

May 4, 2017

Via email: sallerston@mvlwb.com
Via fax: 867.873.6610

MV2011L4-0002

Mackenzie Valley Land and Water Board
7th Floor, 4922 - 48 Street
P.O. Box 2130
Yellowknife, NT X1A 2P6

Attention: Shannon Allerston, Regulatory Officer
Board Members

Dear Sirs and Mesdames:

Re: NTPC v. Carters – Taltson Compensation Re-Hearing Agenda
File No.: 028268-0004

We are writing to request that the Mackenzie Valley Land and Water Board (Board) amend the Taltson Compensation Re-Hearing Agenda to permit the Carters to present their Opening Statement and Presentation first.

The purpose of the re-hearing is to decide the Carters' claim for compensation. The Board has already found that the Carters will be adversely impacted by the Northwest Territories Power Corporation's (NTPC) operations under the Licence and that the Carters are entitled to compensation. The hearing is not intended to re-open NTPC's application for a Licence. Justice Shaner only overturned the Board's decision as it related to the amount of compensation to be awarded to the Carters.

Justice Shaner held that the Board must provide the Carters with an opportunity to respond to the NTPC's submissions, dated April 23, 2012. The Carters' Opening Statement and Presentation respond to NTPC's submissions of April 23, 2012. Pursuant to the Board's Rules of Procedure, NTPC's participation in the hearing is intended to reply to the Carters' written submission.¹ It is unclear how NTPC will be able to reply to the Carters' Opening Statement and Presentation if the Carters present after NTPC.

¹ Mackenzie Valley Land and Water Board, Rules of Procedure including Public Hearings (January 14, 2004), r 54; *Carter v Northwest Territories Power Corp*, 2014 NWTSC 19 at paras 103-106.

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We suggest that the following order for presentations would provide an appropriate compromise:

1. Carter Family Opening Statement
2. NTPC Opening Statement
3. Carter Family Presentation
4. NTPC Presentation
5. Carter Family Closing Remarks
6. NTPC Closing Remarks

We look forward to hearing from you regarding the foregoing.

Sincerely,

MLT AIKINS LLP

Per:

Eleanor Olszewski, Q.C.

EAO/ajq

cc: Doug Evanchuk & Sean Parker, Counsel for NTPC
Sheldon Toner & Caroline Wawzunek, Counsel for MVLWB

From: [Shannon Allerston](#)
To: [Permits](#)
Subject: FW: Carter Request to Amend Rehearing Agenda
Date: Monday, May 8, 2017 1:32:18 PM
Attachments: [image001.png](#)
[028268-0004 Letter to Mackenzie Valley Land and Water Board Re NTPC v. Carters - Taltson Compensation - Hearing Agenda.pdf](#)

MV2011L4-0002

From: Eleanor Olszewski [mailto:EOlszewski@mltaikins.com]
Sent: May-04-17 9:32 AM
To: Shannon Allerston
Cc: Amanda Gauthier; 'Doug Evanchuk'; Sean Parker; Sheldon Toner (sheldon@dragontoner.ca); Caroline Wawzonek (caroline@dragontoner.ca); Jessica Buhler
Subject: Carter Request to Amend Rehearing Agenda

Hello

In accordance with directions received during our pre-hearing telephone conference call of May 3, 2017 we now enclose, on behalf of the Carter family, our request to amend the rehearing Agenda.

Best regards,
Eleanor

Eleanor A. Olszewski, Q.C.

Partner

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