

**P. U. 17(2007)**

**IN THE MATTER OF** the *Electrical Power Control Act*, RSNL 1994, Chapter E-5.1 (the “*EPCA*”) and the *Public Utilities Act*, RSNL 1990, Chapter P-47 (the “*Act*”) as amended, and their subordinate regulations;

**AND IN THE MATTER OF** a General Rate Application (the “*Application*”) by Newfoundland Power Inc. to establish customer electricity rates for 2008.

**BEFORE:**

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

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

**PROCEDURAL ORDER**

1  
2  
3  
4 **WHEREAS** Newfoundland Power Inc. (“NP”), filed an application with the Board of  
5 Commissioners of Public Utilities (“the Board”) on May 10, 2007 for an Order or Orders of the  
6 Board approving, among other things, the proposed rates for the various customers of NP, to be  
7 effective January 1, 2008; and  
8

9 **WHEREAS** Notice of the Application and Pre-hearing Conference was published in newspapers  
10 throughout Newfoundland and Labrador beginning on May 19, 2007; and  
11

12 **WHEREAS** after publishing Notice the Board received Intervenor Submissions from the Consumer  
13 Advocate and Newfoundland and Labrador Hydro; and  
14

15 **WHEREAS** on June 12, 2007 a Pre-hearing Conference was held in the Board’s Hearing Room, 2<sup>nd</sup>  
16 Floor, Prince Charles Building, 120 Torbay Road, St. John’s; and  
17

18 **WHEREAS** the issues addressed at the Pre-hearing Conference included the identification of  
19 Intervenors, the procedures to be followed in the matter and the Schedule of Dates; and  
20

21 **WHEREAS** having heard from the parties and giving regard to their agreement in relation to the  
22 proposed schedule and procedures for the hearing of the Application the Board makes the following  
23 order pursuant to the provisions of the *Act* and regulations there under.  
24

25  
26 **THE BOARD ORDERS THAT:**  
27

- 28 1. The registered Intervenors, the schedule of dates, and the procedures for the hearing of the  
29 Application are as set out in Appendix “A” to this Order.

**DATED** at St. John's, Newfoundland and Labrador this 22<sup>nd</sup> day of June 2007.

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Robert Noseworthy  
Chair & Chief Executive Officer

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Darlene Whalen, P.Eng.  
Vice-Chairperson

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G. Cheryl Blundon  
Board Secretary.

**Appendix "A"**  
**Order No. P. U. 17(2007)**

- |   |                |                               |
|---|----------------|-------------------------------|
| 1 | <b>Item 1.</b> | <b>Registered Intervenors</b> |
| 2 |                |                               |
| 3 | <b>Item 2.</b> | <b>Schedule of Dates</b>      |
| 4 |                |                               |
| 5 | <b>Item 3.</b> | <b>Rules of Procedure</b>     |

Registered Intervenors

The following is a list of parties who are identified as registered Intervenors to this hearing:

1. **Consumer Advocate**

*represented by*

Thomas Johnson

O'Dea, Earle Law Offices

323 Duckworth Street

St. John's, NL

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Telephone: 726-3524

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[swillar@odeaearle.nf.ca](mailto:swillar@odeaearle.nf.ca)

.2. **Newfoundland and Labrador Hydro**

*represented by*

Geoffrey P. Young

Legal Counsel

Hydro Place, 500 Columbus Drive

P.O. Box 12400

St. John's, NL

A1B 4K7

Telephone: 737-1277

Fax: 737-1782

E-mail: [GYoung@nlh.nl.ca](mailto:GYoung@nlh.nl.ca)

**Schedule of Dates**

- 1  
2  
3 **The following dates are set:**  
4  
5 **June 2007**  
6 June 12 (Tuesday) Pre-Hearing Conference  
7 June 22 (Friday) Requests for Information filed (RFIs)  
8  
9 **July 2007**  
10 July 6 (Friday) Responses to RFIs are filed  
11 July 10 (Tuesday) Witness Lists, Issues Lists filed  
12 July 13 (Friday) 2<sup>nd</sup> Round of RFIs filed  
13 July 27 (Friday) Responses to 2<sup>nd</sup> round of RFIs filed  
14 July 27<sup>th</sup> (Friday) Grant Thornton Report filed  
15  
16 **August 2007**  
17 Aug. 6 (Monday) Experts' Reports and pre-filed evidence filed  
18 Aug. 10 (Friday) RFIs on Expert Reports (including Grant Thornton Report) filed  
19 Aug. 17 (Friday) Responses to RFIs on Experts' Reports filed  
20 Aug. 20 (Monday) Negotiation period begins  
21  
22 **September 2007**  
23 Sept. 14 (Friday) Negotiations conclude  
24 Sept 18 (Tuesday) Filing of settlement agreement, updated Issues List and Witness Lists and  
25 proposed order of witnesses  
26 Sept 25 (Tuesday) Final deadline for filing any outstanding information  
27  
28 **October 2007**  
29 Oct. 16 (Tuesday) Public Hearing to begin

Newfoundland Power Inc.  
2008 General Rate Application  
Rules of Procedure

**Public Record**

1. Unless otherwise ordered by the Board, all documents filed with respect to this proceeding shall be placed on the public record.
2. A party may apply to the Board for an Order that a document or information filed in the proceeding is confidential and should not be released or released only on condition.

