

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

**AN ORDER OF THE BOARD**

**NO. P.U. 34(2020)**

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*”), as amended, and regulations  
5 thereunder; and  
6

7 **IN THE MATTER OF** an application by  
8 Newfoundland and Labrador Hydro for an  
9 exemption to Regulation 17 of its rules and  
10 regulations.  
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12  
13 **WHEREAS** Newfoundland and Labrador Hydro (“Hydro”) is a corporation continued and  
14 existing under the *Hydro Corporation Act, 2007*, is a public utility within the meaning of the *Act*,  
15 and is also subject to the provisions of the *EPCA*; and  
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17 **WHEREAS** in Order No. P.U. 36(2018) the Board approved a revision to Hydro’s rules and  
18 regulations to permit a restriction on load additions in excess of 100 kW in Labrador East for the  
19 2018-2019 winter season and in Order No. P.U. 34(2019) the Board increased the restriction  
20 threshold to 200 kW and extended the restriction geographically to include Labrador West; and  
21

22 **WHEREAS** Hydro’s Regulation 17 states in part:  
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24       When Hydro has reason to believe there are special circumstances surrounding an application  
25       for service in Labrador East or Labrador West that will result in the addition of load  
26       requirements of greater than 200 kW, where it may be appropriate to approve service  
27       connections and upgrades, Hydro may apply to the Board for a variance or exemption to this  
28       Regulation.  
29

30 **WHEREAS** on November 12, 2020 Hydro filed an Application, at the request of Goose Real  
31 Estate Limited, for an exemption to Regulation 17 to provide a service connection to a property  
32 named as the Department of Justice and Public Safety Building currently being constructed by  
33 Goose Real Estate Limited at 222-224 Kelland Drive, Happy Valley-Goose Bay, with an estimated  
34 peak demand of 240 kW (the “Application”); and  
35

36 **WHEREAS** the Application stated that it is evident from the information provided that the  
37 property under construction, which will include Provincial Court space, space for Corrections and  
38 Community Services (Adult Probation) Division, and space for the Public Prosecutions Division,

1 will provide substantial benefit to the community and therefore an exemption to Regulation 17 is  
2 warranted; and

3  
4 **WHEREAS** the Application was copied to: Newfoundland Power Inc.; the Consumer Advocate,  
5 Dennis Browne, Q.C.; a group of Island Industrial customers: Corner Brook Pulp and Paper  
6 Limited, NARL Refining Limited Partnership and Vale Newfoundland & Labrador Limited; Iron  
7 Ore Company of Canada; and the Towns of Labrador City, Wabush, Happy Valley-Goose Bay,  
8 and Sheshatshiu Innu First Nation; and

9  
10 **WHEREAS** on November 16, 2020 Newfoundland Power advised they will not be commenting  
11 on the Application; and

12  
13 **WHEREAS** on November 23, 2020 Hydro filed a reply requesting that the Board approve the  
14 Application as submitted; and

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16 **WHEREAS** no other comments were received by the Board; and

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18 **WHEREAS** it is the assessment of the Board that an exemption to Regulation 17 to provide a  
19 service connection to the property named as the Department of Justice and Public Safety Building  
20 is warranted.

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22  
23 **IT IS THEREFORE ORDERED THAT:**

- 24  
25 1. An exemption to Regulation 17 to allow for a service connection to the property named as the  
26 Department of Justice and Public Safety Building being constructed by Goose Real Estate  
27 Limited at 222-224 Kelland Drive, Happy Valley-Goose Bay, Labrador is approved.  
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29 2. Hydro shall pay all expenses of the Board arising from this Application.

**DATED** at St. John’s, Newfoundland and Labrador, this 27<sup>th</sup> day of November, 2020.

  
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Darlene Whalen, P. Eng., FEC  
Chair and Chief Executive Officer

  
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Christopher Pike, LL.B., FCIP  
Commissioner

  
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Cheryl Blundon  
Board Secretary