

MR. ROGERS, EXAM. BY MR. MERRICK

1 "industrial" in the fifth line. "Industrial Cape
2 Breton." The word "industrial" was deleted because none
3 of us could understand what the difference was between
4 "industrial Cape Breton" and the geography called "Cape
5 Breton." But in case there was something different, we
6 decided that we would err on the side of caution and
7 insist it be deleted.

8 Q. All right. And just assist me if you will. I take
9 it that this letter of December the 14th would be taken
10 as an acceptance by the Province, in fact, the commitment
11 that you were looking for for the Devco undertaking?

12 A. Yes. It does not contain specifics on price; it
13 does not contain specifics as regards quantities. You
14 may recall those were issues that were on the file
15 before. It was my opinion, and I said so, that this was
16 the best we could get, and that this document was, in my
17 opinion, binding on the Province. And since it was a
18 codicil to the original contract, it had the force of
19 contract law, and that was accepted.

20 COMMISSIONER I know it's arguable at this point, Mr.
21 Merrick, but just looking at that word "industrial" there
22 and the deletion of it, that may very well have excluded
23 the Port Hawkesbury plant, I suppose, had it not been --

24 MR. MERRICK It may have.

25 A. "This agreement also applies to the new thermal