

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF: The Electricity Act, 2004, c. 25

- and -

IN THE MATTER OF: Section 18 of the Renewable
Electricity Regulations, N.S. Regs.
155/2010 (Renewable Energy Community
Feed-in Tariffs)

TRANSCRIPT - PART B

HEARD BEFORE: Peter W. Gurnham, Q.C. Chair
Roland A. Deveau, Q.C., Member
Murray E. Doehler, CA, P.Eng, Member

PLACE HEARD: Halifax, Nova Scotia

DATE HEARD: Friday, April 8, 2011

APPEARANCES:

Board Counsel: Mr. S. Bruce Outhouse, Q.C.

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Board Advisor: Steve Pronko, P.Eng.

Hearing Clerk: Anne Bonang, NSUARB

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Halifax, Nova Scotia

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--- Upon resuming in public at 11:23 a.m.

THE CHAIR: I was going to do
Mr. Giroux next, but I don't see him here.

So Mr. Christmas, are you ready to go
for KMKNO? Would you want -- do you want to present?

MR. CHRISTMAS: With all due -- I've
been advised by the Chief (off mic)

THE CHAIR: Sorry?

MR. CHRISTMAS: I've been advised by
the Chief that we rest, so we're fine.

THE CHAIR: But do -- you still want
to leave your evidence on the record, though, do you?

MR. CHRISTMAS: Yes; yes, I do and
(off mic) but, again, I'm advised by my Chief ---

THE CHAIR: I think if you come up and
put that on the record for us. Just come up.

MR. CHRISTMAS: Yes, sure.
My apologies, sir. I shouldn't have
been speaking back there.

THE CHAIR: No problem. It's just
that it won't be on the transcript if you don't ---

MR. CHRISTMAS: Oh, okay. I've got

THE CHAIR: So we'll start again.

MR. CHRISTMAS: Yeah, sure. You bet.

Basically, yes. We've been advised by

THE CHAIR: Okay.

MR. CHRISTMAS: So we're fine.

THE CHAIR: But you'll want to leave

MR. CHRISTMAS: Oh, yes, I do. Yeah.

THE CHAIR: So people -- I don't know

MR. CHRISTMAS: I think again, that

1 that we sort of -- not -- sorry, our cross-examination of
2 Synapse pretty much stated the issues that they wanted
3 stated, and that to that effect they were satisfied that
4 our issues were in fact raised.

5 **THE CHAIR:** Sure. I guess I'm not
6 making myself clear, but you did file written evidence.

7 **MR. CHRISTMAS:** Yes, we did. That's
8 correct.

9 **THE CHAIR:** And in a normal course
10 other parties to the proceeding might want to ask you a
11 question about that.

12 **MR. CHRISTMAS:** They could. If they
13 wish to contact us, yes, they could do that.

14 **THE CHAIR:** I mean this morning.

15 **MR. CHRISTMAS:** Well, I mean, again

16 ---

17 **THE CHAIR:** Let me do it this way. Is
18 there anyone who wants to cross-examination Mr. Christmas?
19 Then I think we're fine.

20 **MR. CHRISTMAS:** Okay, very well.

21 (LAUGHTER)

22 **MR. CHRISTMAS:** And again, I do very

1 much appreciate that, Mr. Chair, and again, so it'll give
2 me --- giving the Chiefs the chance to, again, to present
3 and ---

4 **THE CHAIR:** Well, and we appreciate
5 your involvement in the hearing and the filing of your
6 evidence.

7 **MR. CHRISTMAS:** Thank you very much.

8 **THE CHAIR:** Thank you.

9 I don't see Mr. Giroux, so I guess
10 we'll do Mr. Lisi. There are only two left aren't there?

11 **MR. OUTHOUSE:** Yes.

12 **THE CHAIR:** So how we going to do
13 this, Anne, through the marvels of modern technology?

14 **HEARING CLERK:** What do you want to
15 do; Mr. Lisi?

16 **MR. MERRICK:** Yes.

17 **THE CHAIR:** Yeah. Do you want me to
18 go over there and swear him in?

