

1 **Q. Rates and Regulations**

2 Provide copies of all Orders in Council related to the proposed customer rates,
3 other than rural rates.

4

5

6 **A.** Please refer to PUB-NLH-079, Attachment 1, Attachment 2, Attachment 3,
7 Attachment 4, Attachment 5, Attachment 6, Attachment 7, Attachment 8,
8 Attachment 9, Attachment 10, Attachment 11, Attachment 12, Attachment 12,
9 Attachment 13, Attachment 14, Attachment 15, Attachment 16, Attachment 17,
10 Attachment 18, Attachment 19, and Attachment 20.

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2017/07/21

OC2017- 226

MC2017-0286. NR2017-014. EPC2017-046.

Under the authority of section 4 of the Hydro Corporation Act, 2007, section 4 of the Energy Corporation Act, and section 245 of the Corporations Act, the Lieutenant-Governor in Council is pleased to direct Newfoundland and Labrador Hydro and Nalcor to extend their agreement requiring Newfoundland and Labrador Hydro to pay Nalcor 4 cents per kilowatt-hour for any and all electrical energy taken by Newfoundland and Labrador Hydro from the Exploits Generation assets until December 31, 2017.

Clerk of the Executive Council (A)

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2016/09/14

OC2016-195

MC2016-0271. NR2016-006. EPC2016-030.

Under the authority of section 4 of the Hydro Corporation Act, 2007, section 4 of the Energy Corporation Act, and section 245 of the Corporations Act, the Lieutenant-Governor in Council is pleased to direct Newfoundland and Labrador Hydro and Nalcor to extend their agreement requiring Newfoundland and Labrador Hydro to pay Nalcor 4 cents per kilowatt-hour for any and all electrical energy taken by Newfoundland and Labrador Hydro from the Exploits Generation assets until December 31, 2016.

~~Clerk~~ of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2015/10/05

OC2015-195

MC2015-0372. NR2015-008. EPC2015-041.

Under the authority of section 4 of the Hydro Corporation Act, 2007, section 4 of the Energy Corporation Act, and section 245 of the Corporations Act, the Lieutenant Governor in Council is pleased to direct Newfoundland and Labrador Hydro and Nalcor to extend their agreement requiring Newfoundland and Labrador Hydro to pay Nalcor 4 cents per kilowatt-hour for any and all electrical energy taken by Newfoundland and Labrador Hydro from the Exploits Generation assets until August 31, 2016.

Clerk of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2015/09/30

OC2015-193

MC2015-0133. NR2015-004. EPC2015-016.

Under the authority of section 4.1 of the Public Utilities Act, the Lieutenant Governor in Council is pleased to make the Order re: the Exemption of Exported Surplus Recapture Energy, a copy of which is on file with the Clerk of the Executive Council.

Clerk of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2014/10/30

OC2014-319

MC2014-0485. XX2014-110.

Under the authority of section 5.1 of the Electrical Power Control Act, 1994, the
Lieutenant Governor in Council is pleased to revoke Item 8 of OC2013-089.

Clerk of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2014/10/30

OC2014-320

MC2014-0485. XX2014-110.

Under the authority of subsection 39(3) of the Hydro Corporation Act, 2007, the
Lieutenant Governor in Council is pleased to revoke Item 3 of OC2013-091.

Julia Mullahey
Clerk of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2013/11/29

OC2013-343

MC2013-0534. NR2013-021. TBM2013-180.

Under the authority of section 5.1 of the Electrical Power Control Act, 1994, the Lieutenant Governor in Council is pleased to direct the Board of Commissioners of Public Utilities to adopt a policy, subject to section 3, that:

1) Any expenditures, payments or compensation paid directly or indirectly by Newfoundland and Labrador Hydro, under an agreement or arrangement to which the Muskrat Falls Project Exemption Order applies, to:

- a) a LiLParty,
- b) a system operator in respect of a tariff for transmission services or ancillary services in respect of the LiL, that otherwise would have been made to a LiLParty, or
- c) Muskrat Falls Corporation, in respect of:
 - i) electrical power and energy forecasted by Muskrat Falls Corporation and Newfoundland and Labrador Hydro to be delivered to, consumed by, or stored by or on behalf of Newfoundland and Labrador Hydro for use within the province, whether or not such electrical power and energy is actually delivered, consumed, or stored within the province,
 - ii) greenhouse gas credits, transmission services and ancillary services, and
 - iii) obligations of Newfoundland and Labrador Hydro in addition to those in paragraphs (i) and (ii) to ensure the ability of Muskrat Falls Corporation and Labrador Transmission Corporation to meet their

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2013/11/29

respective obligations under financing arrangements related to the construction and operation of Muskrat Falls and the LTA shall be included as costs, expenses or allowances, without disallowance, reduction or alteration of those amounts, in Newfoundland and Labrador Hydro's cost of service calculation in any rate application and rate setting process, so that those costs, expenses or allowances shall be recovered in full by Newfoundland and Labrador Hydro in Island interconnected rates charged to the appropriate classes of ratepayers;

