 inspected it themselves before they  
 3 transferred the title, so they actually went  
 4 and did an inventory check and an assessment  
 5 for themselves. So they advised, but we  
 6 didn't see a report from that.  
 7 MR. DUMARESQUE:  
 8 Q. So two things on this, when this report then  
 9 was made back to Mr. Parsons from this  
 10 company, you noted earlier that the visit took  
 11 place but the report, would that report have  
 12 been made back to you? Would you have seen  
 13 this report in your previous capacity?  
 14 MR. MACISAAC:  
 15 A. I would have seen it after Mr. Parsons  
 16 received it.  
 17 MR. DUMARESQUE:  
 18 Q. Yes, that's what I mean.  
 19 MR. MACISAAC:  
 20 A. He would have informed me of what was in the  
 21 report.  
 22 MR. DUMARESQUE:  
 23 Q. Now this report is dated 30th of May, 2014,  
 24 the final, I guess the final report. You  
 25 signed the contract on the 16th of May to buy

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1 the unit. With the terminology and the fact  
 2 of the time line, do you have any concerns?  
 3 MR. MACISAAC:  
 4 A. We would have had an indication from Mr.  
 5 Seckington that if he had any concerns, that  
 6 he would have called us right away and I -  
 7 MR. DUMARESQUE:  
 8 Q. So you were confident upon signing 100 million  
 9 dollar contract on the 16th of May, that you  
 10 had sufficient information in this report to  
 11 be able to go ahead and sign this document and  
 12 grant 100 million dollars of rate payer's  
 13 money, that this is the document that you base  
 14 this one, that you were comfortable, you had a  
 15 good solid reliable project?  
 16 MR. MACISAAC:  
 17 A. It wouldn't be just on that report, sir,  
 18 because there is a whole due diligence process  
 19 around the decision point to award a contract  
 20 and it's not, not in isolation about us  
 21 sending an engineer to do an independent  
 22 inspection. There's a much broader piece of  
 23 work that's done and it involves more than an  
 24 external consultant making a site visit.  
 25 MR. DUMARESQUE:

