

1 Q. Please provide the legislative authority under the Public Utilities Act which would allow the
2 production, operation and maintenance of electric chargers for the benefit of electric vehicle
3 owners to be charged to all the ratepayers of the province.

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6 A. *This Request for Information relates to the Electrification, Conservation and Demand*
7 *Management Plan 2021–2025 (“2021 Plan”) developed in partnership by Newfoundland and*
8 *Labrador Hydro (“Hydro”) and Newfoundland Power Inc. (“Newfoundland Power”) (collectively,*
9 *the “Utilities”) and the related Technical Conference presented by the Utilities on February 1,*
10 *2022. Accordingly, the response reflects collaboration between the Utilities.*

11 The Board of Commissioners of Public Utilities (“Board”) considered its legislative authority to
12 approve the Electric Vehicle (“EV”) Charging Network and allow the associated costs to be
13 recovered from ratepayers in Board Order No. P.U. 30(2021). In its Reasons for Decision in
14 issuing this Order, the Board considered both the *Public Utilities Act* (“Act”) and the *Electrical*
15 *Power Control Act, 1994 (“EPCA”)*. The Board stated:

16 “The authority of the Board with respect to the approval and recovery of capital
17 expenditures and expenses associated with the EV charging stations is set out in
18 sections 41, 78, and 80 of the *Act*. In addition section 118 provides that the *Act*
19 is to be construed liberally. These provisions in combination with sections 3 and
20 4 of the *EPCA* provide for the approval of and recovery from customers of
21 capital expenditures and other expenses which are consistent with the provision
22 of least-cost reliable service. Reading the legislation in its entire context in the
23 grammatical and ordinary sense, harmoniously with the scheme and intention
24 of the legislature, the Board is satisfied that it has the authority to approve
25 capital expenditures for EV charging stations and to allow for the recovery of
26 the costs from customers if the expenditures are shown to be consistent with
27 the provision of least-cost reliable service.”¹

¹ *Public Utilities Act*, RSNL 1990, c P-47, Reasons for Decision – Board Order No. P.U. 30(2021), Board of Commissioners of Public Utilities, October 18, 2021, pp. 10–11.