



Cabot Place, 1100 – 100 New Gower Street, P.O. Box 5038  
St. John's NL A1C 5V3 Canada tel: 709.722.4270 fax: 709.722.4565 [stewartmckelvey.com](http://stewartmckelvey.com)

January 31, 2014

Paul L. Coxworthy  
Direct Dial: 709.570.8830  
[pcoxworthy@stewartmckelvey.com](mailto:pcoxworthy@stewartmckelvey.com)

**Via Electronic Mail and 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, Board Secretary**

Dear Ms. Blundon:

**Re: Investigation and Hearing into Supply Issues and Power Outages on the Island  
Interconnected System**

Please find enclosed the original and eight (8) copies of the Intervenor's Submission of the Island Industrial Customers in the above proceeding.

We trust you will find the enclosed to be in order.

Yours truly,

Stewart McKelvey

Paul L. Coxworthy

PLC/kmcd

Enclosure

- c. Geoffrey P. Young, Senior Legal Counsel, Newfoundland and Labrador Hydro
- Thomas J. Johnson, Consumer Advocate
- Gerard Hayes, Newfoundland Power
- Dean A. Porter, Poole Althouse
- Thomas O'Reilly, Q.C., Vale Newfoundland and Labrador Limited

**IN THE MATTER OF** the *Public Utilities Act*, (the “Act”); and

**IN THE MATTER OF** an Investigation and Hearing, pursuant to the Act, into supply issues and power outages on the Island Interconnected system.

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

**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 proceeding, in their respective positions as Island Industrial Customers of the Newfoundland and Labrador Hydro (“Hydro”).

**Interest of the Island Industrial Customers Group**

1. Each of the Island Industrial Customers Group own and operate on the Island of Newfoundland substantial industrial operations, each of which is a major consumer of power purchased from Hydro and transmitted through the Island Interconnected system. The Island Industrial Customers have issues specific to them as customers of Hydro, in relation to reliability and disruption of power supplies from Hydro, including issues relating to their geographic location on the Island of Newfoundland and the potential impact of reliability and disruption of power supplies from Hydro on their respective present and future operations.

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

2. Given that the Board will be conducting a pre-hearing conference seeking input on the issues and concerns that should be addressed in this proceeding, and given that those issues and concerns remain to be further addressed by Requests for Information and by other pre-hearing and hearing processes, the Island Industrial Customers Group do not yet have sufficient information, and have not yet had sufficient opportunity, to formulate any particular dispositions with respect to this proceeding.

**Facts and Reasons Supporting Intervention**

3. The Island Industrial Customers Group own and operate on the Island of Newfoundland substantial industrial operations, each of which is a major consumer of power purchased from Hydro and transmitted through the Island Interconnected system. The Island Industrial Customers have issues specific to them as customers of Hydro, in relation to reliability and disruption of power supplies from Hydro, including issues relating to their geographic location on the Island of Newfoundland and the potential impact of reliability and disruption of power supplies from Hydro on their respective present and future operations.
4. The Island Industrial Customers Group repeat the foregoing paragraphs and state that there has not yet been sufficient opportunity for the Island Industrial Customers Group to submit what further facts they intend to show in evidence, or to formulate decisions or orders of the Board for which they intend to advocate or the reasons the Board should decide in a manner advocated, in this proceeding.

**Participation of the Island Industrial Customers Group**

5. The Island Industrial Customers Group repeat the foregoing paragraphs and state that there has not yet been sufficient opportunity for the Island Industrial Customers Group to identify expert witnesses on which they may propose to rely, or the information and support documents they may propose to submit, in this proceeding.
6. The Island Industrial Customers Group intend to participate in the various procedures associated with this proceeding including without limitation:
  - a) directing Requests for Information and other information requests to Hydro, and any other participant in this proceeding, as may be permitted by the Board;
  - b) participating in technical conferences, pre-hearing conferences, and other processes associated with this proceeding;
  - c) cross-examination of witnesses appearing on behalf of Hydro or of any other participant in any hearing in this proceeding, as may be appropriate in the circumstances of any hearing in this proceeding that may be ordered by the Board;
  - d) calling witnesses, including expert witnesses, as may be appropriate in the circumstances of any hearing in this proceeding that may be ordered by the Board; and
  - e) making representations and submissions, through counsel, to the Board concerning the disposition of this proceeding, including submissions to the Board on the recovery of costs of the Island Industrial Customers of participating in this proceeding.

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  
St. John's, NL  
Canada A1C 6K3

Telephone: 709.722.4270  
Facsimile: 709.722.4565

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

**AND**

Mr. Dean A. Porter  
Poole Althouse  
Western Trust Building  
49-51 Park Street  
P.O. Box 812  
Corner Brook NL A2H 6H7

Telephone: 709.637-6425  
Facsimile: 709.634.8247

E-Mail: [dporter@pa-law.ca](mailto:dporter@pa-law.ca)

**DATED** at St. John's, Newfoundland and Labrador, this 31st day of January, 2014.

**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  
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: Geoffrey P. Young  
Legal Counsel

TO: Newfoundland Power  
P.O. Box 8910  
55 Kenmount Road  
St. John's NL A1B 3P6  
Attention: Gerard Hayes  
Legal Counsel

TO: Thomas J. Johnson, Consumer Advocate  
O'Dea, Earle  
323 Duckworth Street  
P. O. Box 5955, Stn. C  
St. John's NL A1C 5X4