October 5, 2018

Dear [Redacted]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [JPS/188/2018]

On September 11, 2018, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

"Please provide all correspondence (letters, emails, briefing notes, notes) made in relation to appointments or vacancies or potential appointments or recommendation of candidates of any board, agency or commission position under the Ministers/Department responsibility since May 2016."

On September 13, 2018, you agreed to narrow the scope of your request to the Public Utilities Board, as well as limit the search for records to JPS executive. Additionally, on September 18, 2018, you confirmed that you were looking for emails, letters and briefing notes.

Please be advised that a decision has been made by the Deputy Minister of JPS to provide access to some of the requested information. However, access to the remainder of the information/records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

27. (2) The head of a public body shall refuse to disclose to an applicant
(2) a cabinet record;
27. (1) in this section, "cabinet record" means
(a) advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet;
(b) a record created during the process of developing or preparing a submission for the Cabinet; and

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal
(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

30. (1) The head of a public body may refuse to disclose to an applicant information
(a) that is subject to solicitor and client privilege or litigation privilege of a public body;
31. (1) The head of a public body may refuse to disclose information to an applicant where the disclosure could reasonably be expected to
   (i) reveal the arrangements for the security of property or a system, including a building, a vehicle, a computer system or a communications system;

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.

Additionally, some information has been removed as non-responsive to your request, as it does not relate to the information you requested.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please note that the following pages have been withheld in their entirety:

<table>
<thead>
<tr>
<th>Section(s) cited</th>
<th>Reason for withholding</th>
<th>Page #</th>
</tr>
</thead>
<tbody>
<tr>
<td>s.29(1)(a);</td>
<td>Advice, analyses, recommendations provided to JPS, as well as information protected by solicitor-client privilege.</td>
<td>28</td>
</tr>
<tr>
<td>s.30(1)(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>s.40(1)</td>
<td>Contains personal information the disclosure of which would be an unreasonable invasion of privacy.</td>
<td>79-84, 95</td>
</tr>
<tr>
<td>s.27(2)(a);</td>
<td>Advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet.</td>
<td>109-110</td>
</tr>
<tr>
<td>s.27(1)(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>s.27(2)(a);</td>
<td>Advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet.</td>
<td>111-147</td>
</tr>
<tr>
<td>s.27(1)(e);</td>
<td>Additionally, personal information the disclosure of which would be an unreasonable invasion of privacy.</td>
<td></td>
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<td>s.27(2)(a);</td>
<td>a record created during the process of developing or preparing a submission for the Cabinet.</td>
<td>148-149, 165-167</td>
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<tr>
<td>s.27(1)(h)</td>
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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 Act (a copy of this section of the Act has been enclosed for your reference). 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.

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).
Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time.

If you have any questions please contact me by telephone at 709-729-7128, or by email at sonjaelgohary@gov.nl.ca.

Sincerely,

Sonja El-Gohary
ATIPP Coordinator
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 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).
Thanks, will sign the letter when I get it

Hon. Andrew Parsons
MHA Burgeo La Poile
Minister of Justice & Attorney-General
Department of Justice & Public Safety

In response to the question re: no expiry date for one of the appointments:

Amendments were made to the Public Utilities Act in 2006, and the 10-year term limit (subject to reappointment for a second term) for members of the PUB found in the current ss. 6(9) and (1) was introduced. The 2006 amendments (An Act to Amend the Public Utilities Act, SNL2006, c. 24) contained a transition clause, which stated that:

"Notwithstanding subsections 6(9) and (10) as enacted by this Act, a full-time commissioner holding office on the day section 6 as enacted by this Act comes into force shall hold office during good behaviour and unless otherwise directed by the Lieutenant-Governor in Council shall cease to hold office upon reaching the age of 70 years."

Darlene Whalen was appointed in 2000 (i.e. before the term limits came into force). As such, she continues to hold office during good behavior, to the age of 70.

I will draft a letter for your signature.

Fiona

I know there is a reason for this, but just can't think of it.

Hon. Andrew Parsons
MHA Burgeo La Poile
Minister of Justice & Attorney-General
Department of Justice & Public Safety
From: [mailto: ]
Sent: Monday, July 4, 2016 11:10 PM
To: Parsons, Andrew <AndrewParsons@gov.nl.ca>
Subject: Board of Commissioners of Public Utilities

Andrew,

Just curious, why one of three persons on the PUB has a status of Expiry Date as “Not Applicable”? And she has been there much longer than the rest.

http://www.exec-abc.gov.nl.ca/public/agency/detail/?id=671&

They are all from St. John’s, no regional of geographic balance.

Regards,

[Signature]

Board of Commissioners of Public Utilities
Department
Justice and Public Safety
Authority
Section 6 of the Public Utilities Act
Remuneration
The Chair is remunerated pursuant to OC2008-004. Other members are remunerated pursuant to OC2000-153, OC2008-104, and OC2009-232.
Composition:
The board shall consist of 4 full-time commissioners appointed by the Lieutenant Governor in Council.

Current Members:

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<td>Lieutenant Governor in Council</td>
<td>2000-04-14</td>
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I believe one of the commissioners (Darlene Whalen I think) was appointed before the ten year term limit came into effect. I'll confirm when I get in.

Ian

Sent from my BlackBerry 10 smartphone on the Bell network.

I think we may have responded to a similar request from this person a while back. Do you recall? Why does one have a status of ‘not applicable’?

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I know there is a reason for this, but just can’t think of it.

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Just curious, why one of three persons on the PUB has a status of Expiry Date as “Not Applicable”? And she has been there much longer than the rest.

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From: Tucker, Ian J.  
Sent: Tuesday, July 5, 2016 8:54 AM  
To: Langor, Fiona  
Subject: RE: Board of Commissioners of Public Utilities

---

Ian Tucker  
Solicitor – Civil Division  
Department of Justice and Public Safety  
Government of Newfoundland and Labrador  
4th Floor, East Block  
Confederation Building  
P.O. Box 8700  
St. John’s, NL A1B 4J6  
Phone: 729-4411

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---

From: Langor, Fiona  
Sent: Tuesday, July 05, 2016 8:54 AM  
To: Tucker, Ian J.  
Subject: RE: Board of Commissioners of Public Utilities

Thanks Ian – I’ll pass along to the Minister.

---

From: Tucker, Ian J.  
Sent: Tuesday, July 05, 2016 8:50 AM  
To: Langor, Fiona  
Subject: RE: Board of Commissioners of Public Utilities

Fiona – Amendments were made to the Public Utilities Act in 2006, and the 10-year term limit (subject to reappointment for a second term) for members of the PUB found in the current ss. 6(9) and (1) was introduced. The 2006 amendments (An Act to Amend the Public Utilities Act, SNL2006, c. 24) contained a transition clause, which stated that:

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Rhonda,

Draft response to inquiry below, for DM approval and Minister's signature.

Thanks,

Fiona

From: Jacobs, Heather
Sent: Tuesday, July 05, 2016 10:07 AM
To: Stewart, Rhonda
Cc: Langor, Fiona
Subject: FW: Board of Commissioners of Public Utilities

Please trim to the minister and then refer to Fiona to prepare the response. Thanks.

From: Jacobs, Heather
Sent: Tuesday, July 05, 2016 9:46 AM
To: Langor, Fiona; Parsons, Andrew
Subject: RE: Board of Commissioners of Public Utilities

As noted she was grandfathered when the act was amended.
In response to the question re: no expiry date for one of the appointments:

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Hon. Andrew Parsons
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Minister of Justice & Attorney-General
Department of Justice & Public Safety

From: [mailto:](mailto:AndrewParsons@gov.nl.ca)AndrewParsons@gov.nl.ca;
Sent: Monday, July 4, 2016 11:10 PM
To: Parsons, Andrew <HYPERLINK "mailto:AndrewParsons@gov.nl.ca"AndrewParsons@gov.nl.ca>; HYPERLINK "mailto:"
Subject: Board of Commissioners of Public Utilities

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Regards,
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Chairperson and Chief Executive Officer
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Whalen, Ms. Darlene
Vice-Chairperson
Lieutenant Governor in Council
2000-04-14
Not Applicable
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Thank you for your email of July 4, 2016 to request clarification one of the current appointments to the Public Utilities Board (PUB), specifically the longstanding appointment of Ms. Darlene Whalen. The response to your inquiry lies within the governing legislation.

Amendments were made to the Public Utilities Act in 2006, and the 10-year term limit (subject to reappointment for a second term) for members of the PUB found in the current ss. 6(9) and (1) was introduced. The 2006 amendments (An Act to Amend the Public Utilities Act, SNL2006, c. 24) contained a transition clause, which stated that:

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Ms. Whalen was appointed in 2000 (i.e. before the term limits came into force). As such, she continues to hold office during good behavior, to the age of 70.

I trust this provides the clarity which you are seeking.

Sincerely,

ANDREW PARSONS
Minister of Justice and Public Safety
Attorney General
Looks fine except I think there is a typo in paragraph 2. It says 6(9) and (1) and I think it should say 6 (9) and 6(10)?

Rhonda,

Draft response to inquiry below, for DM approval and Minister's signature.

Thanks,

Fiona

Please trim to the minister and then refer to Fiona to prepare the response. Thanks.
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I will draft a letter for your signature.

Fiona

From: Parsons, Andrew  
Sent: Monday, July 04, 2016 11:42 PM  
To: Jacobs, Heather; Langor, Fiona  
Subject: FW: Board of Commissioners of Public Utilities

I know there is a reason for this, but just can't think of it.

Hon. Andrew Parsons  
MHA Burgeo La-Poile  
Minister of Justice & Attorney-General  
Department of Justice & Public Safety

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Lieutenant Governor in Council
2008-04-14
2018-04-13

Oxford, Mr. Jim
Full-Time Commissioner
Lieutenant Governor in Council
2009-09-08
2019-09-07

Wells, Mr. Andy
Chairperson and Chief Executive Officer
Lieutenant Governor in Council
2008-03-01
2018-02-28

Whalen, Ms. Darlene
Vice-Chairperson
Lieutenant Governor in Council
2000-04-14
Not Applicable

Bottom of Form
Attached please find the reply of the Honourable Andrew Parsons, Minister & Attorney General, Department of Justice and Public Safety, Government of Newfoundland and Labrador, to your email dated July 4, 2016, to request clarification on one of the current appointments to the PUB, specifically the longstanding appointment of Ms. Darlene Whalen.

Regards,

RHONDA STEWART
Administrative Assistant to the
Honourable Andrew Parsons
Minister and Attorney General
Department of Justice and Public Safety
Government of Newfoundland and Labrador
4th Floor, East Block, Confederation Building
P. O. Box 8700
St. John's, NL A1B 4J6

729-2869 Phone
729-0469 Fax

HYPERLINK "mailto:rhondas@gov.nl.ca"rhondas@gov.nl.ca
July 18, 2016

Thank you for your email of July 4, 2016 to request clarification on one of the current appointments to the Public Utilities Board (PUB), specifically the longstanding appointment of Ms. Darlene Whalen. The response to your inquiry lies within the governing legislation.

Amendments were made to the Public Utilities Act in 2006, and the 10-year term limit (subject to reappointment for a second term) for members of the PUB found in the current ss. 6(9) and (10) was introduced. The 2006 amendments (An Act to Amend the Public Utilities Act, SNL2006, c. 24) contained a transition clause, which stated that:

"Notwithstanding subsections 6(9) and (10) as enacted by this Act, a full-time commissioner holding office on the day section 6 as enacted by this Act comes into force shall hold office during good behaviour and unless otherwise directed by the Lieutenant-Governor in Council shall cease to hold office upon reaching the age of 70 years."

Ms. Whalen was appointed in 2000 (i.e. before the term limits came into force). As such, she continues to hold office during good behavior, to the age of 70.

I trust this provides the clarity which you are seeking.

Sincerely,

ANDREW PARSONS
Minister of Justice and Public Safety
Attorney General
Minister – According to my records, Mr. Wells’ appointment at the PUB expires on Feb. 28, 2018.

Ian

Ian Tucker
Solicitor – Civil Division
Department of Justice and Public Safety
Government of Newfoundland and Labrador
4th Floor, East Block
Confederation Building
P.O. Box 8700
St. John’s, NL A1B 4J6
Phone: 729-4411

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All expiry dates are online on the new ABC website. That is now the official record.

http://www.exec-abc.gov.nl.ca/public/agency/detail/?id=671&
I think I’m good. Thanks though.

G. John Samms, B.A., M.A., J.D.
Strategic Advisor to the Minister of Justice, Attorney General & Government House Leader
Department of Justice & Public Safety

From: Blundon, Chad
Sent: Friday, March 17, 2017 2:51 PM
To: Samms, John
Subject: FW: Pub

Hey John,

Are you around this afternoon? I can fill you in on this.

Chad Blundon
Department of Justice and Public Safety
(709) 729-7062

From: Jacobs, Heather
Sent: Friday, March 17, 2017 2:39 PM
To: Blundon, Chad <ChadBlundon@gov.nl.ca>
Cc: Samms, John <JohnSamms@gov.nl.ca>
Subject: RE: Pub

Thanks Chad. I am away next week. Please discuss with John.

From: Blundon, Chad
Sent: Friday, March 17, 2017 2:30 PM
To: Jacobs, Heather
Subject: RE: Pub

I found more info on this so I’m free to chat when you have a sec.

Chad Blundon
Department of Justice and Public Safety
(709) 729-7062

From: Jacobs, Heather
Sent: Thursday, March 16, 2017 7:50 PM
Thanks Chad.

From: Blundon, Chad
Sent: Thursday, March 16, 2017 7:48 PM
To: Jacobs, Heather; Walsh Dodge, Chantal
Subject: Re: Pub

Chad Blundon

From: Jacobs, Heather
Sent: Thursday, March 16, 2017 06:47 PM
To: Walsh Dodge, Chantal; Blundon, Chad
Subject: Pub

Sent from my BlackBerry 10 smartphone on the Bell network.
Good to go

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Stoodley, Amy
Sent: Friday, June 16, 2017 5:10 PM
To: Parsons, Andrew
Cc: Samms, John; Clarke, Lesley
Subject: Re: FOR APPROVAL: PUB STATEMENT

Yes everyone has signed off on it.

Amy Stoodley
Communications Director
Department of Justice and Public Safety
Government of Newfoundland and Labrador

On Jun 16, 2017, at 5:02 PM, Parsons, Andrew <AndrewParsons@gov.nl.ca> wrote:

Is everyone good with this?

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Stoodley, Amy
Sent: Friday, June 16, 2017 4:11 PM
To: Parsons, Andrew
Cc: Samms, John; Clarke, Lesley
Subject: FOR APPROVAL: PUB STATEMENT

Hi Minister,

Please see statement below for your approval.

Justice and Public Safety
June 19, 2017

Minister Parsons announces change in Board of Commissioners of Public Utilities

The following statement was issued today by the Honourable Andrew Parsons, Minister of Justice and Public Safety and Attorney General:
I wish to advise the public that effective today, June 19, 2017, the Chair and CEO of the Board and Commissioners of Public Utilities has been suspended with pay, until a review into recent public allegations is complete.

Vice Chair, Darlene Whelen will assume duties as the Chair and CEO of the Board and Commissioners of Public Utilities on an interim basis.

