

# POOLE ALTHOUSE

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August 18, 2015

**Via Electronic Mail & Courier**  
Newfoundland and Labrador Board  
of Commissioners of Public Utilities  
120 Torbay Road  
P.O. Box 21040  
St. John's, NL A1A 5B2

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

Dear Madam:

**Re: Newfoundland and Labrador Hydro Application – 2016 Capital Budget**

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We write on behalf of the Island Industrial Customers Group Corner Brook Pulp and Paper Limited, North Atlantic Refining Limited and Teck Resources Limited (the "Island Industrial Customers").

Please find enclosed the original and twelve (12) copies of the Island Industrial Customers Group's Notice of Intention to Participate (Intervenor's Submission) in respect of the above noted Application.

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

**Attn: Ms. G. Cheryl Blundon**

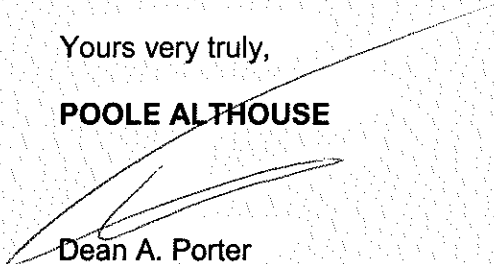
August 18<sup>th</sup>, 2015

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

Yours very truly,

**POOLE ALTHOUSE**



Dean A. Porter

DAP/lp  
Encls.

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cc: Mr. Geoffrey P. Young, Senior Legal Counsel, Newfoundland and Labrador Hydro  
Mr. Thomas J. Johnson, O'Dea Earle, Consumer Advocate  
Mr. Paul Coxworthy, Stewart McKelvey – Island Industrial Customers  
Mr. Thomas J. O'Reilly, Q.C., Vale Newfoundland and Labrador Limited  
Mr. Gerard M. Hayes – Newfoundland Power Inc.

**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 2016 Capital Budget pursuant to s. 41(1) of the Act; (2) its 2016 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 2016 pursuant to s.41(5) of the Act.

To: The Board of Commissioners of Public Utilities

**INTERVENORS’ SUBMISSION OF THE ISLAND INDUSTRIAL CUSTOMERS GROUP**

**TAKE NOTICE** that **Corner Brook Pulp and Paper Limited, North Atlantic Refining Limited, and Teck Resources Limited (the “Island Industrial Customers Group”)**, 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 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 Group**

1. Each of the Members of Island Industrial Customers Group presently own and operate on the Island of Newfoundland substantial industrial operations, each of which is a major consumer of power from the Applicant.

**Disposition Sought by the Island Industrial Customers Group**

2. Given the 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 Group does 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 Group repeat the foregoing paragraph and state that there has not yet been sufficient opportunity for the Island Industrial Customers Group 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 Applicant in a particular manner.

### **Participation of the Island Industrial Customers Group**

4. The Island Industrial Customers Group intends 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, including for the award of costs to the Island Industrial Customers Group in respect of their intervention and participation in the Application.

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

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

Telephone: (709) 722-4279

Telecopier: (709) 722-4565

E-mail: pcoxworthy@stewartmckelvey.com

**AND**

Mr. Dean A. Porter  
Poole Althouse  
Western Trust Building  
49-51 Park Street  
Corner Brook, NL A2H 2X1

Telephone: (709) 634-3136


Telecopier: (709) 634-8247

E-mail: dporter@poolealthouse.ca

**DATED** at Corner Brook, Newfoundland and Labrador, this 18<sup>th</sup> day of August, 2015.

**POOLE ALTHOUSE**

Per:

  
\_\_\_\_\_  
Dean A. Porter

**STEWART MCKELVEY**

Per:

  
\_\_\_\_\_  
Paul L. Coxworthy

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

TO: Newfoundland & Labrador Hydro  
PO Box 12400  
500 Columbus Drive  
St. John's, NL A1B 4K7  
Attention: Mr. Geoffrey P. Young  
Senior Legal Counsel

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

TO: Newfoundland Power Inc.  
PO Box 8910  
55 Kenmount Road  
St. John's, NL A1B 3P6  
Attention: Mr. Gerard Hayes  
Senior Counsel