

February 21, 2018

*Via email: smontgomery@mvlwb.com*

**Mackenzie Valley Land and Water Board**

7<sup>th</sup> Floor, 4922-48 Street  
P.O. Box 2130  
Yellowknife, NT X1A 2P6

**Attention: Shelagh Montgomery, PhD, Executive Director**

Dear Madam:

**Re: Carter Family Motion for Costs**  
**MV 2011 L4-0002**  
**Our File 028268-0004**  
**No.:**

We write further to the Mackenzie Valley Land and Water Board's ("**Board**") correspondence of February 1, 2018, inviting the Carter Family to respond to any submissions made by the Northwest Territories Power Corporation ("**NTPC**").

The Carter Family reiterates its position that NTPC should be required to compensate the Carter Family for its costs incurred in advancing its meritorious Claim for Compensation. As a result of NTPC's application for a licence renewal, the lack of clarity in the legislation/Board process and the adversarial nature of the Board proceedings, the Carter Family was forced to incur substantial costs to participate in these protracted proceedings. The Board's compensation scheme is intended to be accessible to members of the public, timely and cost-effective. The Carter Family's experience in navigating the Board's process, twice, reveals that these legislative goals and expectations were not met.

The Carter Family's Claim for Compensation was meritorious. There is no doubt that they have been affected by NTPC's operations and will continue to be affected. The legislation provides a process by which the Carter Family should be properly compensated for these effects; instead, the process was flawed and through no fault of the Carters, much additional expense was incurred. It is unfair that the parties that the legislation was meant to protect (members of the public) must bear the financial responsibility for flawed proceedings. The Carter Family respectfully submits that they should be compensated for the costs incurred to advance their Claim for Compensation.

# MLT AIKINS

WESTERN CANADA'S LAW FIRM

We thank the Board for its consideration of the Carter Family's motion.

Sincerely,

**MLT AIKINS LLP**

Per:



Eleanor A. Olszewski, Q.C.

FOR

EAO:ckp

cc:

Jacqueline Ho, Mackenzie Valley Land and Water Board

Caroline Wawzonek & Sheldon Toner, Counsel to the Mackenzie Valley Land and Water Board

Doug Evanchuk & Sean Parker, Counsel to NTPC