

THE COMMISSION OF THE WALKERTON INQUIRY

The Honourable Dennis R. O'Connor, Commissioner

SUPPLEMENTARY RULING ON STANDING AND FUNDING

January 22, 2001

1. 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. In light of this development, Mr. Prehogan indicated that the two former Commissioners of the PUC, Richard Field and Jim Kieffer, have asked him to request standing on their behalves. Mr. Prehogan also indicated that they have instructed him to ensure that the positions of the PUC and its Commissioners can be fully, independently and impartially represented.

I agree that Mr. Field and Mr. Kieffer should have standing in Part IA, limited to matters relating to their personal or official involvement, in order to ensure that their interests are represented and that the perspective of the PUC is not lost at such a late stage in the Part IA hearings. I will reserve judgment on whether Mr. Field and Mr. Kieffer should have standing in Part IB in light of the fact that Commission counsel are still in the process of defining the content of the evidence and issues in Part IB. At present, however, I do not see as significant a role for Mr. Field and Mr. Kieffer in Part IB as I previously saw for the PUC.

2. In my Supplementary Ruling on Standing and Funding of October 3, 2000, I decided to recommend funding for junior counsel for Stan Koebel and for the Public Utilities Commission (“PUC”) for a maximum of 20 days during Part IA. In letters dated November 27, 2000 and January 4, 2001, Mr. Trudell, counsel for Mr. Koebel, wrote to request funding for additional days on which junior counsel attended the Part IA hearings.

We are very near the completion of Part IA. I understand that Mr. Trudell and his junior counsel both attended 22 of the 45 hearing days in Part IA. I consider this degree of involvement by junior counsel to have been reasonable and necessary in light of the degree to which the Part IA evidence engaged Mr. Koebel’s interest. I also recognize that the limit of 20 days was determined before the Part IA hearings began. I will therefore recommend funding for two additional days for junior counsel for Mr. Koebel.

The remaining evidence in Part IA of the Inquiry will be heard during the week of February 26. The evidence during that week will deal with expert evidence regarding the physical cause of the contamination. Additional evidence may also be called concerning issues that engage Mr. Koebel’s interest. I am of the opinion that these two areas of evidence may engage Mr. Koebel’s interest to such a degree as to require attendance by junior counsel. I will therefore recommend up to four days additional funding for junior counsel for Mr. Koebel, depending on whether Mr. Trudell and junior counsel both attend on the hearing days during the week of February 26. In total, I will recommend up to six days additional funding for junior counsel for Mr. Koebel.

Mr. Prehogan, counsel for the PUC, wrote me in a letter of today's date to indicate that he was not presently requesting additional funding for junior counsel, but that he may do so in the future. In light of this submission, I reserve judgment on whether to grant additional funding for junior counsel for the PUC in Part IA. In his letter, Mr. Prehogan also requested full funding for one counsel and one junior counsel for Mr. Field and Mr. Kieffer in Part IB. I reserve my decision on this request until I rule on whether Mr. Field and Mr. Kieffer are entitled to standing in Part IB.

DATE RELEASED: January 22, 2001