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<p>1 Q. Could you please elaborate because that's kind</p> <p>2 of exactly where I wanted to go in my RFI, is</p> <p>3 there any other evidence, any other report,</p> <p>4 any other aspect of due diligence that we have</p> <p>5 missed verifying the authenticity,</p> <p>6 reliability, the state of being of this</p> <p>7 particular package than what we have seen in</p> <p>8 this particular report?</p> <p>9 MR. MACISAAC:</p> <p>10 A. From a visual inspection and fit for purpose,</p> <p>11 it's the visit of this individual and two</p> <p>12 people from Hydro.</p> <p>13 MR. DUMARESQUE:</p> <p>14 Q. That is it for due diligence on this package?</p> <p>15 MR. MACISAAC:</p> <p>16 A. On the fit for purpose, but then there's</p> <p>17 commercial, treasury, risk, all of those</p> <p>18 groups then get involved and they interrogate</p> <p>19 all of the information as well and there's a</p> <p>20 formal sign off by all those cross-functional</p> <p>21 groups, but in terms of inspection, in terms</p> <p>22 of inspection in deeming it fit for purpose,</p> <p>23 it's the report that you have in your hands,</p> <p>24 sir.</p> <p>25 MR. DUMARESQUE:</p>	<p>1 are you satisfied at this stage in the game</p> <p>2 that this unit is going to grant us the</p> <p>3 reliability that we obviously deserve and we</p> <p>4 paid now 129 million dollars for?</p> <p>5 MR. MACISAAC:</p> <p>6 A. I am, sir.</p> <p>7 MR. DUMARESQUE:</p> <p>8 Q. You are. I would now like to look at, as you</p> <p>9 said, I did bring in the aspect of fair market</p> <p>10 value as opposed to suitability, so you have</p> <p>11 done no other reports, so can you, on the</p> <p>12 suitability, have you done any reports on</p> <p>13 establishing the fair-market value of this</p> <p>14 particular package?</p> <p>15 MR. MACISAAC:</p> <p>16 A. I would say that there's a couple of markers</p> <p>17 here for market value and the one that we</p> <p>18 steward to is the Public Tender Process and</p> <p>19 inside of the Public Tender Process, what we</p> <p>20 have is the least cost option that satisfies</p> <p>21 our technical specification, our functional</p> <p>22 requirements and it's by capacity, it delivers</p> <p>23 25 percent more capacity than the next closest</p> <p>24 bid.</p> <p>25 MR. DUMARESQUE:</p>
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<p>1 Q. Yes, so all of these groups that would have</p> <p>2 gone through due diligence, when it came to</p> <p>3 the suitability of this particular unit for</p> <p>4 Holyrood, all of them would have seen nothing</p> <p>5 else other than this report and whatever</p> <p>6 emails or whatever kind of reporting was</p> <p>7 undertaken by the two Hydro staff, that is it.</p> <p>8 When you signed on May 16th for 100 million</p> <p>9 dollars, this was the basis for doing so when</p> <p>10 it came to the suitability of the unit?</p> <p>11 MR. MACISAAC:</p> <p>12 A. That's correct, sir.</p> <p>13 MR. DUMARESQUE:</p> <p>14 Q. Thank you. In March, of course, when it was</p> <p>15 the first time that it was called upon to be</p> <p>16 used, March 4th, it didn't start.</p> <p>17 MR. MACISAAC:</p> <p>18 A. It was not the first time it was called upon,</p> <p>19 sir.</p> <p>20 MR. DUMARESQUE:</p> <p>21 Q. Well I guess in the case of preventing another</p> <p>22 Dark NL, even though it only went dark for an</p> <p>23 hour and a half this time, or whatever it was,</p> <p>24 it failed to start. It has failed to start</p> <p>25 four other times, it's down for maintenance,</p>	<p>1 Q. Thank you. I also provided as an exhibit a,</p> <p>2 which is a study or the premise of the study</p> <p>3 of fair-market value that was undertaken by,</p> <p>4 as you know, since you only came here a few</p> <p>5 years ago, you probably had to go and buy a</p> <p>6 home, so unless you could buy it with cash and</p> <p>7 you had to go to the bank, the bank would</p> <p>8 probably say the first thing you have to do to</p> <p>9 get to buy the home is go and do an appraisal</p> <p>10 to see, they don't care what you say or the</p> <p>11 buyer says about what it's worth, the bank</p> <p>12 will say we want a third party appraisal, a</p> <p>13 fair-market value in order to grant you the</p> <p>14 mortgage, that's the way that particular</p> <p>15 business works. And I would like to submit to</p> <p>16 you that, of course, there's appraisals of</p> <p>17 combustion turbines that are done regularly in</p> <p>18 the United States and in particular, I have</p> <p>19 filed a report which is a limited appraisal of</p> <p>20 three SWPC501D5A combustion turbines and</p> <p>21 auxiliaries which was prepared -</p> <p>22 MS. GLYNN:</p> <p>23 Q. Mr. Dumaresque, can you tell us which document</p> <p>24 you are referring to?</p> <p>25 MR. DUMARESQUE:</p>

