

# POOLE ALTHOUSE

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April 28, 2014

***Via Electronic Mail & Courier***

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

**Attention: Ms. G. Cheryl Blundon**  
**Director of Corporate Services and Board Secretary**

Dear Madam:

**Re: Newfoundland and Labrador Hydro Application pursuant to Section 41(3) of the Act for approval of the procurement and installation of a combustion turbine at Holyrood**

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Please find enclosed one original and twelve (12) copies of the Intervenor's Submission of the Island Industrial Customers in relation to the above noted Application.

A copy of the letter, together with enclosures, has been forwarded directly to the parties listed below.

We trust you find the foregoing satisfactory.

Yours very truly,

**POOLE ALTHOUSE**

Dean A. Porter

DAP/lp  
Encls.

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April 28<sup>th</sup>, 2014

***Attn: Ms. G. Cheryl Blundon***

cc: Mr. Geoffrey P. Young, Senior Legal Counsel, Newfoundland and Labrador Hydro  
Mr. Thomas J. Johnson, Consumer Advocate  
Mr. Paul Coxworthy, Stewart McKelvey  
Mr. Thomas J. O'Reilly, Q.C., Vale Newfoundland and Labrador Limited  
Mr. Gerard M. Hayes – Newfoundland Power Inc.  
Ms. Sheryl Nisenbaum, Praxair Canada Inc.

**IN THE MATTER OF** the *Electrical Power Control Act*, R.S.N.L. 1994, c. E-5.1 (the *EPCA*) and the *Public Utilities Act*, R.S.N.L. 1990, c. P-47 (the "Act"), and the regulations thereunder; and

**IN THE MATTER OF** an Application by Newfoundland and Labrador Hydro pursuant to s. 41(3) of the Act for approval of the procurement and installation of a combustion turbine at Holyrood.

**TO:** The Board of Commissioners of Public Utilities ("the Board")

**INTERVENORS' SUBMISSION  
OF THE ISLAND INDUSTRIAL CUSTOMERS GROUP**

**TAKE NOTICE** that **Corner Brook Pulp and Paper Limited, North Atlantic Refining Limited and Teck Resources Limited (the "Island Industrial Customers Group")**, through their solicitors Stewart McKelvey and Poole Althouse, hereby give notice of their intention to participate in the within Application, in their respective positions as Island Industrial Customers of the Applicant Newfoundland and Labrador Hydro (the "Applicant") which are affected by the rates charged by the Applicant.

**Interest of the Island Industrial Customers Group**

1. Each of the Island Industrial Customers Group, presently own and operate on the Island of Newfoundland substantial industrial operations, each of which is a major consumer of power purchased from the Applicant.

**Dispositions Sought by the Island Industrial Customers Group**

2. Given the very recent filing of the Application, and the various matters raised by the Application and to be addressed by Requests for Information and by other pre-hearing and hearing processes, the Island Industrial Customers Group do not yet have sufficient information, and have not yet had sufficient opportunity, to formulate particular dispositions with respect to the various approvals sought by the Applicant.

**Facts and Reasons Supporting Intervention**

3. The Island Industrial Customers Group repeat the foregoing paragraph and state that there has not yet been sufficient opportunity for the Island Industrial Customers Group to submit what facts they intend to show in evidence or for what reasons the Board should dispose of the various approvals sought by the Application in a particular manner.

**Participation of the Island Industrial Customers Group**

4. The Island Industrial Customers Group intend to participate in the various procedures associated with the Application including without limitation:
  - a) directing Requests for Information and other information requests to the Applicant as may be permitted by the Board;
  - b) participating in technical conferences, pre-hearing conferences, and other processes associated with the Application;
  - c) cross-examination of witnesses appearing on behalf of the Applicant or of any other participant in any hearing on the Application, as may be appropriate in the

circumstances of any hearing on the Application that may be ordered by the Board;

d) calling witnesses, including expert witnesses, as may be appropriate in the circumstances of any hearing on the Application that may be ordered by the Board; and

e) making representations and submissions, through counsel, to the Board concerning the disposition of the Application, including without limiting the foregoing regarding the awarding of costs in relation to their participation in the Application proceedings.

Documents relating to this hearing can be served on the Island Industrial Customers Group in care of:

Mr. Paul L. Coxworthy  
Stewart McKelvey  
Suite 1100  
Cabot Place  
100 New Gower Street  
St. John's, NL  
Canada A1C 6K3

Telephone: 709.722.4270  
Facsimile: 709.722.4565

E-mail: [pcoxworthy@stewartmckelvey.com](mailto:pcoxworthy@stewartmckelvey.com)

**AND**

Mr. Dean A. Porter  
Poole Althouse  
Western Trust Building  
49-51 Park Street  
P.O. Box 812  
Corner Brook NL A2H 6H7

Telephone: 709.637-6425  
Facsimile: 709.634.8247

E-Mail: dporter@pa-law.ca

**DATED** at St. John's, Newfoundland and Labrador, this 28<sup>th</sup> day of April, 2013.

**POOLE ALTHOUSE**

Per: \_\_\_\_\_

Dean A. Porter

**STEWART MCKELVEY**

Per: \_\_\_\_\_

Paul L. Coxworthy

TO: The Board of Commissioners of Public Utilities  
Suite E210, Prince Charles Building  
120 Torbay Road  
P.O. Box 21040  
St. John's, NL A1A 5B2  
Attention: Board Secretary

TO: Newfoundland & Labrador Hydro  
P.O. Box 12400  
500 Columbus Drive  
St. John's NL A1B 4K7  
Attention: Geoffrey P. Young  
Legal Counsel

TO: Newfoundland Power  
P.O. Box 8910  
55 Kenmount Road  
St. John's NL A1B 3P6  
Attention: Peter Alteen and Gerard Hayes  
Legal Counsel

TO: Thomas J. Johnson, Consumer Advocate  
O'Dea, Earle  
323 Duckworth Street  
P. O. Box 5955, Stn. C  
St. John's NL A1C 5X4

TO: Mr. Thomas J. O'Reilly Q.C.  
Vale Newfoundland and Labrador Limited  
Cox & Palmer  
Scotia Centre, Suite 1000  
235 Water Street  
St. John's NL A1C 1B6

TO: Praxair Canada Inc.  
1 City Centre Drive, Suite 1200  
Mississauga, ON L5B 1M2  
Attention: Sheryl Nisenbaum,  
Assistant Secretary