**Form of Documents**

3. (1) Unless otherwise ordered by the Board, the official record of this proceeding will be the original paper copy filed with the Board's Secretary
- (2) Every written document filed by a party shall be prepared as follows:
  - (a) Typed, written or printed on 8½" X 11" letter size paper, 3-hole punched for standard binders.
  - (b) Single or double sided.
  - (c) Each page shall be numbered.
  - (d) Where reasonable, each line shall be numbered.

**Filing of Documents**

4. (1) All documents shall be filed with the Board Secretary.
- (2) Documents may be filed by:
  - (a) Hand delivery;
  - (b) Courier service;
  - (c) Registered Mail;
  - (d) Facsimile; or
  - (e) Other means directed by the Board.
- (3) Filing is accomplished when the Board receives the submission.
- (4) All documents will be date and time stamped when received at the Board's Office.

- 1           (5)     All documents filed according to the scheduled dates shall be filed no later than 3:00  
2                     p.m. on the date stipulated. Documents filed after this time or on a Board holiday  
3                     shall be considered as filed on the next Board business day.  
4

5     **Revisions to Documents**

- 6
- 7     5.     (1)     A party may revise any document to correct errors or to provide new information  
8                     before the completion of the hearing.  
9
- 10           (2)     Where all or any part of a document is revised, each revision shall indicate the  
11                     page(s) revised, the line(s) revised, the number of the revision (i.e. 1<sup>st</sup> revision), and  
12                     the date of the revision.  
13
- 14           (3)     Where a revision is made to a document the Board may, upon its own motion or  
15                     upon the request of another party, after receiving submissions of the parties, make  
16                     any order in respect of the revisions.  
17

18     **Service of Documents**

- 19
- 20     6.     (1)     All documents shall be served upon the other parties in this proceeding.  
21
- 22           (2)     Parties will appoint one (1) person to receive documents for this proceeding.  
23
- 24           (3)     Service may be made as follows:  
25
- 26                     (a)     Hand delivery;  
27                     (b)     Courier service;  
28                     (c)     Registered Mail;  
29                     (d)     Facsimile; or  
30                     (e)     Other means ordered by the Board.  
31
- 32           (4)     Service will be effective:  
33
- 34                     (a)     On the day of delivery, where the document is sent by hand, courier or  
35                     facsimile.  
36                     (b)     On the date of receipt, where the document is delivered by registered mail.  
37                     (c)     On a date determined by the Board, where service is made by any other  
38                     means.



1    **Number of Copies of Filings and other Documents**  
2

- 3    7.    (1)    Unless otherwise ordered by the Board, parties filing documents with  
4           the Board shall adhere to the following guidelines:  
5  
6           (a)    File with the Board Secretary one (1) original signed copy of each document.  
7           (b)    Provide eight (8) copies of the original documents with the Board.  
8           (c)    Serve one (1) copy of each document to the parties.  
9

10   **Charge for Copies**  
11

- 12    8.    (1)    The Board will provide a copy of any document authored by the Board or  
13           its consultants at no charge.  
14  
15           (2)    Copies of documents originating or authored by a party should be requested directly  
16           from the party.  
17  
18           (3)    One (1) copy of the transcript for each day of the hearing will be provided to each  
19           party at no cost.  
20  
21           (4)    Copies of the Legislation, Acts, and Regulations can be obtained from the Queen’s  
22           Printer, viewed at the Board’s Main Office, or viewed on the Board’s Website at  
23           ([www.pub.nl.ca](http://www.pub.nl.ca)).  
24  
25           (5)    The Board may charge copy fees for the cost associated with the reproduction of any  
26           other document requested by an individual or party in accordance with the applicable  
27           legislation.  
28

29   **Electronic Filing**  
30

- 31    9.    (1)    To the extent practical every party shall file with the Board an electronic version of  
32           all documentation filed with the Board in this proceeding in the following manner:  
33  
34           (a)    Each individual document shall be converted while in electronic form to  
35           “read only” \*.pdf format (Adobe Acrobat), still allowing for key word  
36           searches and cut and paste functionality.

