

March 29, 2023

**VIA EMAIL**

**Attention:** [REDACTED]

Dear [REDACTED]

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* (File #: PB/126/2023)**

On January 31, 2023, we received your request for access to the following records/information:

*All communications i.e emails, from Brendan Paddick or other employees during Brendan Padicks employment at Nalcor Energy to John Risley, or other contacts discussing wind energy.*

On February 8, 2023, you updated the search terms to include Executive staff, Executive assistants and Brendan Paddick, from 2016-2022.

On February 13, 2023, you updated the request to include: "other contacts would be person/persons in other government department's party to communications regarding wind energy".

On February 23, 2023, you updated the search terms to include: "Wind energy development on NI west coast. Cornerbrook, port au port and Bay st George areas to Port aux Basques. Correspondence regarding the moratorium on wind energy. Any correspondence to or from John Risley or his business".

On February 28, 2023, you were notified about a time extension approved by the OIPC for an additional twenty business days.

Please be advised that there were no responsive records for Brendan Paddick or John Risley discussing wind energy in our custody or control. Access to the additional records responsive to your request have been granted, please see Appendix A attached hereto for the records.

In keeping with our standard practice, it is our intention to post this letter on the Newfoundland and Labrador Hydro website.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and

Protection of Privacy Act, 2015 (the Act) (a copy of this section 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  
Email: [commissioner@oipc.nl.ca](mailto:commissioner@oipc.nl.ca)

You may also appeal directly to the Supreme Court 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 has been enclosed for your reference).

If you have any further questions, please contact me by telephone at (709) 725-4859 or by email at [cassandrahearn@nlh.nl.ca](mailto:cassandrahearn@nlh.nl.ca)

Sincerely,

*Cassandra Hearn*

Cassandra Hearn  
Access & Privacy Officer

**Access or correction complaint**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Direct appeal to Trial Division by an applicant**

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

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

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

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

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

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

## Appendix A



Datamining

Robert Collett/NLHydro

09/28/2021 01:34 PM

**To:** "Snook, Corey" <coreysnook@gov.nl.ca>  
**Cc:** "Boland, Christine" <christineboland@gov.nl.ca>, "KevinFagan@nlh.nl.ca" <KevinFagan@nlh.nl.ca>  
**Subject:** RE: [External] Wind Moratorium

Thanks Corey,

I would suggest that this aspect could be managed through Hydro's interconnection and system impact study processes.

A large-scale customer interconnection would require analysis to confirm least-cost supply options. This would include a review of wind developments.

For us to see a future requirements for large wind developments, it would most likely be the result of a large customer interconnection. In such cases, it would be desirable and cost-effective to have this generation close to the load.

I would also suggest we would be supportive of a third-party development of new wind farms in such cases. It would be similar to what we see in our rural systems where we would prefer to avoid the capital and operational cost risks associated with building our own wind developments. An effective alternative would be for us to enter into a PPA arrangements where negotiated costs are based on marginal supply costs and guarantee savings to customers. These arrangements would also be straightforward from a regulatory standpoint.

Of course, wind is not firm and we would likely need incremental gas turbines to "back up" the wind. This would come at a cost to all customers under the existing regulatory framework and would result in rate impacts for domestic customers.

Hope this helps!

Thanks,  
Rob



Rob Collett  
Vice President, Engineering and Technology  
Newfoundland & Labrador Hydro  
t. 709.737.1909 | c. 709.725.5714  
e. [rcollett@nlh.nl.ca](mailto:rcollett@nlh.nl.ca) | w. [www.nlhydro.com](http://www.nlhydro.com)

"Snook, Corey"

Hey Rob - thanks for the note - very helpful. Doe...

09/28/2021 10:12:33 AM

From: "Snook, Corey" <coreysnook@gov.nl.ca>  
To: "RCollett@nlh.nl.ca" <RCollett@nlh.nl.ca>  
Cc: "Boland, Christine" <christineboland@gov.nl.ca>, "KevinFagan@nlh.nl.ca" <KevinFagan@nlh.nl.ca>  
Date: 09/28/2021 10:12 AM  
Subject: RE: [External] Wind Moratorium

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Hey Rob – thanks for the note – very helpful.

Does Hydro have any concerns about losing any key wind farm locations to developments focusing on hydrogen or other new industries that would not necessarily supply the grid? It seems many proponents are focusing locations with deep water ice free ports near terminal stations – Argentia, Holyrood, Come By Chance, etc.

