

P.U. 10 (2002-2003)

IN THE MATTER OF the Electrical Power Control Act, SN 1994, c. E-5.1 (“*EPCA*”) and the Public Utilities Act RSN, 1990, c. P-47 (“the *Act*”) and their subordinate regulations,

AND IN THE MATTER OF an Application by Newfoundland and Labrador Hydro (NLH) for approval of: (1) Under Section 70 of the *Act*, changes in the rates to be charged for the supply of power and energy to its Retail Customer, Newfoundland Power, its Rural Customers and its Industrial Customers; (2) Under Section 71 of the *Act*, its Rules and Regulations applicable to the supply of electricity to its Rural Customers; (3) Under Section 71 of the *Act*, the contracts setting out the terms and conditions applicable to the supply of electricity to its Industrial Customers; and (4) Under Section 41 of the *Act*, its 2002 Capital Budget.

BEFORE:

Robert Noseworthy
Chair and Chief Executive Officer

Darlene Whalen, P.Eng.
Vice-Chair

Don Powell, C.A.
Commissioner

G. Fred Saunders
Commissioner

WHEREAS Section 90(1) of the *Act* gives the Board the authority and discretion to award costs in a proceeding before the Board; and

WHEREAS in P.U. 7 (2002-2003) the Board found that the circumstances of the Application by NLH had contributed to the Industrial Customers' hearing costs and ordered that the Industrial Customers be awarded costs in an amount to be determined by the Board, following receipt of a detailed statement of their costs; and

WHEREAS on June 26, 2002 the Industrial Customers submitted to the Board a detailed statement of their costs for the Board's consideration; and

WHEREAS the Board has reviewed the statement of costs for the Industrial Customers; and

WHEREAS based upon the Board's knowledge and experience the Board is satisfied that the costs of the Industrial Customers should be fixed in the amount of \$250,000 to reflect the circumstances of the Application as discussed in P.U. 7 (2002-2003).

IT IS THEREFORE ORDERED THAT:

1. The costs of the Industrial Customers are fixed at \$250,000.
2. NLH shall, within a reasonable time period, pay intervenor costs to the Industrial Customers in the amount of \$250,000.

Dated at St. John's, Newfoundland and Labrador this 4th day of July 2002.

Robert Noseworthy,
Chair & Chief Executive Officer.

Darlene Whalen, P.Eng.,
Vice-Chairperson.

G. Fred Saunders,
Commissioner.

Don Powell, C.A.,
Commissioner.

Barbara Thistle,
Assistant Board Secretary.