

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

**AN ORDER OF THE BOARD  
NO. P.U. 32(2012)**

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

**AND IN THE MATTER OF** a General Rate Application by Newfoundland Power Inc. to establish customer electricity rates effective March 1, 2013.

**BEFORE:**

**Andy Wells**  
Chair and Chief Executive Officer

**Darlene Whalen, P.Eng.**  
Vice-Chair

**Dwanda Newman, LL.B.**  
Commissioner

**James Oxford**  
Commissioner

**PROCEDURAL ORDER**

1 **WHEREAS** Newfoundland Power Inc. (“Newfoundland Power”) filed a General Rate  
2 Application (the “Application”) with the Board of Commissioners of Public Utilities (the  
3 “Board”) on September 14, 2012 requesting approval of, among other things, the proposed rates  
4 for the various customers of Newfoundland Power, to be effective March 1, 2013; and  
5

6 **WHEREAS** Notice of the Application and Pre-hearing Conference was published in newspapers  
7 throughout Newfoundland and Labrador beginning on September 29, 2012; and  
8

9 **WHEREAS** after publishing Notice the Board received Intervenor Submissions from the  
10 Consumer Advocate and Newfoundland and Labrador Hydro; and  
11

12 **WHEREAS** on October 11, 2012 a Pre-hearing Conference was held in the Board’s Hearing  
13 Room, 120 Torbay Road, St. John’s; and  
14

15 **WHEREAS** the issues addressed at the Pre-hearing Conference include the registration of  
16 Intervenor, the procedures to be followed in the Application, and the Schedule of Dates; and  
17

18 **WHEREAS** having heard from the parties and giving regard to their agreement in relation to the  
19 proposed schedule and procedures for the hearing of the Application the Board makes the  
20 following order pursuant to the provisions of the *Act* and regulations thereunder.  
21

22  
23 **THE BOARD ORDERS THAT:**  
24

- 25 1. The registered Intervenor, the Schedule of Dates, and the Rules of Procedure for the  
26 hearing of the Application are as set out in Appendix “A” to this Order.

**DATED** at St. John's, Newfoundland and Labrador this 11<sup>th</sup> day of October, 2012.

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Andrew Wells  
Chair & Chief Executive Officer

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Darlene Whalen, P.Eng.  
Vice-Chair

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Dwanda Newman, LL.B.  
Commissioner

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James Oxford  
Commissioner

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Cheryl Blundon  
Board Secretary

**Appendix "A"**  
**Order No. P.U. 32(2012)**

- 1 **Item 1. Registered Intervenors**
- 2
- 3 **Item 2. Schedule of Dates**
- 4
- 5 **Item 3. Rules of Procedure**

Registered Intervenors

- 1  
2  
3 1. **Consumer Advocate**  
4 Thomas Johnson  
5 O'Dea, Earle Law Offices  
6 323 Duckworth Street  
7 St. John's, NL A1C 5X4  
8 Telephone: 726-3524  
9 Fax: 726-9600  
10 E-mail: [tjohnson@odeaearle.ca](mailto:tjohnson@odeaearle.ca)  
11  
12  
13 2. **Newfoundland and Labrador Hydro**  
14 Geoffrey P. Young  
15 Senior Legal Counsel  
16 Hydro Place, 500 Columbus Drive  
17 P.O. Box 12400  
18 St. John's, NL A1B 4K7  
19 Telephone: 737-1277  
20 Fax: 737-1782  
21 E-mail: [gyoung@nlh.nl.ca](mailto:gyoung@nlh.nl.ca)

**Schedule of Dates**

1		
2		
3		
4	<b>October 2012</b>	
5	October 11, 2012 (Thursday)	Pre-Hearing Conference
6	October 18, 2012 (Thursday)	Requests for Information filed (RFIs)
7		
8	<b>November 2012</b>	
9	November 2, 2012 (Friday)	Responses to RFIs filed
10	November 9, 2012 (Friday)	Board's Financial Consultant Report filed
11	November 13, 2012 (Tuesday)	2 <sup>nd</sup> Round of RFIs filed
12	November 19, 2012 (Monday)	Motions Day (if required)
13	November 23, 2012 (Friday)	Responses to 2 <sup>nd</sup> round of RFIs filed
14	November 28, 2012 (Wednesday)	Experts' Reports and pre-filed evidence
15		
16	<b>December 2012</b>	
17	December 5, 2012 (Wednesday)	Witness lists, issues lists filed
18	December 5, 2012 (Wednesday)	RFIs on Expert Reports filed (including the Board's Financial Consultant Report)
19		
20	December 12, 2012 (Wednesday)	Responses to RFIs on Experts' Reports filed
21	December 17-19, 2012 (Monday to Wednesday)	Negotiation period
22	December 21, 2012 (Friday)	Filing of settlement agreement, updated issues lists and witness lists, and proposed order of witnesses
23		
24		
25		
26	<b>January 2013</b>	
27	January 4, 2013 (Friday)	Final deadline for filing any outstanding information
28		
29	January 10, 2013 (Thursday)	Public Hearing begins