As Minister of Justice and Public Safety and as the Minister responsible for the Public Utilities Act, I take my role in the administration of the act very seriously and am committed to ensuring its integrity.

- 30 -

Learn more

Follow us on Twitter: @GovNL and @JPS_GovNL.

Media contact
Lesley Clarke
Justice and Public Safety
709-729-6985, 699-2910
LesleyClarke@gov.nl.ca

Amy Stoodley
Director of Communications
Department of Justice and Public Safety
Office: 709-729-5188
Cell: 709-693-7242
E-Mail: amystoodley@gov.nl.ca
4th Floor, East Block
Confederation Building
P.O. Box 8700
St. John’s, NL A1B 4J6
Canada
Chantelle MacDonald Newhook  
Solicitor, Civil Division  
Office of the Attorney General  
Department of Justice & Public Safety  
Government of Newfoundland and Labrador

T (709) 729-3970, f (709) 729-2129

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From: Jacobs, Heather  
Sent: Monday, June 19, 2017 10:58 AM  
To: Stoodley, Amy <AmyStoodley@gov.nl.ca>; MacDonald Newhook, Chantelle <CNewhook@gov.nl.ca>  
Subject: Re: FOR APPROVAL: REVISED STATEMENT

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Samms, John  
Sent: Monday, June 19, 2017 10:53 AM  
To: Stoodley, Amy <AmyStoodley@gov.nl.ca>  
Subject: Re: PO wants a revision to the statement

Edited the first para according to what PO is desirous of. Please run by Chantelle and then Minister, then back to PO.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Stoodley, Amy  
Sent: Monday, June 19, 2017 10:49 AM  
To: Samms, John  
Subject: RE: PO wants a revision to the statement

Justice and Public Safety  
June 19, 2017
Minister Parsons announces change in Board of Commissioners of Public Utilities

The following statement was issued today by the Honourable Andrew Parsons, Minister of Justice and Public Safety and Attorney General:

I wish to advise the public that effective today, June 19, 2017, the Chair and CEO of the Board and Commissioners of Public Utilities has been suspended with pay, until a review into recent public statements calling into question the Chair's impartiality is complete.

Vice Chair, Darlene Whelen will assume duties as the Chair and CEO of the Board and Commissioners of Public Utilities on an interim basis.

As Minister of Justice and Public Safety and as the Minister responsible for the Public Utilities Act, I take my role in the administration of the Act very seriously and am committed to ensuring its integrity.

Media contact
Lesley Clarke
Justice and Public Safety
709-729-6985, 699-2910
LesleyClarke@gov.nl.ca

Amy Stoodley
Director of Communications
Department of Justice and Public Safety
Office: 709-729-5188
Cell: 709-693-7242
E-Mail: amystoodley@gov.nl.ca

From: Samms, John
Sent: Monday, June 19, 2017 10:45 AM
To: Stoodley, Amy <AmyStoodley@gov.nl.ca>
Subject: PO wants a revision to the statement

Can you send me present version and i'll send back a revised one for PO approval?

Sent from my BlackBerry 10 smartphone on the Bell network.
Discovery - Justice

From: Parsons, Andrew
Sent: Tuesday, August 8, 2017 8:46 AM
To: Stoodley, Amy
Cc: Clarke, Lesley
Subject: For APPROVAL: Statement on Wells

Good

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Stoodley, Amy
Sent: Tuesday, August 8, 2017 8:29 AM
To: Parsons, Andrew
Cc: Clarke, Lesley
Subject: For APPROVAL: Statement on Wells

Hi Minister,

Please see statement below for your approval as soon as possible. I will have it issued shortly.

Justice and Public Safety
August 8, 2017

Minister Parsons announces Discontinuance of Investigation into Conduct of Chair and CEO of PUB

The following statement was issued today by the Honourable Andrew Parsons, Minister of Justice and Public Safety and Attorney General:

I wish to advise the public that the investigation into the conduct of the former Chair and CEO of the Board of Commissioners of Public Utilities has been discontinued.

Andy Wells advised the Department of Justice and Public Safety of his retirement on August 4th, and therefore the review of his conduct became a moot point. Rather than expending further resources on this matter, we are moving forward.

Vice Chair, Darlene Whalen will continue duties as the Chair and CEO of the Board and Commissioners of Public Utilities on an interim basis. The position will be filled by the Independent Appointments Commission.

As Minister of Justice and Public Safety and as the Minister responsible for the Public Utilities Act, I take my role in the administration of the Act very seriously and am committed to ensuring its integrity.

- 30 -

Media contact
Lesley Clarke
Justice and Public Safety
709-729-6985, 699-2910
LesleyClarke@gov.nl.ca

Amy Stoodley
Director of Communications
Department of Justice and Public Safety
Office: 709-729-5188
Cell: 709-693-7242
E-Mail: amystoodley@gov.nl.ca
4th Floor, East Block
Confederation Building
P.O. Box 8700
St. John’s, NL A1B 4J6
Canada
Thanks for the heads up

Todd Stanley, QC
Deputy Minister and Deputy Attorney General (A)
Department of Justice and Public Safety
Government of Newfoundland and Labrador
1.709.729.2872; 1.709.729.2129
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From: Wright, Kendra
Sent: Monday, August 21, 2017 3:05 PM
To: Stanley, Todd; Tucker, Ian J.
Subject: PUB vacancy
Great, thanks. I'll see how that compares to whatever we have.

Chad Blundon
Department of Justice and Public Safety
(709) 729-7062

From: Stanley, Todd
Sent: Tuesday, August 22, 2017 1:27 PM
To: Blundon, Chad <ChadBlundon@gov.nl.ca>; Tucker, Ian J. <iantucker@gov.nl.ca>
Subject: FW: Commissioner Position Description - PUB

This should help move things along.

Todd Stanley, QC
Deputy Minister and Deputy Attorney General (A)
Department of Justice and Public Safety
Government of Newfoundland and Labrador
T.709.729.2872 F.709.729.2120

As a follow up from our call yesterday I have attached a copy of the Commissioner position description that was developed in June 2007. At that time the LGIC was recruiting for new commissioners following changes to the PU Act in 2006 which affected the commissioner complement (3 full-time, 6 part-time was changed to 4 full-time). This position description was provided to Executive Council, at their request, along with a survey of structure and compensation information for other utility Boards in Canada. Based on my review this position description still accurately reflects the legislative requirements of s. 6(3) of the PU Act with respect to competencies and the responsibilities inherent in the position.

Let me know if you wish to discuss further or need any further information.

Regards,

Darlene Whalen, P. Eng.
Vice Chair

P.S. I was remiss yesterday in not congratulating you on your recent appointment as Deputy Minister. Congratulations!
Chad, if you need to don’t hesitate to reach out to Susan Rumsey for help getting the PD finalized and / or the letter. HRS wants to help!

Todd Stanley, QC
Deputy Minister and Deputy Attorney General (A)
Department of Justice and Public Safety
Government of Newfoundland and Labrador
1.709.729.2872 1.709.729.2129

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From: Rumsey, Susan
Sent: Monday, August 21, 2017 3:03 PM
To: Stanley, Todd
Subject: FW: IAC process

Todd,
See below re: steps to start IAC process for CEO – PUB.

I have an extremely old (1985!!) PD for the position which you will find attached. It appears this was the last time the position was rated. That being said, I have no idea if it is reflective of the current role and responsibilities.

Let me know if you would like for me to draft the letter for the Minister’s signature. If the PD needs to be updated I can assist doing so.

Please advise.
Susan

From: McGrath, Jay
Sent: Monday, August 21, 2017 1:14 PM
To: Rumsey, Susan <SusanRumsey@gov.nl.ca>
Cc: Chafe, Ann <annchafe@gov.nl.ca>
Subject: RE: IAC process

Susan,

Ann asked me to follow up with you on this. What we need is a request from the Minister to the IAC to begin the process. That can be an email sent to the attention of Mr. Clyde Wells, Chair of the IAC through his administrative support Anne Tremblett. Please copy the Deputy Minister of JPS and the PSC Chair, Bruce Hollett.
Also, if there is an existing description of the duties and qualifications, a previous ad or a profile of the position, you can send those directly to me or Ann. That will be helpful as we start working on the competition.

This is an example of what the IAC has received previously:

Mr. Wells,

Pursuant to the Independent Appointments Act, I am requesting that steps be taken to administer a merit-based process to recommend persons qualified to replace the ??? with the ????. The current ??? has announced his retirement at ???, 2017.

Thank you for your assistance in this matter.

If you have any questions about this, let me know.

Jay

Jay McGrath
Senior Merit Officer
Public Service Commission
709-729-3208
@PSC_GovNL

From: Rumsey, Susan <SusanRumsey@gov.nl.ca>
Sent: Monday, August 21, 2017 11:52 AM
To: Chafe, Ann
Subject: IAC process

Ann,
Inquiring as to the process to have a position filled via the IAC.

JPS has a vacancy (Chairperson and CEO) with the PUB and would like to start the process to have filled. Deputy Stanley inquired as to how he would go about doing so. Is there a formal request/form to be submitted? Please advise.

Tks, Susan

Susan Rumsey
Executive Client Account Manager
Executive Client and Consulting Division, Human Resource Secretariat
Government of Newfoundland and Labrador
1st Floor East Block, Confederation Building
P.O. Box 8700, St. John's, NL A1B 4J6

E-mail: SusanRumsey@gov.nl.ca
☎: 709-729-2937

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**POSITION:** Chairman

**INCUMBENT:** J.A.G. MacDonald

**DEPARTMENT:** Board of Commissioners of Public Utilities

**LOCATION:** Prince Charles Building,
120 Torbay Road,
St. John's

**DATE:** December, 1985

---

**GENERAL ACCOUNTABILITY**


**STRUCTURE**

The Chairman reports to Cabinet through the Minister of Justice.

The Board has six Commissioners who includes one Chairman and two Vice-Chairmen. All Commissioners and the Clerk of the Board are appointed by the Lieutenant-Governor in Council. The Board is responsible for the hiring, retention and operation of staff working for the Board.

The Chairman is responsible for the assignment of Commissioners to hearings and conducts the more sensitive and complex cases appearing before the Board himself.
The functions of the Board fall into three categories, Legislative, Judicial and Administrative.

The Public Utilities Act requires the Board to control energy and telephone utility rates and ensure a level of service for the protection of the public. At the same time the Act requires that the Board ensure that the utilities are able to achieve a reasonable rate of return. It also requires surveillance on rates and quality/availability of service, monitoring of public utilities' financial progress as it relates to energy and telephone utilities.

Pursuant to the Motor Carrier Act of Newfoundland regulation of intra-provincial motor carriers is undertaken by the Board, and of extra-provincial motor carriers under the Motor Vehicle Transport Act (Canada) including licensing of carriers operating into and within Newfoundland/Labrador; and the determination of rates for such motor carriers.

The Automobile Insurance Act regulates the rates charged by automobile insurance carriers.

The Chairman acts as Chief Executive Officer on Board matters. The Chairman chairs major and other hearings and subsequently analyzes all evidence submitted and issues an Order on the matter heard. The Chairman represents the Board on policy matters with other government departments. The Chairman must be aware of and institute the need for a review and/or revisions of the legislation the Board administers to Ministers.

Major challenges of the Chairman are to determine a fair and equitable rate to be charged by utilities for electricity and telephones and at the same time ensure that the utility is able to pay its expenses and achieve a reasonable rate of return; to ensure that the criteria of public convenience and necessity are met in determining the entry of motor carrier applicants into the transportation field.
The Board acts within the limits of the Acts that it administers and its Decisions are subject only to appeal to the Supreme Court (Court of Appeal) on questions of law and jurisdiction.

Within government the Chairman liaises with the Minister and Deputy Minister of Justice, Minister Responsible for Energy, Petroleum Directorate, Minister and Deputy Minister of Communications and Consumer Affairs, Minister and Deputy Minister of Transportation, Deputy Minister of Health and the Deputy Minister of Municipal Affairs. Outside government the Chairman liaises with the President and Chief Executive Officer of Newfoundland Light & Power Co. Limited and its officials; President and Chief Executive Officer of Newfoundland Telephone Company Limited and its officials; President and Chief Executive Officer of Newfoundland and Labrador Hydro and its officials; and Members of the Legal Profession representing the motor carrier trade and other groups.

The Chairman is a Member of the Advisory Committee on Regulated Industries, McGill University; Executive Member of Canadian Conference of Motor Transport Administrators; Member, Canadian Association of Member of Public Utility Tribunals and Member of the National Association of Regulatory Utility Commissioners.

**DIMENSIONS**

BOARD MEMBERS - 6, BOARD STAFF - 21

FORECAST EXPENDITURES: - $1,230,000

TOTAL SALARY COSTS: - $ 822,000

FORECAST REVENUE: (APPROX) - $1,230,000
SPECIFIC ACCOUNTABILITIES

1. Directs the day to day functions of the Board.
2. Monitors on a regular basis public utility operations and financial returns.
3. Conducts and/or attends hearings and issues resultant Orders.
4. Monitors the motor carrier trade by weekly meetings of the Board.

APPROVED BY:

INCUMBENT: [Signature] DATE: [Signature]

MINISTER: [Signature] DATE: [Signature]
Ok thanks.

I checked with Chantal and we do not have an existing PD on file.

We will look at the one Susan sent as well as the one you got from Darlene. We will also draft a letter for Minister to sign and send to get the process going.

Chad Blundon  
Department of Justice and Public Safety  
(709) 729-7062

From: Stanley, Todd  
Sent: Wednesday, August 23, 2017 2:19 PM  
To: Blundon, Chad <ChadBlundon@gov.nl.ca>  
Subject: FW: IAC process

Chad, if you need to don’t hesitate to reach out to Susan Rumsey for help getting the PD finalized and / or the letter. HRS wants to help!

Todd Stanley, QC  
Deputy Minister and Deputy Attorney General (A)  
Department of Justice and Public Safety  
Government of Newfoundland and Labrador  
t.709.729.2872 f.709.729.2129

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From: Rumsey, Susan  
Sent: Monday, August 21, 2017 3:03 PM  
To: Stanley, Todd  
Subject: FW: IAC process

Todd,  
See below re: steps to start IAC process for CEO – PUB.

I have an extremely old (1985!!) PD for the position which you will find attached. It appears this was the last time the position was rated. That being said, I have no idea if it is reflective of the current role and responsibilities.

Let me know if you would like for me to draft the letter for the Minister’s signature. If the PD needs to be updated I can assist doing so.

Please advise.  
Susan
From: McGrath, Jay  
Sent: Monday, August 21, 2017 1:14 PM  
To: Rumsey, Susan <SusanRumsey@gov.nl.ca>  
Cc: Chafe, Ann <annchafe@gov.nl.ca>  
Subject: RE: IAC process

Susan,

Ann asked me to follow up with you on this. What we need is a request from the Minister to the IAC to begin the process. That can be an email sent to the attention of Mr. Clyde Wells, Chair of the IAC through his administrative support Anne Tremblett. Please copy the Deputy Minister of JPS and the PSC Chair, Bruce Hollett.