19 **HEARING CLERK:** No, I'm going to (off
20 mic)

21 **THE CHAIR:** But I don't mind doing
22 that, if it'll be easier.

1 HEARING CLERK: If you like.

2 THE CHAIR: Sure. I'm fine to do it.

3 MR. DOEHLER: Here's Mr. Giroux now.

4 THE CHAIR: Well, now he's missed his
5 chance. He'll have to go after Mr. Lisi.

6 MR. LISI: Hello?

7 THE CHAIR: Is this Mr. Lisi?

8 MR. LISI: Speaking.

9 THE CHAIR: It's Peter Gurnham.

10 MR. LISI: Oh, how are you,
11 Mr. Gurnham? It's good to hear from you.

12 THE CHAIR: Good. We are -- we've
13 plugged you into the hearing electronically, and we're
14 going to give you an opportunity to make an opening
15 statement based on the evidence that you filed and then
16 see whether there's anyone here who wishes to ask you any
17 questions.

18 Now, we're going to have to make sure
19 that anybody who talks to you can hear you, so there may
20 be a bit of a break as people do that. But I'm going to
21 swear you in first.

22 MR. LISI: Okay.

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MR. LUCIANO LISI, Affirmed:

THE CHAIR: Okay. Now, Mr. Outhouse mentioned you had a short opening statement you wanted to make.

MR. LISI: Yes, if I may. Just a two or three minute statement. Is that okay?

THE CHAIR: Yeah. Go ahead.

OPENING STATEMENT - MR. LUCIANO LISI

MR. LISI: I have been able to follow the proceeding and follow the hearing through the audio cast and as much as I had wanted originally to be there, but just an injury to my back has -- yes?

THE CHAIR: Go ahead.

MR. LISI: I'm sorry, I'm hearing a recording.

THE CHAIR: Turn off the internet.

MR. LISI: Oh, turn off the internet. Okay.

THE CHAIR: There's a 10-second delay on the internet, so ---

MR. LISI: Oh, I see, that's why.

Okay, are you able to hear me?

1 THE CHAIR: I am, very well.

2 MR. LISI: Okay. I've been following
3 the hearing via the audio cast, and I have noticed so many
4 concerns raised about the key fundamental questions of
5 this COMFIT program: Can the program work? Can it work
6 the way it's designed? Will there be sufficient update?

7 To all those questions the answer is,
8 I believe, yes, not only can it work but it can work very
9 well. It may take a little bit of time for the eligible
10 participants to learn about it, to get comfortable with
11 it, to learn how to make it work, but the way that it's
12 designed I see no reason whatsoever why it cannot work.

13 Financing has been the key item that's
14 been mentioned as a stumbling block. And I can tell you
15 that nothing has changed in the financing of renewables
16 since the year 2000 when the first wind farm was financed
17 in Nova Scotia at Pubnico. Nothing has changed when we
18 put up our first two distribution machines, on a
19 distribution RFP. Nothing has changed when we put out the
20 next seven on the transmission RFP.

21 Even though there have been lulls in
22 the economy and access to capital, nothing has

1 fundamentally changed. What was possible 10 years ago is
2 possible now. What is possible now will be possible five
3 years from now, and I believe the COMFIT, the way it is
4 designed, can be extremely successful. It is intended, by
5 my reading of the electricity plan and the sustainability
6 plan and the recommendation of -- originally of the
7 Electricity Market Governance Committee, to be as wide as
8 possible in uptake.

9 The fact that, yes, there will be in
10 individual stories that we have heard, some of them that
11 have had difficulties, but one cannot base a strategy on
12 the fact that one project or another project may have
13 difficulty.

14 Everybody has their own way of doing
15 things, maybe good ways, there maybe bad ways, but I can
16 tell you that all those RFPs that were issued recently at
17 distribution -- and, by the way, I can't help myself, but
18 we were not given one, even though we were just one cent
19 off. We were one cent higher, but I guess our experience
20 didn't count and wasn't worth the one cent; we were not
21 given it.

