

June 6, 2014

*Via fax:* 867-669-0506

Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor, 4922-48<sup>th</sup> Street  
Yellowknife, NT X1A 2P6

**Attention: Willard Hagen, Board Chair**

Dear Mr. Hagen:

**Re: Jean Carter, Myles Carter, Dean Carter, and Kandee Froese (the "Carter Family") v. Northwest Territories Power Corp. ("NTPC") and Mackenzie Valley Land and Water Board (the "Board")**

**Board File: MV2011L4-0002**

**Our File: 028268-0004**

Further to the Board's letter of April 23, 2014, we respectfully submit that the proceedings before the Board regarding compensation should be postponed until the proceedings before the Supreme Court of the Northwest Territories are complete.

The Carter Family, the NTPC, and the Board have all submitted costs briefs to the Supreme Court of the Northwest Territories with respect to the application for judicial review heard in Action No. S-1-CV2012000088. The Board has submitted a brief regarding costs on its own behalf and takes a position in that brief that is directly adverse in interest to the Carter Family. We are concerned that commencing the compensation proceeding before the Board before the issue of costs has been settled by the Court, an issue upon which the Board and the Carter Family are directly adverse in interest, could result in a reasonable apprehension of bias.

Further, it is uncertain when a decision regarding costs will be rendered by the Court. Therefore, unless the commencement of the compensation proceedings is postponed until after the costs decision is issued, the Board may be required to deliberate on the issue of compensation before the costs decision has been rendered, further creating a reasonable apprehension of bias.

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In order to avoid further complication in these proceedings, we respectfully request that the Board rescind its procedural instructions of April 23, 2014 and reissue instructions and timelines for the submission of evidence and argument regarding compensation once the proceedings before the Supreme Court of the Northwest Territories are fully complete.

Sincerely,

**MacPherson Leshe & Tyerman LLP**

Per:

Eleanor A. Olszewski, Q.C.

EAO:akp

cc:

W. James Hope-Ross

Jonathan P. Rossall, Q.C.