

IN THE MATTER OF the *Electrical Power Control Act, 1994*, SNL 1994, Chapter E-5.1 (the “*EPCA*”) and the *Public Utilities Act*, RSNL (1990), Chapter P-47 (the “*Act*”), and regulations thereunder;

AND IN THE MATTER OF an Application by Newfoundland Power Inc., (“Newfoundland Power”) for an Order pursuant to Section 48 of the *Act*, and all other enabling powers for approval of the sale by Newfoundland Power to Bell Aliant Regional Communications Inc. (“Bell Aliant”) of certain utility poles, anchors and Related Equipment (“Support Structures”).

CONSUMER ADVOCATE’S INFORMATION REQUESTS
(CA-NP-01 to CA-NP-07)

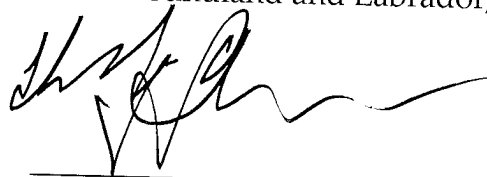
TO: Board of Commissioners of Public Utilities
120 Torbay Road
P.O. Box 21040
St. John’s, NL A1A 5B2
Attention: Ms. G. Cheryl Blundon, Board Secretary

- 1 CA-NP-01 If the Board should find that the proposed sale of joint use support
2 structures results in a negative impact to customers and/or does not
3 pass the “no harm” test referred to in *ATCO Gas & Pipelines Ltd. v.*
4 *Alberta (Energy & Utilities Board)*, [2006] 1 S.C.R. 140, 2006 SCC 4,
5 what options does the Company propose to the Board in that
6 instance?
- 7 CA-NP-02 If the Board should find that the proposed sale of joint use support
8 structures results in a negative impact to customers and/or does not
9 pass the “no harm” test, what are the Board’s possible options in the
10 assessment of the Company?
- 11 CA-NP-03 If the proposed sale should not take place due to the regulator not
12 providing its approval of the sale, how, if at all, could the Company
13 be liable to the purchaser?
- 14 CA-NP-04 Is there a basis for the Board’s approval of this proposed sale of joint
15 use support structures other than the existence of the effective option
16 to re-purchase which was agreed upon in the terms of the 2001
17 purchase of the joint use support structures?
- 18 CA-NP-05 If the Board were to find as a fact that the proposed sale of joint use
19 support structures results in a negative impact to customers, would
20 the proposed sale be consistent with the *Public Utilities Act* and the
21 *Electrical Power Control Act*?

1 CA-NP-06 If the Board were to find as a fact that the proposed sale of joint use
2 support structures would result in a negative impact to customers,
3 would the proposed sale be consistent with current Canadian public
4 utility practice?

5 CA-NP-07 If the Board were to find as a fact that the proposed sale of joint use
6 support structures would result in a negative impact to customers,
7 would the proposed sale be consistent with fairness to Newfoundland
8 Power, Bell Aliant and the customers of each?

9 **DATED** at the Cit of St. John's, in the Province of Newfoundland and Labrador, this 26th
10 day of April, 2011.



CONSUMER ADVOCATE

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