

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

P.U. 23 (2005)

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

AND

IN THE MATTER OF an application by
Newfoundland Power Inc. ("the Applicant")
for approval of a deviation from the
contribution in aid of construction policy
with respect to the construction of a line
extension to serve Lakeside Investments Inc.
("the Customer") pursuant to section 41(5) of the *Act*.

WHEREAS the Applicant is a corporation duly organized and existing under the laws of the
Province of Newfoundland and Labrador, is a public utility within the meaning of the *Act*, and is
subject to the provisions of the *Electrical Power Control Act, 1994*; and

WHEREAS the Customer is developing forty-six (46) building lots for residential use adjacent
to the waters of Deer Lake and located near the Local Service District of Pynn's Brook (the
"Development"); and

1 **WHEREAS** the Customer has requested that the Applicant provide the Development with
2 single-phase electrical service which, in order to so provide, requires the construction of 2.760
3 metres of single-phase line (the “Extension”); and

4

5 **WHEREAS** Clause 2 of the Contribution In Aid of Construction Policy: Distribution Line
6 Extensions to Domestic Customers approved by Order No. P.U. 19 (2005), dated June 22, 2005,
7 (the “Policy”) defines a Subdivision as four or more building lots being developed for residential
8 use within a municipality, and the Development is not located within a municipality; and

9

10 **WHEREAS** the Customer has substantially completed the road work within the Development
11 and has completed a legal survey indicating lot layouts and easements, and has received from the
12 Department of Environment and Conservation, Government of Newfoundland and Labrador,
13 approval to proceed with the Development under the *Environmental Protection Act* and approval
14 to construct the water supply infrastructure; and

15

16 **WHEREAS** the Customer has advised that 32 of the 46 lots have been sold; and

17

18 **WHEREAS** the Customer is obligated by the terms of its Service Management Agreement with
19 the purchasers of lots within the Development to provide (i) snow clearing for all roads
20 (excluding driveways); (ii) road maintenance for all roads (excluding driveways); (iii)
21 maintenance of the water distribution system; (iv) weekly garbage collection; (v) administration
22 and management of the Development; and (vi) a paved access road from the east end to the west
23 end of the Development; and

1 **WHEREAS** the Applicant is proposing to deviate from the Policy by treating the Development
2 as a Subdivision for the purpose of calculating a contribution in aid of construction (CIAC); and

3

4 **WHEREAS** the government approvals and the Customer's investment in infrastructure
5 constitute satisfactory evidence of future growth within the Development to warrant the proposed
6 deviation from the Policy; and

7

8 **WHEREAS** Clause 10(ii) of the Policy states that all deviations from the Policy in the
9 calculation of CIACs for Line extensions must be submitted to the Board for approval; and

10

11 **WHEREAS** a CIAC calculation has been completed in accordance with Clause 4(ii) of the
12 Policy and the calculation indicates that no CIAC will be required from the Customer.

13

14

15 **IT IS THEREFORE ORDERED THAT:**

16 Pursuant to Section 41(5) of the Act, the Board approves the deviation from the Policy as
17 described in paragraph 9 of the Application to permit the Development to be treated as a
18 Subdivision for the purpose of calculating a CIAC under the Policy.

19

DATED at St. John's, Newfoundland and Labrador, this 9th day of September 2005.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Robert Noseworthy,
Chair and Chief Executive Officer.

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

G. Cheryl Blundon,
Director of Corporate Services
and Board Secretary.