

1 Q. (Reference 2017 GRA Volume I) Please provide the jurisdiction of the Board to deal
2 with Muskrat Falls, in whole or in part, and how such jurisdiction is consistent with
3 the Act and existing Orders-in-Council
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7 A. The Board is a statutory tribunal governed by the *Public Utilities Act* and the
8 *Electrical Power Control Act, 1994*. The Board's jurisdiction arises from those
9 statutes which gives it authority and jurisdiction with respect to public utilities and
10 their activities. With some exceptions, the jurisdiction of the Board is broad with
11 respect to the regulation of capital spending, rates, borrowing, and as to the
12 general supervision of public utilities in the Province. One such exception is with
13 regard to the Muskrat Falls Project.

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15 The Muskrat Falls Project is a project owned by Nalcor Energy and certain of its
16 subsidiaries. Under subsection 17(2) of the *Energy Corporation Act*, Nalcor Energy is
17 not subject to the Board's jurisdiction. Certain of activities of other affiliates of
18 Nalcor Energy are specifically exempt from the Board's jurisdiction for particular
19 purposes pursuant to the *Muskrat Falls Exemption Order* made under the *Electrical
20 Power Control Act, 1994* and the *Public Utilities Act* (O.C. 2013-342) (NLR 120/13);
21 and pursuant to the *Maritime Link Exemption Order* made under the *Electrical
22 Power Control Act, 1994* and the *Public Utilities Act* (O.C. 2013-349) (NLR 119/13).

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24 Hydro is exempt from certain aspects of the Board's jurisdiction under the above-
25 mentioned orders in council and under the *Labrador Hydro Project Exemption Order*
26 (OC-2000-206, 206 NLR 93/00). In addition, there are rate directives in place
27 mandating the recovery of, in rates, costs that Hydro incurs related to its attaining
electricity and transmission services from the Muskrat Falls generating station and

- 1 the related transmission projects. These directives are found in Order in Council
- 2 OC2013-343.