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<p>1 Q. This is the RW Beck and that's the title of 2 it, is the "Limited Appraisal of 3SWC"--I 3 don't know if there's a different cover page. 4 Yeah, it's, I guess it's an exhibit by, the 5 issue was turbine valuation, the witness was 6 Nancy Heller Hughes before the Public Service 7 Commission, State of Missouri. 8 (1:00 p.m.) 9 MS. GLYNN: 10 Q. Mr. Dumaresque, this will now be entered as 11 Information No. 37. 12 MR. DUMARESQUE: 13 Q. Yes. 14 MS. GLYNN: 15 Q. And Ms. Blunden will distribute it. 16 MR. DUMARESQUE: 17 Q. Thank you. 18 MR. MACISAAC: 19 A. Thanks very much. 20 MR. DUMARESQUE: 21 Q. Do you have that now? 22 MR. MACISAAC: 23 A. I have it, thank you. 24 MR. DUMARESQUE: 25 Q. Okay, I would like to go to page 7 of 30, I</p>	<p>1 MS. GLYNN: 2 Q. Is it in the report? 3 MR. DUMARESQUE: 4 Q. Yeah, it's in the report and it's the last 5 question, there you go, it's the questions, 6 the last question. They ask the professional 7 appraiser if she would please summarize the 8 results of the appraisal. Now, just for your 9 information and the Commissioners, the D501A 10 in 2004, this is precisely the same model, 11 precisely the same model, as a matter of fact, 12 precisely in the same state, three of them 13 were bought by a company to produce a 14 generation facility and they were got into 15 some kind of a situation where they were going 16 to sell it and they decided they would go and 17 do an appraisal. And of course, the answer 18 that the lady gave, "Based on the results of 19 the analysis performed and described in our 20 appraisal report, we are of the opinion that 21 the fair market value of the assets at 22 November, 2004, is equal to 70.796.", so 70.1 23 million dollars, and that is for three brand 24 new D501 combustion turbines, precisely the 25 same model, same capacity as we have here, so</p>
<p>Page 186</p> <p>1 think it's Section 1.3 and it says, the title 2 "Definition of Value" and as you said before, 3 there's various ways to determine value, but 4 to the bank and your home and there's only one 5 way. In this case, market value is the most-- 6 the second paragraph there--"market value is 7 the most probably price which a property 8 should bring in a competitive and open market 9 under all conditions requisite to a fair 10 sale." Would you agree that that is an 11 appropriate definition of value? 12 MR. MACISAAC: 13 A. I would say that market value is determined by 14 the market and that's the reason that we 15 steward to and ascribe to the public tender 16 process. 17 MR. DUMARESQUE: 18 Q. Okay, earlier in that document, actually at 19 the beginning, it just says page 4 at the 20 bottom of it, you can go on back, it may be 21 there, down below. 22 MS. GLYNN: 23 Q. Is it in the report, Mr. Dumaresque? 24 MR. DUMARESQUE: 25 Q. What?</p>	<p>Page 188</p> <p>1 for a value of 23.6 million dollars, US 2 dollars per machine, and that was the 3 installed, the value after they have been 4 installed. So I would suggest to you two 5 things, Mr. MacIsaac, that no other company in 6 the United States would have bought these 7 particular units without doing this particular 8 appraisal and I would like to know if you, as 9 the main person involved in this project, if 10 it crossed your mind that we should have such 11 an appraisal done for value on this particular 12 unit that we bought, knowing that it was 13 stored for five to seven years under the 14 conditions that we just saw, did it cross your 15 mind that it would be appropriate and prudent 16 to do a value of this nature, a valuation of 17 this nature? 18 MR. MACISAAC: 19 A. I apologize if I'm repeating myself, but we 20 steward to the Public Tender Act and we use 21 the Public Tender Act to--and it determines 22 value for us. We did a condition inspection 23 of the unit that we procured and it was deemed 24 to be fit for purpose, and I really can't 25 offer comment on this 2004 report because it</p>