Also, if there is an existing description of the duties and qualifications, a previous ad or a profile of the position, you can send those directly to me or Ann. That will be helpful as we start working on the competition.

This is an example of what the IAC has received previously.

Mr. Wells,

Pursuant to the *Independent Appointments Act*, I am requesting that steps be taken to administer a merit-based process to recommend persons qualified to replace the ??? with the ???? . The current ??? has announced his retirement at ???, 2017.

Thank you for your assistance in this matter.

If you have any questions about this, let me know.

Jay

Jay McGrath  
Senior Merit Officer  
Public Service Commission  
709-729-3208  
@PSC_GovNL

From: Rumsey, Susan <SusanRumsey@gov.nl.ca>  
Sent: Monday, August 21, 2017 11:52 AM  
To: Chafe, Ann  
Subject: IAC process

Ann,  

Inquiring as to the process to have a position filled via the IAC.

JPS has a vacancy (Chairperson and CEO) with the PUB and would like to start the process to have filled. Deputy Stanley inquired as to how he would go about doing so. Is there a formal request/form to be submitted? Please advise.

Tks, Susan
Susan Rumsey
Executive Client Account Manager
Executive Client and Consulting Division, Human Resource Secretariat
Government of Newfoundland and Labrador
1st Floor East Block, Confederation Building
P.O. Box 8700, St. John's, NL A1B 4J6

E-mail: SusanRumsey@gov.nl.ca
☎: 709-729-2937

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Chad Blundon
Department of Justice and Public Safety
(709) 729-7062

From: Stanley, Todd
Sent: Tuesday, August 22, 2017 1:27 PM
To: Blundon, Chad <ChadBlundon@gov.nl.ca>; Tucker, Ian J. <iantucker@gov.nl.ca>
Subject: FW: Commissioner Position Description - PUB

This should help move things along.

Todd Stanley, QC
Deputy Minister and Deputy Attorney General (A)
Department of Justice and Public Safety
Government of Newfoundland and Labrador
 t.709.729.2872 f.709.729.2129

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Darlene Whalen [mailto:dwhalen@pub.nl.ca]
Sent: Tuesday, August 22, 2017 12:27 PM
To: Stanley, Todd <toddstanley@gov.nl.ca>
Subject: Commissioner Position Description - PUB

As a follow up from our call yesterday I have attached a copy of the Commissioner position description that was developed in June 2007. At that time the LGIC was recruiting for new commissioners following changes to the PU Act in 2006 which affected the commissioner complement (3 full-time, 6 part-time was changed to 4 full-time). This position description was provided to Executive Council, at their request, along with a survey of structure and compensation information for other utility Boards in Canada. Based on my review this position description still accurately reflects the legislative requirements of s. 6(3) of the PU Act with respect to competencies and the responsibilities inherent in the position.

Let me know if you wish to discuss further or need any further information.

Regards,

Darlene

P.S. I was remiss yesterday in not congratulating you on your recent appointment as Deputy Minister. Congratulations!

Darlene Whalen, P. Eng.
Vice Chair
NL Public Utilities Board
709-726-0955
The Board of Commissioners of Public Utilities (the "Board") is a regulatory agency operating in the Province of Newfoundland and Labrador under the authority of the Public Utilities Act, RSNL 1990 (the "Act"). The Board is responsible, in whole or in part, for the administration of a number of Provincial Acts.

The Board's regulatory jurisdiction extends to both provincial electric utilities, Newfoundland and Labrador Hydro and Newfoundland Power Inc., rates charged by automobile insurance companies and the conduct of reviews into any aspect of insurance (Automobile, Homeowners, Commercial and Marine) as directed by Government. In addition the Board is responsible for regulating the price of petroleum products and retains certain residual regulatory responsibilities for ambulance services, the trans-island bus service and the conduct of expropriation hearings as requested by the Province or the City of St. John's.

The Board is an independent quasi-judicial tribunal mandated to make decisions pursuant to its governing legislation and enforce appropriate Board Orders, directions and penalties with respect to its regulated activities. The Board operates in a fully transparent regulatory environment and holds comprehensive public hearings into rate and other applications submitted by its regulated entities. These hearings are conducted in accordance with the rules of evidence and natural justice and involve complex issues and decisions demanding independent judgment and professional expertise on the part of Commissioners. For major public hearings the Board approves intervenors' participation and provides cost awards where justified to facilitate consumer and other public involvement. The Board also issues Orders that do not result from public hearings and conducts general supervisory oversight and compliance monitoring of regulated industries/companies, all requiring extensive review and analysis to facilitate appropriate regulatory decision-making by the Board. In the case of petroleum products, the Board monitors relevant commodity market data and sets maximum prices in accordance with its established pricing methodology. An Order of the Board has the force of law and may be appealed only to the Supreme Court of the Province, with leave, on questions of law or jurisdiction.

The Board is appointed by the Lieutenant Governor in Council and comprises four full-time Commissioners including the Chair and Vice-Chair. Commissioners are supported by thirteen (13) staff and the Board maintains offices in two (2) locations i.e. St. John's – Main Office and Grand Falls-Windsor – Petroleum Pricing Office.

The Board submits through the Minister of Justice an annual budget for approval by the Lieutenant Governor in Council and also submits a yearly activity plan and follow-up annual report which is tabled by the Minister in the House of Assembly.

The measure of Board decisions are significant and engage several different industries and affect every consumer of electricity, automobile insurance and petroleum products in the Province. In order to sustain public trust and confidence the Board must function at a high standard demonstrating objective and balanced judgment, fairness, consistency and regulatory efficiency. Board approved rates and pricing influence more than $2 billion in revenue of regulated industries/companies and impact virtually every Newfoundlander and Labradorian.

**POSITION PURPOSE:**

As a member of a quasi-judicial regulatory tribunal with independent and binding decision-making responsibilities, and upon the direction of the Chair/CEO, Commissioners participate in regulatory responsibilities and decisions affecting several industries and business activities in the Province.
MAJOR RESPONSIBILITIES:

1. As assigned by the Chair/CEO, participate in the quasi-judicial adjudicative functions in support of its mandate, and assist the Chair/CEO in the direction of the Board's mandate.
   - As a member of a panel participate in the decision-making process through an independent examination of the evidentiary record arising from the hearing by applying professional expertise and knowledge of relevant industries, legislation and regulatory practices.
   - In concert with other panel members prepare written Decisions and Orders with well-supported rationale and documented evidentiary analysis.
   - Participate in meetings of the full Board as well as special meetings with regulated entities, intervenors and other stakeholders.

2. Other matters.
   - Participate in professional development events as required and maintain knowledge of regulated industry matters.
   - As assigned by the Chair/CEO undertake research into specific areas of regulated industry issues and new developments in regulatory policy.

QUALIFICATIONS:

EDUCATION AND EXPERIENCE:

- University degree.
- Professional designation (lawyer, accountant, engineer, actuary) or economist.
- Ten or more years of significant work experience in both the public and private sector at senior levels.
- Awareness of concepts of economic regulation and associated theories, practices and procedures.

KNOWLEDGE, SKILLS AND COMPETENCIES:

- Integrity, openness and a desire to learn.
- Responsible and conscientious.
- Team player, able to participate in collaborative evidence-based decisions.
- Commitment to public service and the achievement of the Board’s mandate.
- Good communicator.
- Able to write well, linking decisions with well-developed rationale.
- Ability to objectively balance alternative views and interests, assimilate complex information, and effectively communicate views, questions and positions in a timely fashion.
- Knowledge of the Newfoundland and Labrador energy sector and other relevant industries along with associated regulatory aspects.
- Knowledge of regulated industries and fields.
- Knowledge of the requirements and attributes of quasi-judicial administrative tribunals.
- Good working knowledge of legal principles, GAAP and regulatory policy/practices.

Commissioners require a wide range of knowledge, skills and abilities that must be kept current through review and study. This is particularly important given the fact that many of the witnesses appearing before the Board are experts in their respective fields. Commissioners must be able to weigh and consider evidence, determine the relevant facts, interpret and apply the law, and arrive at balanced and considered decisions. All decisions must be clearly and concisely written, and competently identify and canvas the relevant issues, evidence and submissions, and provide appropriate analysis to support the conclusions reached.
From: Stanley, Todd
Sent: Friday, September 1, 2017 8:29 AM
To: Blundon, Chad
Subject: FW: Commissioner Position Description - PUB
Attachments: Position Desc Chair-CEO -June 2007.doc; Position Desc Vice-Chair- June 2007.doc

Darlene Whalen
Sent: Monday, August 28, 2017 12:01 PM
To: Stanley, Todd
Subject: RE: Commissioner Position Description - PUB

Hi Todd,

As a follow-up I’ve attached position descriptions from our files for the Chair and CEO and the Vice Chair. These were developed in June 2007 by Bob Noseworthy, the Chair and CEO. These were also forwarded at the time to Executive Council in the package referred to below.

Darlene

From: Stanley, Todd [mailto:toddstanley@gov.nl.ca]
Sent: August-22-17 1:26PM
To: Darlene Whalen [mailto:dwhalen@pub.nl.ca]
Subject: RE: Commissioner Position Description - PUB

Thank you Darlene this will speed things up significantly

Darlene Whalen
Sent: Tuesday, August 22, 2017 12:27 PM
To: Stanley, Todd [mailto:toddstanley@gov.nl.ca]
Subject: Commissioner Position Description - PUB
As a follow up from our call yesterday I have attached a copy of the Commissioner position description that was developed in June 2007. At that time the LGIC was recruiting for new commissioners following changes to the PU Act in 2006 which affected the commissioner complement (3 full-time, 6 part-time was changed to 4 full-time). This position description was provided to Executive Council, at their request, along with a survey of structure and compensation information for other utility Boards in Canada. Based on my review this position description still accurately reflects the legislative requirements of s. 6(3) of the PU Act with respect to competencies and the responsibilities inherent in the position.

Let me know if you wish to discuss further or need any further information.

Regards,

Darlene

P.S. I was remiss yesterday in not congratulating you on your recent appointment as Deputy Minister. Congratulations!

Darlene Whalen, P. Eng.
Vice Chair
NL Public Utilities Board
709-726-0955
The Board of Commissioners of Public Utilities (the "Board") is a regulatory agency operating in the Province of Newfoundland and Labrador under the authority of the Public Utilities Act, RSNL 1990 (the "Act"). The Board is responsible, in whole or in part, for the administration of a number of Provincial Acts.

The Board's regulatory jurisdiction extends to both provincial electric utilities, Newfoundland and Labrador Hydro and Newfoundland Power Inc., rates charged by automobile insurance companies and the conduct of reviews into any aspect of insurance (Automobile, Homeowners, Commercial and Marine) as directed by Government. In addition the Board is responsible for regulating the price of petroleum products and retains certain residual regulatory responsibilities for ambulance services, the trans-island bus service and the conduct of expropriation hearings as requested by the Province or the City of St. John's.

The Board is an independent quasi-judicial tribunal mandated to make decisions pursuant to its governing legislation and enforce appropriate Board Orders, directions and penalties with respect to its regulated activities. The Board operates in a fully transparent regulatory environment and holds comprehensive public hearings into rate and other applications submitted by its regulated entities. These hearings are conducted in accordance with the rules of evidence and natural justice and involve complex issues and decisions demanding independent judgment and professional expertise on the part of Commissioners. For major public hearings the Board approves intervenors' participation and provides cost awards where justified to facilitate consumer and other public involvement. The Board also issues Orders that do not result from public hearings and conducts general supervisory oversight and compliance monitoring of regulated industries/companies, all requiring extensive review and analysis to facilitate appropriate regulatory decision-making by the Board. In the case of petroleum products, the Board monitors relevant commodity market data and sets maximum prices in accordance with its established pricing methodology. An Order of the Board has the force of law and may be appealed only to the Supreme Court of the Province, with leave, on questions of law or jurisdiction.

The Board is appointed by the Lieutenant Governor in Council and comprises four full-time Commissioners including the Chair and Vice-Chair. Commissioners are supported by thirteen (13) staff and the Board maintains offices in two (2) locations i.e. St. John's – Main Office and Grand Falls-Windsor – Petroleum Pricing Office.

The measure of Board decisions are significant and engage several different industries and affect every consumer of electricity, automobile insurance and petroleum products in the Province. In order to sustain public trust and confidence the Board must function at a high standard demonstrating objective and balanced judgment, fairness, consistency and regulatory efficiency. Board approved rates and pricing influence more than $2 billion in revenue of regulated industries/companies and impact virtually every Newfoundlander and Labradorian.

**POSITION PURPOSE:**

The Chair/CEO provides leadership and is accountable for a quasi-judicial Board which is mandated to operate independently and make binding regulatory decisions impacting several industries, business activities and consumers throughout the Province.

It is the duty of the Chair/CEO to ensure that the processes of the Board are transparent and accessible and that matters brought before the Board are dealt with fairly, competently and efficiently.

The Chair/CEO has full authority for the overall financial and administrative management of the Board.
## MAJOR RESPONSIBILITIES:

1. **Direct the Board's performance of its quasi-judicial adjudicative functions in support of its mandate.**
   - Manage and plan the manner in which matters and applications referred to the Board are dealt with and appoint Commissioners to panels to decide upon such matters and applications, whether through public hearings or otherwise.
   - Preside over major hearings having responsibility for the conduct of the hearing and facilitating the work of the panel up to and including the issuance of a Board Order.
   - As a member of a panel participate in the decision-making process through an independent examination of the evidentiary record arising from the hearing by applying professional expertise and knowledge of relevant industries, legislation and regulatory practices.
   - Chair meetings of the full Board as well as special meetings with regulated entities, intervenors and other stakeholders.
   - Ensure Board processes are fair, accessible and timely and Board Orders are well written, soundly reasoned and to the extent possible will stand the test of an appeal.

2. **Manage and administer the overall operation of the Board.**
   - Prepare and submit an annual budget on behalf of the organization to the Minister of Justice for approval by the Lieutenant Governor in Council and manage the budget.
   - Recruit, select and appoint staff and consultants as required, within the approved budget.
   - Prepare operational and strategic plans including submission to the Minister of Justice of a yearly activity plan and annual report for tabling in the House of Assembly.
   - Ensure Commissioners and staff are adequately trained, tailoring professional development initiatives to meet individual needs as well as organizational requirements.
   - Accountable for all issues relating to financial control, administration, human resource programming and corporate performance.
   - Responsible for the day-to-day management of the Board along with oversight of the Management Committee which is responsible for making recommendations to the Chair/CEO on administrative and financial policies.

3. **Other matters.**
   - Provide advice to Ministers, Deputy Ministers and other interested parties on public policy in areas of the Board’s mandated regulation.
   - Foster awareness throughout the broad public domain on the role and duties/responsibilities of the Board.
   - Represents the Board on various national and international regulatory bodies.
   - Oversee the Board’s external communications (press releases, website, briefing to Government, and reactions to press reports on Board matters).