22 But we would have financed every
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1 single one of the ones that were issued; we would have
2 built every single one of them.

3 Even today, we would be quite happy to
4 say to the Board, to the say to the Province, to say to
5 NSPI, "Look, if you truly want these resources to be
6 built, give those PPAs to us. We will put in place
7 performance bonds and we will build them."

8 **THE CHAIR:** That's a different
9 process. Let's stick to the COMFIT.

10 **MR. LISI:** Okay.

11 In the COMFIT, the COMFIT will now
12 allow all the eligible participants to not need to go to a
13 process that is adjudicative, it will be set in a tariff,
14 it will be available to any of those who are able to make
15 use of it.

16 And, to that effect, I believe the
17 recommendations that Synapse has made, both in terms of
18 the pricing they have suggested, and the indices for the
19 biomass, are very workable. They can work. They are the
20 result of a long and careful consultation process with
21 many parties.

22 And if implemented, I believe then the

1 Board will have encouraged more and more development of
2 renewables in Nova Scotia.

3 **THE CHAIR:** Thank you.

4 I'm just going to see if anyone has
5 any questions. Any questions for Mr. Lisi?

6 I think it's probably easiest if you
7 came up here next to me. I'll move out.

8 **MR. LIVINGSTON:** No, I have no
9 questions.

10 **THE CHAIR:** I don't think there's
11 anyone here who is going to question Mr. Lisi, so ---

12 **MR. LISI:** I also submitted an
13 agreement, B-5.

14 **MR. CHAIR:** Yes, we saw that.

15 **MR. LISI:** Okay. Would there be any
16 questions to that agreement?

17 **THE CHAIR:** There isn't, and I notice
18 St. F.X. isn't here who I would have thought might have
19 some questions, but they're not here this morning, and so
20 I guess I'm going to thank you for filing that exhibit and
21 your participation in the Synapse process.

22 **MR. LISI:** Great. Thank you very
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1 much.

2 **THE CHAIR:** All right.

3 **MR. LISI:** Bye-bye.

4 **MR. CHAIR:** I think the hearing lost a
5 little colour with him being in Cape Breton, but --
6 Mr. Giroux, I think we're now ready for you.

7 I'll just get you to point that mic
8 towards you, because we -- yes, that one. That's fine.
9 If you'd turn it on and then just state your name for the
10 record?

11 **MR. GIROUX:** Brian Giroux, Yarmouth,
12 Nova Scotia.

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MR. BRIAN GIROUX, Affirmed:

THE CHAIR: And do you affirm that the evidence that you are about to give in this proceeding will be the truth?

MR. GIROUX: Yes.

MR. CHAIR: Okay. As you've heard the rules, you have an opportunity -- or, sorry, I'll swear you in. I just did that. You have an opportunity to -- it's getting to be a long day.

You have an opportunity to give a three- to five-minute opening statement, based on your evidence, and then any parties here who wish to cross-examine you will have an opportunity to do that.

MR. GIROUX: I think I've figured that out, after being here a week.

(LAUGHTER)

OPENING STATEMENT - MR. BRIAN GIROUX

THE CHAIR: Yes.

MR. GIROUX: And I will try to -- anyway, first of all, I would like to thank you for -- everyone in the room, actually, for giving me a bit more education on this topic, and the Board's indulgence for my
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1 inexperience, at least in this process.

2 And I guess I've got a couple of small
3 things, but I guess -- you know, I've tried to do this now
4 for about five years, working along this direction, as you
5 saw from my evidence, starting from the ocean and working
6 up the rivers.

7 But I have a small bit of commentary
8 at the beginning about I think that the energy policy in
9 this province probably should be like a dog, like a good
10 greyhound, or a hunting dog -- runs like the winds,
11 fetches, or does the work as required, but if you add an
12 extra leg for economic stimulus goals, a leg for research
13 and development of technologies, another leg for
14 restrictive ownership rules, a leg for a range of projects
15 widely distributed through the province, a leg for the
16 distribution slot issues, it's a nine-legged dog that
17 might not hunt.

