

**IN THE MATTER OF** the *Public Utilities Act* (the "Act"); and

**IN THE MATTER OF** an Application by Newfoundland and Labrador Hydro for an Order approving (1) its 2010 Capital Budget pursuant to s. 41(1) of the Act; (2) its 2010 capital purchases, and construction projects in excess of \$50,000.00 pursuant to s.41(3)(a) of the Act; (3) its leases in excess of \$5,000.00 pursuant to s.41(3)(b) of the Act; and (4) its estimated contributions in aid of construction for 2010 pursuant to s.41(s)(5) of the Act and for an Order pursuant to s. 78 of the Act fixing and determining its average rate base for 2008

**NOTICE OF INTENTION TO PARTICIPATE OF THE ISLAND  
INDUSTRIAL CUSTOMERS**

**TAKE NOTICE** that **Corner Brook Pulp and Paper Limited, North Atlantic Refining Limited, Teck Resources Limited, and Vale Inco Newfoundland & Labrador Limited** (the "**Island Industrial Customers**"), through their solicitors Stewart McKelvey and Poole Althouse, hereby give notice of their intention to participate in the within Application, in their respective positions as actual or potential Island Industrial Customers of the Applicant Newfoundland and Labrador Hydro (the "Applicant") which are affected by the rates charged by the Applicant.

**Interest of the Island Industrial Customers**

1. Each of the Island Industrial Customers, with the exception of **Vale Inco Newfoundland & Labrador Limited**, presently own and operate on the Island of Newfoundland substantial industrial operations, each of which is a major consumer of power purchased from the Applicant. **Vale Inco Newfoundland & Labrador Limited** has joined with the

other Island Industrial Customers as an Intervenor by reason of its intended industrial operations in the Province and its anticipated significant future power demands.

**Disposition Sought by the Island Industrial Customers**

2. Given the very recent filing of the Application, and the various matters raised by the Application and to be addressed by Requests for Information and by other pre-hearing and hearing processes, the Island Industrial Customers do not yet have sufficient information, and have not yet had sufficient opportunity, to formulate particular dispositions with respect to the various approvals sought by the Applicant.

**Facts and Reasons Supporting Intervention**

3. The Island Industrial Customers repeat the foregoing paragraph and state that there has not yet been sufficient opportunity for the Island Industrial Customers to submit what facts they intend to show in evidence or for what reasons the Board should dispose of the various approvals sought by the Application in a particular manner.

**Participation of the Industrial Customers**

4. The Island Industrial Customers intend to participate in the various procedures associated with the Application including without limitation:
  - (a) directing Requests for Information and other information requests to the Applicant as may be permitted by the Board;
  - (b) participating in technical conferences, pre-hearing conferences, and other processes associated with the Application;

- (c) cross-examination of witnesses appearing on behalf of the Applicant or of any other participant in any hearing on the Application, as may be appropriate in the circumstances of any hearing on the Application that may be ordered by the Board;
- (d) calling witnesses, including expert witnesses, as may be appropriate in the circumstances of any hearing on the Application that may be ordered by the Board;
- (e) making representations and submissions, through counsel, to the Board concerning the disposition of the Application.

Documents relating to this hearing can be served on the Island Industrial Customers in care of:

Mr. Paul L. Coxworthy  
Stewart McKelvey  
Suite 1100, Cabot Place  
100 New Gower Street  
P.O. Box 5038  
St. John's NL A1C 5V3

Telephone: (709) 722-4270  
Telecopier: (709) 722-4565

E-mail: [pcoxworthy@smss.com](mailto:pcoxworthy@smss.com)

**AND**

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

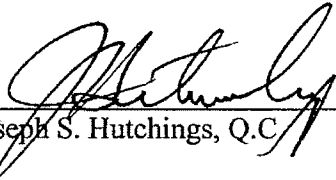
Telephone: (709) 637-6425  
Telecopier: (709) 634-8247

E-mail: [jhutchings@pa-law.ca](mailto:jhutchings@pa-law.ca)

**DATED** at St. John's, this 11<sup>th</sup> day of August, 2009.

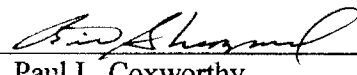
**POOLE ALTHOUSE**

Per: \_\_\_\_\_

  
Joseph S. Hutchings, Q.C.

**STEWART MCKELVEY**

Per: \_\_\_\_\_

  
for Paul L. Coxworthy

TO: The Board of Commissioners of Public Utilities  
Suite E210, Prince Charles Building  
120 Torbay Road  
P.O. Box 21040  
St. John's NL A1A 5B2  
Attention: Board Secretary

TO: Newfoundland & Labrador Hydro  
P.O. Box 12400  
500 Columbus Drive  
St. John's NL A1B 4K7  
  
Attention: Todd S. Newhook,  
Legal Counsel

TO: Thomas Johnson, Consumer Advocate  
O'Dea, Earle Law Offices  
323 Duckworth Street  
St. John's NL A1C 5X4

TO: Newfoundland Power Inc.  
P.O. Box 8910  
55 Kenmount Road  
St. John's NL A1B 3P6

Attention: Gerard Hayes  
Senior Counsel