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<p>1 refers to assets and when I gleaned it, and  2 I'll be honest with you, I only gleaned it, it  3 appears to be an appraisal that was done for  4 the purposes of transfer of assets from a  5 regulated entity to a non-regulated entity and  6 I don't know what that means. So I don't know  7 its relevance.  8 MR. DUMARESQUE:  9 Q. No, and I accept your assessment of the  10 relevance of the price and the price is there,  11 but what is not in dispute and what I want to  12 confirm is that this particular company, and  13 there are many other companies in the United  14 States that would go and do appraisals of  15 combustion turbine generators to determine  16 fair market value and I want to ask you again,  17 did you think at any point in this process  18 that it would be prudent to do such an  19 appraisal of this particular unit?  20 MR. MACISAAC:  21 A. I don't mean to frustrate you and I -  22 MR. DUMARESQUE:  23 Q. Oh no, I'm not frustrated.  24 MR. MACISAAC:  25 A. - I'm sorry I'm providing the same response,</p>	<p>1 comparative analyses all the way, dating back  2 over 2012, 2013, 2014. We canvassed the  3 marketplace, we had a very good understanding  4 of what was out there. We did an assessment  5 of the fitness of this unit for this purpose  6 and application and we determined through all  7 of that work, all of that work and not just  8 the public tender process, that we had a fit  9 for purpose reliable value based option.  10 MR. DUMARESQUE:  11 Q. I'm not interested in any other assessments.  12 I'm interested to know the answer to this  13 question: when you accepted the tender on  14 April 21st and concluded by signing the  15 contract on May 16th, that the only reference  16 for fair market value for this particular  17 unit, the one you're buying, the car you're  18 buying, the home you're buying, in this case  19 it's the unit, the only reference that you  20 took for fair market value was the result of  21 the public tender, is that true?  22 MR. MACISAAC:  23 A. That's correct, sir, and I frame it in the  24 context that I spend Hydro's money the same  25 way I would spend my own and that there's a</p>
<p>Page 190</p> <p>1 but our determination of value in this space  2 was based on getting competitive responses  3 from the marketplace.  4 MR. DUMARESQUE:  5 Q. Okay, so rather than -  6 MR. MACISAAC:  7 A. So you have a different approach to  8 determination of value than what we used and  9 there's merits for both, but inside of going  10 to the market on this particular unit, our  11 approach was to go the public tender route to  12 ensure that we derived value for customers and  13 that we got ourselves to a place where we had  14 a unit that was fit for purpose, reliable and  15 the least cost option.  16 MR. DUMARESQUE:  17 Q. Yes, rather than belabour the point, because I  18 certainly don't want to become frustrated, I  19 will conclude then that your position is, as  20 the position of your CEO, that the value of  21 this particular unit was decided solely on the  22 basis of the public tender and nothing else.  23 Is that true?  24 MR. MACISAAC:  25 A. I would say that we've done a number of</p>	<p>Page 192</p> <p>1 lot of rigor within our process and getting to  2 the decision point was well informed.  3 MR. DUMARESQUE:  4 Q. Thank you.  5 MR. MACISAAC:  6 A. You're welcome.  7 MR. DUMARESQUE:  8 Q. I would now like to move to the tender and the  9 tendering. Under GT-DD-NLH-011, yes, I asked  10 for a copy of the tender documents and a copy  11 of the results received and I think it's 17  12 and 18, pages 17 and 18 of 172. Just go down  13 a little bit there. Yes, I'd like to first  14 ask about the tender security, yeah, you just  15 passed it there, IT6. It says, "The tender  16 shall provide at its cost and with the tender,  17 security for 10 percent of the total of the  18 tender price and shall be one of the  19 following: a tender bond issued by the surety  20 company, b) a certified cheque drawn on a  21 Canadian chartered bank and c) a vocal letter  22 of credit. Okay. I would like to draw your  23 attention to GT-CA-NLH-005 and we can scroll  24 down to that, I think it's attachment 1. This  25 is the bigger one and if you go on down</p>

