

- 1 **Q. (PUB-NP-12) The response discusses various means for mitigating customer rate**  
2 **impacts owing to Muskrat Falls. It is stated “Orders in Council effectively exempt the**  
3 **Muskrat Falls Project from the Board’s oversight under the Electrical Power Control**  
4 **Act, 1994 and the Public Utilities Act and required the Board to approve recovery of all**  
5 **Muskrat Falls Project costs from customers on the island of Newfoundland.”**  
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7 **a) In NP’s opinion should Muskrat Falls costs be exempted from Board oversight**  
8 **and should the Board be required to approve all Muskrat Falls costs from**  
9 **customers on the Island? Please explain.**  
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11 **b) What would be involved in overturning these Orders-in-Council?**  
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13 **c) Besides the orders-in-council, are there other legal/contractual requirements**  
14 **that require Muskrat Falls to be exempted from Board oversight and pass all**  
15 **project costs through to customers on the Island?**  
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17 **A. a) The Muskrat Falls Project costs have largely been expended without any regulatory**  
18 **oversight. As indicated in the response to Request for Information PUB-NP-012,**  
19 **Newfoundland Power does not believe that setting electricity rates to attempt**  
20 **recovery of all Muskrat Falls Project costs from customers on the island of**  
21 **Newfoundland would be reasonable.**  
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23 **b) Orders in Council are statutory instruments which reflect decisions of the Lieutenant**  
24 **Governor in Council (i.e., the Provincial Cabinet). Repeal or amendment of an Order**  
25 **in Council would require a subsequent Order in Council.**  
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27 **c) Newfoundland Power does not have access to the legal/contractual context of the**  
28 **exemption of the Muskrat Falls Project from Board oversight. Without this,**  
29 **Newfoundland Power is not in a position to indicate what, if any, further or other**  
30 **legal/contractual requirements exist.**