

IN THE MATTER OF The Electrical
Power Control Act, 1994 and the Public Utilities Act

AND IN THE MATTER OF a hearing
regarding the Newfoundland and Labrador Hydro
2004 Capital Budget

INTERVENOR'S SUBMISSION

TAKE NOTICE that Abitibi Consolidated Company of Canada, Stephenville and Grand Falls Divisions, through its solicitors, Stewart McKelvey Stirling Scales and Poole Althouse, hereby intervenes in its position as an Island Industrial Customer of Newfoundland and Labrador Hydro which is affected by the rates charged by Newfoundland and Labrador Hydro.

The Intervenor submits that the application is premature and should be deferred to a time closer to the 2004 calendar year to which the budget relates, when the Board and Intervenor will be able to consider the likely status of the 2003 Capital Projects at year end.

The Intervenor submits that approval of the 2004 Capital Budget in advance of the general rate hearing which Hydro has indicated will take place later in 2003, will limit the options available to the Board to minimize rate increases in 2004 and the Intervenor submits that, given the magnitude of the increase which Hydro has advised the Intervenor that it will be seeking for 2004, the 2004 Capital Budget application should be part of the general rate hearing on 2004 rates, in order to ensure that every reasonable way to reduce the increase can be explored in the context of the expected, oppressive 2004 rate increase.

- 2 -

The Intervenor submits that the 2004 Capital Budget sought by the Applicant is not reasonable and should be rejected by the Board.

The Intervenor proposes to show in evidence that a number of the projects for which approval is sought by the Applicant are not reasonable, will have an unduly negative effect on rates, have not been appropriately justified and are not necessary.

The Intervenor intends to participate by way of filing Information Requests, attendance at the hearing, cross-examination of witnesses and, possibly, presenting evidence.

The Intervenor wishes to pursue all issues related to the 2004 Capital Budget and its potential impacts.

Documents relating to this hearing can be served on the Intervenor in care of:

Janet M. Henley Andrews, Q.C.
Stewart McKelvey Stirling Scales
Suite 1100, Cabot Place,
100 New Gower Street,
P.O. Box 5038,
St. John's, NL
A1C 5V3,

Telephone: (709) 722-4270
Telecopier at (709) 722-4565

E-mail: jhenleyandrews@smss.com

- 3 -

AND

Joseph S. Hutchings, Q.C.
Poole Althouse
49-51 Park Street
P.O. Box 812
Corner Brook, NL
A2H 6H7

Direct: (709) 634-7241
Telecopier: (709) 634-8247

E-mail: jhutchings@pa-law.ca

DATED at St. John's, this 2nd day of May, 2003.

STEWART MCKELVEY STIRLING SCALES

Per: Janet M. Henley Andrews
Janet M. Henley Andrews, Q.C.

POOLE ALTHOUSE

Per: Janet M. Henley Andrews
for Joseph S. Hutchings, Q.C.

TO: The Board of Commissioners of Public Utilities
Prince Charles Building
P.O. Box 9188
St. John's, NL
A1A 2X9

- 4 -

TO: Newfoundland and Labrador Hydro
Columbus Drive
P.O. Box 9100
St. John's, NL
A1A 2X8

Attention: Maureen Greene, Q.C.

TO: Newfoundland Power
55 Kenmount Road
St. John's, NL
A1B 3P6

Attention: Peter Alteen