

February 13, 2017

Via email

The Board of Commissioners of Public Utilities
Prince Charles Building
120 Torbay Road, P.O. Box 21040
St. John's, Newfoundland and Labrador
A1A 5B2

Attention: Ms. Cheryl Blundon
Director of Corporate Services & Board Secretary

Dear Ms. Blundon:

Re: The Board's Investigation and Hearing into Supply Issues and Power Outages on the Island's Interconnected System – Phase 2 – Grand Riverkeeper Labrador, Inc. Experts Reports

This is in reply to the PUB's letter dated February 6, 2017, inviting comments and/or submissions in relation to the Grand Riverkeeper Labrador, Inc. ("GRK") request that the Board rescind or amend Order P.U. 2 (2017).

Essentially, Order P.U. 2 (2017) struck the two Bernanader Reports and the Raphals Report from the record because these reports, according to the PUB, did not address issues of adequacy or reliability of energy supply of the Island's Interconnected System, following interconnection with the Muskrat Falls generation facility.

The Consumer Advocate submits that, insofar as the Island's Interconnected System will be reliant on the supply of energy via Muskrat Falls, any identifiable risks of potential failures in the delivery of Muskrat Falls' energy supply should be generally considered by the PUB in planning the island's energy requirements post-Muskrat.

In GRK's correspondence to the Board dated February 2, 2017 addressing P.U. 2 (2017), they cite Section 28 of the PUB Regulations which provides that a party is entitled to apply for a re-hearing after the final Order of the Board. The Consumer Advocate submits that an administrative tribunals' refusal to admit evidence can amount to a reviewable error of law; however, the Consumer Advocate makes no submission as to whether Order P.U. 2 (2017) striking the three GRK Reports amounts to a reviewable error of law in the circumstances of this case.

The Consumer Advocate's position remains as provided in his letter to the Board dated December 5, 2016.

Yours truly,

BROWNE FITZGERALD MORGAN & AVIS



Stephen Fitzgerald
Solicitor for the Consumer Advocate

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