



**NEWFOUNDLAND AND LABRADOR
BOARD OF COMMISSIONERS OF PUBLIC UTILITIES**

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2001 12 07

Mr. Dave Porter
Vice President Human Resources
Iron Ore Company of Canada
P. O. Box 1000
Labrador City, NF
A2V 2L8

Dear Mr. Porter:

This is in response to your letter dated, November 26, 2001 whereby you expressed your company's objections to the purpose and magnitude of the proposed increases for residential customers in Labrador City as detailed in Newfoundland and Labrador Hydro's ("Hydro") General Rate Application.

The Board thanks you for your comments and wishes to advise that it acknowledges your letter of comment and have filed such as part of the public record. In reviewing your letter, it is apparent by the statements in your letter and more specifically those made in the last paragraph of page 3, that you misunderstand the purpose of the letter of comment and the Board's role in the hearing of applications before it. Therefore I am writing you to provide clarification of the Board's rules and regulations and the appropriateness of the Board responding directly to your comments.

The Public Utilities Board is a quasi-judicial tribunal that follows strict regulations established by legislation in the hearing and processing of applications received from the regulated industries. I have attached a copy of these regulations for your convenience. As detailed in these regulations, interested person(s) who wish to make their views known to the Board during a hearing, must register with the Board as an intervenor, submit a letter of comment or follow the guidelines established for participating in public presentation days. Registered intervenors and interested person(s) must follow the procedures as set forth in the regulations and any subsequent procedural orders that are issued.

In the hearing of Hydro's General Rate application, parties granted intervenor status were identified during pre-hearing conferences held this past summer. In public notices issued by the Board, interested persons, other than registered intervenors, were invited to submit letters of comment, that would form part of the official record, and/or attend Public Participation Days that were scheduled across the Province. Two of these Public Participation Days were held in your area in the community of Wabush on October 16 and 17.

In keeping with the principles of natural justice and administrative law, once an Administrative Tribunal has been seized with a matter, in other words when it is in receipt of an application and have decided to proceed with a public hearing, it cannot because of issues of procedural fairness, respond to comments and/or requests to meet with any party or person(s) outside the context of the hearing to discuss matters relevant to the hearing.

In your letter you indicated that the Iron Ore Company of Canada has not had any direct contact with Hydro officials regarding the proposed rates for Labrador City and that you would be willing to meet with the Board to discuss your concerns with the application and proposed rates. As the Board is now seized with the hearing of Hydro's application, it would be inappropriate for the Board to comment directly to you on the content of your letter and/or meet with you to discuss the application. Although the Board cannot communicate with you directly, it can and has acknowledged your letter as a letter of comment. While the Board cannot accept your request to meet to the discuss the application, this does not deter you from making contact with Hydro officials and/or any of the registered intervenors in the hearing to discuss your concerns and submit further letters of comment to the Board. For your convenience, I have attached a listing of the registered intervenors in this matter.

Should you have any further questions, please do not hesitate to contact me directly at 709-726-8600.

Yours truly,



G. Cheryl Blundon,
Director of Corporate Services
and Board Secretary.

Attachments (2)

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Corr-Letters of Comment\Iron Ore Com of Canada.doc

REGISTERED INTERVENORS

1. Gillian Butler, Q.C. and Peter Alteen
Counsel to Newfoundland Power Inc.
55 Kenmount Road
P.O. Box 8910
St. John's, NF
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Telephone: 737-5859
Fax: 737-2974

2. Janet M. Henley Andrews and Joseph S. Hutchings
Stewart McKelvey Stirling Scales Poole Althouse Thompson & Thomas
Cabot Place, 100 New Gower Street P. O. Box 812, 49-51 Park Street
P.O. Box 5038 Corner Brook, NF
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A1C 5V3 Telephone: (709) 634-7241
Telephone: 722-4270 Fax: (709) 634-8247
Fax: 722-4565

3. Dennis Browne, Q.C. (Stephen Fitzgerald, Counsel for the
Consumer Advocate Consumer Advocate)
c/o Browne Fitzgerald Morgan & Avis
P. O. Box 23135
Terrace on the Square, Level II
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4. Edward M. Hearn, Q.C.
Miller & Hearn
450 Avalon Drive
P.O. Box 129
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5. Mr. Dennis Peck
Director of Economic Development
Town of Happy Valley-Goose Bay
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