

BOARD OF COMMISSIONERS OF PUBLIC UTILITIES

ORDER NUMBER: P.U. 7 (2002-2003)

APPENDIX C



NEWFOUNDLAND AND LABRADOR

AN ORDER OF THE BOARD OF COMMISSIONERS OF PUBLIC UTILITIES

NO.P.U. 8 (2001-2002)

IN THE MATTER OF the *Electrical Power Control Act, 1994* (the “EPCA”) and the *Public Utilities Act*, R.S.N. 1990, Chapter P-47 (“the Act”) and their subordinate regulations; and

IN THE MATTER OF an Application by Newfoundland and Labrador Hydro (“Hydro”) for approvals 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.

WHEREAS Hydro filed an application with the Public Utilities Board (the “Board”) dated May 31, 2001 for an Order or Orders of the Board approving, among other things, the proposed rates for the various customers of Hydro, commencing January 1, 2002 as set out in the application; and

WHEREAS the Board has moved to hold a public hearing into the above application of Hydro and published a Notice of a pre-hearing conference; and

WHEREAS after publishing notice of a pre-hearing conference, the Board received notices of intervention from the Island Industrial Customers as a group representing Abitibi Consolidated Inc, Stephenville and Grand Falls Divisions, Corner Brook Pulp and Paper Company Limited and North Atlantic Refining Limited; and

WHEREAS as part of the Notice of Intervention filed, the Island Industrial Customers applied for an Order of the Board pursuant to Section 90(1) of the Act that at the conclusion of the hearing they be entitled to have their costs of and incidental to the rate application taxed; and

WHEREAS the Island Industrial Customers further submitted that in the interest of fairness they should be entitled to know, in advance, that they will be able to recover their taxed costs of participation in the hearing; and

WHEREAS Newfoundland Power Inc. and Hydro both filed a reply to the motion of the Island Industrial Customers; and

WHEREAS at the Motions Hearing on July 18, 2001, the Board heard representations from the Island Industrial Customers as well as Newfoundland Power, Hydro and the Consumer Advocate on the motion; and

WHEREAS Section 90(1) of the Act does not specifically permit the Board to deal with the issue of costs prior to the hearing.

IT IS THEREFORE ORDERED THAT:

In accordance with Section 90(1) of the Act, the Board will consider the issue of costs for the Island Industrial Customers and other intervenors at the conclusion of the hearing.

DATED at St. John's, Newfoundland, this 20th day of July, 2001.

Robert Noseworthy,
Chair & Chief Executive Officer.

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

G. Fred Saunders,
Commissioner.

Don R. Powell, C.A.,
Commissioner.

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