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nalcorenergy.com

September 29, 2020

VIA EMAIL

s. 40(1)

Attention:

Dear

s. 40(1)

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* (File #: PB/564/2020)**

On August 28, 2020, Nalcor Energy received your request for access to the following records/information:

*By year for last 3 fiscal years:*

*(1) Payments to outside lawyers*

*-with the names of the lawyers & a description of the legal services provided*

*(2) Payments to outside accountants & or auditors*

*-with the names of the accountants & or auditors & a description of the services provided*

*(3) For (1) & (2) provide totals for the Nalcor group by*

*(a) by lawyer*

*(b) by accountant & or auditor*

Please see Appendix A, attached hereto, for the information that is responsive to your request.

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@nalconenergy.com](mailto:granthiscock@nalconenergy.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: Payments to Law and Accounting/Auditing Firms**

**Payments to Law Firms**

<b>Company Name</b>	<b>Description of Services</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>
Aird & Berlis	Provision of Legal Services in relation to transmission matters (NLSO)	-	-	\$24,949.75	\$24,949.75
Begley Landry	Provision of legal services in relation to employment matters	-	-	\$46,605.23	\$46,605.23
Bennett Jones	Provision of legal services in relation to commercial matters (Oil and Gas)	\$94,391.46	\$70,797.20	\$248,719.60	\$413,908.26
Benson Buffett	Provision of legal services in relation to the Muskrat Falls Inquiry	-	\$75,987.60	\$322,432.05	\$398,419.65
Blair Franklin Capital Partners	Provision of financial advisory services to the Government of Canada and paid for by the Nalcor Lower Churchill Project subsidiaries in accordance with the terms of the Federal Loan Guarantee and financing agreements	\$304,408.85	\$39,928.57	\$169,832.04	\$514,169.46
Budden & Associates	Provision of legal services	\$425.00	-	-	\$425.00
Cassels Brock & Blackwell LLP	Provision of legal services to the Government of Canada and paid for by the Nalcor Lower Churchill Project subsidiaries in accordance with the terms of the Federal Loan Guarantee and financing agreements	\$475,241.91	\$166,774.02	\$642,863.47	\$1,284,879.4
Cox and Palmer	Provision of legal services to Twin Falls Power Corporation to support activities in relation to the end of Energy Purchase Agreements and winding up of the company	\$23,163.25	\$37,168.52	\$41,668.70	\$102,000.47
D.W. Clark Services P.C. Incorporated	Provision of legal services in relation to labour/human resources matters and strategic planning	\$1,013,754.96	\$874,938.77	\$536,321.33	\$2,425,015.06
Fasken Martineau Dumoulin	Provision of legal services in relation to regulatory proceedings, corporate filings and LCP financing	\$1,327,398.24	\$202,933.11	\$159,781.32	\$1,690,112.67
French Law Offices	Provision of legal services in relation to transmission matters (NLSO)	\$23,792.50	\$63,660.00	-	\$87,452.50
Gowling WLG	Provision of legal services in relation to transmission matters and regulatory proceedings	\$167,084.94	\$42,472.46	\$121,840.84	\$331,398.24
Irving Mitchel Kalichman	Provision of legal services in relation to litigation	\$230,490.34	\$167,899.24	\$22,525.02	\$420,914.60

Company Name	Description of Services	2017	2018	2019	Total
Jamie M. Smith	Provision of legal services in relation to litigation, employment and labour matters, procurement matters and general commercial matters	\$60,761.06	-	\$119,658.71	\$180,419.77
Jennings, Strouss & Salmon	Provision of legal services in relation to transmission regulatory matters	\$70,942.50	-	\$9,448.03	\$80,390.53
Martin Whalen Hennebury Stamp	Provision of legal services	-	-	\$1,000.00	\$ 1,000.00
McCarthy Tétrauit	Provision of legal services including 2017 Nalcor Entities Bond Offering	\$18,028.80	\$1,429.20	\$17,597.00	\$37,055.00
McInnes Cooper	<ul style="list-style-type: none"> <li>- Provision of legal services in relation to employment and labour law matters (including grievances/labour arbitrations)</li> <li>- Provision of legal services in relation to litigation matters</li> <li>- Provision of legal services in relation to transmission matters as well as corporate filings</li> <li>- Provision of legal services in relation to finance and tax matters</li> <li>- Provision of legal services in relation to real estate matters</li> <li>- Provision of legal services in relation to regulatory matters</li> <li>- Provision of legal services in relation to LCP commercial agreements</li> <li>- Provision of legal services in relation to the Muskrat Falls Inquiry</li> <li>- Provision of legal services in relation to the PUB Rate Mitigation Reference</li> <li>- Provision of legal services in relation to immigration matters</li> <li>- Provision of legal services in relation to charges under the Occupational Health and Safety Act</li> <li>- Provision of legal services in relation to charges under the Fisheries Act</li> </ul>	\$5,452,311.87	\$8,131,425.47	\$11,713,321.08	\$25,297,058.42

Company Name	Description of Services	2017	2018	2019	Total
O. Noel Clarke	Provision of commercial arbitration nominee services	\$22,684.00	-	-	\$22,684.00
O'Dea Earl	Provision of legal services	-	\$137.50	-	\$137.50
Osler, Hoskin & Harcourt	Provision of legal services in relation to judicial reviews and general litigation matters	\$29,774.88	\$29,658.90	\$13,666.50	\$73,100.28
Poole Althouse Clarke Thompson	Provision of legal services in relation to the Muskrat Falls Inquiry	-	-	\$46,841.26	\$46,841.26
Roebathan McKay Marshall	Provision of legal services in relation to the Muskrat Falls Inquiry	-	-	\$396,181.78	\$396,181.78
Stewart McKelvey	Provision of general legal services and legal services in relation to the Muskrat Falls Inquiry	\$8,129.00	\$2,948.00	\$759,573.69	\$770,650.69
Stikeman Elliott	Provision of legal services in relation to litigation, contractual interpretation matters and work in support of negotiations associated with various commercial agreements	\$383,841.32	\$183,896.62	\$798,182.32	\$1,365,920.26
Van Ness Feldman	Provision of legal services in relation to market participation in U.S, transition to operations of LCP assets and the Muskrat Falls Inquiry	\$494,673.60	\$339,476.36	\$36,409.32	\$870,559.28

**\*Note: Payments to law firms may include third party costs and disbursements**



**Payments to Accounting and Auditing Firms**

<b>Company Name</b>	<b>Description of Services</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>
Deloitte	Provision of services to Nalcor and subsidiaries in relation to the Annual External Audit, Quarterly Review and other accounting services	\$660,644.75	\$529,999.04	\$957,008.00	\$2,147,651.79
Ernst & Young	Provision of professional services in relation to the JDE System and financial accounting advisory services	\$328,398.03	\$156,390.00	\$66,147.50	\$550,935.53
PWC	Provision of services in relation to the Muskrat Falls Inquiry and other professional services	\$39,205.09	-	\$88,258.79	\$127,463.88
KPMG	Provision of professional services in relation to the Planning, Budgeting and Forecasting Project, support for Information Systems and Lower Churchill Project commercial matters	\$965,403.99	\$439,066.45	\$452,083.75	\$1,856,554.19