18 So I'm willing to work with it, I
19 guess, but let's just -- hopefully, that this is not
20 designed to fail. I've seen this in federal departments
21 before, where policies were deliberately put out, designed
22 to fail, and then they can walk away and say, "Look, we've

1 done our thing; we've built it and they didn't come."

2 So let's just -- I'm willing to work
3 with it, I just want to keep -- anyway, throughout this
4 hearing process I've heard, you know, set the rates for a
5 robust response, reasonable uptake, projects lost and
6 projects that proceed, a reasonable number of viable
7 projects, geographic diversity, district energy solutions.

8 I think that the government knows the
9 states of our distribution grid more than I do, in a
10 reasonable sense, and they would like some technological
11 and geographic diversity, and would like a reasonable
12 uptake, if not a robust response.

13 Surely, they do not want just a few
14 windmills, less than 50 kilowatts, and a bit of R&D tidal
15 technology; every technology deserves a reasonable chance,
16 I think.

17 No more about policy.

18 I do not claim to understand what goes
19 on at the Department of Energy, but my experience in the
20 last 15 years, half the time it isn't good. But, here we
21 are; it is what it is.

22 This hydro site idea participated
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1 about -- I think it's almost four years and a bit. I went
2 through the RFP process, and I guess we -- you could say
3 that in some senses I was -- I didn't reach a comfort
4 level that I was willing go back and get local investors
5 to invest.

6 On that issue for a second, I did a
7 trial run through the RFP process on the Broad River --
8 and this is to speak to your question of a couple of days
9 ago about backflow. And I also did a run at that same
10 transformer in the distribution side, so what -- for this
11 process, this COMFIT process.

12 And on that transmission side, the
13 transformer, the actual resource, the dam, was only two
14 kilometres from the transformer or the substation. The
15 substation was about 1.2 megawatts, the project was about
16 1.2 megawatts, and if you could generate and flow back
17 into that transformer, and then back up into the
18 transmission system -- so on the -- in the RFP process,
19 they told me that it was possible, with a few connections
20 on the transformer, to reverse it, and then supply all of
21 the local demand with your generation, and then trip up
22 into the transmission system, surpluses.

1 But it turned out that that
2 transformer was an older type and it could not do that,
3 but there are some transformers in the province that could
4 have done that. So that -- it was either that or buy a
5 complete standalone transformer for the project.

6 When I query the same transformer
7 through this process, this COMFIT process, I found that
8 because of load issues they said that they would only
9 accept about 20 percent of the rated load of the
10 transformer, which would be .3 to .4 megawatts.

11 So if they did some re-organization,
12 they could take 1.2 megawatts and trip up into the
13 transmission, but because we're on distribution side --
14 and so I think that's where that rule comes from about
15 that if they have to an interconnect study that requires
16 that tripping, then they -- this is not a distribution
17 project.

18 So the same transformer, two different
19 directions, so to speak, and that was -- the answers were
20 dramatically different. Anyway ---

21 **THE CHAIR:** I take it, you agree with
22 that, if the ---

1 **MR. GIROUX:** Absolutely.

2 **THE CHAIR:** --- if it's such that it
3 can trip into transmission?

4 **MR. GIROUX:** Yes, absolutely. This is
5 for distribution, I understood, right?

6 But I think you could see my dilemma.
7 You know, the same substation that they tell me, "Okay,
8 you can't do it through transmission, so come back to us
9 with a distribution-based project," I come back to them
10 with a distribution-based project and they tell me that I
11 can only feed 20 percent of the load, that sort of thing,
12 so it's between hay and grass.

13 The grid is so weak and there's -- you
14 know, that's the main point; the grid is weak, it's old,
15 there's not a lot of generation in the area. They're
16 sending power down from Tuft's Cove, you know, losing half
17 of it en route, that sort of thing.

18 **THE CHAIR:** It also wasn't built in
19 contemplation of this.

20 **MR. GIROUX:** No, and the engineer that
21 I dealt with said basically the distribution grid is built
22 to distribute ---

1 THE CHAIR: Absolutely.

2 MR. GIROUX: --- and not to take in.

3 And so we are faced with this dilemma about that being a
4 throttle; a reality that we have to deal with, as far as
5 I'm concerned.

