

# Office of the Consumer Advocate

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Board of Commissioners of Public Utilities  
120 Torbay Road, P.O. Box 2140  
St. John's, NL A1A 5B2

**Attention: G. Cheryl Blundon, Director of  
Corporate Services / Board Secretary**

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Dear Ms. Blundon:

**Re: Newfoundland Power Inc. 2021 Capital Budget Application  
- Pending Technical Conference  
- Customer Information System Project (the Project)**

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## General Policy

The Capital Budget Application Guidelines (2007) state that the Board's policy for approval of the annual capital budget of a utility such as Newfoundland Power is to provide directions and process and timing and highlights specific information and other requirements which are part of the approval process.

## Policy Statement

The policy statement of the Board in approving the 2007 Guidelines was for the Board to balance the interest of consumers and the utility in the context of applicable legislative provisions. The purpose of the Guidelines was to provide clarity and consistency in the submission of capital expenditures by a utility while ensuring transparent and fair oversight by the Board.

## Guidelines Inconsistent with Legislation

Section 3(c) of the Guidelines states in part:

*"To the extent that relevant information is brought forward at the technical conference, it will not be available for the consideration of the panel unless it is entered on the record through the RFI process or in the evidence of a witness. The technical conference will generally not be recorded and the information provided will not be part of the record." (emphasis added)*

However, the *Public Utilities Act* stipulates as follows:

"97. *A full and complete record shall be kept of all proceedings held before the board on formal investigation and all testimonies shall be recorded in the manner ordered by the board.*" (emphasis added)

It is our submission that the legislature mandated the Board to record this proceeding. We are requesting that the Board comply with the legislation and record this technical conference and other technical conferences.

### Commissioners' Participation

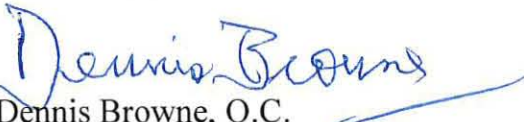
Furthermore, it is our position that Commissioners participate in the technical conference through their attendance as anticipated under Section 3(c) of the Guidelines. The attendance of Commissioners should ensure that the Board is indeed committed to the efficient and effective review of expenditures with the provision of least cost reliable service. Furthermore, if the purpose of the Guidelines is to ensure transparent and fair oversight by the Board, such attendance should be anticipated.

### Transparency and Openness

Finally, ratepayers will be paying for this Customer Information System Project and therefore should have a right to attend. Therefore, the Consumer Advocate requests, in the interest of transparency, that the public be invited to the technical conference to observe the process wherein the utility is seeking their money to pay for a project which ratepayers have not requested, but which the utility opines is for their benefit.

We look forward to your reply.

Yours truly,

  
Dennis Browne, Q.C.  
Consumer Advocate

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cc **Newfoundland Power Inc.**  
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