

**P. U. 1 (2004)**

**IN THE MATTER OF** the *Electrical Power Control Act*, SN 1994 c. E-5.1 (the "*EPCA* ") and the *Public Utilities Act*, RSN 1990 c. P-47 (the "*Act*") and their subordinate regulations; and

**IN THE MATTER OF** an Application by Newfoundland and Labrador Hydro (Hydro) for approval of:

- (1) its 2004 Capital Budget pursuant to s.41 (1) of the *Act*;
- (2) its 2004 capital purchases and construction projects in excess of \$50,000 pursuant to s.41 (3)(a) of the *Act*; and
- (3) its estimated contributions in aid of construction for 2004 pursuant to s. 41 (5) of the *Act*.

**BEFORE:**    **G. Fred Saunders**  
                  **Presiding Chair**

**Gerard Martin, Q.C.**  
**Commissioner**

**Donald R. Powell, C.A.**  
**Commissioner**

**WHEREAS** Section 90(1) of the *Act* gives the Board the authority and discretion to award costs in a proceeding before the Board; and

**WHEREAS** in P.U. 29(2003) the Board found that the expert engaged by the Industrial Customers, Mr. Stephen L. Barreca, President, Barreca Consulting and Research International made a valuable contribution to the hearing process and the evidence offered was relevant to all customers of Hydro and ordered that the Industrial Customers be awarded costs in an amount of the reasonable fees and expenses of Mr. Barreca as determined by the Board upon receipt of an invoice setting out his fees and expenses; and

**WHEREAS** on December 30, 2003 the Industrial Customers submitted to the Board a detailed invoice of the fees and expenses of Mr. Steve Barreca for the Board's consideration; and

**WHEREAS** the Board has reviewed the invoices of Mr. Steve Barecca; and

**WHEREAS** based upon the Board's knowledge and experience the Board is satisfied that the fees and expenses of Mr. Stephen Barecca as submitted are reasonable and should be fixed in the amount of \$23,629.53 (US).

**IT IS THEREFORE ORDERED THAT**

1. The costs of the Industrial Customers are fixed at \$23,629.53 (US).
2. NLH shall, within 30 days, pay intervenor costs to the Industrial Customers in the amount of \$23,629.53 (US).

Dated at St. John's, Newfoundland and Labrador, this 28<sup>th</sup> day of January 2004.

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G. Fred Saunders,  
Presiding Chair.

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Gerard Martin, Q.C.,  
Commissioner.

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Donald R. Powell, C.A.,  
Commissioner.

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G. Cheryl Blundon,  
Board Secretary.