6 Anyway, I was involved in that. I
7 didn't reach a point where I could go to my community
8 investors and say this is a reasonable investment. Most
9 of the people that I deal with in communities are saying,
10 hey, we look at the news and we want -- before I'm getting
11 into the electrical business I want the same general rate
12 of return.

13 So election comes along. The new
14 government took a year to consult on its own policy. I
15 didn't -- you know, I basically had asked for a more open
16 market and FIT rates, but I -- because of the complexities
17 of hydro I had asked for maybe a bit of an adjustment
18 mechanism at the end if necessary to set a final rate
19 using the Board, maybe, as the rate.

20 Bear in mind, these hydro projects, at
21 least the ones that I'm thinking about here, will last 100
22 years. I mean -- and if properly designed infrastructure,
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1 then all you'd have to really do would be to replace a
2 generation after that, and so we might be talking multiple
3 hundreds of years if we can properly design these things,
4 and fairly big capacity ratings.

5 Anyway, I guess a lot of us had
6 trouble with this policy when it was announced and all
7 these legs attached to the dog, and I guess it was only
8 Mr. Coady that was allowed access to the Minister. The
9 rest of us were kind of shut out and we were told just to
10 deal with the process, and here we are I guess.

11 So three years went by before we even
12 -- more than three years, almost four years went by before
13 we engage in the UARB process, and it takes a bit of time
14 to go through this and all that. So now I'm almost five
15 years in and if we can't get a rate that's reasonable in
16 my mind then I'm going to be faced with another 18 months
17 in the waiting, so that'll be about five years almost, six
18 years in short, of just doing that.

19 Now, I guess I'm an example of
20 Mr. Chernick's voluntary community member who is willing
21 to do this sort of thing for the possibility of an
22 investment and, I guess you could say in so many senses,

1 the intellectual challenge of trying to bring a hydro
2 project online where there really hasn't been one in about
3 50 years or 40-odd years almost. I don't know, maybe
4 Morgan Falls was in the eighties, wasn't it, something
5 like that?

6 Anyway, it is what it is. What we are
7 asked to do is set rates. And we have to deal with what
8 we have to deal with. I like the Synapse hydro model.
9 I've worked with them on it. I was consulted. I gave
10 them connections with the bankers that I was talking to
11 about the debt/equity ratios and the interest rates.

12 I think what it allows us to do is it
13 allows us to look at it all and tweak a number here, tweak
14 a number there, and I guess that, you know, I think it was
15 a good way to proceed in a rate setting exercise.

16 I have looked at the whole province in
17 relation to my consultant, and when you look at remnant
18 populations of Atlantic salmon and populations of trouts,
19 I would -- I guess I'm saying that it looks like the only
20 systems you'll probably get some hydro development on, I
21 can't guarantee it, but the only systems you'll probably
22 get some hydro developments on are the ones that I'm

1 dealing with which are the heavily acid rain-impacted
2 systems. And you can see from my evidence there's some
3 pretty shocking numbers in there in terms of the acidity.

4 And I can't -- you know, if I have a
5 windmill project I can move to have a better grid access.
6 If I have a biomass project I can move to have a better
7 grid access, but I can't move the rivers.

8 And so I'm faced with this opportunity
9 where there's, in the Atlantic coastal strip, probably
10 almost the second-highest rainfall in Canada. You know,
11 Ontario has a third of our rainfall but they have a much
12 bigger system, so it's about the same flowage out, but
13 it's still it's a tremendous amount of rainfall in these
14 Atlantic coastal strips. And I think that these are, you
15 know, tremendous opportunities that are just being wasted
16 as we speak.

17 And I guess in my submission I asked
18 you to use the Synapse model and adjust the project output
19 size to an average of those six substations that I had
20 looked at, which -- in the core area, which would be about
21 a .5 megawatt. And as well I requested you add some of
22 the money that I -- for the jurisdiction-specific

1 permitting costs like the costs of the biological studies,
2 and archaeological and then the Native consultations that
3 will have to be in this jurisdiction.

