

**IN THE MATTER OF** the *Public Utilities Act*,  
R.S.N. 1990 Chapter P-47 (the “Act”); and

**IN THE MATTER OF** a General Rate Application  
(the “Application”) by Newfoundland and Labrador  
Hydro for approvals of, under Section 70 of the Act,  
changes in the rates to be charged for the supply of  
power and energy to Newfoundland Power, Rural  
Customers and Industrial Customers; and under  
Section 71 of the Act, changes in the Rules and  
Regulations applicable to the supply of electricity to  
Rural Customers.

**APPLICATION RELATIVE TO ISSUES AT THE HEARING**

**NEWFOUNDLAND POWER INC.**

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R.S.N. 1990 Chapter P-47 (the “Act”); and

**IN THE MATTER OF** a General Rate Application (the “Application”) by Newfoundland and Labrador Hydro for approvals of, under Section 70 of the Act, changes in the rates to be charged for the supply of power and energy to Newfoundland Power, Rural Customers and Industrial Customers; and under Section 71 of the Act, changes in the Rules and Regulations applicable to the supply of electricity to Rural Customers.

**TO:** The Board of Commissioners of Public Utilities (“the Board”)

THE APPLICATION of Newfoundland Power Inc. (“Newfoundland Power”) says:

1. The Industrial Customers have applied to the Board to exclude consideration of two issues raised in the EES Consulting Report.
2. The Industrial Customers seek to exclude consideration of the method to be used to classify generation plant on the basis that the issue was determined by the Board in the 1992-93 Cost of Service Methodology Hearing and confirmed by the Board in the 2001 GRA.
3. The Industrial Customers also seek to exclude consideration of the proper assignment of GNP transmission assets.
4. In Order No. P.U. 7 (2002-2003), the Board specifically left the issue of the proper assignment of GNP generation and transmission assets open for further consideration at Hydro’s next rate hearing.
5. The Industrial Customers in the Prefiled Testimony of C.F. Osler and P. Bowman have sought to change the treatment of Newfoundland Power’s generation credit in the Cost of Service Study. See Section 6.5 of the Evidence of Osler and Bowman (page 35 – 39).
6. The issue of Newfoundland Power’s generation credit was also decided by the Board in Order No. P.U. 7 (2002-2003). The Board did not leave the issue of Newfoundland Power’s generation credit open for further consideration at Hydro’s next rate hearing.

7. The evidence of EES Consulting was scheduled to be filed at the same time as the evidence of the Intervenor, including the Industrial Customers. The evidence of EES Consulting was made available to the Applicant and the Intervenor as scheduled, but its formal filing was delayed at the request of the Industrial Customers to enable the Industrial Customers to challenge its filing. All parties have had the Intervenor evidence and the evidence of the Board's staff for the same period of time.
8. The Board should apply a consistent approach to determining the issues which are open for consideration in this proceeding. If the Board excludes consideration of either of the issues raised by EES Consulting, the Board should also exclude consideration of the issue raised by the Industrial Customers with respect to Newfoundland Power's generation credit in the Cost of Service Study.

Newfoundland Power proposes that this Application be heard together with the Application of the Industrial Customers.

**DATED** at St. John's, Newfoundland this 1<sup>st</sup> of October, 2003.

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- c. Ms. Maureen P. Greene, Q.C.  
Newfoundland and Labrador Hydro

Mr. Mark Kennedy  
Board Hearing Counsel

Mr. Colm Seviour and Ms. Meg Gillies/Mr. Joseph S. Hutchings, Q.C.  
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Mr. Dennis Browne, Q.C.  
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Mr. Edward Hearn, Q.C.  
Counsel to the Town of Labrador City