2) The costs, expenses or allowances of Newfoundland and Labrador Hydro described above, and the rates for Newfoundland and Labrador Hydro established by the Board of Commissioners pursuant to the direction under section 1, shall not be subject to subsequent review, and shall persist without disallowance, reduction or alteration of those costs, expenses or allowances or rates, throughout any processes for any public utility, including Newfoundland Power Inc., or any other process under the Electrical Power Control Act, 1994 or the Public Utilities Act;

3) Notwithstanding sections 1 and 2, no amounts paid by Newfoundland and Labrador Hydro described in those sections shall be included as costs, expenses or allowances in Newfoundland and Labrador Hydro's cost of service calculation or in any rate application or rate setting process, and no such costs, expenses or allowances shall be recovered by Newfoundland and Labrador Hydro in rates:

a) where such amounts are directly attributable to the marketing or sale of electrical power and energy by Newfoundland and Labrador Hydro to persons located outside of the province on behalf of and for the benefit of Muskrat

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2013/11/29

-
- Falls Corporation and not Newfoundland and Labrador Hydro; and
- b) in any event, in respect of each of Muskrat Falls, the LTA or the LiL, until such time as the project is commissioned or nearing commissioning and Newfoundland and Labrador Hydro is receiving services from such project.
- 4) In this Order in Council, terms shall have the same meaning ascribed to them in the Muskrat Falls Project Exemption Order.

Clerk of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Administrator on*

2013/09/19

OC2013-257

MC2013-0237. NR2013-010. EPC2013-019.

Under the authority of section 5.2 of the Electrical Power Control Act, 1994 and section 4.1 of the Public Utilities Act, the Lieutenant Governor in Council is pleased to make the Order entitled "Newfoundland and Labrador Hydro-Exploits Generation Exemption Order", a copy of which is on file with the Clerk of the Executive Council.

Clerk of the Executive Council

This is an official version.

Copyright © 2013: Queen's Printer,
St. John's, Newfoundland and Labrador, Canada

[Important Information](#)

(Includes details about the availability of printed and electronic versions of the Statutes.)

[Table of Regulations](#)

[Main Site](#)

[How current is this regulation?](#)

**NEWFOUNDLAND AND LABRADOR
REGULATION 109/13**

*Newfoundland and Labrador Hydro-Exploits
Generation Exemption Order
under the
Electrical Power Control Act, 1994
and the
Public Utilities Act
(O.C. 2013- 257)*

(Filed September 19, 2013)

Under the authority of section 5.2 of the *Electrical Power Control Act, 1994* and section 4.1 of the *Public Utilities Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's , September 19, 2013.

Julia Mullaley
Clerk of the Executive Council

REGULATIONS

Analysis

[1. Short title](#)

[2. Definitions](#)

[3. Exemption](#)

Short title

1. This order may be cited as the *Newfoundland and Labrador Hydro-Exploits Generation Exemption Order* .

[Back to Top](#)

Definitions

2. In this order

- (a) "Nalcor" means the energy corporation established under the *Energy Corporation Act* and includes a subsidiary as defined by that Act; and
- (b) "project" means the hydro-electric generating facilities, and their associated transmission and auxiliary facilities, at Grand Falls-Windsor, Bishop's Falls, Star Lake and Buchans.

[Back to Top](#)

Exemption

3. (1) Newfoundland and Labrador Hydro is exempt from the application of the *Electrical Power Act, 1994* and the *Public Utilities Act* for all aspects of its activities pertaining to the purchase, from Nalcor, of electrical power and energy from the project.

(2) The activities referred to in subsection (1) include:

- (a) planning and engineering new electrical power and energy generation and supply;
- (b) negotiating and executing all contracts necessary or incidental to any activity described in this exemption; and
- (c) acquiring and paying from its operating account, to be recovered through its rates, all amounts to be paid for the supply of this electrical power and energy under those contracts.

©Queen's Printer

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2013/07/16

OC2013-208

MC2013-0359. XX2013-048 . MC2013-0238. OC2013-090.

Under the authority of section 39(3) of the Hydro Corporation Act, 2007, the Lieutenant Governor in Council is pleased to amend OC2013-090 by:

- a) deleting the date "June 30, 2013" wherever it appears and substituting therefor the date "August 31, 2013";
- b) deleting the date "July 1, 2013" wherever it appears and substituting therefor the date "September 1, 2013"; and
- c) deleting the words "\$56.5 million" wherever they appear and substituting therefor the words "\$49 million".

OC2013-090 is hereby amended.

Clerk of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2013/07/16

OC2013- 207

MC2013- 0359. XX2013-048. MC2013-0238. OC2013-089.

Under the authority of section 5.1 of the Electrical Power Control Act, 1994, the Lieutenant Governor in Council is pleased to amend OC2013-089 by:

- a) deleting the date "June 30, 2013" wherever it appears and substituting therefor the date "August 31, 2013";
- b) deleting the date "July 1, 2013" wherever it appears and substituting therefor the date "September 1, 2013"; and
- c) deleting the words "\$56.5 million" wherever they appear and substituting therefor the words "\$49 million".

