

**NEWFOUNDLAND AND LABRADOR  
BOARD OF COMMISSIONERS OF PUBLIC UTILITIES**

**AN ORDER OF THE BOARD**

**NO. P.U. 1(2013)**

1 **IN THE MATTER OF** the *Electrical Power*  
2 *Control Act, 1994*, SNL 1994, Chapter E-5.1 (the  
3 “*EPCA*”) and the *Public Utilities Act*, RSNL 1990,  
4 Chapter P-47 (the “*Act*”) and regulations thereunder;

5  
6 **AND**

7  
8 **IN THE MATTER OF** an application by Newfoundland  
9 and Labrador Hydro for approval to proceed with the  
10 refurbishment of the stop logs at Burnt Dam Spillway  
11 pursuant to Section 41 of the *Act*.

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13  
14 **WHEREAS** Newfoundland and Labrador Hydro (“Hydro”) is a corporation continued and  
15 existing under the *Hydro Corporation Act, 2007*, is a public utility within the meaning of the *Act*,  
16 and is subject to the provisions of the *EPCA*; and

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18 **WHEREAS** Section 41(3) of the *Act* requires that a public utility not proceed with the  
19 construction, purchase or lease of improvements or additions to its property where:

- 20  
21 a) the cost of construction or purchase is in excess of \$50,000; or  
22 b) the cost of the lease is in excess of \$5,000 in a year of the lease,

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24 without prior approval of the Board; and

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26 **WHEREAS** a Decision and Order relating to Hydro’s 2013 Capital Budget application is  
27 pending; and

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29 **WHEREAS** on January 4, 2013, Hydro applied to the Board requesting approval of the capital  
30 expenditure of \$284,100 for the refurbishment of the stop logs at the Burnt Dam Spillway; and

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32 **WHEREAS** in Order Nos. P.U. 2(2012) and P.U. 5(2012) the Board approved Hydro’s 2012  
33 Capital Budget, including the inspection of the Burnt Dam Spillway; and

34 **WHEREAS** Hydro advises that, in order to ensure safe access to the spillway for the inspection,  
35 the stop logs must be able to prevent water from entering the gate well which is not achieved  
36 with current condition of the stop logs; and

1 **WHEREAS** the Board requested comments from interested parties by January 14, 2013; and

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3 **WHEREAS** the Consumer Advocate, the Industrial Customers and Newfoundland Power Inc.  
4 advised that they did not have comments; and

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6 **WHEREAS** the Board has reviewed the Application and is satisfied that the capital expenditure  
7 for refurbishment of the stop logs at the Burnt Dam Spillway is necessary to allow Hydro to  
8 provide service and facilities which are reasonably safe and adequate and just and reasonable.

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11 **IT IS THEREFORE ORDERED THAT:**

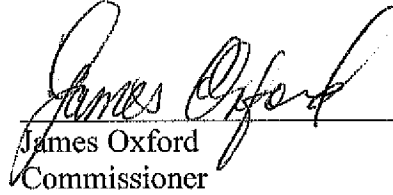
- 12  
13 1. The proposed capital expenditure of \$284,100 for the refurbishment of the stop logs  
14 at the Burnt Dam Spillway is approved.  
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16 2. Hydro shall pay all expenses of the Board arising from this Application.

**DATED** at St. John's, Newfoundland and Labrador this 21<sup>st</sup> day of January, 2013.



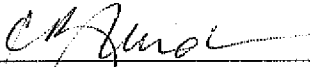
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Darlene Whalen, P.Eng.  
Vice-Chair



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James Oxford  
Commissioner



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Cheryl Blundon  
Board Secretary