## QUALIFICATIONS:

### EDUCATION AND EXPERIENCE:
- University degree.
- Professional designation (lawyer, accountant, engineer, actuary) or economist.
- Twenty or more years of significant work experience in both the public and private sector at senior levels.
- Understanding of concepts of economic regulation and associated theories, practices and procedures.
KNOWLEDGE, SKILLS AND COMPETENCIES:

- Integrity, openness and a desire to learn.
- Responsible and conscientious.
- Leader, in a professional environment.
- Team player, able to participate in collaborative evidence-based decisions.
- Commitment to public service and the achievement of the Board’s mandate.
- Accepted by government, opposition parties, media, consumer groups and industry and independent decision-making without any bias for or against regulated industries, consumer groups or political interests.
- Good communicator, able to chair meetings of diverse constituencies.
- Able to write well, linking decisions with well-developed rationale.
- Ability to objectively balance alternative views and interests, assimilate complex information, and effectively communicate views, questions and positions in a timely fashion.
- Detailed knowledge of the Newfoundland and Labrador energy sector and other relevant industries along with associated regulatory aspects.
- Detailed knowledge of regulated industries and fields.
- Detailed knowledge of the requirements and attributes of quasi-judicial administrative tribunals.
- Good working knowledge of legal principles and GAAP.

The Chair/CEO requires a wide range of knowledge, skills and abilities that must be kept current through professional development and research. This is particularly important given the fact that many of the witnesses appearing before the Board are experts in their respective fields. The Chair/CEO must ensure Board processes are in compliance with the rules of natural justice, the principles of administrative law and the applicable case law. The Chair/CEO is expected to make procedural rulings during hearing proceedings.

The Chair/CEO and the Commissioners reporting to him/her, must be able to weigh and consider evidence, determine the relevant facts, interpret and apply the law, and arrive at balanced and considered decisions. All decisions must be clearly and concisely written, and competently identify and canvas the relevant issues, evidence and submissions, and provide appropriate analysis to support the conclusions reached.

The Chair/CEO must strive to ensure the Board operates within a fully transparent and efficient regulatory environment maintaining a high standard of performance and accountability in order to sustain public trust and confidence in the organization and its regulatory processes.
The Board of Commissioners of Public Utilities (the "Board") is a regulatory agency operating in the Province of Newfoundland and Labrador under the authority of the Public Utilities Act, RSNL 1990 (the "Act"). The Board is responsible, in whole or in part, for the administration of a number of Provincial Acts.

The Board’s regulatory jurisdiction extends to both provincial electric utilities, Newfoundland and Labrador Hydro and Newfoundland Power Inc., rates charged by automobile insurance companies and the conduct of reviews into any aspect of insurance (Automobile, Homeowners, Commercial and Marine) as directed by Government. In addition the Board is responsible for regulating the price of petroleum products and retains certain residual regulatory responsibilities for ambulance services, the trans-island bus service and the conduct of expropriation hearings as requested by the Province or the City of St. John's.

The Board is an independent quasi-judicial tribunal mandated to make decisions pursuant to its governing legislation and enforce appropriate Board Orders, directions and penalties with respect to its regulated activities. The Board operates in a fully transparent regulatory environment and holds comprehensive public hearings into rate and other applications submitted by its regulated entities. These hearings are conducted in accordance with the rules of evidence and natural justice and involve complex issues and decisions demanding independent judgment and professional expertise on the part of Commissioners. For major public hearings the Board approves intervenors’ participation and provides cost awards where justified to facilitate consumer and other public involvement. The Board also issues Orders that do not result from public hearings and conducts general supervisory oversight and compliance monitoring of regulated industries/companies, all requiring extensive review and analysis to facilitate appropriate regulatory decision-making by the Board. In the case of petroleum products, the Board monitors relevant commodity market data and sets maximum prices in accordance with its established pricing methodology. An Order of the Board has the force of law and may be appealed only to the Supreme Court of the Province, with leave, on questions of law or jurisdiction.

The Board is appointed by the Lieutenant Governor in Council and comprises four full-time Commissioners including the Chair and Vice-Chair. Commissioners are supported by thirteen (13) staff and the Board maintains offices in two (2) locations i.e. St. John's – Main Office and Grand Falls-Windsor – Petroleum Pricing Office.

The Board submits through the Minister of Justice an annual budget for approval by the Lieutenant Governor in Council and also submits a yearly activity plan and follow-up annual report which is tabled by the Minister in the House of Assembly.

The measure of Board decisions are significant and engage several different industries and affect every consumer of electricity, automobile insurance and petroleum products in the Province. In order to sustain public trust and confidence the Board must function at a high standard demonstrating objective and balanced judgment, fairness, consistency and regulatory efficiency. Board approved rates and pricing influence more than $2 billion in revenue of regulated industries/companies and impact virtually every Newfoundlander and Labradorian.

**Position Description**

<table>
<thead>
<tr>
<th>POSITION TITLE:</th>
<th>Vice-Chairperson</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORTS TO:</td>
<td>Chair/CEO</td>
</tr>
<tr>
<td>STATUS:</td>
<td>Full-time</td>
</tr>
<tr>
<td>APPOINTMENT:</td>
<td>By Order-in-Council including salary and benefits</td>
</tr>
<tr>
<td>STATUTE:</td>
<td>The Public Utilities Act</td>
</tr>
<tr>
<td>DEPARTMENT:</td>
<td>Chair/CEO reports to Minister of Justice on specific administrative matters only</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>St. John's</td>
</tr>
</tbody>
</table>

**Position Purpose:**

Vice-Chair of a quasi-judicial regulatory tribunal with independent and binding decision-making responsibilities. The Chair/CEO, the Vice-Chair participates in regulatory decisions affecting several industries and business activities in the Province and serves in other delegated capacities on behalf of the Board. The Vice-Chair shares responsibilities in directing the operations of the Board in fulfilling its mandate and, in the absence of the Chair/CEO, is mandated to exercise the powers of the Chair/CEO.
**Newfoundland and Labrador Board of Commissioners of Public Utilities**

**Position Description**

**MAJOR RESPONSIBILITIES:**

1. As assigned by the Chair/CEO, participate in the quasi-judicial adjudicative functions in support of its mandate, and assist the Chair/CEO in the direction of the Board’s mandate.
   - In the absence of the Chair/CEO or where the Chair/CEO is unable to act, the Vice-Chair is mandated through legislation to exercise the powers of the Chair/CEO.
   - As a member of a panel participate in the decision-making process through an independent examination of the evidentiary record arising from the hearing by applying professional expertise and knowledge of relevant industries, legislation and regulatory practices.
   - Where directed by the Chair/CEO preside over hearings, having responsibility for the conduct of the hearing and facilitating the work of the panel, including Decision and Order writing.
   - Draft written Decisions and Orders with well-supported rationale and documented evidentiary analysis.
   - Participate in meetings of the full Board as well as special meetings with regulated entities, intervenors and other stakeholders.

2. Support the Chair/CEO in the management and administration of the overall operation of the Board.
   - Chair the Management Committee of the Board, which oversees day-to-day administrative matters of the Board, including budget management, expenditure approvals, policies and procedures; and human resource issues and makes recommendations to the Chair/CEO where required on administrative and financial matters.
   - Interact with Board staff with respect to administrative matters.

3. Other matters.
   - Participate in professional development events as required and maintain knowledge of regulated industry matters.
   - Undertake and/or direct research into specific areas of regulated industry issues and new developments in regulatory policy.
   - Where requested by the Chair/CEO represents the Board at meetings of various national and international regulatory bodies.

**QUALIFICATIONS:**

**EDUCATION AND EXPERIENCE:**

- University degree.
- Professional designation (lawyer, accountant, engineer, actuary) or economist.
- Ten or more years of significant work experience in both the public and private sector at senior levels.
- Understanding of concepts of economic regulation and associated theories, practices and procedures.

**KNOWLEDGE, SKILLS AND COMPETENCIES:**

- Integrity, openness and a desire to learn.
- Responsible and conscientious.
- Leader, in a professional environment.
- Team player, able to participate in collaborative evidence-based decisions.
- Commitment to public service and the achievement of the Board’s mandate.
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- Detailed knowledge of the Newfoundland and Labrador energy sector and other relevant industries along with associated regulatory aspects.
- Detailed knowledge of regulated industries and fields.
- Detailed knowledge of the requirements and attributes of quasi-judicial administrative tribunals.
- Good working knowledge of legal principles, GAAP and regulatory policy/practices.
The Vice-Chair requires a wide range of knowledge, skills and abilities that must be kept current through review and study. This is particularly important given the fact that many of the witnesses appearing before the Board are experts in their respective fields. As a panel member the Vice-Chair must be able to weigh and consider evidence, determine the relevant facts, interpret and apply the law, and arrive at balanced and considered decisions. All decisions must be clearly and concisely written, and competently identify and canvas the relevant issues, evidence and submissions, and provide appropriate analysis to support the conclusions reached.
Thanks for this. I expect the Independent Appointments Commission's process for advertising for interest in filling the Commissioner position to start shortly.

Todd Stanley, QC
Deputy Minister and Deputy Attorney General (A)
Department of Justice and Public Safety
Government of Newfoundland and Labrador
T.709.729.2872 F.709.729.2129

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Hi Todd,

As a follow-up I've attached position descriptions from our files for the Chair and CEO and the Vice Chair. These were developed in June 2007 by Bob Noseworthy, the Chair and CEO. These were also forwarded at the time to Executive Council in the package referred to below.

Darlene

Thank you Darlene this will speed things up significantly

Darlene

From: Darlene Whalen [mailto:dwhalen@pub.nl.ca]
Sent: Monday, August 28, 2017 12:01 PM
To: Stanley, Todd
Subject: RE: Commissioner Position Description - PUB

From: Stanley, Todd [mailto:toddstanley@gov.nl.ca]
Sent: August-22-17 1:26 PM
To: Darlene Whalen <dwhalen@pub.nl.ca>
Subject: RE: Commissioner Position Description - PUB
As a follow up from our call yesterday I have attached a copy of the Commissioner position description that was developed in June 2007. At that time the LGIC was recruiting for new commissioners following changes to the PU Act in 2006 which affected the commissioner complement (3 full-time, 6 part-time was changed to 4 full-time). This position description was provided to Executive Council, at their request, along with a survey of structure and compensation information for other utility Boards in Canada. Based on my review this position description still accurately reflects the legislative requirements of s. 63 of the PU Act with respect to competencies and the responsibilities inherent in the position.

Let me know if you wish to discuss further or need any further information.

Regards,

Darlene

P.S. I was remiss yesterday in not congratulating you on your recent appointment as Deputy Minister. Congratulations!

Darlene Whalen, P. Eng.
Vice Chair
NL Public Utilities Board
709-726-0955

“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”
We have a draft PD done for the Commissioner which I will send to you for consideration. We will do one for the Chair and Vice-Chair based the one that is attached and on input from the below.

Chad Blundon
Department of Justice and Public Safety
(709) 729-7062

Todd Stanley, QC
Deputy Minister and Deputy Attorney General (A)
Department of Justice and Public Safety
Government of Newfoundland and Labrador
1.709.729.2872 f.709.729.2129

Hi Todd,

As a follow-up I’ve attached position descriptions from our files for the Chair and CEO and the Vice Chair. These were developed in June 2007 by Bob Noseworthy, the Chair and CEO. These were also forwarded at the time to Executive Council in the package referred to below.

Darlene

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Let me know if you wish to discuss further or need any further information.

Regards,

Darlene

P.S. I was remiss yesterday in not congratulating you on your recent appointment as Deputy Minister. Congratulations!

Darlene Whalen, P. Eng.
Vice Chair
NL Public Utilities Board
709-726-0955
The Board of Commissioners of Public Utilities (the "Board") is a regulatory body operating in Newfoundland and Labrador under the authority of the Public Utilities Act (the "Act"). The Board is appointed by the Lieutenant-Governor in Council and comprises four full-time Commissioners including the Chair and Vice-Chair. Commissioners are supported by eleven staff located in St. John's. The Board is responsible, in whole or in part, for regulatory matters pursuant to the following legislation: Public Utilities Act; Electrical Power Control Act; Automobile Insurance Act; Insurance Companies Act; Petroleum Products Act; Motor Carrier Act; Expropriation Act; and Public Utilities Acquisition of Lands Act.

The Board’s regulatory jurisdiction extends to both provincial electric utilities, NL Hydro and Newfoundland Power Inc., rates charged by automobile insurance companies and the conduct of reviews into any aspect of insurance (automobile, homeowners, commercial and marine) as directed by the Provincial Government. In addition, the Board is responsible for regulating the price of petroleum products and retains certain residual regulatory responsibilities for ambulance services, trans-island bus service and matters related to expropriation proceedings commenced by the Province or the City of St. John’s.

The Board is an independent, quasi-judicial tribunal mandated to make decisions pursuant to its governing legislation and enforce board Orders, directions and penalties with respect to the activities it regulates. The Board operates in a fully transparent regulatory environment and holds comprehensive public hearings into rate and other applications submitted by its regulated entities. These hearings are conducted in accordance with the rules of evidence and natural justice and involve complex issues and decisions demanding independent judgment and professional expertise on the part of Commissioners. Commissioners hear and consider evidence related to legal, financial, technical, actuarial and economic matters and concepts and must make and communicate well-reasoned decisions based upon such evidence.

For major public hearings the Board approves participation by intervenors and provides cost awards where justified to facilitate consumer and other public involvement. The Board also issues Orders that do not result from public hearings and conducts general supervisory oversight and compliance monitoring of regulated industries/companies, all requiring extensive review and analysis to facilitate appropriate regulatory decision-making by the Board. In the case of petroleum products, the board monitors relevant commodity market data and sets maximum prices in accordance with its established pricing methodology.

The measure of Board decisions are significant and engage several different industries and affect every consumer of electricity, automobile insurance and petroleum products in the Province. In order to sustain public trust and confidence the Board must function at a high standard, demonstrating objective and balanced judgment, fairness, consistency and regulatory efficiency. Board approved rates and pricing influence more than $2 billion in revenue of regulated industries/companies and impact virtually every citizen in the Province. An Order of the Board has the force of law and may be appealed only to the Supreme Court of Newfoundland and Labrador (Court of Appeal), with leave, on questions of law or judicial review.

The Board is accountable administratively through the Minister of Justice and Public Safety who presents the Board’s annual budget for approval by the Lieutenant Governor in Council and tables its annual report in the legislature. The Board is also subject to the requirements of the Transparency and Accountability Act, which requires the Board to prepare and submit activity plans and annual performance reports.

**Position Purpose:**

As a member of a quasi-judicial regulatory tribunal with independent and binding decision-making responsibilities, and upon the direction of the Chair/CEO, Commissioners participate in regulatory activities and issue written decisions affecting several industries and many businesses in the Province.

**Major Responsibilities:**

1. As assigned by the Chair/CEO, participate in the quasi-judicial adjudicative functions in support of its mandate, and assist the Chair/CEO in the direction of the Board’s mandate.
   - As a member of a panel participate in the decision-making process through an independent examination of the evidentiary record arising from the hearing by applying professional expertise and knowledge of relevant industries, legislation and regulatory practices.
   - In concert with other panel members prepare written Decisions and Orders with well-supported rationale and documented evidentiary analysis.
**Newfoundland and Labrador Board of Commissioners of Public Utilities**

**Position Description**

- Participate in meetings of the full Board as well as special meetings with regulated entities, intervenors and other stakeholders.

