

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

**AN ORDER OF THE BOARD**

**NO. P.U. 5(2024)**

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

**IN THE MATTER OF** a general rate application by Newfoundland Power Inc. to establish customer electricity rates based on costs for the 2025-2026 period.

**BEFORE:**

**Kevin Fagan  
Chair & CEO**

**Dwanda Newman, LL.B.  
Vice-Chair**

**John O’Brien, FCPA, FCA, CISA  
Commissioner**

## PROCEDURAL ORDER

1 On December 12, 2023 Newfoundland Power Inc. filed a general rate application (the  
2 “Application”) with the Board of Commissioners of Public Utilities (the “Board”) requesting  
3 approval of, among other things, proposed rates to be effective July 1, 2025. Notice of the  
4 Application and Pre-hearing Conference was published beginning on January 13, 2024. Following  
5 the publishing of the notice the Board received intervenor submissions from:  
6

- 7 1. The Consumer Advocate, Dennis Browne, KC
- 8 2. Newfoundland and Labrador Hydro
- 9 3. International Brotherhood of Electrical Workers, Local 1620

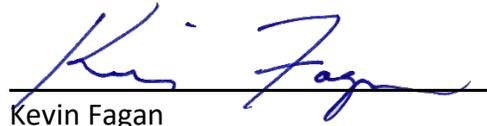
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11 On February 1, 2024 a Pre-hearing Conference was held in the Board’s hearing room.  
12

13 The matters addressed at the Pre-hearing Conference include the intervenor submissions, the  
14 Schedule of Dates and the Rules of Procedure. No objections were raised in relation to these  
15 matters. The Board is satisfied that the intervenors, the schedule of dates and the proposed rules  
16 of procedure should be approved.  
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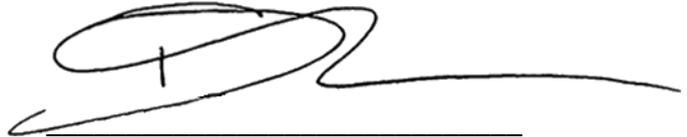
### **IT IS THEREFORE ORDERED THAT:**

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21 1. The intervenors in the Application are as set out in Schedule A to this Order.  
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- 23 2. The Schedule of Dates for the Application shall be as set out in Schedule B to this Order and  
24 may be amended by the direction of the Board.  
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- 26 3. The Rules of Procedure for the Application shall be as set out in Schedule C to this Order.

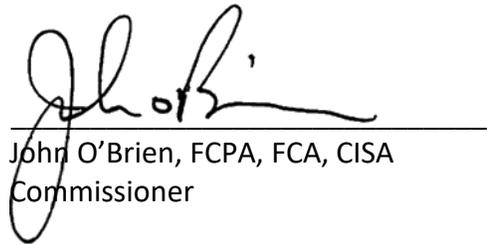
**DATED** at St. John's, Newfoundland and Labrador this 5<sup>th</sup> day of February, 2024.



Kevin Fagan  
Chair and Chief Executive Officer



Dwanda Newman, LL.B.  
Vice-Chair



John O'Brien, FCPA, FCA, CISA  
Commissioner



Jo-Anne Galarneau  
Board Secretary

**Newfoundland Power Inc.  
2025-2026 General Rate Application  
Intervenors**

- 1. Consumer Advocate**  
Dennis Browne, KC  
Office of the Consumer Advocate  
P.O. Box 23135  
Terrace on the Square, Level 2  
St. John's, NL A1B 4J9  
Telephone: 709-724-3800  
E-mail: [dbrowne@bfma-law.com](mailto:dbrowne@bfma-law.com)
  
- 2. Newfoundland Labrador Hydro**  
Shirley Walsh  
Counsel  
P. O. Box 12400  
Hydro Place, 500 Columbus Drive  
St. John's, NL A1B 4K7  
Telephone: 709-685-4975  
E-mail: [shirleywalsh@nlh.nl.ca](mailto:shirleywalsh@nlh.nl.ca)
  
- 3. International Brotherhood of  
Electrical Workers, Local 1620**  
Donald Murphy  
Business Manager/Financial Secretary  
100 New Gower Street, Suite 100  
St. John's, NL A1C 6K3  
Telephone: 709-330-6071  
E-mail: [don@ibew1620.com](mailto:don@ibew1620.com)

**Newfoundland Power Inc.  
2025-2026 General Rate Application  
Schedule of Dates**

**January 2024**

January 13, 2024 (Saturday)	Notice published
January 24, 2024 (Wednesday)	Intervenor Submissions

**February 2024**

February 1, 2024 (Thursday)	Pre-Hearing Conference
February 14, 2024 (Wednesday)	Requests for Information filed (RFIs)

