

**NEWFOUNDLAND AND LABRADOR  
BOARD OF COMMISSIONERS OF PUBLIC UTILITIES**

**AN ORDER OF THE BOARD**

**NO. P.U. 1(2020)**

1 **IN THE MATTER OF** the *Electrical Power*  
2 *Control Act, 1994*, SNL 1994, Chapter E-5.1 (the  
3 “*EPCA*”) and the *Public Utilities Act*, RSNL 1990,  
4 Chapter P-47 (the “*Act*”), as amended, and regulations  
5 thereunder; and  
6

7 **IN THE MATTER OF** an application by  
8 Newfoundland and Labrador Hydro for an  
9 exemption to Regulation 17 of its rules and  
10 regulations.  
11  
12

13 **WHEREAS** Newfoundland and Labrador Hydro (“Hydro”) is a corporation continued and  
14 existing under the *Hydro Corporation Act, 2007*, is a public utility within the meaning of the *Act*,  
15 and is also subject to the provisions of the *EPCA*; and  
16

17 **WHEREAS** in Order No. P.U. 36(2018) the Board approved a revision to Hydro’s rules and  
18 regulations to permit a restriction on load additions in excess of 100 kW in Labrador East for the  
19 2018-2019 winter season and in Order No. P.U. 34(2019) the Board increased the restriction  
20 threshold to 200 kW and extended the restriction geographically to include Labrador West; and  
21

22 **WHEREAS** Hydro’s Regulation 17 states in part:  
23

24       When Hydro has reason to believe there are special circumstances surrounding an application  
25       for service in Labrador East or Labrador West that will result in the addition of load  
26       requirements of greater than 200 kW, where it may be appropriate to approve service  
27       connections and upgrades, Hydro may apply to the Board for a variance or exemption to this  
28       Regulation.  
29

30 **WHEREAS** on October 23, 2019 Hydro sent a letter of refusal of service to the Sheshatshiu Innu  
31 First Nation which had applied for service for a planned seniors complex in Sheshatshiu, Labrador;  
32 and  
33

34 **WHEREAS** on January 2, 2020 Hydro filed an Application for an exemption to Regulation 17 to  
35 allow Hydro to provide a service connection to the seniors complex (the “Elders Care Complex”)  
36 with an estimated peak demand of 350 kW (the “Application”); and

1 **WHEREAS** the Application states that on two occasions, the Sheshatshiu Innu First Nation  
2 requested that Hydro apply for an exemption to the load restriction advising of the importance of  
3 the Elders Care Complex to Sheshatshiu due to its growing elder population as well as referencing  
4 the support of the Chief, Council, and the community in general for the complex; and

5  
6 **WHEREAS** the Application states that construction of the Elders Care Complex is nearing  
7 completion and the Sheshatshiu Innu First Nation would like to have power as soon as possible to  
8 complete the project and move residents into the building; and

9  
10 **WHEREAS** the Application states that it is evident that the Elders Care Complex will provide  
11 substantial benefit to the community and that an exemption to Regulation 17 is warranted; and

12  
13 **WHEREAS** the Application was copied to: Newfoundland Power Inc.; the Consumer Advocate,  
14 Dennis Browne, Q.C.; a group of Island Industrial customers: Corner Brook Pulp and Paper  
15 Limited, NARL Refining Limited Partnership and Vale Newfoundland & Labrador Limited; Iron  
16 Ore Company of Canada; Praxair Canada Inc.; Teck Resources Limited; and the Towns of  
17 Labrador City, Wabush, Happy Valley-Goose Bay, and Sheshatshiu Innu First Nation (the  
18 “Labrador Interconnected Group”); and

19  
20 **WHEREAS** on January 7, 2020 the Labrador Interconnected Group submitted that they were in  
21 favour of the Application stating that electrical service to this facility will be very useful to the  
22 community and agreed with Hydro that an exemption to Regulation 17 is warranted; and

23  
24 **WHEREAS** on January 9, 2020 Hydro filed a reply noting the support of the Labrador  
25 Interconnected Group and requesting that the Board approve the Application as submitted; and

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27 **WHEREAS** no other comments were received by the Board; and

28  
29 **WHEREAS** the Board is satisfied that an exemption to Regulation 17 to provide a service  
30 connection to the Elders Care Complex being constructed by the Sheshatshiu Innu First Nation in  
31 Sheshatshiu, Labrador is warranted and should be approved.

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34 **IT IS THEREFORE ORDERED THAT:**

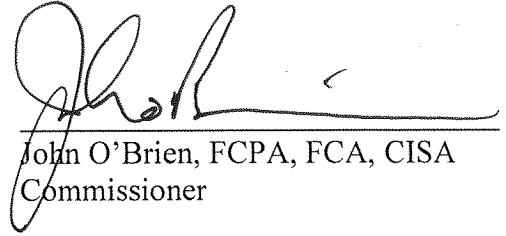
- 35  
36 1. An exemption to Regulation 17 to allow for a service connection to the Elders Care Complex  
37 in Sheshatshiu, Labrador is approved.  
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39 2. Hydro shall pay all expenses of the Board arising from this Application.

**DATED** at St. John's, Newfoundland and Labrador, this 13<sup>th</sup> day of January, 2020.



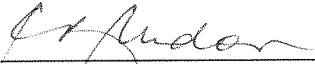
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Darlene Whalen, P.Eng., FEC  
Chair & CEO



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John O'Brien, FCPA, FCA, CISA  
Commissioner



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Cheryl Blundon  
Board Secretary