



Nfld. & Labrador

## Wrapping up Muskrat Falls inquiry where it began, in Labrador



The hearings are scheduled to last all week

[Jacob Barker](#) · CBC News · Posted: Aug 12, 2019 10:29 PM NT | Last Updated: 10 hours ago



Lawyers gather on the stage at the Lawrence O'Brien Arts centre in Happy Valley-Goose Bay as final summations for the Muskrat Falls inquiry got underway Monday morning. (Jacob Barker/CBC)

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Final summations and the concluding week of the Muskrat Falls inquiry got underway Monday in Happy Valley-Goose Bay, the same place the hearings began last September.

"It's been a tough go, in the sense of getting a lot done in a short period of time," said Richard Leblanc, inquiry commissioner.

The inquiry was convened by the Liberal government, after the cost of the hydroelectric project effectively doubled from its \$6.2 billion estimate to over \$12 billion and it ran two years behind schedule. It cost the taxpayer over \$13 million and has seen thousands of exhibits entered into evidence and over a hundred witnesses take the stand.



**Jacob Barker**

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Final summations are underway at the [#muskratfalls](#) inquiry. First up is Peter Ralph, lawyer for the government of NL [#cbcnl](#) [@cbclabrador](#)



10:20 AM - Aug 12, 2019

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The day got out to a fiery start as Leblanc ripped into the submission from the provincial government, which focused mainly on the semantics of holding a public inquiry.

"At this stage you're telling me that you don't want to answer a general question with regards to has the Crown got an interest in the way the government expends money," Leblanc said to government lawyer Peter Ralph.

"That's fine, but I suggest that it's because of your misunderstanding of the role of the Crown," Ralph hit back.

"I do understand the role of the Crown, by the way," LeBlanc said later in the debate which went on for over five minutes.

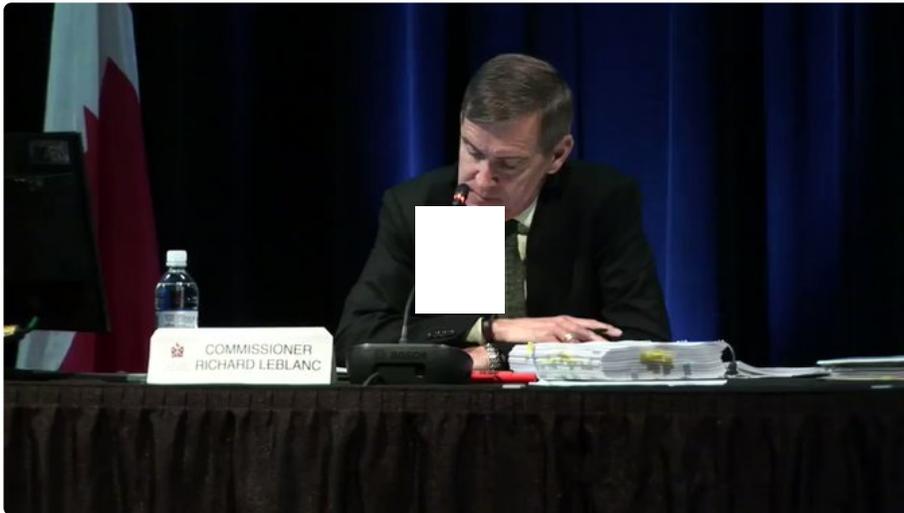


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A particularly fiery exchange between LeBlanc and Ralph this morning. Ralph's submission focused on semantics of conducting the inquiry, LeBlanc said it didn't fit w/its request for standing which said "any adverse finding is in the interest of the crown" @cbcnl #cbclabrador 1/2



3:34 PM - Aug 12, 2019

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## Inquiry not criminal court

Geoff Budden, lawyer for the Concerned Citizens Coalition, pointed out in his submission that it is not within the authority of the commission to determine criminal or civil liability — but it can find the conduct of certain individuals improper.

"That in one form or another, their actions or inactions, that they are guilty of a form of misconduct," he said.

"The two individuals we reluctantly felt it necessary to identify were Mr. Martin and Mr. Harrington," referring to former Nalcor CEO Ed Martin and Muskrat Falls project director Paul Harrington.