**March 2024**

March 6, 2024 (Wednesday)	Responses to RFIs filed
March 20, 2024 (Wednesday)	2 <sup>nd</sup> Round of RFIs filed

**April 2024**

April 3, 2024 (Wednesday)	Responses to 2 <sup>nd</sup> round of RFIs filed
April 17, 2024 (Wednesday)	Experts Reports and pre-filed evidence filed (including Board's Financial Consultants Report)

**May 2024**

May 1, 2024 (Wednesday)	RFIs on Expert Reports and pre-filed evidence including Board's Financial Consultants Report
	Witness lists and issues lists filed
May 11, 2024 (Saturday)	Notice of Hearing
May 15, 2024 (Wednesday)	Responses to RFIs on Expert Reports
May 21 - 24, 2024	Negotiation Period
May 22, 2024 (Wednesday)	Filing of Rebuttal Evidence
May 30, 2024 (Thursday)	Filing of settlement agreement, updated issues list and witness lists, and proposed order of witnesses
	Final deadline for filing of any outstanding information

**June 2024**

June 13, 2024 (Thursday)	Public Hearing begins
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**Newfoundland Power Inc.  
2025-2026 General Rate Application Hearing  
Hearing Rules of Procedure**

**1. Public Record**

- (a) Unless otherwise directed by the Board, all documents filed with the Board shall be placed on the public record.
- (b) A party may file a document on a confidential basis and the information contained in the document shall be considered confidential unless the Board, on its own motion, or upon the request of another party, determines that a request must be filed to request confidential treatment. A document which is considered to be confidential may be viewed by the Board only, or may be released upon the conditions set by the Board.
- (c) The Board is bound by the provisions of the *Access to Information and Protection of Privacy Act, RSNL 2002 Chapter A-1.1*. Requests for access to confidential documents will be dealt with in accordance with the provisions of this legislation.

**2. Filing of Documents**

- (a) All documents shall be filed with the Board Secretary.
- (b) Documents may be filed by:
  - (a) hand delivery;
  - (b) courier service;
  - (c) registered mail;
  - (d) electronic mail; or
  - (e) facsimile.
- (c) Filing is accomplished on the date when the Board first receives the submission, whether electronically or in paper format.
- (d) When documents are filed electronically, paper copies must be filed within 24 hours or the next business day. For parties located outside of the St. John's area, the Board will allow three (3) business days for the filing of paper copies.
- (e) Documents filed after 3 p.m. or on a Board holiday shall be considered as filed on the next Board business day.

**3. Form of Documents**

- (a) Paper and electronic filings are considered public records in this proceeding.
- (b) All paper documents filed shall be prepared as follows:
  - (i) typed, written or printed on 8½" X 11" letter size paper, 3-hole punched;
  - (ii) single or double sided;
  - (iii) each page shall be numbered; and
  - (iv) where reasonable, each line shall be numbered.
- (c) All documents filed electronically must be searchable and allow for key-word searching. This will require documents to be scanned with optical character recognition (OCR) or converted to OCR before they are filed with the Board.
- (d) The electronic copy must be an exact copy of the original signed document, including covering letters.
- (e) Upon request the Board may consider filing exceptions regarding the form of documents.

**4. Revisions to Documents**

- (a) A party may revise any document to correct errors or to provide new information before the completion of the hearing.
- (b) Where all or any part of a document is revised, each revision shall indicate the page(s) revised, the line(s) revised, the number of the revision (i.e., 1<sup>st</sup> revision), and the date of the revision.
- (c) Where all or any part of a document is revised, the document must be re-filed electronically in its entirety; however, only the revised pages are required to be filed in paper copy.
- (d) Where a revision is made to a document the Board may, upon its own motion or upon the request of another party, after receiving submissions of the parties, make any order in respect of the revisions.

**5. Number of Paper Copies to be Filed**

- (a) Unless otherwise directed, a party filing a document with the Board shall:
  - (i) file with the Board Secretary one (1) original signed copy of each document;
  - (ii) provide nine (9) copies of the original document to the Board; and

- (iii) serve one (1) copy of each document on the other parties. If a party requires additional copies, they may make a request to the Board. If a party does not require hard copies, they may notify the Board Secretary. If a party chooses to only receive electronic copies, they will not receive any hard copies (i.e., a party cannot choose to receive some documents in hard copy and others in electronic).
- (b) A copy of the cover letter must accompany each paper copy filed.

