

# POOLE ALTHOUSE

BARRISTERS AND SOLICITORS

Jamie Merrigan, Q.C.  
Dean A. Porter  
J. Annette Bennett  
Robby D. Ash

Glen G. Seaborn  
Margaret C. Hepditch  
Melissa May

Giselle Jones  
Darby Ashton  
Alannah Dawson

Toll Free: 1 877 634-3136  
E-Mail: [info@poolealthouse.ca](mailto:info@poolealthouse.ca)  
[www.poolealthouse.ca](http://www.poolealthouse.ca)

■ **CORNER BROOK**  
Telephone: 709 634 -3136  
Fax: 709 634 8247/9815  
Western Trust Building  
49-51 Park Street  
Corner Brook, NL  
Canada A2H 2X1

□ Happy Valley-Goose Bay  
Telephone: 709 896-8777  
Fax: 709 896-8779  
49A Grenfell Street  
PO Box 1450, Station B  
Happy Valley-Goose Bay, NL  
Canada A0P 1E0

Edward P. Poole, Q.C., Retired  
D. Paul Althouse, Q.C., Retired

August 26, 2020

**Via Electronic Mail & Xpresspost**

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 Ms. Blundon:

**Re: Newfoundland and Labrador Hydro Application – 2021 Capital Budget**

We write on behalf of Corner Brook Pulp and Paper Limited, NARL Refining LP and Vale Newfoundland and Labrador Limited (the "Island Industrial Customers Group").

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

We trust you will find the foregoing to be satisfactory.

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

Yours very truly,

**POOLE ALTHOUSE**

Dean A. Porter

DAP/ag  
Enclosure  
J:\Clients\4648-28\Blundon ltr 8.doc

Dean A. Porter  
E-Mail: [dporter@poolealthouse.ca](mailto:dporter@poolealthouse.ca) Direct Line: (709) 637-6454

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

**IN THE MATTER OF** an Application by Newfoundland and Labrador Hydro (“Hydro”) for an Order approving: (i) its 2021 Capital Budget pursuant to s. 41(1) of the Act; (ii) its 2021 capital purchases and construction projects in excess of \$50,000.00 pursuant to s.41(3)(a) of the Act; and (iii) for an order pursuant to s. 78 of the Act fixing and determining its average rate base for 2017, 2018 and 2019.

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, NARL Refining LP and Vale Newfoundland and Labrador Limited (the “Island Industrial Customers Group”)**, through their solicitors Poole Althouse, Stewart McKelvey and Cox & Palmer, 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 the 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. Dean A. Porter  
Poole Althouse  
49-51 Park Street  
Corner Brook, NL A2H 2X1

Telephone: (709) 634-3136  
Telecopier: (709) 634-8247

E-mail: dporter@poolealthouse.ca

**AND**

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. Denis J. Fleming  
Cox & Palmer  
Scotia Centre  
Suite 1100, 235 Water Street  
St. John's, NL A1C 1B6

Telephone: (709) 738-7800  
Telecopier: (709) 738-7999

E-mail: dfleming@coxandpalmer.com

**DATED** at Corner Brook, Newfoundland and Labrador, this 26 day of August, 2020.

**POOLE ALTHOUSE**

Per:

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

**STEWART MCKELVEY**



Per:

Paul L. Coxworthy

**COX & PALMER**



Per:

Denis J. Fleming

TO: The Board of Commissioners of Public Utilities  
Attention: Board Secretary

TO: Newfoundland & Labrador Hydro  
Attention: Ms. Shirley Walsh

TO: Office of the Consumer Advocate  
Attention: Mr. Dennis Browne, Q.C.

TO: Newfoundland Power Inc.  
Attention: Mr. Gerard Hayes

TO: Praxair Canada Inc.  
Attention: Ms. Sheryl Nisenbaum

TO: Teck Resources Limited  
Attention: Shawn Kinsella