November 19, 2026

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

Attention: Mike McNiven
Board Secretary

Dear Mr. McNiven:

Re: Newfoundland Power Inc.'s ("Newfoundland Power" or the "Company") 2027 Wesleyville and Greenhill Thermal Generation Supplemental Application

Introduction

On October 22, 2026, the Board of Commissioners of Public Utilities (the "Board") published public notice of Newfoundland Power's *2027 Wesleyville and Greenhill Thermal Generation Application* (the "Application"). The Board's public notice imposed a deadline for intervenor submissions of November 2, 2026.[1] Also on October 22, 2026, the Board issued a review schedule for the Application establishing Tuesday, November 24, 2026, as the deadline to submit requests for information.

On November 17, 2026, 15 calendar days after the Board's deadline, the Island Industrial Customer ("IIC") Group filed an intervenor submission on the Application (the "IIC Submission"). The IIC Submission states its reason for intervention is that the Application *"…raises issues which may impact the rates charged by [Newfoundland and Labrador] Hydro to its customers, including the Island Industrial Customer Group."* The IIC Submission further provides that the IIC Group intends to fully participate in the process and make submissions for the award of costs to the IIC Group in respect of their intervention and participation in the Application.

Sections 9 through 12 of the *Board of Commissioners of Public Utilities Regulations, 1996* (the "Regulations") set out the rules associated with intervenor submissions on applications before the Board. In particular, section 11 of the Regulations states the following with respect to the inclusion of extraneous issues:

> *"11. Where any matter raised by or set out in the submission of an intervenor appears to the board to be not in response to the particular application or to have implications of importance beyond its reference to the application, the board may*
>
> *(a) direct an amendment of the intervenor's submission; or*

[1] Section 7(e) of the *Board of Commissioners of Public Utilities Regulations, 1996* requires that public notice of a Board hearing state the time and place for intervenors to file submissions.

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> *(b) order that the matter shall not be considered at the public hearing of the application, but that it may be heard as another application."*

In addition, section 12 of the Regulations provides that an applicant may file a reply to an intervenor submission with the Board.

In considering requests for intervenor status, the Board has considered the interest to be represented, whether the proposed participation may be of assistance to the Board, and whether there may be a potential negative impact on the proceeding or other parties.[2] These considerations are particularly relevant where intervenor status is requested after the deadline established by the Board. In considering a late request for intervenor status, the Board has previously stated that a late request must be shown to be reasonable and necessary in the circumstances, having regard to an efficient and effective process and potential prejudice to the parties.[3] The Board has further stated that the proposed intervenor must demonstrate that its interest is relevant to the matter and that its participation will assist the Board in its determination.[4] The Board has also considered whether the requesting party has a unique interest that is not already represented and whether its participation would be of material assistance to the Board.[5]

Newfoundland Power's Reply

The principal focus of the Board's review of the Application is whether the proposed supplemental capital expenditures are reasonably required to meet the Company's statutory obligations to serve its customers. The proposed capital expenditures, if approved, will be recovered from Newfoundland Power's customers. Given that no member of the IIC Group is a customer of the Company, no costs proposed in the Application will be recovered from the IIC Group members.

The IIC states that the Application raises issues that *may* impact the rates charged by Newfoundland and Labrador Hydro ("Hydro") to its customers, which *includes* the IIC Group. The IIC Submission provides no further information to support its intervention, including how, or to what degree, the Application could impact the rates charged by Hydro to the IIC Group. Importantly, the IIC Submission does not identify the specific issues within the scope of the Application that the IIC Group intends to address or explain how its proposed participation would assist the Board in determining whether the proposed capital expenditures should be approved. Further, while the IIC Group indicates that it intends to participate fully in the proceeding, it does not identify the particular evidence or issues that it intends to bring forward

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2 Board correspondence dated March 7, 2023, *Re: Newfoundland Power Inc. – Application for Approval of an Electric Vehicle Load Management Pilot Project – Request for Intervenor Status by Drive Electric NL Inc.*

3 *Ibid.*

4 Order No. P.U. 15 (2014), page 1, lines 29-31.

5 In 2019, the Board declined to grant intervenor status to the Muskrat Falls Concerned Citizens Coalition where it was not satisfied that the Coalition had demonstrated such a unique interest or that its participation as a party would be of material assistance to the Board. See Board correspondence dated March 26, 2019 to the Muskrat Falls Concerned Citizens Coalition.