4 And I've tried to find a factor that I
5 could reduce a 1.2 megawatt project down to, say,
6 .5 megawatts and there is a factor. I've had discussions
7 with Synapse about it. You know, the generation may be
8 slightly different; the dam costs are about the same, the
9 permitting costs are about the same. But I'm sure if you
10 find a reduction factor by maybe 10 or 15 percent from
11 capital costs or development costs, then if we could apply
12 that to the model then that would pop a rate out and
13 that's what I'm requesting we do.

14 We deal with realities and see if you
15 guys can generate a rate that I might be able to proceed
16 with.

17 **THE CHAIR:** Thank you. Any questions?

18 **MR. MERRICK:** No questions.

19 **THE CHAIR:** Any other questions for
20 Mr. Giroux? Mr. Outhouse?

21 **MR. OUTHOUSE:** I have no questions,
22 Mr. Chair.
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QUESTIONS FROM THE CHAIR

THE CHAIR: Is there a different opportunity to install these installations on rivers that are damaged by acid rain than on productive rivers? Is that it ---

MR. GIROUX: Yeah, the ---

THE CHAIR: --- do you know that?

MR. GIROUX: I don't think you could get a product -- a dam installed on a productive river today that has -- because many of these rivers have Atlantic salmon populations that have been listed as either threatened or endangered, and you're dealing with a whole new game.

You probably -- as a matter of fact, in Maine, for example, once a species has been listed they just -- they bust down and destroy hydro dams.

THE CHAIR: Okay. And so are you really just looking at a few opportunities in the far west of the province?

MR. GIROUX: That's all -- I've looked basically from the Gold River to Yarmouth in terms of the acid rain-impacted zone.

1 The rain is getting better. The rain
2 is actually getting less acidic all the time, but that
3 zone actually as well does not have buffer rocks.

4 **THE CHAIR:** So like the Jordan and
5 LaHave, are they available?

6 **MR. GIROUX:** Jordan, Broad River, Tom
7 Tigney River, the -- oh, the ---

8 **THE CHAIR:** Tuskett River?

9 **MR. GIROUX:** No, the Tuskett's dammed
10 by the Nova Scotia Power.

11 I've actually got about five rivers
12 I've looked at in a general sense and I -- the Tom Tigney
13 and Sable, Jordan. The Clyde actually has probably two or
14 three opportunities on it because when it comes down to
15 the ocean it splits and there's a -- you know, there's a
16 possibility to generate on one side or the other that sort
17 of thing. So just within the core area.

18 Like I say, there's no buffer rocks;
19 there's no limestone, there's no gypsum, there's no
20 marble, there's no anything that can balance those
21 acidities again.

22 **THE CHAIR:** Thanks very much. The
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1 Board appreciates your participation in the hearing and --
2 all week, and the filing of your evidence.

3 **MR. GIROUX:** Thank you very much.

4 **THE CHAIR:** Go ahead.

5 **MR. OUTHOUSE:** Mr. Chair, that, as far
6 as I'm aware, completes the evidentiary phase of the
7 hearing. I'm not offering rebuttal evidence, obviously.
8 I'm not even sure in a proceeding like this I'd be
9 entitled to. So I suggest that what we need to do is
10 address the question of undertakings and ---

11 **THE CHAIR:** Yeah.

12 **MR. OUTHOUSE:** --- and when they're
13 going to be filed and then set dates for filing of any
14 further written submissions by the parties.

15 **THE CHAIR:** So would it be possible to
16 have all of the undertakings filed by next Friday?

17 **MR. OUTHOUSE:** Based on discussions
18 I've had, I doubt that anything beyond next Wednesday
19 would be necessary.

20 **THE CHAIR:** Okay. So we want to say
21 next Wednesday?

22 **MR. OUTHOUSE:** I would think.

1 **THE CHAIR:** So undertakings would be
2 by the close of business on the 13th. And then do you want
3 two weeks for argument and a week for reply, or do you
4 need that long?