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1 through that, yeah, it's--wait now, I'm sorry,  
 2 those two documents are different. It's  
 3 actually GT-PUB-NLH-014, attachment 1, page 1  
 4 of 1. There we go. Now, further down, okay,  
 5 there's a lot of black there. Down on the  
 6 bottom there is two lines, first there's  
 7 "signed" and then there's "security" and under  
 8 the bid by P.W Power Systems is irrevocable  
 9 standard letter of credit. Under the second  
 10 bit of Wood Group GTS, there's no bid security  
 11 and under the GE Power & Water, there's bid  
 12 bonds/surety's consent. Under the ProEnergy  
 13 bid, there is a certified cheque and wire  
 14 transfer or slash, wire transfer. Now, can  
 15 you tell me if the certified cheque that you  
 16 received was equal to the 10 percent of the  
 17 bid price of 99.827 million dollars?  
 18 MR. MACISAAC:  
 19 A. I can tell you for certain, sir, that we would  
 20 not have accepted their response if they did  
 21 not have adequate bonding or surety in place.  
 22 MR. DUMARESQUE:  
 23 Q. Well I just read out to you the requirements  
 24 in the contract for the security being the  
 25 certified cheque for the full amount. There

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1 was no mention of a wire transfer by fax as an  
 2 appropriate form of payment of this security,  
 3 would you agree that it wasn't?  
 4 MR. MACISAAC:  
 5 A. I'll have to go back and see what we had in  
 6 place there, but I know that we would not have  
 7 gone outside of the guidance provided by our  
 8 purchasing department in order to ensure that  
 9 adequate surety was in place, in side the  
 10 timeframe that was required. We don't go  
 11 outside our own rules in that space.  
 12 (1:15 p.m.)  
 13 MR. DUMARESQUE:  
 14 Q. No, well the rules is, I've been in business  
 15 nearly 20 years and certainly been there at  
 16 the opening of bids, and the rule is that you  
 17 open your bid, of course the security is the  
 18 first thing that's identified, your ten  
 19 percent security, in this case. Some others  
 20 have different levels of security, and I would  
 21 like to suggest to you and maybe you can  
 22 confirm it, that the only certified cheque  
 23 that you had from ProEnergy, no irrevocable  
 24 letter of credit, the only certified cheque  
 25 you had was 6.4 million dollars in US dollars,

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1 that's the only thing in a certified cheque  
 2 form that you had on April 21st, 2014?  
 3 MR. MACISAAC:  
 4 A. It may have been split between the two  
 5 contracts because there were two contracts,  
 6 not one.  
 7 MR. DUMARESQUE:  
 8 Q. No, no, there was only one tender, there was  
 9 only one tender.  
 10 MR. MACISAAC:  
 11 A. So we'll have to double check for you.  
 12 MR. DUMARESQUE:  
 13 Q. Yes, that's right, but please undertake to  
 14 confirm for me that there was a certified  
 15 cheque and/or irrevocable standard--standby  
 16 letter of credit equal to the full value of 10  
 17 percent or 9.9 million Canadian dollars on  
 18 April 21st, would you undertake to do that?  
 19 MR. MACISAAC:  
 20 A. Uh-hm.  
 21 MS. GLYNN:  
 22 Q. The undertaking is noted on the record.  
 23 MR. DUMARESQUE:  
 24 Q. Thank you. On the attachment GT-DD-or sorry,  
 25 the question GT-DD-NLH-011, which is under

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1 attachment 1, page 23 of 172, IT15.  
 2 Evaluation of Tender. As you have pointed  
 3 out, Mr. MacIsaac and as your CEO has also  
 4 confirmed, that the real value of this  
 5 particular unit is understood as a result of  
 6 the results of the public tender and I  
 7 disagree with that, of course, but the IT15,  
 8 Item 1, reads, "that the owner reserves the  
 9 right not to award the contract, the owner  
 10 reserves the right to reject any and all  
 11 tenders or parts thereof. Award of contract  
 12 is subject to board and regulatory approval."  
 13 I would also point to Item 2, "The lowest  
 14 tender or part thereof will not necessarily be  
 15 accepted." And I'd like to draw you to the  
 16 last part of this sentence, "Price will not be  
 17 the sole basis for evaluating tenders." So  
 18 are you in agreement then that you had the  
 19 right that you didn't have to accept the  
 20 lowest tender in this case?  
 21 MR. MACISAAC:  
 22 A. Well I'll speak to the general wording here  
 23 and then speak to what we used to guide us,  
 24 maybe in reverse order. So what we used to  
 25 guide us was first it has to satisfy our

