NEWFOUNDLAND AND LABRADOR
BOARD OF COMMISSIONERS OF PUBLIC UTILITIES

AN ORDER OF THE BOARD

NO. P.U. 54(2014)

IN THE MATTER OF the Electrical Power
Control Act, 1994, SNL 1994, Chapter E-5.1 (the
"EPCA") and the Public Utilities Act, RSNL 1990,
Chapter P-47 (the "Act"), as amended, and regulations
thereunder; and

IN THE MATTER OF a general rate application
by Newfoundland and Labrador Hydro to establish
customer electricity rates; and

IN THE MATTER OF an application by Newfoundland
and Labrador Hydro, dated May 12, 2014, for approval of,
on an interim basis: i) the transfer of $29.4 million to
be recognized as revenue; and, ii) changes to Island
Industrial customer rates and rules; and

IN THE MATTER OF an award of costs to Vale
Newfoundland and Labrador Limited.

WHEREAS Newfoundland and Labrador Hydro ("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 EPCA; and

WHEREAS section 90 of the Act gives the Board the authority and discretion to award costs in
a proceeding before the Board; and

WHEREAS in Order No. P.U. 39(2014) the Board denied Hydro’s application for interim relief
without addressing Vale Newfoundland & Labrador Limited ("Vale") request to be awarded its
cost of intervening in the proceeding; and

WHEREAS on September 30, 2014 Vale filed a request for consideration of its claim for costs
and submitted a bill of costs in the amount of $29,809.45 for the Board’s consideration; and

WHEREAS in comments filed on October 31, 2014 Hydro submitted that, while Vale’s
contribution to the matter was reasonable, Vale’s costs appear inordinately high and
unreasonable given the level of complexity of the matter; and
WHEREAS Hydro requests that the Board exercise its discretion and award Vale partial costs for its legal fees, which is fair and reasonable and reflective of Vale’s contribution and the complexity of the proceeding; and

WHEREAS in its response filed on November 24, 2014 Vale states it does not agree with Hydro’s suggestion that the application lacked complexity and that the nature of the rate applications filed by Hydro since July of 2013 meant that Vale’s analysis could not be considered in isolation from the other applications; and

WHEREAS Vale submits that, once the Board makes the determination that Vale’s participation was effective and of assistance to the Board in its consideration of the application, it should consider as having reasonably been incurred by Vale the legal costs of its participation unless it can be shown by Hydro, on a reasoned basis, the extent to which the amount of such costs was unreasonable; and

WHEREAS the Board finds that the participation of Vale was helpful to the Board in its consideration of the application and contributed to the Board’s understanding of the issues and that Vale should be awarded costs in this matter; and

WHEREAS the Board has reviewed the bill of costs submitted by Vale and is satisfied that the amount claimed is fair and reasonable given the scope and nature of the issues in this matter and that Vale’s costs should be fixed in the amount of $29,809.45.

IT IS THEREFORE ORDERED THAT:

1. Vale Newfoundland and Labrador Limited is entitled to an award of costs in the amount of $29,809.45.

2. Hydro shall, within thirty days, pay costs to Vale Newfoundland and Labrador Limited in the amount of $29,809.45.
DATED at St. John’s, Newfoundland and Labrador this 16th day of December 2014.

Andy Wells  
Chair & Chief Executive Officer

Darlene Whalen, P.Eng.  
Vice-Chair

Dwanda Newman, LL.B.  
Commissioner

James Oxford  
Commissioner

Cheryl Blundon  
Board Secretary