

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

AN ORDER OF THE BOARD

NO. P.U. 12(2020)

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
4 1990, Chapter P-47 (the “*Act*”), as amended, and
5 regulations thereunder; and
6

7 **IN THE MATTER OF** an application by
8 Newfoundland and Labrador Hydro for an
9 exemption to Regulation 17 of its rules and
10 regulations.
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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 revision to Hydro’s rules and
18 regulations to permit a restriction on load additions in excess of 100 kW in Labrador East for the
19 2018-2019 winter season and in Order No. P.U. 34(2019) the Board increased the restriction
20 threshold to 200 kW, extended the restriction geographically to include Labrador West, and
21 ordered that the restriction remain in place until further order of the Board; and
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23 **WHEREAS** Regulation 17 of Hydro’s rules and regulations sets out the approved restriction on
24 load in Labrador East and West and permits Hydro to apply for a variance or exemption to this
25 restriction where there are special circumstances surrounding an application for service; and
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27 **WHEREAS** on February 20, 2020 Hydro received a request from 79725 Newfoundland and
28 Labrador Limited for service for a planned health care centre (“ProActive Health Centre”) on
29 Amherst Avenue in Labrador City with an estimated peak demand of 309 kW; and
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31 **WHEREAS** on March 20, 2020 Hydro sent a letter of refusal for service to 79725 Newfoundland
32 and Labrador Limited pursuant to Regulation 17; and
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34 **WHEREAS** on April 13, 2020 Hydro received a request that Hydro apply for an exemption to the
35 load restriction for ProActive Health Centre; and
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37 **WHEREAS** on April 15, 2020 Hydro filed an application with the Board for an exemption to the
38 load restriction to allow Hydro to provide a service connection to ProActive Health Centre (the
39 “Application”); and

1 **WHEREAS** the Application notes that health centres are included as a specific example in
2 Hydro’s description of types of businesses that may qualify for exemption to Regulation 17; and
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4 **WHEREAS** the Application sets out that Hydro has been advised that ProActive Health Centre
5 will provide space for pharmacists, chiropractors, nurse practitioners and physicians, as well as
6 space for travelling specialty clinics from St. John’s in the areas of rheumatology, endocrinology,
7 orthopedics and dermatology; and
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9 **WHEREAS** the Application states that it is evident that ProActive Health Centre will provide
10 substantial benefit to the community and that an exemption to Regulation 17 is warranted; and
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12 **WHEREAS** the Application includes a letter of support from the Town of Labrador City; and
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14 **WHEREAS** the Application was copied to: Newfoundland Power Inc.; the Consumer Advocate,
15 Dennis Browne, Q.C.; a group of Island Industrial customers: Corner Brook Pulp and Paper
16 Limited, NARL Refining Limited Partnership and Vale Newfoundland & Labrador Limited; Iron
17 Ore Company of Canada; and the Towns of Labrador City, Wabush, Happy Valley-Goose Bay,
18 and Sheshatshiu Innu First Nation (the “Labrador Interconnected Group”); and
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20 **WHEREAS** on April 24, 2020 the Labrador Interconnected Group submitted that they were in
21 favor of the Application stating that ProActive Health Centre will meet a defined need in the
22 community by serving as a healthcare hub and providing access to healthcare services currently
23 unavailable in Labrador City; and
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25 **WHEREAS** on April 27, 2020 Hydro filed a reply submission noting the support of the Labrador
26 Interconnected Group and requesting that the Board approve the Application as submitted; and
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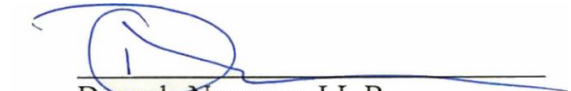
28 **WHEREAS** no other comments were received by the Board; and
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30 **WHEREAS** the Board is satisfied that an exemption to Regulation 17 to provide a service
31 connection to ProActive Health Centre on Amherst Avenue in Labrador City is warranted and
32 should be approved.
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35 **IT IS THEREFORE ORDERED THAT:**
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- 37 1. An exemption to Regulation 17 to allow for a service connection to ProActive Health Centre
38 on Amherst Avenue in Labrador City is approved.
- 39 2. Hydro shall pay all expenses of the Board arising from this Application.
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DATED at St. John's, Newfoundland and Labrador, this 29th day of April, 2020.



Dwanda Newman, LL.B.
Vice Chair



John O'Brien, FCPA, FCA, CISA
Commissioner



Cheryl Blundon
Board Secretary