

**NEWFOUNDLAND AND LABRADOR
BOARD OF COMMISSIONERS OF PUBLIC UTILITIES**

AN ORDER OF THE BOARD

NO. P.U. 1(2019)

1 **IN THE MATTER OF** the *Electrical Power*
2 *Control Act, 1994*, SNL 1994, Chapter E-5.1 (the
3 “*EPCA*”) and the *Public Utilities Act*, RSNL 1990,
4 Chapter P-47 (the “*Act*”), as amended, and regulations
5 thereunder; and
6

7 **IN THE MATTER OF** an application by
8 Newfoundland and Labrador Hydro pursuant to
9 section 71 of the *Act*, for an exemption
10 to Regulation 17.
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12

13 **WHEREAS** Newfoundland and Labrador Hydro (“Hydro”) is a corporation continued and
14 existing under the *Hydro Corporation Act, 2007*, is a public utility within the meaning of the *Act*,
15 and is also subject to the provisions of the *EPCA*; and
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17 **WHEREAS** in Order No. P.U. 36(2018) the Board approved a revised regulation permitting a
18 restriction on load additions in Labrador East for the 2018-2019 winter season; and
19

20 **WHEREAS** the regulation states in part:
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22 When Hydro has reason to believe there are special circumstances surrounding an
23 application for service in Labrador East that will result in the addition of load
24 requirements of greater than 100 kW, where it may be appropriate to approve service
25 connections and upgrades, Hydro may apply to the Board for a variance or exemption to
26 this Regulation; and
27

28 **WHEREAS** on December 20, 2018 Hydro sent a letter of refusal of service to the Early Childhood
29 Development Association (“ECDA”) which had applied for service for a planned child care centre;
30 and
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32 **WHEREAS** on January 9, 2019 Hydro applied for an exemption to Regulation 17 which would
33 allow Hydro to provide a service connection to the ECDA (the “Application”); and
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35 **WHEREAS** the Application states that, in the determination of special circumstances under which
36 it would be appropriate to support an application for variance or exemption to the regulation, Hydro
37 identified daycare centres as an example of a type of organization that meets a defined need within
38 a community and, as such, may qualify; and

1 **WHEREAS** the Application further states that on December 19, 2018 the ECDA requested that
2 Hydro apply to the Board for a variance to Regulation 17; and
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4 **WHEREAS** the ECDA advised Hydro that construction of its building for the daycare centre had
5 advanced to the point that the temporary service connection was no longer sufficient to support
6 the project's advancement, and also that it did not anticipate adding any significant load during the
7 2018-2019 winter season as building construction was not scheduled for substantial completion
8 until March 2019; and
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10 **WHEREAS** the Application was copied to: Newfoundland Power Inc. ("Newfoundland Power");
11 the Consumer Advocate, Dennis Browne, Q.C.; a group of Island Industrial customers: Corner
12 Brook Pulp and Paper Limited, NARL Refining Limited Partnership and Vale Newfoundland &
13 Labrador Limited (the "Industrial Customer Group"); Iron Ore Company of Canada; and the
14 communities of Sheshatshiu, Happy Valley-Goose Bay, Wabush, and Labrador City (the
15 "Labrador Interconnected Group"); Teck Resources Limited and Praxair Canada Inc.; and
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17 **WHEREAS** on January 10, 2019 Newfoundland Power submitted that it had no comments on the
18 Application and on January 11, 2019 the Industrial Customer Group also submitted that it had no
19 comments on the Application; and
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21 **WHEREAS** on January 15, 2019 the Labrador Interconnected Group submitted that they
22 supported the Application; and
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24 **WHEREAS** on January 16, 2019 Hydro filed a reply requesting the Board approve the Application
25 as submitted; and
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27 **WHEREAS** no other comments were received by the Board; and
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29 **WHEREAS** it is the assessment of the Board that an exemption to Regulation 17 for the ECDA
30 is warranted.
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33 **IT IS THEREFORE ORDERED THAT:**
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- 35 1. An exemption to Regulation 17 to allow for a service connection for the Early Childhood
36 Development Association is approved.
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- 38 2. Hydro shall pay all expenses of the Board arising from this Application.

DATED at St. John's, Newfoundland and Labrador, this 23rd day of January, 2019.



Darlene Whalen, P. Eng., FEC
Chair & CEO



James Oxford
Commissioner



Cheryl Blundon
Board Secretary