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that would assist the Board in its consideration of the Application. In these circumstances, the Company submits that the IIC Group has not demonstrated how its stated interest in potential downstream impacts on Hydro's rates is sufficiently connected to the matters to be determined in this Application to warrant its participation as an intervenor.

The IIC Submission also does not explain how the interest it proposes to advance is unique or otherwise not represented in the proceeding. Hydro has intervened to ensure the capital expenditures proposed in the Application are necessary, which is in the interest of all of its customers including the IIC Group. The IIC Submission does not address the overlap of the interest of its intervention with Hydro's interest. The IIC Submission also does not provide reasons why its intervention in this proceeding is necessary to protect its interests as opposed to established processes for industrial rate matters, such as Hydro general rate application ("GRA") processes.

With respect to Hydro GRA processes, Newfoundland Power observes that Hydro's next GRA is to be based on a 2031 test year.[6] This date aligns with the completion of the projects to refurbish the Wesleyville and Greenhill facilities, which is expected to occur by the end of 2031.[7] These timelines provide a timely and efficient means by which the IIC Group can assess any potential issues respecting the industrial rates charged by Hydro which, according to the IIC Group, may include indirect impacts resulting from the Application.

The Company also takes issue with the potential impact of the IIC Group's late intervention request on the Application review process as well as the IIC Group's intention to make submissions for the award of costs to the IIC Group in respect of their intervention in the Application. Newfoundland Power submits that maintaining the Board-approved review schedule is necessary to support regulatory efficiency and the timely advancement of the Application. Changes to the schedule resulting from the IIC Group's late request for intervenor status and allowing the IIC Group to introduce extraneous issues could delay project execution and expose customers to potential cost increases. Newfoundland Power further submits that it would not be reasonable for the Company and its customers to pay for any costs incurred by the IIC Group in relation to its request given (i) the costs proposed in the Application are not to be recovered from the IIC Group and (ii) the interest in the Application articulated by the IIC Group can be more efficiently assessed as part of Hydro's next GRA.

Concluding

Newfoundland Power submits that the issues raised by the IIC Group in support of its intervention in the Application are extraneous and are more appropriately and efficiently assessed as part of Hydro's next GRA. The IIC Group has not articulated how intervention in a Newfoundland Power capital application, which is atypical, is necessary as part of an assessment of Hydro's rates, and its industrial rates in particular. Similarly, the IIC Group has

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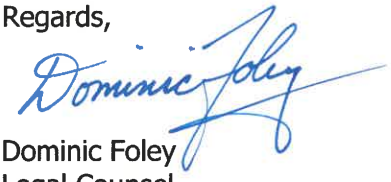
6 See Hydro's *2026 General Rate Application*, response to Request for Information PUB-NLH-126.

7 See Application, report *Wesleyville and Greenhill Thermal Facility Refurbishment*, section 10.0 Project Schedules, pages 36-37.

not demonstrated why its intervention is unique or necessary given the overlapping purpose of Hydro's intervention, nor how its intervention would materially assist the Board in its consideration of the Application. Further, the intervention request was filed 15 calendar days after the Board's deadline and has the potential to negatively impact the review schedule set by the Board for the Application. With all factors combined, the IIC Group's intervention has the potential to delay project execution and expose Newfoundland Power's customers to cost increases while the IIC Group will not bear the risks of those outcomes. Finally, the Company submits that it is not appropriate for Newfoundland Power's customers to be responsible for costs related to the IIC Group's request.

For the foregoing reasons, and consistent with section 11 of the Regulations and the Board's established approach to requests for intervenor status, the Company submits that the IIC Submission should be denied by the Board with the matters outlined in the IIC Submission to be considered as part of Hydro's next GRA.

Regards,



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