

September 25, 2020

VIA EMAIL

s. 40(1)

Attention: [REDACTED]

Dear [REDACTED]

s. 40(1)

Re: Your requests for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* (File #: PB/558/2020 and PB/559/2020)

On August 27, 2020, Nalcor Energy received your request for access to the following records/information:

Commission of Inquiry Respecting the Muskrat Falls Project (the "Inquiry") was established by the Government of Newfoundland and Labrador on November 20, 2017, in accordance with Part I of the Public Inquiries Act, 2006. Justice Richard LeBlanc was appointed Commissioner.

Questions:

(1) Provide a detailed listing by payee & amount of all Nalcor's legal & other professional costs for the Muskrat Falls inquiry.

(2) Provide:

(a) The number of lawyers employed by Nalcor.

(b) The total cost per year for the last 3 fiscal years of the legal department, with a breakdown by expense category.

Please see Appendix A, on page 5, for the information that is responsive to part one of your request and Appendix B, on page 6, for the information that is responsive to part two.

It is the goal to publish this letter following a 72 hour period after it is sent electronically to you or five business days in the case where the letter has been mailed to you.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (*the Act*). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner

2 Canada Drive

P. O. Box 13004, Stn. A

St. John's, NL. A1B 3V8

Telephone: (709) 729-6309

Toll-Free: 1-877-729-6309

Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

If you have any further questions, please feel free to contact the undersigned by telephone at (709) 733-5346 or by e-mail at granthiscock@nalcenergy.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Grant Hiscock".

Grant Hiscock

Access and Privacy Officer

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

Appendix A: Muskrat Falls Inquiry Legal and Professional Costs

Below are the total amounts paid in legal and professional fees by Nalcor as of August 31, 2020 in relation to the Muskrat Falls Inquiry. Payments to law firms may also include third party costs and disbursements related to the Inquiry.

Professional Service Provider	Amount Paid
Benson Buffett	467,934.04
Stewart McKelvey	972,111.68
McInnes Cooper	5,766,359.82
Robothean, McKay, Marshall	434,816.10
Alexander Quality Consultants	694.33
Price Waterhouse Coopers	32,924.77
Poole Althouse Clarke Thompson	53,867.45
Van Ness Feldman	17,800.19
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	7,746,508.37

Appendix B: Nalcor Energy Corporate Legal Department Expenses

Operating Expenditures			
Corporate Legal Department - 2017 to 2019			
	Actual 2017	Actual 2018	Actual 2019
<i>in thousands of Canadian Dollars</i>			
Salaries and Benefits	1,087	1,238	541
Memberships, subscriptions and dues	13	10	20
System Equipment Maintenance	2	1	2
Office Supplies and Miscellaneous	3	2	2
Professional Services	-	5	5
Insurance	-	-	-
Equipment Rentals	-	-	-
Utilities	4	5	5
Travel	3	12	13
Transportation	13	13	-
Training	1	-	20
Advertising, Donations & Community Involvement	-	-	-
Building Rental & Maintenance	-	-	-
Total Gross Operating Costs	1,126	1,286	608

There are four lawyers in Nalcor Energy’s Corporate Legal Department plus Nalcor Energy’s Senior Vice President, Chief Legal Officer and Corporate Secretary. The salary for this position is now accounted for in the Executive Budget.