

**P.U. 5 (2004)**

**IN THE MATTER OF THE  
PUBLIC UTILITIES ACT,**  
R.S.N.1990, c. P-47, as amended  
(the “*Act*”)

AND

**IN THE MATTER OF** the  
application by Newfoundland and  
Labrador Hydro (“NLH”) for approval  
to proceed with the construction and  
purchase of improvements and additions  
to its property, pursuant to Section 41 (3)  
of the *Act*.

**Application**

Hydro is a corporation continued and existing under the *Hydro Corporation Act*, is a public utility within the meaning of the *Act* and is also subject to the provisions of the *Electrical Power Control Act, 1994*; and

Paragraph 41 (3)(a) of the *Act* states that a public utility shall not proceed with the construction, purchase or lease of improvements or additions to its property where:

- (a) the cost of the construction or purchase is in excess of \$50,000; or
- (b) the cost of the lease is in excess of \$5,000 in a year of the lease

without the prior approval of the Board.

On November 21, 2003 Hydro filed an application with the Board of Commissioners of Public Utilities (the “Board”), pursuant to Section 41(3) of the *Act*, seeking approval of three additional

2004 Capital Budget Expenditures:

- (i) the End User Evergreen Program, at a cost of \$793,000;
- (ii) the Office Server Operating System and Productivity Tools Evergreen Program, at a cost of \$638,800; and
- (iii) an engineering study into the Upper Salmon Power Canal – Slope Stabilization, at a cost of \$102,000.

The Board has considered the application as well as the supplementary information provided by NLH in its letter of January 12, 2004 and the Responses to Information Requests PUB 27 – PUB 29.

The Board has also considered the comments of the Industrial Customers as contained in their letter dated January 26, 2004 and NLH’s response dated February 2, 2004.

The Board has decided to approve the application as submitted with reasons to follow.

Order No. P.U. 29 (2003) approved NLH’s 2004 capital budget in the amount of \$27,316,000. The approval of the expenditures outlined in this application will increase this amount to \$28,849,800.

**ORDER**

**IT IS THEREFORE ORDERED THAT:**

1. Pursuant to Section 41 (3) of the *Act*, the Board approves the supplementary 2004 capital expenditures of:
  - ( i ) \$793,000 for the End User Evergreen Program;
  - (ii) \$638,800 for the Office Server Operating System and Productivity Tools Evergreen Program; and
  - (iii) \$102,000 for the engineering study into the Upper Salmon Power Canal – Slope Stabilization.
  
2. NLH shall pay all the expenses of the Board arising from this application.
  
3. There will be no Order as to the costs.

**Dated** at St. John's, Newfoundland and Labrador, this 5<sup>th</sup> day of February 2004.

---

G. Fred Saunders,  
Presiding-Chair.

---

Gerard Martin, Q.C.,  
Commissioner.

---

Donald R. Powell, C.A.,  
Commissioner.

---

G. Cheryl Blundon,  
Board Secretary.