Newfoundland Power Inc.  
2013 General Rate Application  
Rules of Procedure

**Public Record**

1. Unless otherwise ordered by the Board, all documents filed with respect to this proceeding shall be placed on the public record.
2. A party may apply to the Board for an Order that a document or information filed in the proceeding is confidential and should not be released or released only on condition.
3. The Board is bound by the provisions of the *Access to Information and Protection of Privacy Act, RSNL 2002 Chapter A-1.1*. Private information which may be disclosed during the proceeding should be identified as private information and will be dealt with in accordance with the provisions of this legislation.

**Form of Documents**

3. (1) Unless otherwise ordered by the Board, the official record of this proceeding will be the original paper copy filed with the Board Secretary.
- (2) Every written document filed by a party shall be prepared as follows:
  - (a) Typed, written or printed on 8½" X 11" letter size paper, 3-hole punched for standard binders.
  - (b) Single or double sided.
  - (c) Each page shall be numbered.
  - (d) Where reasonable, each line shall be numbered.

**Filing of Documents**

4. (1) All documents shall be filed with the Board Secretary.
- (2) Documents may be filed by:
  - (a) Hand delivery;
  - (b) Courier service;
  - (c) Registered Mail;
  - (d) Facsimile; or
  - (e) Other means directed by the Board.
- (3) Filing is accomplished when the Board receives the submission.

1           (4)    All documents will be date and time stamped when received at the Board's  
2           Office.

3  
4           (5)    All documents filed according to the scheduled dates shall be filed no later than  
5           3:00 p.m. on the date stipulated. Documents filed after this time or on a Board  
6           holiday shall be considered as filed on the next Board business day.

7  
8    **Revisions to Documents**

9  
10   5.    (1)    A party may revise any document to correct errors or to provide new information  
11           before the completion of the hearing.

12  
13           (2)    Where all or any part of a document is revised, each revision shall indicate the  
14           page(s) revised, the line(s) revised, the number of the revision (i.e. 1<sup>st</sup> revision),  
15           and the date of the revision.

16  
17           (3)    Where a revision is made to a document the Board may, upon its own motion or  
18           upon the request of another party, after receiving submissions of the parties, make  
19           any order in respect of the revisions.

20  
21   **Service of Documents**

22  
23   6.    (1)    All documents shall be served upon the other parties in this proceeding.

24  
25           (2)    Parties will appoint one (1) person to receive documents for this proceeding.

26  
27           (3)    Service may be made as follows:

- 28  
29                   (a)    Hand delivery;  
30                   (b)    Courier service;  
31                   (c)    Registered Mail;  
32                   (d)    Facsimile; or  
33                   (e)    Other means ordered by the Board.

34  
35           (4)    Service will be effective:

- 36  
37                   (a)    On the day of delivery, where the document is sent by hand, courier or  
38                   facsimile.  
39                   (b)    On the date of receipt, where the document is delivered by registered mail.  
40                   (c)    On a date determined by the Board, where service is made by any other  
41                   means.



1 **Number of Copies of Filings and other Documents**

- 2  
3 7. (1) Unless otherwise ordered by the Board, parties filing documents with  
4 the Board shall adhere to the following guidelines:  
5  
6 (a) File with the Board Secretary one (1) original signed copy of each  
7 document.  
8 (b) Provide eleven (11) copies of the original documents with the Board.  
9 (c) Serve one (1) copy of each document to the parties.

10  
11 **Charge for Copies**

- 12  
13 8. (1) The Board will provide a copy of any document authored by the Board or its  
14 consultants at no charge.  
15  
16 (2) Copies of documents originating or authored by a party should be requested  
17 directly from the party.  
18  
19 (3) One (1) copy of the transcript for each day of the hearing will be provided to each  
20 party at no cost.  
21  
22 (4) Copies of the Legislation can be obtained from the Queen's Printer, viewed at the  
23 Board's Office, or viewed on the Board's Website at ([www.pub.nl.ca](http://www.pub.nl.ca)).  
24  
25 (5) The Board may charge copy fees for the cost associated with the reproduction of  
26 any other document requested in accordance with the applicable legislation.  
27  
28

29 **Electronic Filing**

- 30  
31 9. (1) To the extent practical every party shall file with the Board an electronic version  
32 of all documentation filed in this proceeding in the following manner:  
33  
34 (a) Each individual document shall be converted while in electronic form to  
35 "read only" \*.pdf format (Adobe Acrobat), still allowing for key word  
36 searches and cut and paste functionality.  
37  
38 (b) All Documents that are generated in-house by the parties are to be filed  
39 electronically in the manner prescribed in this Order, with the exception  
40 of:  
41  
42 i. Covering letters or correspondence;  
43 ii. Background reports, Board orders or historical documentation that are  
44 unavailable or impractical to provide electronically; and  
45 iii. Case law.