2. Other matters.
- Participate in professional development events as required and maintain knowledge of regulated industry matters.
- As assigned by the Chair/CEO undertake research into specific areas of regulated industry issues and new developments in regulatory policy.

**QUALIFICATIONS**

**EDUCATION AND EXPERIENCE:**
The knowledge, skills and competencies required for commissioners would normally be acquired through:
- Obtaining a University degree in law, accounting, engineering, actuarial science or economics.
- Professional designations would be an asset for professions that offer it.
- Ten or more years of significant work experience in the public or private sector at senior levels, preferably in both sectors.
- A combination of education and experience will be considered.

**KNOWLEDGE, SKILLS AND COMPETENCIES:**
 Commissioners require a wide range of knowledge, skills and abilities that must be kept current through review and study. This is particularly important given the fact that many of the witnesses appearing before the Board are experts in their respective fields. Commissioners must be able to weigh and consider evidence, determine the relevant facts, interpret and apply the law, and arrive at balanced and considered decisions, in a timely manner.

All decisions must be clearly and concisely written, and competently identify and canvass the relevant issues, evidence and submissions, and provide appropriate analysis to support the conclusions reached. Successful candidates should be responsible and conscientious, and must demonstrate:
- Integrity and accountability;
- A desire to learn and the ability to understand and work with complex technical, financial, legal, and actuarial evidence and concepts;
- Strong oral and written communication skills, including communicating views, questions and positions;
- Ability to work as part of a team in collaborative evidence-based decision making processes;
- Ability to objectively balance alternative views and interests, as well as assimilate complex information;
- Awareness of concepts of economic regulation and associated theories, practices and procedures; and
- Knowledge of the NL energy sector and other relevant industries along with associated regulatory aspects; requirements and attributes of quasi-judicial administrative tribunals; and, legal principles, Generally Accepted Accounting Principles (GAAP), and regulatory policy/practices.

**INVOICE SIGNATURE:**

**INVOICE NAME (PRINT):**

**DATE:**

**CHAIR/CEO SIGNATURE:**

**DATE:**

**CHAIR/CEO’S NAME (PRINT):**
Correct. I'll coordinate with Rhonda to get this sent.

Chad Blundon
Department of Justice and Public Safety
(709) 729-7062

Pursuant to the Independent Appointments Act, I am requesting that steps be taken to administer a merit-based process to recommend persons qualified to fill the position of Commissioner on the Board of Commissioners of Public Utilities. A Commissioner position is currently vacant.

If so I am good.

Todd Stanley, QC
Deputy Minister and Deputy Attorney General (A)
Department of Justice and Public Safety
Government of Newfoundland and Labrador
T.709.729.2872 f.709.729.2129
This e-mail (including any attachments) is confidential and is intended only for the use of the addressee(s). The contents of this e-mail may contain personal information and/or be covered by various forms of privilege, including solicitor/client privilege. Any unauthorized copying, distribution, publication or disclosure is prohibited. Receipt of this e-mail by anyone other than the intended recipient does not constitute waiver of privilege. If you have received this e-mail in error, please notify the sender or the Department of Justice and Public Safety, Government of Newfoundland and Labrador and delete all versions of same. Thank you.

We're modifying per the below. Revised letter to come.

Chad Blundon
Department of Justice and Public Safety
(709) 729-7062

We're modifying per the below. Revised letter to come.
This isn’t right – I think if you check the legislation the IAC only fills a Commissioner position – the Chair is a Cabinet decision from amongst the appointed Commissioners.

Todd Stanley, QC
Deputy Minister and Deputy Attorney General (A)
Department of Justice and Public Safety
Government of Newfoundland and Labrador
T 709.729.2872 F 709.729.2129

From: Blundon, Chad
Sent: Thursday, August 24, 2017 5:04 PM
To: Stanley, Todd
Subject: FW: IAC - Correspondence - PUB
Importance: High

Hi Todd,

Below is a draft of an email that Minister can send to the IAC to start the process of getting a recommendation regarding the PUB Chair. We are working on the PD part. Do you need me to do anything else to get this sent?

Chad Blundon
Department of Justice and Public Safety
(709) 729-7062

From: Walsh Dodge, Chantal
Sent: Thursday, August 24, 2017 2:09 PM
To: Blundon, Chad <ChadBlundon@gov.nl.ca>
Subject: IAC - Correspondence - PUB
Importance: High

Here is the draft correspondence, as requested. Emails to Clyde Wells go to his secretary’s email address. Bruce Hollett should be copied.

To: atremblett@iacnl.ca
Copy: brucehollett@gov.nl.ca

Mr. Wells,

Pursuant to the Independent Appointments Act, I am requesting that steps be taken to administer a merit-based process to recommend persons qualified to fill the position of Chair and CEO of the Board of Commissioners of Public Utilities. This position is currently vacant.

Thank you for your assistance in this matter.

Sincerely,

Andrew K. Parsons, QC
Minister of Justice and Public Safety
**From:** Blundon, Chad  
**Sent:** Friday, September 1, 2017 1:44 PM  
**To:** Stewart, Rhonda  
**Cc:** Stanley, Todd  
**Subject:** Letter to |AC re: Vacant PUB Commissioner  
**Attachments:** Letter to C Wells re PUB Commissioner vacancy - Sept 2017.docx

Hi Rhonda,

Per our chat, would you be able to print this letter and get to Minister for signature?

Thanks,

Chad Blundon  
Department of Justice and Public Safety  
(709) 729-7062
September 1, 2017

via email: atremblett@iacnl.ca

Hon. Clyde K. Wells, QC
Chairperson, Independent Appointments Commission

Dear Mr. Wells:

Pursuant to the Independent Appointments Commission Act, I am requesting that steps be taken to administer a merit-based process to recommend persons qualified to fill the position of Commissioner on the Board of Commissioners of Public Utilities. A Commissioner position is currently vacant.

Sincerely,

ANDREW PARSONS, QC
Minister of Justice and Public Safety
Attorney General

cc: Bruce Hollett, Public Service Commission (brucehollett@gov.nl.ca)
Chad Blundon, Department of Justice and Public Safety (chadblundon@gov.nl.ca)
Hi Todd,

I’ve revised the above based on your comments this afternoon. We are working on the Chair and Vice-Chair PDs based on what you provided this morning.

Chad Blundon  
Department of Justice and Public Safety  
(709) 729-7062
The Board of Commissioners of Public Utilities (the “Board”) is a regulatory body operating in Newfoundland and Labrador under the authority of the Public Utilities Act (the “Act”). The Board is appointed by the Lieutenant-Governor in Council and comprises four full-time Commissioners including the Chair and Vice-Chair. Commissioners are supported by eleven staff located in St. John’s. The Board is responsible, in whole or in part, for regulatory matters pursuant to the following legislation: Public Utilities Act; Electrical Power Control Act; Automobile Insurance Act; Insurance Companies Act; Petroleum Products Act; Motor Carrier Act; Expropriation Act; and, Public Utilities Acquisition of Lands Act.

The Board’s regulatory jurisdiction extends to both provincial electric utilities, NL Hydro and Newfoundland Power Inc., rates charged by automobile insurance companies and the conduct of reviews into any aspect of insurance (automobile, homeowner, commercial and marine) as directed by the Provincial Government. In addition, the Board is responsible for regulating the price of petroleum products and retains certain residual regulatory responsibilities for ambulance services, trans-island bus service and matters related to expropriation proceedings commenced by the Province or the City of St. John’s.

The Board is an independent, quasi-judicial tribunal mandated to make decisions pursuant to its governing legislation and enforce Board orders, directions and penalties with respect to the activities it regulates. The Board operates in a fully transparent regulatory environment and holds comprehensive public hearings into rate and other applications submitted by its regulated entities. These hearings are conducted in accordance with the rules of evidence and natural justice and involve complex issues and decisions demanding independent judgment and professional expertise on the part of Commissioners. Commissioners hear and consider evidence related to legal, financial, technical, actuarial and economic matters and concepts and must make and communicate well-reasoned decisions based upon such evidence.

For major public hearings the Board approves participation by intervenors and provides cost awards where justified to facilitate consumer and other public involvement. The Board also issues orders that do not result from public hearings and conducts general supervisory oversight and compliance monitoring of regulated industries/companies, all requiring extensive review and analysis to facilitate appropriate regulatory decision-making by the Board. In the case of petroleum products, the Board monitors relevant commodity market data and sets maximum prices in accordance with its established pricing methodology.

The measure of Board decisions are significant and engage several different industries and affect every consumer of electricity, automobile insurance and petroleum products in the Province. In order to sustain public trust and confidence the Board must function at a high standard, demonstrating objective and balanced judgment, fairness, consistency and regulatory efficiency. Board approved rates and pricing influence more than $2 billion in revenue of regulated industries/companies and impact virtually every citizen in the Province. An Order of the Board has the force of law and may be appealed only to the Supreme Court of Newfoundland and Labrador (Court of Appeal), with leave, on questions of law or jurisdiction.

The Board is accountable administratively through the Minister of Justice and Public Safety who presents the Board’s annual budget for approval by the Lieutenant Governor in Council and tables its annual report in the legislature. The Board is also subject to the requirements of the Transparency and Accountability Act, which requires the Board to prepare and submit activity plans and annual performance reports.

**Position Purpose:**

As a member of a quasi-judicial regulatory tribunal with independent and binding decision-making responsibilities, and upon the direction of the Chair/CEO, Commissioners participate in regulatory activities and issue written decisions affecting several industries and many businesses in the Province.

**Major Responsibilities:**

1. As assigned by the Chair/CEO, participate in the quasi-judicial adjudicative functions in support of its mandate, and assist the Chair/CEO in the direction of the Board’s mandate.
   - As a member of a panel participate in the decision-making process through an independent examination of the evidentiary record arising from the hearing by applying professional expertise and knowledge of relevant industries, legislation and regulatory practices.
   - In concert with other panel members prepare written decisions and orders with well-supported rationale and documented evidentiary analysis.
Newfoundland and Labrador Board of Commissioners of Public Utilities

Position Description

2. Other matters.
   • Participate in meetings of the full Board as well as special meetings with regulated
     entities, intervenors and other stakeholders.
   • Participate in professional development events as required and maintain knowledge of
     regulated industry matters.
   • As assigned by the Chair/CEO undertake research into specific areas of regulated
     industry issues and new developments in regulatory policy.

QUALIFICATIONS:

EDUCATION AND EXPERIENCE:
The knowledge, skills and competencies required for Commissioners would normally be acquired through:
• Obtaining a University degree in law, accounting, engineering, actuarial science or economics.
  Professional designations would be an asset for professions that offer it;
• Ten or more years of significant work experience at the senior levels, preferably with experience that
  includes both the private and public sectors; and
• Experience appearing before or sitting as a member of one or more quasi-judicial panels.

A combination of education and experience will be considered.

KNOWLEDGE, SKILLS AND COMPETENCIES:
Commissioners require a wide range of knowledge, skills and abilities that must be kept current through review
and study. This is particularly important given the fact that many of the witnesses appearing before the Board are
experts in their respective fields. Commissioners must be able to weigh and consider evidence, determine the
relevant facts, interpret and apply the law, and arrive at balanced and considered decisions, in a timely manner.

All decisions must be clearly and concisely written, and competently identify and canvass the relevant issues,
evidence and submissions, and provide appropriate analysis to support the conclusions reached. Successful
candidates should be responsible and conscientious, and must demonstrate:
• Integrity and accountability;
• A desire to learn and the ability to understand and work with complex technical, financial, legal, and
  actuarial evidence and concepts;
• Strong oral and written communication skills, including communicating views, questions and positions;
• Ability to work as part of a team in collaborative evidence-based decision making processes;
• Ability to objectively balance alternative views and interests, as well as assimilate complex information;
• Awareness of concepts of economic regulation and associated theories, practices and procedures;
• Knowledge of the NL energy sector and other relevant industries along with associated regulatory aspects
  and knowledge of Generally Accepted Accounting Principles (GAAP); and
• Knowledge of requirements and attributes of quasi-judicial administrative tribunals, legal principles, and
  regulatory policy and practices.
From: Stewart, Rhonda  
Sent: Tuesday, September 5, 2017 4:47 PM  
To: ‘atremblett@iacnl.ca’  
Cc: Hollett, Bruce; Blundon, Chad  
Subject: Letter from Hon. Andrew Parsons  
Attachments: Letter to Hon. Clyde K. Wells, QC, Chairperson, Independent Appointments Commission.PDF

Attention: Anne Tremblett, Administrator, Independent Appointments Commission:

Attached please find correspondence from Hon. Andrew Parsons, QC, to Hon. Clyde K. Wells, QC, dated September 1, 2017. Would you kindly see that it is forwarded to the Chairperson.

I will place the original in today’s mail.

Regards,

Rhonda

Rhonda Stewart | Administrative Assistant
to the Honourable Andrew Parsons, QC  
Minister of Justice and Public Safety  
Attorney General  
Department of Justice and Public Safety  
4th Floor, East Block, Confederation Building  
P. O. Box 8700  
St. John’s, NL A1B 4J6
729-2869 Phone  
729-0469 Fax  
rhondas@gov.nl.ca
September 1, 2017

via email: atremblett@iacnl.ca

Hon. Clyde K. Wells, QC
Chairperson
Independent Appointments Commission

Dear Mr. Wells:

Pursuant to the Independent Appointments Commission Act, I am requesting that steps be taken to administer a merit-based process to recommend persons qualified to fill the position of Commissioner on the Board of Commissioners of Public Utilities. A Commissioner position is currently vacant.

Sincerely,

ANDREW PARSONS, QC
Minister of Justice and Public Safety
Attorney General

cc: Bruce Hollett, Public Service Commission (brucehollett@gov.nl.ca)
Chad Blundon, Department of Justice and Public Safety (chadblundon@gov.nl.ca)
Thank you Rhonda.

I have forwarded to Mr. Wells as per your request.

Anne

---

From: Stewart, Rhonda
Sent: Tuesday, September 05, 2017 4:47 PM
To: Tremblett, Anne
Cc: Hollett, Bruce; Blundon, Chad
Subject: Letter from Hon. Andrew Parsons

Attention: Anne Tremblett, Administrator, Independent Appointments Commission:

Attached please find correspondence from Hon. Andrew Parsons, QC, to Hon. Clyde K. Wells, QC, dated September 1, 2017. Would you kindly see that it is forwarded to the Chairperson.

I will place the original in today's mail.

Regards,

Rhonda

Rhonda Stewart | Administrative Assistant
to the Honourable Andrew Parsons, QC
Minister of Justice and Public Safety
Attorney General
Department of Justice and Public Safety
4th Floor, East Block, Confederation Building
P. O. Box 8700
St. John's, NL A1B 4J6

729-2869 Phone
729-0469 Fax
rhondas@gov.nl.ca
Honourable Andrew Parsons, QC  
Minister of Justice and Public Safety  
and Attorney General  
P. O. Box 8700  
Confederation Building,  
St. John’s, NL  
A1B 4J6

Dear Minister Parsons:

I acknowledge receipt of your letter dated September 1, 2017, requesting the Independent Appointments Commission to recommend persons qualified to be a commissioner on the Board of Commissioners of Public Utilities.

We will immediately commence a process to identify potential candidates to fill this position.