5 **MR. OUTHOUSE:** Yeah, two weeks from
6 next Wednesday would ---

7 **THE CHAIR:** Right, so final argument
8 on the 27th and any reply argument on the 4th of May. Does
9 that work?

10 Ms. Rubin?

11 **MS. RUBIN:** Yes. Just to clarify are
12 all parties, including Synapse, filing on the 27th, and all
13 have a right of reply?

14 **THE CHAIR:** Yeah, I would say that
15 everybody files their argument on the 27th, and then
16 everybody has a right of reply on the 4th of May, on the --
17 yeah, the 4th of May.

18 So does everybody understand how that
19 works? So everybody will file their final argument on the
20 27th of April and then you have an opportunity by the 4th to
21 comment on anything anybody else has said.

22 **MR. OUTHOUSE:** Just, I might say,
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1 Mr. Chair, it would not be my intention to file an
2 argument. If there was to be any, obviously, modification
3 of Synapse's position it would be communicated to the
4 parties -- now, I'm not saying there would be -- so that
5 they could address any comments.

6 They will get the undertakings, but I
7 would anticipate that the parties would file their
8 arguments. If something was said in the arguments that I
9 felt obliged to reply to I might reply, but I would not --
10 it would not be my intention to file an initial submission
11 arguing in favour, as it were, of Synapse's proposals.

12 **THE CHAIR:** Okay. And it's not beyond
13 the realm of possibility in interpreting this tariff that
14 there might be a legal issue. And if we wanted your
15 advice on that we'd get you to file a letter, then anybody
16 else could respond to that letter. But I'm not asking for
17 that today.

18 **MR. OUTHOUSE:** Yeah, and that would
19 certainly be the appropriate procedure, Mr. Chair.

20 **MR. RUBIN:** Mr. Chair. Sorry, I'm
21 just looking at the schedule and the week of the 18th is
22 the BSM hearing.

1 **MR. DOEHLER:** It's a small hearing.

2 **MS. RUBIN:** --- followed by the Easter
3 holidays.

4 I'm just wondering if we could have
5 until the Friday rather than the Wednesday for the
6 undertakings.

7 **THE CHAIR:** Sure, that's fine. So
8 final argument -- have you got this, Anne?

9 Final argument will be on the 29th, and
10 reply argument on May 6th. Does that work?

11 **MS. RUBIN:** Yes, thank you.

12 **THE CHAIR:** Anything else anybody has
13 before we adjourn?

14 **MR. DEVEAU:** Just for the benefit --
15 there's a number of parties here that aren't represented
16 by counsel. Just -- this is just to remind those parties
17 in particular that when filing submissions, both
18 submissions and reply, it's not an opportunity to provide
19 further evidence. It's just an opportunity to comment,
20 provide submissions on the evidence that's been filed to
21 date. So it would be out of order to file new evidence;
22 just comment on what's been filed on the record.

1 **THE CHAIR:** So we've lost a few
2 participants, but I want to thank everybody for their
3 participation. I'm glad we were able to complete it by
4 today, and I appreciate everybody being well prepared and
5 -- sorry, Anne, I'm not sure I understand the message.

6 So unless there's -- anyway, I started
7 to say I appreciated everybody's participation. I don't
8 know if I finished that comment or not, but I do. It was
9 a complex hearing and we got through it very efficiently.

10 Is there anything else before I close
11 the hearing?

12 So the decision will be reserved,
13 obviously, and we'll ask you to meet those filing
14 deadlines, and in particular, if you would get any
15 undertakings in by next Wednesday so -- because that
16 really kicks off the time period for preparing argument.

17 Thank you.

18
19 --- Upon adjourning at 11:54 a.m.

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CERTIFICATE OF COURT TRANSCRIBER

I, Patricia Cantle, Court Transcriber, hereby certify that I have transcribed the foregoing and it is a true and accurate transcript of the evidence given in this matter.



Patricia Cantle
Registration No. 2006-57

Halifax, Nova Scotia

Saturday, April 9, 2011

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