## **6. Information Requests**

- (a) A party may file requests for information (“RFIs”).
- (b) RFIs shall be:
  - (a) labeled with the initials of the party issuing the RFI;
  - (b) designated so as to provide notice of to whom the RFI is directed; (i.e., PUB-NP-001; PUB-CA-001); and
  - (c) numbered consecutively with whole numbers. The number should not contain sub-numbering (i.e., PUB-NLH-001A). However, sub-numbering can be used within the request itself (i.e., the number will still be a whole number: PUB-NLH-001 but may contain a, b, c, etc. within the body of the request).
- (c) Responses to RFIs shall be:
  - (a) filed as individual pages. The electronic copy of each response shall be filed as a separate page; and
  - (b) numbered on the top right-hand corner of each page with the RFI number and the page number. If the response has an attachment, the RFI number and the attachment number as well as the number of pages should be included on the top right-hand corner of each page.
- (d) RFIs, and responses to RFIs, constitute part of the record in the proceeding and will be considered to be evidence in the proceeding.
- (e) Where directed by the Board, a party providing a response to an RFI shall make a witness or witnesses available for cross-examination to speak to the information provided in the response.

## **7. Service of Documents**

The Board may direct to whom service shall be provided.

**8. Time**

- (a) The parties shall observe the schedule for the proceeding established by the Board as amended from time to time.
- (b) All references to time shall be clear days. The first and last day shall be excluded.

**9. Motions**

- (a) Motions may be filed with the Board and must be served upon the other parties.
- (b) Motions shall be filed in writing, contain a clear concise statement of the facts, the order or the decision sought, and the reasons for such an order or decision.
- (c) A schedule to address any motions filed with the Board, including a response brief to be filed with the Board and served upon the other parties, as well as a possible Motion Day, will be established by the Board.
- (d) A motion may be made orally or in writing at any time during the course of the hearing and shall be disposed of in accordance with such procedures as the Board may direct.

**10. Procedures for Presentation of Evidence and Cross-examination of Witnesses**

- (a) Pre-filed testimony should be adopted as evidence by the witness in sworn testimony.
- (b) Direct examination should be limited to matters set out in the witness pre-filed testimony. The Board may allow a witness to provide supplementary evidence or may restrict direct testimony where it is irrelevant, redundant or not helpful to the Board in making its decision.
- (c) Direct evidence may be presented by way of a panel of witnesses where prior notice has been given to the Board Secretary and the parties. When examining a panel of witnesses counsel shall put each question to a particular witness on the panel.
- (d) Co-counsel may examine the same witness, or panel of witnesses, provided notice is given to the Board Secretary and the parties prior to the start of the cross-examination of the witness. Co-counsel should not examine the same witness on the same subject matter.
- (e) The party calling the witness shall be afforded an opportunity for re-direct examination and all parties shall have an opportunity to pose questions in relation to new matters arising from questions of the Board.

- (f) A party wishing to examine or cross-examine a witness on a document that is not:
- (i) already part of the record of the proceeding;
  - (ii) a portion of a transcript of the witness' own prior testimony; or
  - (iii) an Order of the Board;

shall file one (1) original and nine (9) copies of the document with the Board and serve one (1) copy on each party by 3:00 p.m. on the last business day before the examination or cross-examination is to take place. Copies of each document to be used during cross-examination shall be filed separately and not collated with other documents.

- (g) Where the witness adopts the document it will be marked as an exhibit.
- (h) Where a document was not adopted as part of the witness' testimony the document may be, if the parties consent, entered as a consent exhibit; or entered as an information item.

## **11. Public Viewing**

Interested persons may view any or all documents filed with the Board, except confidential or private information, on the Board's website ([www.pub.nl.ca](http://www.pub.nl.ca)) or at the Board's office by contacting the Board Secretary.

## **12. Copies of Documentation/Information Filed in this Proceeding**

- (a) The Board will provide one copy of any document authored by the Board or its consultants, and which is not available on its website, at no charge.
- (b) Copies of documents originating or authored by a party should be requested directly from that party.
- (c) Transcripts of the hearing will be distributed electronically normally by 7:00 p.m. daily and will be posted on the Board's website. Unless requested by a party, the Board will not provide paper copies of the transcripts.
- (d) Copies of the legislation can be obtained from the Queen's Printer, viewed at the Board's Office, or viewed on the Board's website at [www.pub.nl.ca](http://www.pub.nl.ca).
- (e) The Board may charge for the cost associated with the reproduction of any document requested in accordance with the applicable legislation.

**13. Exceptions**

The Board may dispense with, vary or supplement any provisions of these Rules on those terms the Board considers necessary.

**14. Failure to Comply**

Where a party to a proceeding has not complied with any requirement of these rules or any direction of procedure or order issued by the Board, the Board may stay the proceedings until satisfied that such requirement has been complied with or take such other steps as it considers reasonable.