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<p>1 technical requirements and functional 2 specification, so if it's in compliance with 3 the technical specification and our functional 4 requirements, it then becomes the lowest price 5 that satisfies our need and that's how it 6 works. So it could be that you have a 7 response that in fact is the low price, but 8 doesn't meet our functional specification 9 and/or functional needs and therefore, you 10 would not accept, in those circumstances, the 11 low price because it has to be fit for what 12 you need.</p> <p>13 MR. DUMARESQUE: 14 Q. Correct. I'd like now to refer you to CT-CA- 15 NLH-005, I think it's attachment 1. Yeah, 16 that's it there. This is, so this is a fairly 17 extensive document and because my eyes weren't 18 so good, I went and blew it up a little bit.</p> <p>19 MR. MACISAAC: 20 A. I don't blame you, I'm struggling to read it 21 myself.</p> <p>22 MR. DUMARESQUE: 23 Q. Yeah, but can you tell me what this is?</p> <p>24 MR. MACISAAC: 25 A. Yes, I can, so this would be the primary</p>	<p>1 evaluation that you would put some level of 2 points there to whether the tender actually 3 was to supply a new, a brand new unit versus 4 the after-market unit, would that have entered 5 your mind or would that have been a 6 consideration?</p> <p>7 MR. MACISAAC: 8 A. Our specification called for, so first I'm 9 going to back up and say that I don't think I 10 characterized what you said, you said that I 11 characterized a preference for new. That was 12 the way you said it and I think what I would 13 characterize is that we have a preference for 14 value and that from a legacy perspective, we 15 traditionally looked at new, I think is what I 16 said.</p> <p>17 MR. DUMARESQUE: 18 Q. Yeah, I know there was a reference to it 19 yesterday and I thought you made reference to 20 the preference for new and I know I would 21 rather have the new rolls royce than a seven- 22 year old one, but so it never -</p> <p>23 CHAIRMAN: 24 Q. Depends on the price.</p> <p>25 MR. DUMARESQUE:</p>
<p>Page 198</p> <p>1 filtering of the tender responses in terms of 2 technically meeting our requirements. So it's 3 a bit of a binary exercise, it's a one or a 4 zero and what it does is it identifies and 5 initially ranks the responses, but it also 6 flags areas where we may need to go back and 7 get additional information.</p> <p>8 MR. DUMARESQUE: 9 Q. So this would be the tender technical 10 evaluation?</p> <p>11 MR. MACISAAC: 12 A. Correct, sir.</p> <p>13 MR. DUMARESQUE: 14 Q. So in this evaluation then, there wouldn't be 15 any consideration to whether there was--this 16 was a new unit or an after-market unit. You 17 have made reference yesterday and I know the 18 record is full of it, that your primary 19 objective and your primary wish would be if 20 you could have brand new equipment and I'm 21 wondering with that in mind, you didn't, you 22 know, you didn't rule out and of course, you 23 end up buying the after-market equipment and 24 I'm just asking would it be reasonable to 25 conclude that maybe in the technical</p>	<p>Page 200</p> <p>1 Q. What?</p> <p>2 CHAIRMAN: 3 Q. Depends on the price.</p> <p>4 MR. DUMARESQUE: 5 Q. Absolutely, Mr. Chairman.</p> <p>6 MR. MACISAAC: 7 A. And the condition.</p> <p>8 MR. DUMARESQUE: 9 Q. Absolutely, and the condition. So as I said, 10 there was no--as you've pointed out, there was 11 no allocation in this point system for whether 12 there was going to be provided a brand new 13 unit, as opposed to the used after-market 14 grey, whatever it was, there was no difference 15 in that in the point allocation.</p> <p>16 MR. MACISAAC: 17 A. I'm sorry, Mr. Dumaresque, but I believe our 18 specification called for unused.</p> <p>19 MR. DUMARESQUE: 20 Q. No, no.</p> <p>21 MR. MACISAAC: 22 A. And I want to be clear on this, in going to 23 the market, we used for unused. We didn't 24 make a determination between date of 25 manufacture, we said "unused".</p>

