

March 17, 2017

Board of Commissioners of Public Utilities
120 Torbay Road
P.O. Box 21040
St. John's, NL A1A 5B2

Attention: Cheryl Blundon

Dear Ms. Blundon:

Re: In the Matter of the Public Utilities Act (the "Act") and In The Matter of an application by Newfoundland Power Inc. ("Newfoundland Power") to approve a net metering service option for customers.
And: 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") and regulations thereunder and In the Matter of an Application by Newfoundland and Labrador Hydro ("NL Hydro") pursuant to Sections 70 and 71 of the Act, for the approval of a Net Metering Program

We have the March 15, 2017 letter wherein the Public Utilities Board denied our request to have a public hearing for approval of net metering programs. Both utilities wrote in support of such a denial.

In making our request we were fully aware that a hearing involved the presentation of witnesses, testimony under oath, cross-examination and transcripts of proceedings. That is exactly why the hearing was requested.

We understand from your letter that the public hearing was denied in part based on the efficient management of the Board's regulatory calendar. It is our position that the Board's regulatory calendar could have found time for what would at most be a two-day hearing. It is our understanding the Board has no hearings booked on its calendar currently.

We are not at all satisfied with the Board's refusal to hold a public hearing. The Public Utilities Board given recent history would understand the benefit of hearing an application fully and completely and that a public hearing ensures a fair process.

With all due respect the Board has not reasonably considered the application. We are requesting reconsideration base in part on the following:

- A hearing will demonstrate that the 5 MW offered by way of net metering is insufficient to launch a net metering program in this province with any degree of success.
- A hearing will demonstrate that effective net metering would target specific areas. For instance, the towns of Grand Falls-Windsor and Gander may be candidates to market solar energy; some rural areas may be more suitable for wind. A hearing would get the attention of target communities and the results would be beneficial accordingly.
- A hearing will demonstrate that net metering will be more of a necessity for rate payers in the post Muskrat era. Net metering properly introduced will provide an affordable option to rate payers.
- A hearing will demonstrate that net metering left in the hands of the utilities would most likely receive the same fate as time of use rates which were also utility controlled.

In conclusion, the Consumer Advocate was appointed under Section 117 of the *Public Utilities Act* to represent the interest of domestic and general service consumers. In carrying out my mandate I am requesting the Public Utilities Board to hold a public hearing in reference to these applications. Furthermore, we would hope that the two utilities concur with our request for a public hearing as it is in the public interest to do so.

Yours truly,



Dennis Browne, Q.C.
Consumer Advocate

/jl

cc

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