

HAND DELIVERED

August 17, 2009

Board of Commissioners  
of Public Utilities  
P.O. Box 21040  
120 Torbay Road  
St. John's, NL A1A 5B2

Attention: G. Cheryl Blundon  
Director of Corporate Services  
and Board Secretary

Ladies and Gentlemen:

**Re: 2010 Hydro Capital Budget Application**

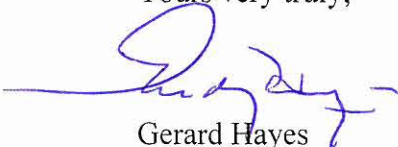
Please find enclosed the original and 8 copies of Newfoundland Power's Notice of Intention to Participate in respect of the 2010 Hydro Capital Budget Application.

For convenience, the Notice is provided on three-hole punched paper.

A copy of this letter, together with enclosures, has been forwarded directly to the parties listed below. An electronic copy in pdf format will follow.

If you have any questions regarding the enclosed, please contact the undersigned at your convenience.

Yours very truly,



Gerard Hayes  
Senior Counsel

c. Geoffrey Young  
Newfoundland & Labrador Hydro

Thomas Johnson  
O'Dea Earle Law Offices

Joseph Hutchings, Q.C.  
Poole Althouse

Paul Coxworthy  
Stewart McKelvey



Join us in the fight against cancer.

**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 pursuant to s.41 (3) (a) of the Act; (3) its leases in excess of \$5,000 pursuant to s. 41 (3) (b) of the Act; and (4) its estimated contributions in aid of construction for 2010 pursuant to s.41 (5) of the Act and for an Order pursuant to s. 78 of the Act fixing and determining its average rate base for 2008.

**TO:** The Board of Commissioners of Public Utilities (“the Board”)

## **NOTICE OF INTENTION TO PARTICIPATE**

### **A. General**

1. Newfoundland Power Inc. (“Newfoundland Power”) wishes to participate in the Application.

### **B. Interest of Newfoundland Power**

2. Newfoundland Power purchases approximately 70% of Newfoundland and Labrador Hydro’s (“Hydro”) annual production of electrical energy on the island of Newfoundland and therefore has an interest in Hydro’s proposed capital expenditures and leasing obligations for 2010.

### **C. Disposition Advocated by Newfoundland Power**

3. The disposition of the proceedings advocated by Newfoundland Power is that the Board is required pursuant to the Act to approve, and should approve, those proposed improvements or additions to Hydro’s property for 2010 as are shown by the record before the Board to be reasonably necessary for Hydro to meet its obligations to provide electrical service as required by the Act.

**D. Facts and Reasons Supporting Intervention**

4. The reason for Newfoundland Power's intervention is to receive and consider materials filed in support of the Application so as to be in a position to assess whether the record before the Board indicates that Hydro's proposed capital expenditures and leasing obligations for 2010 are reasonably necessary for Hydro to meet its obligations to provide electrical service as required by the Act.

**E. Participation of Newfoundland Power**

5. Newfoundland Power does not currently intend to present any evidence in relation to the Application. Newfoundland Power may wish to participate in technical conferences, file requests for information as provided by the *Board of Commissioners of Public Utilities Regulations, 1996*, and to avail of the right to cross-examine witnesses or to submit argument at a public hearing of the Application, all as the circumstances may require.

**DATED** at St. John's, Newfoundland and Labrador this 17<sup>th</sup> day of August, 2009.

**NEWFOUNDLAND POWER INC.**

Counsel for Newfoundland Power Inc.  
P.O. Box 8910  
55 Kenmount Road  
St. John's, Newfoundland  
A1B 3P6

Telephone: (709) 737-5609  
Telecopier: (709) 737-2974