

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

AN ORDER OF THE BOARD

NO. P.U. 31(2023)

1 **IN THE MATTER OF the Electrical Power**
2 **Control Act, 1994**, SNL 1994, Chapter E-5.1
3 (the “**EPCA**”) and the **Public Utilities Act**, RSNL
4 1990, Chapter P-47 (the “**Act**”), as amended,
5 and regulations thereunder; and
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7 **IN THE MATTER OF** an application by
8 Newfoundland and Labrador Hydro for
9 approval of a contribution towards the cost
10 of improvements for Braya Renewable Fuels
11 (Newfoundland) GP Inc., pursuant to section
12 41(5) of the **Act**.
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15 **WHEREAS** Newfoundland and Labrador Hydro (“Hydro”) is a corporation continued and existing
16 under the **Hydro Corporation Act, 2007**, is a public utility within the meaning of the **Act**, and is
17 also subject to the provisions of the **EPCA**; and
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19 **WHEREAS** section 41(5) of the **Act** states a public utility that intends to demand from its
20 customers a contribution towards the cost of improvements or additions to its property shall not
21 demand the contribution without the prior approval of the Board; and
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23 **WHEREAS** Braya Renewable Fuels (Newfoundland) GP Inc. (“Braya”) owns and operates a
24 renewable fuels refinery in Come by Chance, Newfoundland and Labrador and receives electrical
25 power through the Come by Chance Terminal Station; and
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27 **WHEREAS** in Order No. P.U. 2(2023) the Board approved Hydro’s 2023 Capital Budget Application
28 including projects within the Terminal Station Renewal Program (2023-2024) that function to
29 provide service solely to Braya, specifically the replacement of bushings in two transformers at
30 the Come by Chance Terminal Station; and
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32 **WHEREAS** on November 29, 2023 Hydro filed an application with the Board requesting approval
33 of a contribution from Braya for the estimated capital expenditures of \$28,000 in 2023 and
34 \$391,600 in 2024 associated with the approved project at the Come by Chance Terminal Station,
35 (the “Application”); and

1 **WHEREAS** the Application states Hydro’s practice regarding assets that serve only one customer
2 is that the costs of construction and of ongoing maintenance of those assets are the responsibility
3 of that customer and those costs are not borne by other customers through rates or otherwise;
4 and

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6 **WHEREAS** the Application also states that Braya has been provided with the project cost
7 estimates associated with the approved project and acknowledged its responsibility for those
8 costs; and

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10 **WHEREAS** the proposed contribution by Braya is necessary to ensure that the costs of the
11 approved project at the Come by Chance Terminal Station are borne only by Braya as the sole
12 customer served by the assets.

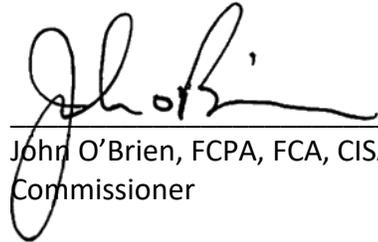
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15 **IT IS THEREFORE ORDERED THAT:**

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1. The contribution by Braya Renewable Fuels (Newfoundland) GP Inc. of an amount equal to the final capital costs associated with the replacement of bushings in two transformers at the Come by Chance Terminal Station is approved.
2. Hydro shall pay all expenses of the Board arising from this Application.

DATED at St. John’s, Newfoundland and Labrador, this 12th day of December 2023.



John O’Brien, FCPA, FCA, CISA
Commissioner



Christopher Pike, LL.B., FCIP
Commissioner



Jo-Anne Galarneau
Executive Director and Board Secretary