

P.U. 25 (2004)

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

AND IN THE MATTER OF an application by Newfoundland and Labrador Hydro (“Hydro”) for approval of, *inter alia*, rates to be charged its customers and resulting Order Nos. P.U. 14(2004) and P.U. 17(2004);

AND IN THE MATTER OF an award of costs to the Industrial Customers.

BEFORE: **Robert Noseworthy**
 Chair and Chief Executive Officer

Darlene Whalen, P.Eng.
Vice-Chair

G. Fred Saunders
Commissioner

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

WHEREAS in Order No. P.U.14 (2004) the Board concluded that based on the potential significant impacts of Hydro's Application and in light of the Industrial Customers' responsible participation and contribution to the Board's understanding of the issues, an award of costs to the Industrial Customers is fair and appropriate in the circumstances; and

WHEREAS the Board directed the Industrial Customers to file a detailed statement of costs with the Board no later than May 28, 2004 for consideration of the Board in the exercise of its discretion to fix the amount of costs pursuant to subsection 90(1) of the *Act*; and

WHEREAS on May 28, 2004 the Industrial Customers submitted to the Board a detailed statement of their costs along with supporting documentation seeking costs in the amount of \$578,903.16; and

WHEREAS the Board has reviewed the statement of costs and supporting documentation filed by the Industrial Customers; and

WHEREAS based on the Board's knowledge and experience the Board is satisfied that the costs of the Industrial Customers should be fixed in the amount of \$315,000.

IT IS THEREFORE ORDERED THAT

1. The amount of the award of costs to the Industrial Customers in this matter is fixed at \$315,000.
2. Hydro shall, within 30 days of the date of this Order, pay the award of costs of \$315,000 to the Industrial Customers.

DATED at St. John's, Newfoundland and Labrador, this 8th day of July, 2004.

Robert Noseworthy,
Chair and Chief Executive Officer.

Darlene Whalen, P.Eng.
Vice-Chair.

G. Fred Saunders,
Commissioner.

G. Cheryl Blundon,
Board Secretary.