-Corey

**Corey Snook**  
**Director, Electricity and Alternative Energy**  
Department of Industry, Energy and Technology  
St. John's, NL, Canada A1B 4J6  
O: 709.729.3131 / M: 709.725.8186 / [coreysnook@gov.nl.ca](mailto:coreysnook@gov.nl.ca)



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**From:** RCollett@nlh.nl.ca <RCollett@nlh.nl.ca>  
**Sent:** Monday, September 27, 2021 8:52 PM  
**To:** Snook, Corey <coreysnook@gov.nl.ca>  
**Cc:** Boland, Christine <christineboland@gov.nl.ca>; 'KevinFagan@nlh.nl.ca' <KevinFagan@nlh.nl.ca>  
**Subject:** Re: [External] Wind Moratorium

Hi Corey,

Thanks for your note. Hydro has been preparing a briefing note on this. Please see the attached for a "sneak peek" at our latest draft which does a reasonable job of covering the bases on this topic.

As summarized, wind expansion can be managed. In our regulatory framework, it must be demonstrated to be least-cost. If system expansion occurs and incremental energy is needed, wind will be a likely source. As you have mentioned, however, capacity backup in the form of gas turbines would likely be needed.

Please let me know if you'd like to discuss this further.

Thanks!  
Rob



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From: "Snook, Corey" <[coreysnook@gov.nl.ca](mailto:coreysnook@gov.nl.ca)>  
To: ""KevinFagan@nlh.nl.ca" <[KevinFagan@nlh.nl.ca](mailto:KevinFagan@nlh.nl.ca)>, ""rcollett@nlh.nl.ca" <[rcollett@nlh.nl.ca](mailto:rcollett@nlh.nl.ca)>  
Cc: "Boland, Christine" <[christineboland@gov.nl.ca](mailto:christineboland@gov.nl.ca)>  
Date: 09/27/2021 03:41 PM  
Subject: [External] Wind Moratorium

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**[External Sender: Please use caution when replying, opening attachments, or clicking on links]**

Hi Kevin and Rob,

We are reviewing the moratorium on crown land applications and environmental assessment registrations and would like to hear NL Hydro's views - Jennifer asked me to contact you this.

OC2006-26 established the moratorium: <https://www.exec-oic.gov.nl.ca/public/oic/details?order-id=11623>  
OC2019-092 lifted the diesel portion <https://www.exec-oic.gov.nl.ca/public/oic/details?order-id=12163>

The 2007 Energy Plan contained the Policy Action, "Adopt a new policy on Crown Lands issuance for wind power that only the Energy Corporation, or a company selected by it, will be able to obtain a Crown lease for a wind power development." The Plan explained:

"One of the goals of this Energy Plan is to maximize the value from resource developments, including the benefits



from wind generation. To maximize these benefits, the Provincial Government believes the Energy Corporation should control the development of all wind projects and determine when to develop alone or with private sector partners. We will enable this by adopting a policy that no new leases for wind development on crown land will be issued except to the Energy Corporation or another company acting in partnership with the Energy Corporation. The wind industry can also be a major employer in the province if we capitalize on the significant manufacturing and fabrication opportunities associated with large-scale wind projects. We can utilize the skills and infrastructure we have developed in our manufacturing and fabrication sector to expand into activity related to the wind power industry.”

What concerns will NLH have if the moratorium is lifted, while retaining NL Hydro’s discretion whether or not to purchase or use the wind energy?

Potential scenarios include large scale wind development for: 1) bulk power export; 2) supplying power to a large new industrial customer; or 3) producing hydrogen for export. It is prudent to consider that Scenario 2 or 3 would require grid backstop.

I am happy to discuss or hear from you via email – whatever works best for you.

-Corey

**Corey Snook**  
**Director, Electricity and Alternative Energy**  
Department of Industry, Energy and Technology  
St. John’s, NL, Canada A1B 4J6  
O: 709.729.3131 / M: 709.725.8186 / [coreysnook@gov.nl.ca](mailto:coreysnook@gov.nl.ca)



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Robert Collett/NLHydro

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09/27/2021 08:51 PM

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**Cc:** "Boland, Christine" <christineboland@gov.nl.ca>, "KevinFagan@nlh.nl.ca" <KevinFagan@nlh.nl.ca>  
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From: "Snook, Corey" <coreysnook@gov.nl.ca>  
To: "KevinFagan@nlh.nl.ca" <KevinFagan@nlh.nl.ca>, "rcollett@nlh.nl.ca" <rcollett@nlh.nl.ca>  
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## Newfoundland and Labrador Hydro

### Discussion on Wind power in Newfoundland and Labrador

September 2021

#### Wind Development

##### **Current Role of Wind**

There are currently two existing privately owned wind facilities generating energy on the Island Interconnected System in Newfoundland and Labrador. The Fermeuse and St. Lawrence facilities; both plants went into commercial service in 2009. The facilities have a total installed capacity of 27 MW each for a total of 54 MW (about 3% of installed island capacity) and produce a combined total of approximately 180 GWh of energy annually (about 2.5% of annual energy consumed by island customers). Newfoundland and Labrador Hydro has a Power Purchase Agreement to purchase the energy produced by both wind farms to mid-2029. To date, the production from these facilities has helped to reduce the amount of energy required to be produced by the Holyrood Generating Plant.

