

THE COMMISSION OF THE WALKERTON INQUIRY

The Honourable Dennis R. O'Connor, Commissioner

SUPPLEMENTARY RULING ON STANDING AND FUNDING

February 16, 2001

In my Ruling on Standing and Funding of September 11, 2000, I granted standing to the Walkerton Public Utilities Commission ("PUC") in Part I of the Inquiry. In a letter dated January 8, 2001, Mr. Prehogan, counsel for the PUC, wrote to advise that the PUC had been wound up by the Municipality of Brockton and to apply for standing on behalf of the two former Commissioners of the PUC, Richard Field and Jim Kieffer. Mr. Prehogan further outlined his position with respect to this application in a letter dated January 22.

In my Supplementary Ruling of January 22, 2001, I granted standing to Mr. Field and Mr. Kieffer in Part IA, limited to matters relating to their personal or official involvement. I reserved judgment, however, on whether to grant Mr. Field and Mr. Kieffer standing in Part IB, and on whether to recommend funding for them for one counsel and one junior counsel in that Part, as requested by Mr. Prehogan. Commission counsel's preparations for Part IB have now reached a stage that permits me to rule on these issues.

In his letter of January 22, 2001, Mr. Prehogan took the position that Mr. Field and Mr. Kieffer, in their capacities as Commissioners of the PUC, were an integral part of

the system in place in Walkerton during and leading up to the events of May 2000. He also argued that any findings I might make with respect to the involvement of Mr. Field and Mr. Kieffer in these events will be affected by my findings in Part IB as to the duties and responsibilities of commissioners of public utilities. This, in turn, Mr. Prehogan argued, will be influenced by my understanding of the broader systemic issues and by the role of other actors in that system.

I agree that those portions of Part IB that deal with the duties and responsibilities of commissioners of public utilities engage the interests of Mr. Field and Mr. Kieffer. I note, however, that this will likely constitute a relatively small portion of the evidence in Part IB and I am not convinced that Mr. Field and Mr. Kieffer are entitled to have standing for all issues in Part IB. Rather, I am satisfied that the perspective of the PUC with respect to broader systemic issues will be brought forward by the owner of the water system, the Municipality of Brockton, which has full standing in Part IB. I also note that Mr. Field and Mr. Kieffer, should they so wish, may raise specific issues with Commission counsel who will continue to ensure that all relevant issues are brought before the Inquiry. I therefore grant standing in Part IB to Mr. Field and Mr. Kieffer, limited to their personal or official involvement and to issues where there is a potential difference of interest between them, in their personal or official capacity, and the Municipality of Brockton.

In terms of funding, I will recommend to the Attorney General that Mr. Field and Mr. Kieffer receive funding for one counsel, with disbursements, in Part IB. I am not convinced that the scope of their interests necessitates funding for junior counsel.

DATE RELEASED: February 16, 2001