- 1 (b) All Documents that are generated in-house by the parties are to be filed  
2 electronically in the manner prescribed in this Order, with the exception of:  
3  
4 i. Covering letters or correspondence;  
5 ii. Background reports, Board orders or historical documentation that are  
6 unavailable or impractical to provide electronically, and  
7 iii. Case law filed in support of Motions.  
8

9 (2) Copies of all documentation, except confidential information, filed with the Board in  
10 this proceeding will be placed on the Board’s website ([www.pub.nl.ca](http://www.pub.nl.ca)), where it will  
11 be available for review or download.  
12

13 (3) The electronic file is not an official record for the purposes of this proceeding.  
14

#### 15 **Public Viewing**

16  
17 10. Interested persons may view any or all documents filed in this proceeding, except  
18 confidential information, on the Board’s website ([www.pub.nl.ca](http://www.pub.nl.ca)), or at the Board’s main  
19 office by contacting the Board Secretary.  
20

#### 21 **Time**

22  
23 11. The parties shall observe the schedule for the proceeding established by the Board as  
24 amended from time to time.  
25

26 12. All references to time shall be clear days, that is the first and the last day shall be excluded.

#### 27 **Motions**

28  
29 13. (1) Motions must be filed in writing with the Board and served upon the parties two  
30 (2) days before the Motion Day.  
31

32 (2) The responding parties must file with the Board and serve upon the parties response  
33 briefs one day before the Motion Day.  
34

#### 35 **Information Requests**

36  
37 14. (1) The Parties shall observe the dates set for the issuance and filing of requests for  
38 information (“RFIs”) and dates for responses to RFIs.

- 1 (2) RFIs shall be:  
2  
3 (a) labelled with the initials of the party issuing the RFI;  
4 (b) designated so as to provide notice of to whom the RFI is directed  
5 (i.e. PUB-NP-1; PUB-CA-1); and  
6 (c) numbered consecutively with whole numbers.  
7  
8 (3) RFIs, and responses to RFIs, shall constitute part of the record in the proceeding  
9 and will be considered to be evidence in the proceeding.  
10  
11 (4) Where directed by the Board, a party providing a response to an RFI shall make a  
12 witness or witnesses available for cross-examination to speak to the information  
13 provided in the response.  
14

15 **Procedures for Presentation of Evidence and Cross-examination of Witnesses**

- 16  
17 15. (1) Pre-filed testimony of all non-expert witnesses and reports of expert witnesses should  
18 be adopted as evidence by the witnesses in sworn testimony.  
19  
20 (2) Direct examination should be limited to matters set out in the witness pre-filed  
21 testimony. The Board may allow a witness to provide supplementary evidence or  
22 may restrict direct testimony where it is irrelevant, redundant or not helpful to the  
23 Board in making its decision.  
24  
25 (3) Direct evidence may be presented by way of a panel of witnesses. Prior notice must  
26 be given to the Board Secretary and the parties. When examining a panel of  
27 witnesses Counsel shall put each question to a particular witness on the panel. Co-  
28 counsel may examine the same witness, or panel of witnesses, provided notice is  
29 given to the Board Secretary and the parties prior to the start of the cross-  
30 examination of the witness.  
31  
32 (4) Where co-counsel intend to examine the same witness, prior notice must be given to  
33 the Board Secretary and the parties. Co-counsel should not examine the same  
34 witness on the same subject matter.  
35  
36 (5) The party calling the witness shall be afforded an opportunity for re-direct  
37 examination and all parties shall have an opportunity to pose questions in relation to  
38 new matters arising from questions of the Board.  
39  
40 (6) When presenting a document to a witness one (1) copy will be provided to the  
41 witness, eight (8) copies to the Board Secretary and one (1) copy to each party.

- 1 (7) A party wishing to examine or cross-examine a witness on a document that is not:  
2  
3 (a) already part of the record of the proceeding;  
4 (b) a portion of a transcript of the witness’ own prior testimony; or  
5 (c) an Order of the Board;

6 shall:

- 7  
8  
9 i. file a copy of the document with the Board and all parties by 3:00 p.m. on the last  
10 business day before the examination or cross-examination is to take place;  
11 ii. provide eight (8) copies to the Board Secretary on the day of the examination or  
12 cross-examination.

- 13  
14 (8) Where the witness adopts the document it will be marked as an exhibit to his  
15 testimony.

- 16  
17 (9) Where a document was not adopted as part of the witness’ testimony the document  
18 may be:

- 19  
20 a. if the parties consent, entered as a consent exhibit; or  
21 b. entered as an information item.

22  
23 **Other**

- 24  
25 16. Unless otherwise ordered by the Board, the rules of procedure set out in *Regulation 39/96*  
26 apply in this proceeding to the extent that they are consistent with this Order.