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1 MR. DUMARESQUE:  
 2 Q. Okay, you can take this undertaking, if you  
 3 want, but I will, I'm fairly clear that in the  
 4 tender document and again it's so voluminous,  
 5 but in the tender document, I believe it  
 6 specifically refers to the fact that bidders  
 7 may submit bids with either new or used  
 8 equipment.  
 9 MR. MACISAAC:  
 10 A. Okay.  
 11 MR. DUMARESQUE:  
 12 Q. You requested that that bidders could put in  
 13 new or used equipment.  
 14 MR. MACISAAC:  
 15 A. We'll take the undertaking, sir.  
 16 MR. DUMARESQUE:  
 17 Q. I think you'll find that to be the case.  
 18 MS. GLYNN:  
 19 Q. Undertaking noted on the record.  
 20 MR. DUMARESQUE:  
 21 Q. Okay, so in this case then there was no  
 22 allocation of points in this matrix or  
 23 whatever way you define it, for the difference  
 24 between new and used. I'm wondering also  
 25 about warranty, you know, when it comes to the

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1 reliability of this unit and what I would  
 2 think if you're buying such a major piece of  
 3 equipment, that you would look and your  
 4 preference would probably be for a  
 5 manufacturer's warranty. Can you confirm that  
 6 there is a manufacturer's warranty on this  
 7 particular unit?  
 8 MR. MACISAAC:  
 9 A. I can confirm that we have a 24 month  
 10 unconditional warranty from ProEnergy which  
 11 would be comparable to an OEM recommendation  
 12 or an OEM warranty and really the OEM warranty  
 13 assures you of replacement if you have a  
 14 failure due to defect of either manufacture or  
 15 the work that happens in situ and it's the  
 16 same, whether it's from ProEnergy who is an  
 17 after-market EPC contractor or an OEM.  
 18 MR. DUMARESQUE:  
 19 Q. Okay, so you're saying to me that--and as I  
 20 understand it, the manufacturer's warranty  
 21 which would be in place for one year after  
 22 manufacturing or could be negotiated for two  
 23 years after manufacturing, that would be the  
 24 normal course of business -  
 25 MR. MACISAAC:

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1 A. No, it's not actually after the date of  
 2 manufacture, it's actually linked to the date  
 3 that it goes into service, typically.  
 4 MR. DUMARESQUE:  
 5 Q. Is that right?  
 6 MR. MACISAAC:  
 7 A. That's correct, sir.  
 8 MR. DUMARESQUE:  
 9 Q. Okay, so in the case of this unit, since it  
 10 only applies to the date that it would go into  
 11 service, can you confirm that there is a  
 12 manufacture's warranty on this particular  
 13 unit?  
 14 MR. MACISAAC:  
 15 A. Again, I don't mean to frustrate you but I'm  
 16 going to give you the same answer I just did  
 17 in that what we have is a two-year  
 18 unconditional warranty from ProEnergy which  
 19 would be comparable to warranty from an OEM.  
 20 MR. DUMARESQUE:  
 21 Q. So, of course, I don't -  
 22 MR. MACISAAC:  
 23 A. It indemnifies and mitigates the risk the same  
 24 as an OEM warranty in that it protects you  
 25 from defect of faulty workmanship.