Sincerely yours,

[Signature]

CLYDE K. WELLS, Q.C.  
Chairperson

C.C.  
Mr. Bruce Hollett, Public Service Commission  
Mr. Chad Blundon, Department of Justice and Public Safety
From: Blundon, Chad  
Sent: Monday, September 11, 2017 10:35 AM  
To: Stanley, Todd  
Subject: Re: PUB IAC Request

It is.

Chad Blundon  
Director of Policy and Planning (A)  
Department of Justice and Public Safety  
(709) 729-7062

Sent via BlackBerry

From: Stanley, Todd  
Sent: Monday, September 11, 2017 10:07 AM  
To: Blundon, Chad  
Subject: PUB IAC Request

I know I have probably asked before but is this gone?

Todd Stanley, QC  
Deputy Minister and Deputy Attorney General (A)  
Department of Justice and Public Safety  
Government of Newfoundland and Labrador  
L709.729.2872 F.709.729.2129  
This e-mail (including any attachments) is confidential and is intended only for the use of the addressee(s). The contents of this e-mail may contain personal information and/or be covered by various forms of privilege, including solicitor/client privilege. Any unauthorized copying, distribution, publication or disclosure is prohibited. Receipt of this e-mail by anyone other than the intended recipient does not constitute waiver of privilege. If you have received this e-mail in error, please notify the sender or the Department of Justice and Public Safety, Government of Newfoundland and Labrador and delete all versions of same. Thank you.
Dear Mr. Stanley:

I am writing in relation to the ongoing commissioner vacancy at the Board as a result of the resignation of Andy Wells as Chair and CEO in early August, and the impending expiry of Commissioner Newman’s term on April 14, 2018. My concerns relate to the timing and process for these appointments in the context what is expected to involve an unprecedented workload for the Board over the next 12 to 18 months. Work planning and the assignment of applications and other matters has become challenging, especially given that there are several major matters before the Board which are not expected to conclude before the summer of 2018. These include:

- A government-directed comprehensive automobile insurance review
- Phase II of the Investigation and Hearing into Supply Issues and Power Outages on the Island Interconnected System
- Hydro’s general rate application for rates in 2018 and 2019

The public hearing of Hydro’s general rate application is scheduled to begin on January 30, 2018. In addition Newfoundland Power will be filing its next general rate application in mid-2018 and a joint utility cost of service/rate design review is scheduled for late 2018. This latter review must be completed before Hydro files its next general rate application in 2019 for rates in 2020.

In the circumstances Commissioner Newman cannot sit on a panel for those matters which are expected to extend beyond her term. This, combined with the vacant commissioner position, means that panels for major matters before the Board currently comprise the two remaining commissioners – the minimum requirement under legislation. This is not ideal from a workload perspective or for efficient and effective regulation and does not provide any ability to deal with unanticipated events such as illness. In addition the nature of the pending matters before the Board is complex, involving thousands of pages of evidence and reports, which makes timely review and decision writing challenging with only two commissioners.

Darlene Whalen, P.Eng., Vice-Chair
Tel: 709-726-0955 / Website: www.pub.nl.ca / E-mail: dwhalen@pub.nl.ca
In addition the recruitment for a new commissioner(s) should begin as soon as possible, preferably with input from the Board on the desired competencies. The Public Utilities Act recognizes the expert nature of the Board’s work and speaks specifically to the need of the Board to be composed of commissioners who have expertise in law, engineering, accountancy or finance. The current composition and skills gap should be a key consideration when a new appointment is being made to the Board. Based on the nature of the Board’s work I recommend that at least one of the pending appointments have experience and expertise in accounting and finance, preferably with a CPA professional qualification. Even with the expected expertise set out in legislation new commissioners usually require additional education and training in areas such as regulatory economics, accounting, costs of service and rate-design, as well as specific training in the industries regulated by the Board. As a rule I find that becoming familiar with these areas usually takes 6 to 12 months which means that any new commissioner may require some months to be able to effectively participate in decision making and writing.

I am available at your convenience if you require additional information or wish to discuss further.

Sincerely,

Darlene Whalen, P.Eng.
Vice-Chair
Todd,

IAC indicates they are trying to determine the best way to proceed. They have had dozens of people who, in submitting resumes, have indicated general interest in the PUB (when uploading a resume you get to indicate any areas where you may have interest, regardless of whether positions exist at that time). In this case, the IAC doesn’t seem to think that simply posting the position on their website is the best way to get a pool of suitable candidates. They are considering an executive-style recruitment process that would include public advertisements – this is similar to the approach used when they were recruiting for a police chief earlier this year.

Prior to the police chief process starting, we had a meeting with Bruce Hollett and Ann Tremblett from the IAC, along with some JPS folks (I think it was me, Steve Ring, and possibly Heather). I suggest you ask Kim to reach out to Bruce Hollett’s office and request a meeting on this. That would probably be the best way to keep it moving.

Chad Blundon
Director of Policy and Strategic Planning (A)
Department of Justice and Public Safety
(709) 729-7062

Jay has passed along my questions to Mike Smyth as he will be the contact for the PUB process. I will let you know as soon as I hear from him.

Chantal

We were reaching out to Jay at the Public Service Commission on that.

Chantal did Jay give us any idea when it would be posted?

Chad Blundon
Director of Policy and Strategic Planning (A)
Department of Justice and Public Safety
(709) 729-7062
From: Stanley, Todd  
Sent: Thursday, October 5, 2017 9:14 AM  
To: Blundon, Chad <ChadBlundon@gov.nl.ca>  
Cc: Walsh Dodge, Chantal <chantalwalshdodge@gov.nl.ca>  
Subject: IAC

Do we know what is going on with the Public Utilities Board Commissioner position at the IAC – they still don’t have it posted by the Minister has an acknowledgement letter back from Wells saying it would be done.
Discovery - Justice

From: Parsons, Andrew
Sent: Thursday, October 5, 2017 11:14 AM
To: Fleming, Mark
Subject: RE: Independent Appointments Commission

Someone can respond to this

Andrew Parsons, QC
MHA Burgeo-La Poile
Minister of Justice & Attorney General

From: Fleming, Mark
Sent: Thursday, October 5, 2017 10:31 AM
To: Parsons, Andrew <AndrewParsons@gov.nl.ca>
Subject: FW: Independent Appointments Commission

FYI

From: Inquiries, Justice General
Sent: Thursday, October 5, 2017 8:06 AM
To: Stewart, Rhonda <rhondas@gov.nl.ca>; Fleming, Mark <MarkFleming@gov.nl.ca>
Subject: FW: Independent Appointments Commission

s.40(1)

From: [redacted]
Sent: Wednesday, October 04, 2017 9:06 PM
To: Inquiries, Justice General <justice@gov.nl.ca>
Subject: Independent Appointments Commission

Department of
Justice and Public Safety
P.O. Box 8700
St. John's, NL A1B 4J6
For Inquiries:
(709) 729-5942

Re: Independent Appointments Commission (IAC)

Please advise if there is there any mechanism for an appeal or redress in relation to the IAC.

For example In the ads it states: “Consideration will also be given to a variety of demographic factors to ensure the board is representative of the population they serve.”
This, of course, is not true. It’s all about the crowd in St. John’s double dipping with two or three pensions, then coming back for more on those provincial boards . . . almost boarding on “apartheid”.

Two boards in particular: the PUB (Board of Commissioners of Public Utilities - Newfoundland and Labrador) and the C-NLOPB Board, it seems only those applicant from St. John’s and the northeast Avalon are considered. No geographic or regional balance at all.

There is no equality in the 40 districts . . . it is all about St. John’s. I live in located in The District of , population —

For example, with the recent departure of Andy Wells from the PUB, there will soon be a posting on the IAC’s website. We all know that is it a forgone conclusion, the person selected to fill the vacancy will come from one of the districts on the northeast Avalon, you can take that to the bank for sure!

It time to scrap the IAC. The recent appointment to the C-NLOPB on September 26th: Provincial Government Announces Appointment to the Canada-Newfoundland and Labrador Offshore Petroleum Board is confirmation of the status quo, all in St. John’s. Not a lot of imagination is required to make another appointment of a townie to those boards and agencies, especially when the individual is a recycled employee of the C-NLOPB.

However, it seems only those persons living inside the so called “overpass” are chosen to participate on the PUB and the C-NLOPB. But there are 40 provincial districts. Why is it that only individuals from districts on the northeast Avalon are appointed to the PUB?

Regards,
Hello Todd and Chad,

Here is the draft ad from the PSC. Are there specific individuals you would like to take a look at this?

Chantal

Chantal Walsh Dodge
Program and Policy Development Specialist
Justice and Public Safety
Government of Newfoundland and Labrador
t 709-729-1109
e ChantalWalshDodge@gov.nl.ca

Please consider the environment before printing this e-mail.

Hi Chantal,

Attached you will find the first draft of the PUB Commissioner Ad. This will still need to be reviewed by the IAC so expect further changes but before I send it to them, I'd like you and the department to have a look to ensure it captures all pertinent information. Please provide any edits or suggested changes.

You will notice that I have listed it as a Commissioner position for now. Bruce mentioned that he would be in contact with Todd Stanley to discuss the recruitment options/issues as it relates to the Chairperson position. We can edit the ad accordingly as these decisions are made.

Thanks
Mike
Employment Opportunity

Board of Commissioners of Public Utilities

Commissioner

The Board of Commissioners of Public Utilities is an independent, quasi-judicial tribunal constituted under section 6 of the Public Utilities Act. The Board is comprised of four full-time Commissioners, appointed by the Lieutenant-Governor in Council, including the Chair and Chief Executive Officer (CEO) and the Vice Chair.

The Board is accountable administratively through the Minister of Justice and Public Safety who presents the Board's annual budget for approval by the Lieutenant-Governor in Council and tables its annual report in the legislature.

The Board has mandated responsibilities as set out in the following legislation: Public Utilities Act; Electrical Power Control Act; Insurance Companies Act; Petroleum Products Act; Motor Carrier Act; Expropriation Act; and the Public Utilities Acquisition of Lands Act.

Pursuant to Subsection 6.3 of the Public Utilities Act, the Lieutenant-Governor in Council shall take into consideration the need of the Board to be composed of commissioners who have expertise in law, engineering, accountancy or finance.

Candidates for commissioner will have a sound understanding of the quasi-judicial environment and an in-depth understanding of and the ability to interpret and apply legislation, related regulations and policies. An understanding of public utilities legislation and related processes is desirable, as would a comprehensive understanding of, or experience in public sector administration.

The successful applicant will be a results-oriented individual with a high degree of integrity and established credibility in their professional community. Candidates will demonstrate effective relationship building, analytical, problem solving and communication skills. These attributes are essential to maintaining the public trust and protecting the integrity of the work of the Board of Commissioners of Public Utilities.

The required skills and knowledge for this position would normally have been obtained through progressively responsible leadership experience in a senior management role supplemented by a university degree in a related discipline. Experience in communicating effectively with a wide range of people is desired. Experience in hearing, tribunal, arbitral and/or panel environment would also be an asset. Equivalencies will be considered.

Commissioners are appointed for a term of 10 years to hold office during good behaviour and are eligible to be appointed for a second 10 year term.

Information regarding the Board of Commissioners of Public Utilities can be found at www.pub.nl.ca

The Public Utilities Act can be found at www.assembly.nl.ca/legislation

Search #: IAC 2017-019
Location: St. John's, NL.
Closing Date: ??, 2017

Please submit your resume referencing the Search #, to the Independent Appointments Commission in one of the following ways:

Email: contact@iacnl.ca
Fax: 709-729-3178

IAC Mail: 50 Mundy Pond Road P.O. Box 8700, St. John's, NL A1B 4J6
Discovery - Justice

From: Stanley, Todd  
Sent: Tuesday, October 10, 2017 11:36 AM  
To: Walsh Dodge, Chantal; Blundon, Chad  
Subject: RE: PUB Draft ad

Yes let me send it around here.

Todd Stanley, QC  
Deputy Minister and Deputy Attorney General (A)  
Department of Justice and Public Safety  
Government of Newfoundland and Labrador  
t.709.729.2872 f.709.729.2129  

Ok. Anyone else who should review before we provide the feedback and give the ok?

From: Stanley, Todd  
Sent: Tuesday, October 10, 2017 11:31 AM  
To: Blundon, Chad; Walsh Dodge, Chantal  
Subject: RE: PUB Draft ad

I agree with Chad’s comment - the sentence right now has a verb tense typo. It would be better to read “Experience in a hearing, tribunal, arbitral and/or panel environment, either as a participant or adjudicator, would also be an asset.”

Blundon, Chad  
Sent: Friday, October 06, 2017 6:18 PM  
To: Walsh Dodge, Chantal  
Cc: Stanley, Todd  
Subject: RE: PUB Draft ad

I think we can suggest that they bolster the section on “experience in hearing environments” to include experience participating in such hearings and in writing decisions.

We’ll wait on Todd’s feedback before going back to the PSC.
From: Walsh Dodge, Chantal  
Sent: Friday, October 6, 2017 4:35 PM  
To: Blundon, Chad <ChadBlundon@gov.nl.ca>; Stanley, Todd <toddstanley@gov.nl.ca>  
Subject: FW: PUB Draft ad

Hello Todd and Chad,

Here is the draft ad from the PSC. Are there specific individuals you would like to take a look at this?

Chantal

Chantal Walsh Dodge  
Program and Policy Development Specialist  
Justice and Public Safety  
Government of Newfoundland and Labrador  
t 709-729-1109  
e ChantaiWalshDodge@gov.nl.ca

*Please consider the environment before printing this e-mail.*

---

From: Smyth, Mike  
Sent: Friday, October 06, 2017 4:32 PM  
To: Walsh Dodge, Chantal  
Subject: PUB Draft ad

Hi Chantal,

Attached you will find the first draft of the PUB Commissioner Ad. This will still need to be reviewed by the IAC so expect further changes but before I send it to them, I’d like you and the department to have a look to ensure it captures all pertinent information. Please provide any edits or suggested changes.

You will notice that I have listed it as a Commissioner position for now. Bruce mentioned that he would be in contact with Todd Stanley to discuss the recruitment options/issues as it relates to the Chairperson position. We can edit the ad accordingly as these decisions are made.

Thanks  
Mike
I've confirmed there are no additional comments so it is good to go with the comment noted.

Todd Stanley, QC  
Deputy Minister and Deputy Attorney General (A)  
Department of Justice and Public Safety  
Government of Newfoundland and Labrador  
t.709.729.2872 f.709.729.2129

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The reference should be to the Electrical Power Control Act, 1994. Also the reference to the PUB’s website at the end should be a hotlink? Otherwise I think this is good.

Chantal Walsh Dodge  
Program and Policy Development Specialist  
Justice and Public Safety  
Government of Newfoundland and Labrador  
t. 709-729-1109  
e ChantaiWalshDodge@gov.nl.ca
From: Smyth, Mike
Sent: Friday, October 06, 2017 4:32 PM
To: Walsh Dodge, Chantal
Subject: PUB Draft ad

Hi Chantal,

Attached you will find the first draft of the PUB Commissioner Ad. This will still need to be reviewed by the IAC so expect further changes but before I send it to them, I’d like you and the department to have a look to ensure it captures all pertinent information. Please provide any edits or suggested changes.

