



March 20, 2013

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

Attention: Ms. Cheryl Blundon, Director of Corporate Services & Board Secretary

Ladies & Gentlemen:

Re: Newfoundland and Labrador Hydro's Application for a Capital Project to Refurbish the Marine Terminal at the Holyrood Thermal Generating Station

Please find enclosed the original and eight (8) copies of the Consumer Advocate's Submissions.

Electronic copies will be forwarded in due course.

We trust this is found to be in order.

Yours very truly,

O'DEA, EARLE

for THOMAS JOHNSON
TJ/cel

cc: Newfoundland and Labrador Hydro
Attention: Geoffrey P. Young

Newfoundland Power
Attention: Gerard Hayes

Stewart McKelvey
Attention: Paul Coxworthy

Poole Althouse
Attention: Dean Porter

IN THE MATTER OF the *Electrical Power Control Act*, RSNL 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 and Labrador Hydro
Pursuant to Subsections 41(3) of the Act, for
the approval of refurbishment of the marine terminal at the
Holyrood Thermal Generating Station.

**Submissions by
The Consumer Advocate
March 20, 2013**

1 In relation to the above capital matter, the Consumer Advocate notes that the Board in P.U.5.
2 (2012) found "...that a conservative approach to capital expenditures in relation to the Marine
3 Terminal Facility is appropriate given the limited expected future use of this facility which Hydro
4 estimates to be in the order of 50 shipments."

5
6 Hydro states based on Hatch's letter of May 16, 2012 that it is essential to have two functional
7 fenders on both the North and South ends of the jetty. Yet, neither Hydro nor Hatch can
8 provide support for this opinion in any of the published standards and/or guidelines referred to at
9 page B9 of the Holyrood Marine Terminal 10 Year Life Extension Study. In the context of the
10 short period when the facility will be needed and the cost of the project, one would expect to see
11 industry standards and/or guidelines being brought to bear on this project's justification.

12
13 While Hatch's very recent letter of March 8, 2013 (CA-NLH-4, Attachment 1) states that its
14 opinion that two functional fenders are required on both the North and South sides of the
15 terminal is "...based on sound engineering judgment and experience..." and that in their opinion
16 "...it is important to build in a safety margin to allow for human error or mechanical failure", it
17 remains the case that there is no support put forward for these extensions from other industry
18 sources. To seek approval of this project's fender component as outlined in the absence of any
19 evidence as to what current modern or acceptable dock fendering standard regimes or
20 recommendations are in place is not reasonable.

1 The Consumer Advocate notes that Hydro proposes to keep the revised docking procedure in
2 place over the proposed project's expected life. These procedures include tug assistance and
3 the other measures outlined on pages 4-5 of Hydro's Report. Amongst the
4 measures is monitoring to ensure that vessels do not attempt to dock in unfavourable
5 conditions.

6
7 The Consumer Advocate would respectively recommend that the fender aspect of the proposed
8 project be denied at this time pending Hydro providing to the Board and the parties evidence as
9 to what current modern standards would require by way of fendering in the context of the
10 revised docking procedures that have been instituted by Hydro.

11
12 We trust the foregoing is found to be in order.

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Dated at St. John's in the Province of Newfoundland and Labrador, this 20th day of March, 2013.



for
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