

September 28, 2021

Board of Commissioners
of Public Utilities
P.O. Box 21040
120 Torbay Road
St. John's, NL A1A 5B2

Attention: G. Cheryl Blundon
Director of Corporate Services
and Board Secretary

Dear Ms. Blundon:

Re: Newfoundland Power's 2022 Capital Budget Application – Consumer Advocate's Request for Reconsideration of Board's Decision on Oral Hearing

On September 22, 2021, following submissions from the Consumer Advocate and Newfoundland Power Inc. (“Newfoundland Power” or the “Company”), the Board indicated that it would not grant the Consumer Advocate’s request for an oral hearing on Newfoundland Power’s 2022 *Capital Budget Application* (the “Application”). On September 24, 2021, the Consumer Advocate filed a request for reconsideration of the Board’s decision.

Newfoundland Power does not agree with the Consumer Advocate that the Board’s decision should be reconsidered. Issues raised by the Consumer Advocate in its request for reconsideration, including the impact of the COVID-19 pandemic on the 2022 capital budget and the prudence standard, have been previously addressed by Newfoundland Power on the record of this proceeding.¹ The Company reiterates its position on the Consumer Advocate’s issues with respect to procedural matters, including the Board’s right to dispose of a matter on the basis of the written record, and notes that procedural matters are being considered through the ongoing review of the *Capital Budget Application Guidelines*.²

The Consumer Advocate suggests that a refusal of the Board to grant an oral hearing prevents the Consumer Advocate from calling its expert to testify. Newfoundland Power submits that the Board’s established procedure afforded the Consumer Advocate the opportunity to file expert evidence on the record of the proceeding, which opportunity was availed of through the filing of the report of Elenchus Research Associates Inc. (the “Elenchus Report”). The Elenchus Report was interrogated by the Board and Newfoundland Power through the request for information process. Furthermore, the schedule for the Application provides the Consumer Advocate with an opportunity to provide a final written submission for the Board’s consideration prior to its

¹ See Newfoundland Power’s correspondence to the Board regarding the Consumer Advocate’s request for oral hearing, dated September 20, 2021, at page 4 and footnotes 12 and 14.

² Ibid, at page 2.

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adjudication of the Application on its merits, including an opportunity to address matters relating to the Elenchus Report.

Newfoundland Power respects the Board's decision to not grant an oral hearing on the Application and submits that the issues raised by the Consumer Advocate do not give rise to a reconsideration by the Board of its decision.

Yours truly,

NEWFOUNDLAND POWER INC.



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