

Requests for Information

1 NP-CA-011 **Would hypothetical DER projects with the same energy (27.6 GWh)**
2 **and capacity (6.31 MW) as Sandy Brook hydro plant be permitted**
3 **under existing provincial legislation?**
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5 RESPONSE: Elenchus assumes that if NP is in doubt as what is permitted under existing
6 provincial legislation it would: (i) if it thought it necessary, seek legal
7 advice; and (ii) having done so, if NP continued to believe there to be legal
8 uncertainty, would ask the Board for guidance or a recommendation in
9 accord with s. 16 of the *Public Utilities Act*. Elenchus notes that s. 14.1(7)
10 of the *Electrical Power Control Act, 1994* permits the Lieutenant-Governor
11 in Council to exempt a retailer (or industrial customer) from the application
12 of section 14.1 or a subsection of it.
13

14 Furthermore, Elenchus notes that both Newfoundland and Labrador Hydro
15 and NP gained approval of net metering programs which includes sales by
16 customers of excess energy from behind the meter generation to the
17 utilities. Net metering is one approach to reducing required grid capacity as
18 well as total generation resources.