



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

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March 3, 2010

Mr. Paul L. Coxworthy, Counsel  
Stewart McKelvey Stirling Scales  
Cabot Place, 100 New Gower Street  
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NL, A1C 5V3

Mr. Joseph S. Hutchings, Q.C., Counsel  
Poole Althouse  
P. O. Box 812  
49-51 Park Street  
Corner Brook  
NL, A2H 6H7

**Dear Sirs:**

**Re: Newfoundland and Labrador Hydro's Island Industrial Customer Group**

The Board has been reviewing the file record in the matter of the finalization of rates for Newfoundland and Labrador Hydro's ("NLH") Island Industrial Customers and is seeking clarification as to which Island Industrial Customers are included in the group represented by Stewart McKelvey and Poole Althouse.

In Board Order P.U. 34(2007) the Island Industrial Customer rates were approved on an interim basis, to be effective for consumption on and after January 1, 2008 until a final Order of the Board with respect to Industrial Customers' rates for 2008.

The Board records indicate that up to December 2008 Stewart McKelvey and Poole Althouse advised in this matter as well as other matters that they were the solicitors of record for the Island Industrial Customer group that included; Abitibi-Consolidated Company of Canada, Grand Falls Division, Aur Resources Inc. (*later Teck Cominco Limited*), Corner Brook Pulp and Paper Limited, and North Atlantic Refining Limited.

On December 11, 2008 NLH filed an application for the continuation of interim rates for the Industrial Customers and copied the application directly to Mr. Joseph S. Hutchings, Q.C., Poole Athouse, Mr. Paul Coxworthy, Stewart McKelvey, and to its industrial customers including, Mr. Brad Pelley, Abitibi-Consolidated Inc., Grand Falls and Mr. Jim Gartshore, Abitibi-Consolidated Inc., Montreal.

In the Industrial Customer comments filed on December 17, 2008, Stewart McKelvey and Poole Athouse advised that they acted as solicitors for Corner Brook Pulp and Paper Limited, North Atlantic Refining Limited, Teck Cominco Limited and Vale Inco Newfoundland and Labrador Limited. The Board was not formerly advised that Stewart McKelvey and Poole Athouse no longer represented Abitibi-Consolidated Company of Canada, Grand Falls Division.

Board Order P.U. 37(2008) approved the continuation of the rates for NLH's Island Industrial Customers on an interim basis from January 1, 2009 to March 31, 2009 and directed that NLH make application to finalize the interim rates, rules and regulations for the Island Industrial Customers by January 30, 2009.

On June 30, 2009, after a request and approval for an extension of the filing date, NLH filed an application for the finalization of the Industrial Customer Rates. The application was copied to Stewart McKelvey and Poole Athouse. In its' intervenors submission filed on July 8, 2009, Stewart McKelvey and Poole Athouse again advised that they acted as solicitors for Corner Brook Pulp and Paper Limited, North Atlantic Refining Limited, Teck Cominco Limited and Vale Inco Newfoundland and Labrador Limited.

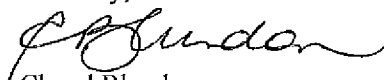
The Board has determined that it will hold a hearing into NLH's application for the finalization of Industrial Customer rates.

For the purpose of the giving appropriate notice could you please confirm in writing the following:

- i) Whether Stewart McKelvey represents Abitibi-Consolidated Company of Canada, Grand Falls Division in this matter;
- ii) Whether Poole Athouse represents Abitibi-Consolidated Company of Canada, Grand Falls Division in this matter;
- iii) The date on which Abitibi-Consolidated Company of Canada, Grand Falls Division ceased being represented;
- iv) Whether Abitibi-Consolidated Company of Canada, Grand Falls Division has notice of the June 30, 2009 application;
- v) Whether Abitibi-Consolidated Company of Canada, Grand Falls Division has advised that it has no interest in this matter; and
- vi) The agent or persons, representing Abitibi-Consolidated Company of Canada, Grand Falls Division to whom the Board should direct send any future correspondence.

If you have any questions please do not hesitate to contact the Board's Counsel, Mr. Dan Simmons at 570-7328 or me directly by telephone at 726-8600.

Sincerely,

  
Cheryl Blundon  
Board Secretary

c.c. Mr. Geoffrey Young, Newfoundland and Labrador Hydro- E-Mail: gyoung@nlh.nl.ca  
Mr. Gerard Hayes, Newfoundland Power Inc. E-mail: ghayes@newfoundlandpower.com  
Mr. Thomas Johnson, Consumer Advocate - E-mail: tjohnson@odeaearle.nf.ca