You will notice that I have listed it as a Commissioner position for now. Bruce mentioned that he would be in contact with Todd Stanley to discuss the recruitment options/issues as it relates to the Chairperson position. We can edit the ad accordingly as these decisions are made.

Thanks
Mike
27 October 2017

Darlene Whalen, P.Eng.
Vice-Chair
Board of Commissioners of Public Utilities
120 Torbay Road, P.O. Box 21040
St. John's, NL A1A 5B2

Dear Ms. Whalen:

I am writing further to your letter of 2 October 2017. I fully acknowledge the practical implications of the current and impending vacancies on the Board of Commissioners. Commissioner positions were included in and are subject to the appointment process under the Independent Appointments Commission Act. This process requires such positions to go to a full public competition process for any new appointment.

Instead, we anticipate having the IAC advertise for the position in the new year prior to Commissioner Newman's term expiring. There is already an IAC advertisement process underway for the currently-vacant Commissioner position, and we hope to have that appointment filled in the near future.

I appreciate this was not the answer you were looking for. Please don't hesitate to contact me if you want to discuss further.

Sincerely,

Todd Stanley
Deputy Minister and Deputy Attorney General (A)
Attention: Anne Tremblett, Administrator, Independent Appointments Commission:

Attached please find correspondence from Hon. Andrew Parsons, QC, to Hon. Clyde K. Wells, QC, dated November 28, 2017. Would you kindly see that it is forwarded to the Chairperson.

I will place the original in today’s mail.

Regards,

Rhonda Stewart

Rhonda Stewart | Administrative Assistant
to the Honourable Andrew Parsons, QC
Minister of Justice and Public Safety
Attorney General
Department of Justice and Public Safety
4th Floor, East Block, Confederation Building
P. O. Box 8700
St. John’s, NL A1B 4J6

729-2869 Phone
729-0469 Fax
rhondas@gov.nl.ca
November 28, 2017

via email: atremblett@iacnl.ca

Hon. Clyde K. Wells, QC
Chairperson
Independent Appointments Commission

Dear Mr. Wells:

The Board of Commissioners of Public Utilities has another Commissioner position becoming vacant as of April 14, 2018. As a result, I am requesting the Independent Appointments Commission to provide us with names for two appointments as opposed to only one as I requested in my correspondence to you dated September 1, 2017 (attached for reference).

Sincerely,

ANDREW PARSONS, QC
Minister of Justice and Public Safety
Attorney General

cc: Bruce Hollett, Public Service Commission (brucehollett@gov.nl.ca)
    Chad Blundon, Department of Justice and Public Safety (chadblundon@gov.nl.ca)

Attachments
September 1, 2017

via email: atremblett@iacnl.ca

Hon. Clyde K. Wells, QC
Chairperson
Independent Appointments Commission

Dear Mr. Wells:

Pursuant to the Independent Appointments Commission Act, I am requesting that steps be taken to administer a merit-based process to recommend persons qualified to fill the position of Commissioner on the Board of Commissioners of Public Utilities. A Commissioner position is currently vacant.

Sincerely,

ANDREW PARSONS, QC
Minister of Justice and Public Safety
Attorney General

cc: Bruce Hollett, Public Service Commission (brucelhollett@gov.nl.ca)
Chad Blundon, Department of Justice and Public Safety (chadblundon@gov.nl.ca)
December 11, 2017

Honourable Andrew Parsons, QC
Minister of Justice and Public Safety
and Attorney General
P. O. Box 8700
Confederation Building,
St. John’s, NL
A1B 4J6

Dear Minister Parsons:

I acknowledge receipt of your letter dated November 28, 2017, requesting the Independent Appointments Commission to recommend two appointments as opposed to only one as you requested in your earlier correspondence dated September 1, 2017 for persons qualified to be a commissioner on the Board of Commissioners of Public Utilities.

We will make the necessary adjustment.

Sincerely yours,

[Signature]

CLYDE K. WELLS, Q.C.
Chairperson

C.C.:  Mr. Bruce Hollett, Public Service Commission
       Mr. Chad Blundon, Department of Justice and Public Safety
Dear Mr. Stanley:

I am writing as follow-up to my letter of October 2, 2017 which addressed the potential impact on the Board’s work arising from the existing commissioner vacancy and the impending expiry of Commissioner Newman’s term on April 14, 2018. As of now the appointment for the vacant commissioner position as well as the appointment/reappointment of a commissioner as of April 14, 2018 have not been made.

Unfortunately these existing/pending vacancies are now beginning to negatively impact the scheduling of matters before the Board. In particular, the parties to Hydro’s general rate application have raised the composition of the Board as a serious issue which should be resolved before the hearing proceeds. The concern is that, because the hearing will extend beyond the expiry of Commissioner Newman’s term, the hearing would have to proceed with only two commissioners. While this meets the minimum legislative requirement it would not be advisable given the risk of one of the commissioners not being able to continue for any reason, such as illness.

While I understand that the independent appointment process is underway my concern is that, even if the appointments were made today, the earliest that the hearing of the general rate application can now start is the first week of March given the requirement for public notice and to provide the parties with a reasonable opportunity to prepare. I am also concerned that any further delay in the hearing of Hydro’s general rate application could have serious impacts on other matters before the Board, most significantly the Government directed automobile insurance review to be completed in June of 2018, as well as several other significant regulatory filings anticipated in the second and third quarter of 2018.

Darlene Whalen, P. Eng., Vice-Chair
Tel: 709-726-0955 / Website: www.pub.nl.ca / E-mail: dwhalen@pub.nl.ca
In the circumstances I believe that it is now urgent that the current and pending commissioner vacancies be filled as soon as possible to allow the Board to set the start date for Hydro’s general rate application and to ensure the smooth and effective operation of the Board throughout 2018.

I am available at your convenience if you require further information or wish to discuss further.

Yours truly,

Darlene Whalen, P. Eng.
Vice Chair

DW/rr
Kk

Sent from my iPhone

On Feb 20, 2018, at 2:46 PM, Clarke, Lesley <LesleyClarke@gov.nl.ca> wrote:

I told the reporter you would be in touch approximately 3:50. You can call her on her cell at 902-

You can let us know when you are ready to call and we can come to you if you need us.

From: Parsons, Andrew
Sent: Tuesday, February 20, 2018 2:37 PM
To: Clarke, Lesley <LesleyClarke@gov.nl.ca>
Subject: Re: Interview

I can make myself available after — and move on an expedited basis to make the appointment. We are aware that the timing of the appointment to the vacant Commissioner position of Mr. Wells, and the upcoming expiration of Dwanda’s appointment is causing scheduling problems with the PUB; we believe we will be in a position to alleviate that as quickly as possible once we have the names from the IAC.
We expect we will be making appointments to both Andy's vacant position and Dwanda's at the same time.

PUB has said that if the appointments do not occur soon (by 2 March I believe) they will have to postpone the NLH Rate hearings scheduled for mid-March due to notice issues etc.

Todd Stanley, QC
Deputy Minister and Deputy Attorney General
Department of Justice and Public Safety
Government of Newfoundland and Labrador
1.709.729.2872 1.709.729.2129

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From: Clarke, Lesley
Sent: Tuesday, February 20, 2018 1:38 PM
To: Stanley, Todd <toddstanley@gov.nl.ca>
Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>; Fleming, Mark <MarkFleming@gov.nl.ca>; Parsons, Andrew <AndrewParsons@gov.nl.ca>
Subject: RE: Interview

Todd, are you able to provide some information on this for the Minister?

From: Parsons, Andrew
Sent: Tuesday, February 20, 2018 12:49 PM
To: Clarke, Lesley <lesleyClarke@gov.nl.ca>
Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>; Fleming, Mark <MarkFleming@gov.nl.ca>; Stanley, Todd <toddstanley@gov.nl.ca>
Subject: RE: Interview

Need to chat with todd first, but sure thing

Andrew Parsons, QC
MHA Burgeo-Lapoile/Minister of Justice & Attorney General

From: Clarke, Lesley
Sent: Tuesday, February 20, 2018 11:32 AM
To: Parsons, Andrew <AndrewParsons@gov.nl.ca>
Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>; Fleming, Mark <MarkFleming@gov.nl.ca>; Stanley, Todd <toddstanley@gov.nl.ca>
Subject: FW: Interview

Hi Minister,
Please see the below request and advise.

Thanks!
Lesley
Hi Amy:

I would like to speak to the minister about the replacement of the chairman of the board of public utilities. The position has been vacant since last spring. Any information would be most helpful.

Mobile
902 105
Andrew Parsons, QC
MHA Burgeo-Lapoile/Minister of Justice & Attorney General

I told the reporter you would be in touch approximately 3:50. You can call her on her cell at 902~
You can let us know when you are ready to call and we can come to you if you need us.

I can make myself available after

Sent from my iPhone

On Feb 20, 2018, at 2:35 PM, Clarke, Lesley <LesleyClarke@gov.nl.ca> wrote:

Thanks Todd! Minister, are you available to call the reporter this afternoon? I understand you
are for the next bit.

The vacancy was referred to the PSC / IAC fairly soon after Andy Wells resigned – they have been going
through their executive recruitment process. In anticipation of the upcoming expiration (14 April 2018)
of an appointment of another Commissioner (Dwanda Newman) we asked them to provide names for 2
positions. We expect to get the recommendations from the IAC soon – when we do we will move on an
expedited basis to make the appointment. We are aware that the timing of the appointment to the
vacant Commissioner position of Mr. Wells, and the upcoming expiration of Dwanda’s appointment is
causing scheduling problems with the PUB; we believe we will be in a position to alleviate that as quickly
as possible once we have the names from the IAC.
We expect we will be making appointments to both Andy's vacant position and Dwanda's at the same time.

PUB has said that if the appointments do not occur soon (by 2 March I believe) they will have to postpone the NLH Rate hearings scheduled for mid-March due to notice issues etc.

Todd Stanley, QC
Deputy Minister and Deputy Attorney General
Department of Justice and Public Safety
Government of Newfoundland and Labrador
1709.729.2872 f. 1709.729.2129

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From: Clarke, Lesley
Sent: Tuesday, February 20, 2018 1:38 PM
To: Stanley, Todd <toddstanley@gov.nl.ca>
Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>; Fleming, Mark <MarkFleming@gov.nl.ca>; Parsons, Andrew <AndrewParsons@gov.nl.ca>
Subject: RE: Interview

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Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>; Fleming, Mark <MarkFleming@gov.nl.ca>; Stanley, Todd <toddstanley@gov.nl.ca>
Subject: RE: Interview

Need to chat with todd first, but sure thing

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MHA Burgeo-Lapoile/Minister of Justice & Attorney General

From: Clarke, Lesley
Sent: Tuesday, February 20, 2018 11:32 AM
To: Parsons, Andrew <AndrewParsons@gov.nl.ca>
Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>; Fleming, Mark <MarkFleming@gov.nl.ca>; Stanley, Todd <toddstanley@gov.nl.ca>
Subject: FW: Interview

Hi Minister,
Please see the below request and advise.

Thanks!
Lesley
Hi Amy:

I would like to speak to the minister about the replacement of the chairman of the board of public utilities. The position has been vacant since last spring. Any information would be most helpful.
Hi all,
Please see the below media request and advise.

Thanks!
Lesley

Sent from my iPhone

Begin forwarded message:

From: <allnewfoundlandlabrador.com>
Date: March 1, 2018 at 12:59:06 PM NST
To: <LesleyClarke@gov.nl.ca>
Subject: PUB Chair

Hi Lesley,

Has the IAC provided names yet for the minister to select a new chair of the PUB? I don’t know if “by March 2” means beginning or end of the business day, but if a new chair isn’t selected by tomorrow then the NL Hydro 2017 rate application hearing will be delayed. So we thought we’d check in today.

Thanks,

Business Reporter
allnewfoundlandlabrador.com
709 [redacted]
From: Clarke, Lesley
Sent: Thursday, March 1, 2018 2:15 PM
To: Stanley, Todd <toddstanley@gov.nl.ca>; Wright, Kendra <KendraWright@gov.nl.ca>
Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>
Subject: RE: FOR REVIEW: PUB Chair

Okay, I’ve made that change. Good to go to AP for approval?

---

The Board of Commissioners of Public Utilities has one vacant position and the term of office of one of the current Commissioners expires in April 2018. The Independent Appointments Commission recently provided to the Lieutenant-Governor in Council the recommended names for the Commissioners that will serve on the Board of Commissioners of Public Utilities. From those recommended, two Commissioners will be appointed to bring the Board to a full complement of four Commissioners. One of those Commissioners will be chosen as Chair by the LGIC. It is not anticipated that those appointments will be made by March 2 but will be announced soon.
The Board of Commissioners of Public Utilities has one vacant position and the term of office of one of the current Commissioners expires in April 2018. The Independent Appointments Commission recently provided to the Lieutenant-Governor in Council the recommended names for the Commissioners that will serve on the Board of Commissioners of Public Utilities. From those recommended, two Commissioners will be appointed to bring the Board to a full complement of four Commissioners. One of those Commissioners will be chosen as Chair by the LGIC. It is not anticipated that those appointments will be made by March 2 but will be announced soon.

From: Stanley, Todd  
Sent: Thursday, March 01, 2018 2:14 PM  
To: Clarke, Lesley <LesleyClarke@gov.nl.ca>; Wright, Kendra <KendraWright@gov.nl.ca>; Blundon, Chad <ChadBlundon@gov.nl.ca>  
Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>  
Subject: RE: FOR REVIEW: PUB Chair

It's good but I think need to clarify:

The Independent Appointments Commission recently provided to the Lieutenant-Governor in Council the recommended names for the Commissioners that will serve on the Board of Commissioners of Public Utilities. From those recommended, two Commissioners will be appointed and a Chair will be chosen by the LGIC. It is not anticipated that those appointments will be made by March 2 but will be announced soon.

From: Clarke, Lesley  
Sent: Thursday, March 01, 2018 2:13 PM  
To: Stanley, Todd; Wright, Kendra; Blundon, Chad  
Cc: Stoodley, Amy  
Subject: RE: FOR REVIEW: PUB Chair

Fair enough. How about the below to address that.

The Independent Appointments Commission recently provided to the Lieutenant-Governor in Council the recommended names for the Commissioners that will serve on the Board of Commissioners of Public Utilities. From those recommended, a Chair will be chosen by the LGIC. It is not anticipated that those appointments will be made by March 2 but will be announced soon.

From: Stanley, Todd  
Sent: Thursday, March 01, 2018 2:11 PM  
To: Clarke, Lesley <LesleyClarke@gov.nl.ca>; Wright, Kendra <KendraWright@gov.nl.ca>; Blundon, Chad <ChadBlundon@gov.nl.ca>
Looks good.

The Independent Appointments Commission recently provided to the Lieutenant-Governor in Council the recommended names for the Commissioners that will serve on the Board of Commissioners of Public Utilities. From those recommended, a Chair will be chosen by the LGIC. Those appointments will be announced soon.

Not recommended name for Chair – the IAC provides recommended names for Commissioners – no recommendation on Chair as LGIC alone picks a Chair (s.29(1)(a)).
Hi all,

Below is a draft answer. Please revise and provide feedback. I don’t know that I have it right.

