Request IR-1:

Reference 1: Response to NSPI (CA) – 3 (a) states "The original environmental timelines and budget were developed based on internal subject matter expertise using previous refurbishment projects conducted with a similar scope to Ruth Falls, and the environmental regulatory approval process understood at that time."

Reference 2: Midgard Report page 12 lines 1 through 7 describes the Fisheries Act amendment in section 34.4(1) that states "No person shall carry on any work, undertaking or activity, other than fishing, that results in the death of fish.'.

Reference 3: Bill C-68 – An Act to Amend the Fisheries Act. As passed by the House of Commons at Third Reading on June 20, 2018 which includes the modifications in section 34.4(1) noted in reference 2.

(a) Given that the amendments to the Fisheries Act had passed third reading in the house of commons by the end of June 2018 and that NSPI filed its ACE plan in November 2018, in Midgard's view would it have been prudent for NSPI to consult with DFO on the potential implications of the draft legislation on regulatory processes and timelines for projects like the Ruth Falls Dam Refurbishment instead of relying solely on internal subject matter expertise and the regulatory processes understood at that time?

Response IR-1:

While it would have been prudent for NS Power to stay informed, there is often a lag between legislative passage and the making of resultant regulations and subsequent adoption of policies and interpretations by federal agencies. At the time, DFO likely could not have provided definitive guidance on the draft legislation, making reliance on internal expertise and existing processes reasonable.

Request IR-2:

Reference 1: Section 7.3 Economic Interest of Ratepayers

Midgard suggests that the NSUARB should have been afforded the ability as part of this proceeding to evaluate whether or not a decommission option would be in the best interest of NSPI's ratepayers and expresses concern that the Project remains exposed to several risk areas.

(a) What recommendations would Midgard make to the NSUARB to address these concerns, either in the current proceeding and/or for future ATO proceedings?

Response IR-2:

a) Midgard recommends that the NSUARB require reasonable forecasting of all future capital expenditures for any asset as part of ATO proceedings. These forecasts should then be incorporated into a full life-cycle decision making process for each asset. Forecasts should include estimates for all future capital needs and a comparison to decommissioning or divestment options.