1  
2 (2) Copies of all documentation, except information which has been determined to be  
3 confidential or private, filed with the Board in this proceeding will be placed on  
4 the Board's website ([www.pub.nl.ca](http://www.pub.nl.ca)).

5  
6 (3) The electronic file is not an official record for the purposes of this proceeding.  
7

8 **Public Viewing**

9  
10 10. Interested persons may view any or all documents filed in this proceeding, except  
11 confidential or private information, on the Board's website ([www.pub.nl.ca](http://www.pub.nl.ca)), or at the  
12 Board's office by contacting the Board Secretary.  
13

14 **Time**

15  
16 11. The parties shall observe the schedule for the proceeding established by the Board as  
17 amended from time to time.  
18

19 12. All references to time shall be clear days, that is the first and the last day shall be  
20 excluded.  
21

22 **Motions**

23  
24 13. (1) Motions must be filed in writing with the Board and served upon the parties two  
25 (2) days before the Motions Day.  
26

27 (2) The responding parties must file with the Board and serve upon the parties  
28 response briefs one day before the Motions Day.  
29

30 **Information Requests**

31  
32 14. (1) The Parties shall observe the dates set for the issuance and filing of requests for  
33 information ("RFIs") and dates for responses to RFIs.  
34

35 (2) RFIs shall be:

- 36  
37 (a) labelled with the initials of the party issuing the RFI;  
38 (b) designated so as to provide notice of to whom the RFI is directed  
39 (i.e. PUB-NP-1; PUB-CA-1); and  
40 (c) numbered consecutively with whole numbers.

41  
42 (3) RFIs, and responses to RFIs, shall constitute part of the record in the proceeding  
43 and will be considered to be evidence in the proceeding.

- 1           (4)     Where directed by the Board, a party providing a response to an RFI shall make a  
2           witness or witnesses available for cross-examination to speak to the information  
3           provided in the response.  
4

5     **Procedures for Presentation of Evidence and Cross-examination of Witnesses**

- 6
- 7     15.     (1)     Pre-filed testimony should be adopted as evidence by the witness in sworn  
8           testimony.  
9
- 10           (2)     Direct examination should be limited to matters set out in the witness pre-filed  
11           testimony. The Board may allow a witness to provide supplementary evidence or  
12           may restrict direct testimony where it is irrelevant, redundant or not helpful to the  
13           Board in making its decision.  
14
- 15           (3)     Direct evidence may be presented by way of a panel of witnesses where prior  
16           notice has been given to the Board Secretary and the parties. When examining a  
17           panel of witnesses Counsel shall put each question to a particular witness on the  
18           panel. Co-counsel may examine the same witness, or panel of witnesses,  
19           provided notice is given to the Board Secretary and the parties prior to the start of  
20           the cross-examination of the witness.  
21
- 22           (4)     Co-counsel should not examine the same witness on the same subject matter.  
23
- 24           (5)     The party calling the witness shall be afforded an opportunity for re-direct  
25           examination and all parties shall have an opportunity to pose questions in relation  
26           to new matters arising from questions of the Board.  
27
- 28           (6)     When presenting a document to a witness one (1) copy will be provided to the  
29           witness, eleven (11) copies to the Board Secretary, and one (1) copy to each party.  
30
- 31           (7)     A party wishing to examine or cross-examine a witness on a document that is not:  
32
- 33                   (a)     already part of the record of the proceeding;  
34                   (b)     a portion of a transcript of the witness' own prior testimony; or  
35                   (c)     an Order of the Board;  
36
- 37           shall:
- 38
- 39                   i.     file a copy of the document with the Board and all parties by 3:00 p.m. on the  
40                   last business day before the examination or cross-examination is to take place;  
41                   and  
42                   ii.    provide eleven (11) copies to the Board Secretary on the day of the  
43                   examination or cross-examination.

1           (8)    Where the witness adopts the document it will be marked as an exhibit to his  
2                    testimony.

3  
4           (9)    Where a document was not adopted as part of the witness’ testimony the  
5                    document may be:

- 6  
7                    a.  if the parties consent, entered as a consent exhibit; or  
8                    b.  entered as an information item.

9  
10   **Other**

11  
12   16.    Unless otherwise ordered by the Board, the rules of procedure set out in *Regulation 39/96*  
13            apply in this proceeding to the extent that they are consistent with this Order.