Technical and historical analysis of the operation of the two wind farms has proven that the existing wind in-service in Newfoundland can be *relied* upon for planning and operational purposes for 22% of its installed capacity. This means that while there is 54 MW of installed wind capability, Hydro assumes that only a total of 12 MW is available at system peak to help meet load requirements. The practice of assessing the capacity value of wind installations in large, interconnected systems is commonly observed across the utility industry. The use of 22% specifically was examined in detail for appropriateness during the Cost of Service Methodology Review submitted to the PUB in November 2018. Intervening parties in that file agreed with the utilization of 22%.

Hydro has committed to continuing to evaluate the impact of wind generation on its system and the contribution of wind to system reliability (i.e. capacity planning) in the future.

##### **How wind could provide future benefits**

To consider the potential benefits of wind it is important to quickly review the current state of electricity supply in Newfoundland and Labrador.

Once the Muskrat Falls Generating Station is fully commissioned, 98% of the *energy* consumed in Newfoundland and Labrador will be green energy. Additionally, following the addition of the energy output of the Muskrat Falls Generating Station, current forecasts indicate the province is expected to be in a surplus green energy position with approximately 3.0 TWh of energy available, on average, surplus to provincial requirements. This translates to roughly 1.8 TWh of firm energy available in consideration of potential years of lower than average hydrology. Note that this estimate of excess energy assumes minimal growth in the province. Recent and ongoing developments indicate that in-province requirements could grow substantially in the medium (1-5 year) and longer (>5 year) term considering the potential for load growth, including growth in Labrador associated with the implementation of the

Network Additions Policy,<sup>1</sup> industrial growth associated with greenhouse gas reduction policies, and other drivers for in-province growth including adoption of electric vehicles. This load growth would result in increased in-province utilization of the excess Muskrat Falls energy. Further, firm provincial load additions in excess of 1.8 TWh would likely require the development of incremental electricity generating resources or demand management solutions.

All of the factors noted above regarding current and future electricity usage in province will drive the investment in additional supply, of which wind would be an option. As part of Hydro's planning processes, similar to that used in its 2018 Reliability and Resource Adequacy filing, Hydro continues to evolve and develop its forecast of longer term load requirements and the resource mix required to reliably meet customer needs. While alternatives such as hydraulic and gas turbine developments would provide optimal solutions to meet incremental firm capacity requirements, Hydro continues to evaluate opportunities for wind development, including retention of existing facilities and development of additional facilities, as an effective source of incremental energy. In fact, Hydro already considers wind as well as solar and batteries as options in its planning processes. Such developments could include smaller-scale distributed wind resource level (multiple plants each less than 15 MW well distributed in our system) and larger developments (single plants greater than 50 MW), as part of its suite of options for meeting future load requirements.

Therefore, for the current known system demand, there is adequate supply of which the supply mix is already 98% renewable. This is an enviable position for our province in comparison to other jurisdictions. However, growth is occurring quickly and the forecasted demand may change. This would require new supply which could include wind, and other renewables. Hydro already plans to technically evaluate wind against other options to ensure least-cost system expansion. If wind can fully or partially meet provincial needs at least-cost, it would be proposed as a solution. Should wind be *technically viable* as a source, but not least-cost as compared to say a non-renewable source, legislation does not currently allow Hydro to recommend, nor the PUB to approve.

### **Legislative Changes**

Should there be a policy interest in increasing wind generation in the province for domestic use, which is not proven and accepted to be least cost, legislative changes or government orders directing such decisions would be required. While societal interests are leaning toward greener solutions, the impact of such solutions may result in higher utility costs. As stated above, the utility does not currently have the legislated ability to reflect other societal benefits to justify the increased cost.

Should there be a policy interest for the development of wind for domestic use by private proponents, legislative change would also be required. Proponents would have to interact with Hydro to determine a suitable point of interconnection and complete system integration and impact studies. For export projects, the proponent would also have to work with Hydro from the perspective of utilization of

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<sup>1</sup> There are a significant number of requests for power in Labrador which requires both transmission and electricity supply additions. This policy lays out the first step in how new system additions will be paid for and once customers decide if they are willing to proceed with the financial contribution required for service, Hydro will then know exactly how much new supply sources will be needed.

transmission paths to export. Currently, all firm rights over existing export paths are fully subscribed. Further, proponents looking to export would also incur associated fees, including the NLSO transmission tariff, which is approved by the PUB. Such commercial relationships would be subject to PUB oversight as the transmission assets are regulated. In such instances, the PUB would need to ensure that the provision of transmission access does not adversely affect Hydro's customers. Further, private proponents would not be permitted to benefit from a service without contributing to the cost of the assets that enable the service.

DRAFT