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1 MR. DUMARESQUE:  
 2 Q. Yes. So again, I don't like to be frustrated,  
 3 so I'll just conclude on the point and you can  
 4 confirm or not. There is no manufacturer's  
 5 warranty on this piece of equipment. There is  
 6 a warranty as outlined in the contract, but  
 7 there's no manufacturer's warranty, is that  
 8 correct?  
 9 MR. MACISAAC:  
 10 A. There is a manufacturer's warranty on other  
 11 units. On this unit we have a warranty from  
 12 ProEnergy.  
 13 MR. DUMARESQUE:  
 14 Q. Okay, I think it's very clear, there is no  
 15 manufacturer's warranty.  
 16 MR. MACISAAC:  
 17 A. Okay.  
 18 MR. DUMARESQUE:  
 19 Q. And as I said, many people believe that there  
 20 is a distinct difference between a  
 21 manufacturer's warranty and the warranty that  
 22 you have presently, so I'll just ask you, if  
 23 you unit fails to start for any reason within  
 24 the next few months and we hope it don't, in  
 25 peek demand, are you telling me that any time

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1 within two years that if this unit was found  
 2 to be defective that ProEnergy will replace  
 3 that unit for us?  
 4 MR. MACISAAC:  
 5 A. They'll replace whatever piece is relevant,  
 6 sir, that's what it says on the warranty.  
 7 MR. DUMARESQUE:  
 8 Q. Okay, and so you didn't think it would be  
 9 necessary or appropriate to--you didn't think  
 10 that the presence or absence of a  
 11 manufacturer's warranty would be worthy an  
 12 allocation of points in the, in your tender  
 13 technical evaluation?  
 14 MR. MACISAAC:  
 15 A. It's in here, sir.  
 16 MR. DUMARESQUE:  
 17 Q. No, it -  
 18 MR. MACISAAC:  
 19 A. It refers specifically to warranty.  
 20 MR. DUMARESQUE:  
 21 Q. It's warranty, yes, but as I said -  
 22 MR. MACISAAC:  
 23 A. It says "Warranty - two years".  
 24 MR. DUMARESQUE:  
 25 Q. That's right, it says "warranty" and we will

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1 get to that.  
 2 MR. MACISAAC:  
 3 A. Okay.  
 4 MR. DUMARESQUE:  
 5 Q. But, as I said, there is no distinction in  
 6 there and you didn't think it would be  
 7 worthwhile to make the distinction between the  
 8 manufacturer's warranty and the warranty that  
 9 exists?  
 10 MR. MACISAAC:  
 11 A. What we anchor to in that space is what's in  
 12 our specification under warranty.  
 13 MR. DUMARESQUE:  
 14 Q. Under warranty, okay, thank you.  
 15 MR. MACISAAC:  
 16 A. You're welcome.  
 17 MR. DUMARESQUE:  
 18 Q. Okay, so when you -  
 19 CHAIRMAN:  
 20 Q. Mr. Dumaresque, could I ask you a procedural  
 21 matter now, the bewitching hour is here. How  
 22 long are you going to be, do you expect? Can  
 23 you finish, say, in the next 10 to 15 minutes  
 24 or am I being naively optimistic?  
 25 MR. DUMARESQUE:

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1 Q. Well, let me see, I have--probably not, Mr.  
 2 Chairman, no, because this document is very  
 3 detailed and I want to go through each  
 4 instance where points were allocated to one  
 5 company over the other. So I think I will  
 6 have to stop there today and come back in the  
 7 morning.  
 8 CHAIRMAN:  
 9 Q. Okay, we're adjourned until tomorrow morning.  
 10 Upon conclusion at 1:32 p.m.

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1 CERTIFICATE  
 2 I, Judy Moss, hereby certify that the foregoing is a true  
 3 and correct transcript of a hearing in the matter of  
 4 Newfoundland and Labrador Hydro's General Rate  
 5 Application heard on the 5th day of November, A.D., 2015  
 6 before the Commissioners of the Public Utilities Board,  
 7 St. John's, Newfoundland and Labrador and was transcribed  
 8 by me to the best of my ability by means of a sound  
 9 apparatus.  
 10 Dated at St. John's, Newfoundland and Labrador  
 11 this 5th day of November, A.D., 2015  
 12 Judy Moss

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