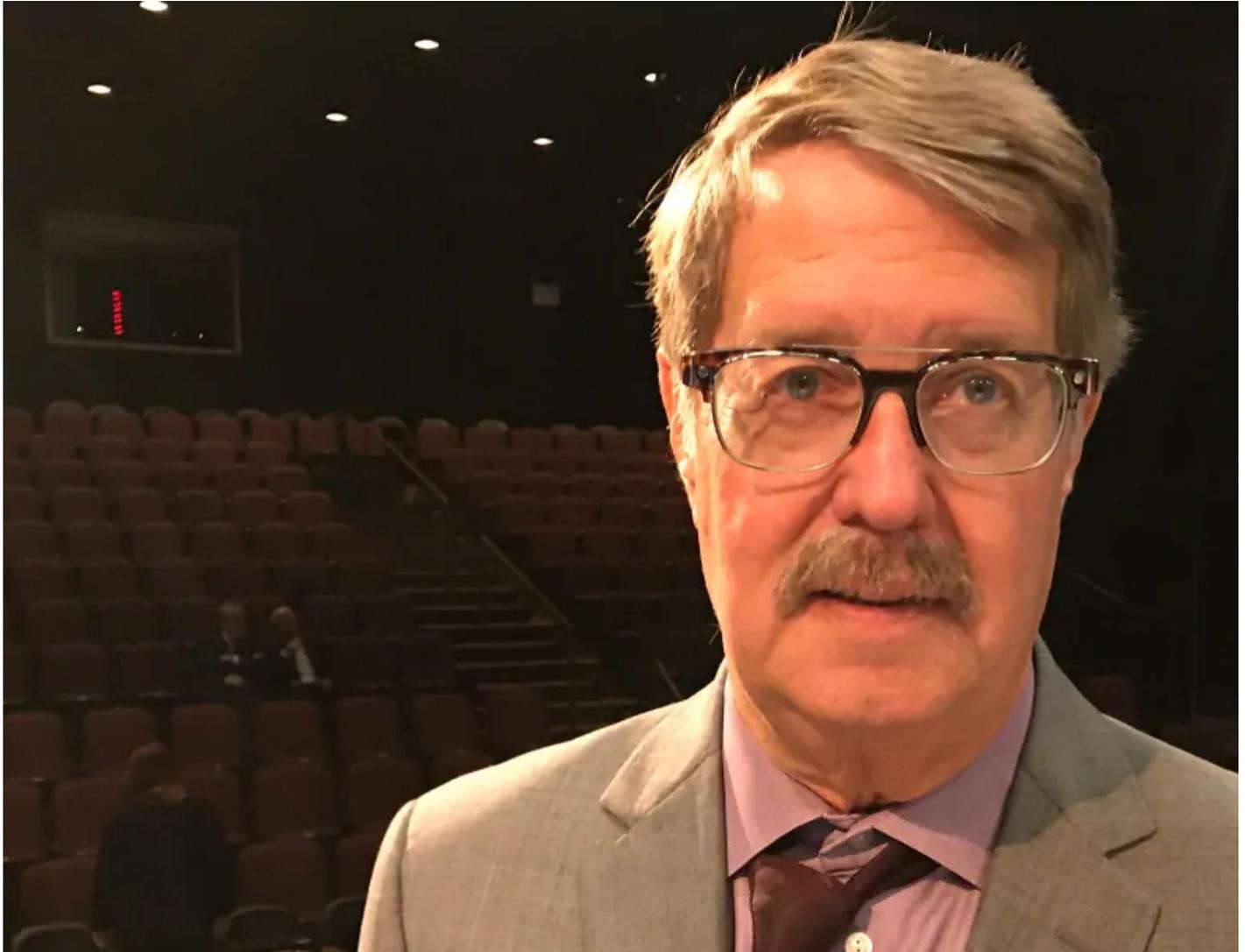


Geoff Budden is the lawyer representing the Muskrat Falls Concerned Citizens Coalition. (Terry Roberts/CBC)

Budden also cited the concept of "political bias" which was put forward through the testimony of Bent Fybjerg, a megaproject expert who appeared in the first week of hearings. Budden's written statement suggested that "political bias" be considered as "a likely explanation for the understatement of project costs and the related overstatement of isolated island costs."

"That's how this Muskrat Falls project came to be sanctioned," Budden argued. "With a deliberate thumb on the scale, so to speak, where one option was favoured and other options were not."

In the written submission for former Martin, the "spectacle" of having executives examined in public "and that it may send an unwanted 'chill' through the community" is reference. It goes on to say that "recruitment from the private sector will be even more difficult where the barrage of criticisms and second guessing of decisions made in good faith."



Harold Smith is former Nalcor CEO Ed Martin's lawyer. (Terry Roberts/CBC)

Lawyer Harold Smith, who represents Martin, said his client takes the view that ultimately the Muskrat Falls option was the only option from a perspective of what was known at the time.

"Mr. Martin fully supports the sanctioning and the progress of the Muskrat Falls project, notwithstanding the unfortunate cost overruns," Smith said.

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