Thanks!
Lesley

The Independent Appointments Commission recently provided the recommended names for the Chair of the Board of Commissioners of Public Utilities to the Lieutenant-Governor in Council to consider the recommendations of the commission. The recommended names will now be considered by the LGIC with an appointment expected soon.

From: [mailto: [mailto: @allnewfoundlandlabrador.com]]
Sent: Thursday, March 01, 2018 12:59 PM
To: Clarke, Lesley <LesleyClarke@gov.nl.ca>
Subject: PUB Chair

Hi Lesley,

Has the IAC provided names yet for the minister to select a new chair of the PUB? I don’t know if “by March 2” means beginning or end of the business day, but if a new chair isn’t selected by tomorrow then the NL Hydro 2017 rate application hearing will be delayed. So we thought we’d check in today.

Thanks,

[Redacted]

Business Reporter
allnewfoundlandlabrador.com
709- [Redacted]
Thanks Kendra!

Todd, is the below okay to go to AP?

The Board of Commissioners of Public Utilities has one vacant position and the term of office of one of the current Commissioners expires in April 2018. The Independent Appointments Commission (IAC) was engaged to provide recommendations for the positions to the Lieutenant-Governor in Council (LGIC). The IAC recommendations are to be considered by the LGIC and appointments will be made to bring the Board to a full complement of four Commissioners. One of those Commissioners will be designated as Chair by the LGIC. It is not anticipated that those appointments will be made by March 2 but will be announced soon.

I like Kendra’s wording.

Chad Blundon
Director of Policy and Strategic Planning (A)
Department of Justice and Public Safety
(709) 729-7062

The Board of Commissioners of Public Utilities has one vacant position and the term of office of one of the current Commissioners expires in April 2018. The Independent Appointments Commission was engaged to provide recommendations for the positions to the Lieutenant-Governor in Council. The IAC recommendations are to be considered by the LGIC and appointments will be made to bring the Board to a full complement of four Commissioners. One of those Commissioners will be designated as Chair.
by the LGIC. It is not anticipated that those appointments will be made by March 2 but will be announced soon.

From: Blundon, Chad  
Sent: Thursday, March 01, 2018 2:28 PM  
To: Clarke, Lesley <LesleyClarke@gov.nl.ca>; Stanley, Todd <toddstanley@gov.nl.ca>; Wright, Kendra <KendraWright@gov.nl.ca>  
Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>  
Subject: RE: FOR REVIEW: PUB Chair

See below. Sorry for so much red.

Chad Blundon  
Director of Policy and Strategic Planning (A)  
Department of Justice and Public Safety  
(709) 729-7062

From: Clarke, Lesley  
Sent: Thursday, March 1, 2018 2:15 PM  
To: Stanley, Todd <toddstanley@gov.nl.ca>; Wright, Kendra <KendraWright@gov.nl.ca>; Blundon, Chad <ChadBlundon@gov.nl.ca>  
Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>  
Subject: RE: FOR REVIEW: PUB Chair

Okay, I've made that change. Good to go to AP for approval?

The Board of Commissioners of Public Utilities has one vacant position and the term of office of one of the current Commissioners expires in April 2018. The Independent Appointments Commission recently provided to the Lieutenant-Governor in Council the recommended names for the Commissioners that will serve on the Board of Commissioners of Public Utilities. From those recommended, two Commissioners will be appointed and a Chair will be chosen by the LGIC. It is not anticipated that those appointments will be made by March 2 but will be announced soon.

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Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>  
Subject: RE: FOR REVIEW: PUB Chair

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Looks good—

Todd Stanley, QC.
Deputy Minister and Deputy Attorney General
Department of Justice and Public Safety
Government of Newfoundland and Labrador
T.709.729.2872 F.709.729.2129

Is this better and more accurate?

The Independent Appointments Commission recently provided to the Lieutenant-Governor in Council the recommended names for the Commissioners that will serve on the Board of Commissioners of Public Utilities. From those recommended, a Chair will be chosen by the LGIC. Those appointments will be announced soon.
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Hi all,

Below is a draft answer. Please revise and provide feedback. I don’t know that I have it right.

Thanks!
Lesley

The Independent Appointments Commission recently provided the recommended names for the Chair of the Board of Commissioners of Public Utilities to the Lieutenant-Governor in Council to consider the recommendations of the commission. The recommended names will now be considered by the LGIC with an appointment expected soon.

Hi Lesley,

Has the IAC provided names yet for the minister to select a new chair of the PUB? I don’t know if “by March 2” means beginning or end of the business day, but if a new chair isn’t selected by tomorrow then the NL Hydro 2017 rate application hearing will be delayed. So we thought we’d check in today.
Thanks,

[Redacted]  
Business Reporter  
allnewfoundlandlabrador.com  
709- [Redacted]  

[Redacted] s.40(1)
The Board of Commissioners of Public Utilities has one vacant position and the term of office of one of the current Commissioners expires in April 2018. The Independent Appointments Commission was engaged to provide recommendations for the positions to the Lieutenant-Governor in Council. The IAC recommendations are to be considered by the LGIC and appointments will be made to bring the Board to a full complement of four Commissioners. One of those Commissioners will be designated as Chair by the LGIC. It is not anticipated that those appointments will be made by March 2 but will be announced soon.
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Sent: Thursday, March 01, 2018 2:11 PM  
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Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>  
Subject: RE: FOR REVIEW: PUB Chair

Looks good –

Todd Stanley, QC  
Deputy Minister and Deputy Attorney General  
Department of Justice and Public Safety  
Government of Newfoundland and Labrador  
1,709.729.2872 1,709.720.2128  
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Government of Newfoundland and Labrador and delete all versions of same. Thank you.

From: Clarke, Lesley  
Sent: Thursday, March 01, 2018 2:03 PM  
To: Stanley, Todd; Wright, Kendra; Blundon, Chad  
Cc: Stoodley, Amy  
Subject: RE: FOR REVIEW: PUB Chair

Is this better and more accurate?

The Independent Appointments Commission recently provided to the Lieutenant-Governor in Council the recommended names for the Commissioners that will serve on the Board of Commissioners of Public Utilities. From those recommended, a Chair will be chosen by the LGIC. Those appointments will be announced soon.

From: Stanley, Todd  
Sent: Thursday, March 01, 2018 1:57 PM  
To: Clarke, Lesley <LesleyClarke@gov.nl.ca>; Wright, Kendra <KendraWright@gov.nl.ca>; Blundon, Chad <ChadBlundon@gov.nl.ca>  
Cc: Stoodley, Amy <AmyStoodley@gov.nl.ca>  
Subject: RE: FOR REVIEW: PUB Chair

Not recommended name for Chair – the IAC provides recommended names for Commissioners – no recommendation on Chair as LGIC alone pics a Chair

s.29(1)(a)
Hi all,

Below is a draft answer. Please revise and provide feedback. I don’t know that I have it right.

Thanks!

Lesley

The Independent Appointments Commission recently provided the recommended names for the Chair of the Board of Commissioners of Public Utilities to the Lieutenant-Governor in Council to consider the recommendations of the commission. The recommended names will now be considered by the LGIC with an appointment expected soon.

Hi Lesley,

Has the IAC provided names yet for the minister to select a new chair of the PUB? I don’t know if “by March 2” means beginning or end of the business day, but if a new chair isn’t selected by tomorrow then the NL Hydro 2017 rate application hearing will be delayed. So we thought we’d check in today.

Thanks,

[Redacted]

Business Reporter
allnewfoundlandlaborador.com
709
On Mar 1, 2018, at 5:14 PM, Clarke, Lesley <LesleyClarke@gov.nl.ca> wrote:

Hi Minister,
For approval, please see the below request and suggested response.

Thanks!
Lesley

The Board of Commissioners of Public Utilities has one vacant position and the term of office of one of the current Commissioners expires in April 2018. The Independent Appointments Commission (IAC) was engaged to provide recommendations for the positions to the Lieutenant-Governor in Council (LGIC). The IAC recommendations are to be considered by the LGIC and appointments will be made to bring the Board to a full complement of four Commissioners. One of those Commissioners will be designated as Chair by the LGIC. It is not anticipated that those appointments will be made by March 2 but will be announced soon.

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Thanks,
How will we announce - just press release I assume?

Andrew K. Parsons  
MHA, District of Burgeo-La Poile

-----Original Message-----
From: Stanley, Todd  
Sent: Friday, March 09, 2018 12:36 PM  
To: Parsons, Andrew; Stoodley, Amy; Clarke, Lesley  
Cc: Pritchard, Rolf  
Subject: PUB Appointments - Update

Note all of this is confidential

We have confirmed with Darlene Whelan, the current Vice Chair, is accepting the appointment as Chair.

Dwanda Newman has accepted reappointment and appointment as Vice-Chair.

We have an offer out to a 3rd appointee. I've asked Darlene and Dwanda for bios.
Hi Minister,
For approval, please see the below news release on the PUB appointments.

Thanks!
Lesley

Minister Parsons Announces Appointments to Board of Commissioners of Public Utilities

The Honourable Andrew Parsons, Minister of Justice and Public Safety, today announced appointments to Commissioners of the Board of Commissioners of Public Utilities (PUB).

Darlene Whelan, currently Vice-Chair with the PUB, is being appointed to Chair effective immediately. Dwanda Newman and John O'Brien have been appointed to fill two vacant Commissioner positions for a ten year term. Ms. Newman, whose current ten year term expires in April, has been appointed Vice-Chair effective immediately and Mr. O'Brien will begin his appointment as Commissioner on April 9. Biographies of each appointee can be found in the backgrounder below. The appointments were made through the merit-based appointment process established by the Independent Appointments Commission (IAC) Act.

The Board of Commissioners of Public Utilities is an independent, quasi-judicial regulatory body responsible for the regulation of the electric utilities in the province to ensure that the rates charged are just and reasonable, and that the service provided is safe and reliable. The Board of Commissioners of Public Utilities is a regulatory body operating in Newfoundland and Labrador under the authority of the Public Utilities Act.
The board is also responsible for ensuring fairness in marketing of petroleum products throughout the province in accordance with the Petroleum Products Act, and for the supervision of rates charged by automobile insurers for the various automobile insurance coverages, limited regulation of the motor carrier industry in relation to certain passenger and ambulance operations, as well as conducting hearings and other required activities under the Expropriation Act.

Quotes

“The PUB strives to achieve an equitable balance between the interests of consumers and service providers in the electric utility, petroleum products, automobile insurance, and motor carrier industries. We are very pleased to appoint these commissioners as each individual is qualified for the role and I am sure they will continue to contribute significantly to the important work of the PUB.”

Honourable Andrew Parsons
Minister of Justice and Public Safety and Attorney General

- 30 -

Learn more

Newfoundland and Labrador Board of Commissioners of Public Utilities http://www.pub.nf.ca/

Public Utilities Act http://www.assembly.nl.ca/Legislation/sr/statutes/p47.htm

Follow us on Twitter: @GovNL and @JPS_GovNL.

Media contact
Lesley Clarke
Justice and Public Safety
709-729-6985, 699-2910
LesleyClarke@gov.nl.ca

BACKGROUNDER
Biographies Board of Commissioners of Public Utilities Appointees

Darlene Whalen

Darlene Whalen was appointed as a full-time commissioner and Vice-Chair of the Public Utilities Board in May 2000, following a three-year term as a part-time commissioner. Before joining the Board full-time Ms. Whalen worked in both consulting and engineering education, primarily in the areas of water resources engineering, environmental analysis and transportation systems. As a commissioner and Vice-Chair for the past 18 years Ms. Whalen has participated in all matters before the Board over that period, including major utility and insurance rate applications, and had administrative responsibilities for most aspects of the Board’s operations.

Ms. Whalen is a past president of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador and served as Chair of the Board of Directors for the St. John’s International Airport Authority. She has also served on many other professional and community organizations, both as a volunteer and executive member, including the Newfoundland and Labrador Science and Technology Advisory Council, the Canadian Engineering Memorial Foundation, Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL), the Canadian
Association of Members of Public Utility Tribunals (CAMPUT), and was a founding member of the Newfoundland and Labrador chapter of Women in Science and Engineering (WISE-NL). In recognition of her achievements in, and contribution to, the engineering profession and the community Ms. Whalen received PEGNL’s highest honour, the Award of Merit, in 2016.

Ms. Whalen is a registered professional engineer and a fellow of Engineers Canada, and holds a Bachelor of Engineering (Civil) degree and a Master's degree in Applied Science and Environmental Engineering, both from Memorial University.

Dwanda Newman
Dwanda Newman was appointed as a full-time commissioner of the Board of Commissioners of Public Utilities in April of 2008, following six years in the position of legal counsel to the Board. Over the past 16 years, Ms. Newman has made a significant contribution to the Board, participating in all aspects of the Board’s operations, including a broad range of legal, financial, economic, regulatory and other technical matters. In her 10 years as a commissioner, Ms. Newman was a decision maker in all significant matters before the Board, including most utility and insurance rate applications.

Ms. Newman holds a Bachelor of Laws degree from Dalhousie University and a Bachelor of Commerce degree from Memorial University. Before joining the Board, Ms. Newman was legal counsel at WorkplaceNL and worked in private practice with the law firm Cox Palmer for several years.

John O'Brien
John O'Brien obtained a Bachelor of Commerce (Hons.) from Memorial University and is a Fellow Chartered Accountant (FCA), and a Fellow Chartered Professional Accountant (FCPA). In addition, Mr. O'Brien holds a designation in information systems. Since 2015, Mr. O'Brien has been the Director/Superintendent of Financial Services Regulation with Service Newfoundland and Labrador. Prior to joining the Department, he was a partner with a national accounting firm and he has over 20 years’ experience in financial reporting, financial consulting and regulatory matters.

Mr. O’Brien has served in a number of leadership roles within the Chartered Professional Accountant (CPA) profession including a term as Chair of the Institute Chartered Accountants of Newfoundland and Labrador, Co-Chair CPA Transition Steering Committee and board member with CPA Newfoundland and Labrador.
New chair, vice-chair, and commissioner appointed to PUB

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The Public Utilities Board (PUB) has a new chair, vice-chair and commissioner, Minister of Justice and Public Safety Andrew Parsons announced on Wednesday.

Darlene Whalen was previously vice-chair with the PUB, and was appointed chair effective immediately. Whalen was appointed as a full-time commissioner and vice-chair of the PUB in May 2000, after a three-year term as a part-time commissioner. Whalen is also a registered professional engineer.

Dwanda Newman, whose current 10-year term as a commissioner expires in April, was appointed vice-chair effective immediately. Newman was appointed as a full-time commissioner in April 2008, after six years as legal counsel to the board.

John O'Brien is a newly-appointed commissioner who will start on April 9. For the past three years, O'Brien was director of financial services regulation with ServiceNL. Before that, he was a partner with a national accounting firm.

“We are very pleased to appoint these commissioners as each individual is qualified for the role and I am sure they will continue to contribute significantly to the important work of the PUB,” said Parsons.

The Board of Commissioners of Public Utilities is a regulatory body responsible for the regulation of electric utilities in the province, as well as ensuring fairness in marketing of petroleum products and supervising auto insurance rates.
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