OC2013-089 is hereby amended.

Clerk of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Administrator on*

2013/04/04

OC2013-091

MC2013-0238. NR2013-011. EPC2013-020.

Under the authority of section 39(3) of the Hydro Corporation Act, 2007, the Lieutenant-Governor in Council is pleased to direct the Board of Directors of Newfoundland and Labrador Hydro-Electric Corporation that:

- 1) during its General Rate Application process, it shall file a plan for the phase in of island industrial customer rates, including the application of the Rate Stabilization Plan funding, as described in OC2013-090;
- 2) during its General Rate Application process, it shall file a Rate Stabilization Plan surplus refund plan to ratepayers. The refund shall be a direct payment or rebate to ratepayers and shall not be in the form of an electricity rate adjustment. This refund plan will exclude Island industrial customers who will receive Rate Stabilization Plan surplus funds through the three year phase-in of new rates; and
- 3) it file its General Rate Application based on a 2013 test year in the determination of new electricity rates for customers.

Clerk of the Executive Council

(Forwarded April 05, 2013 to replace OC2013-091 previously forwarded)

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Administrator on*

2013/04/04

OC2013-090

MC2013-0238. NR2013-011. EPC2013-020.

Under the authority of section 39(3) of the Hydro Corporation Act, 2007, the Lieutenant Governor in Council is pleased to direct the Board of Directors of Newfoundland and Labrador Hydro-Electric Corporation to bring about such applications and information to the Board of Commissioners of Public Utilities to facilitate Orders from that Board with the following effects:

- 1) Effective July 1, 2013, Island industrial customer rates will no longer be frozen. Effective on this date rate increases for island industrial customers will be phased in over a three year period, with funding for this phase-in to be drawn from the January 1, 2007 to June 30, 2013 accumulated Load Variation (the Rate Stabilization Plan Surplus) component of the Rate Stabilization Plan and credited to the Island industrial customer Rate Stabilization Plan effective June 30, 2013;
- 2) On June 30, 2013 the Island industrial customers' Rate Stabilization Plan will be credited with \$56.5 million, the estimated Rate Stabilization Plan amount required to phase-in industrial customer rates, based on Newfoundland and Labrador Hydro's General Rate Application. The remaining balance in the Rate Stabilization Plan Surplus on June 30, 2013, will be transferred to the credit of Newfoundland Power's Rate Stabilization Plan. No future adjustments will be made to these amounts credited. Effective July 1, 2013 all Island industrial customers, with the exception of Teck Resources, will be subject to the same standard industrial rate, equivalent to the existing base rate but excluding the Rate Stabilization Plan adjustment currently in place;
- 3) Teck Resources rate increase will be phased in, to a reasonable degree, in three equal annual percentage increases and at the end of the phase-in period Teck Resources will be

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Administrator on*

2013/04/04

subject to the standard industrial rate;

- 4) Over the three year Island industrial rate phase in period, the shortfall in Newfoundland and Labrador Hydro's revenues when compared to revenue at the Board of Commissioners of Public Utilities-approved Island industrial customer rates, shall be funded from the Island industrial customer Rate Stabilization Plan; and
- 5) Notwithstanding Items 1) through 4) above, effective January 1, 2014, the Island industrial customers will be subject to Rate Stabilization Plan rate changes in accordance with the Board of Commissioners of Public Utilities-approved methodology.

Clerk of the Executive Council

(Forwarded April 05, 2013 to replace OC2013-090 previously forwarded)

Amended by OC2013-208

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Administrator on*

2013/04/04

OC2013-088

MC2013-0237. NR2013-010. EPC2013-019.

Under the authority of section 4 of the Hydro Corporation Act, 2007, section 4 of the Energy Corporation Act, and section 245 of the Corporations Act, the Lieutenant Governor in Council is pleased to direct Newfoundland and Labrador Hydro and Nalcor to extend their agreement requiring Newfoundland and Labrador Hydro to pay Nalcor 4 cents per kilowatt-hour for any and all electrical energy taken by Newfoundland and Labrador Hydro from the Exploits Generation assets until June 30, 2014.

Clerk of the Executive Council

(Forwarded April 05, 2013 to replace OC2013-088 previously forwarded)

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Administrator on*

2013/04/04

OC2013-089

MC2013-0238. NR2013-011. EPC2013-020.

Under the authority of section 5.1 of the Electrical Power Control Act, 1994, the Lieutenant Governor in Council is pleased to direct the Board of Commissioners of Public Utilities that:

- 1) Effective July 1, 2013, Island industrial customer rates will no longer be frozen. Effective on this date rate increases for island industrial customers will be phased in over a three year period, with funding for this phase-in to be drawn from the January 1, 2007 to June 30, 2013 accumulated Load Variation (the Rate Stabilization Plan Surplus) component of the Rate Stabilization Plan and credited to the Island industrial customer Rate Stabilization Plan effective June 30, 2013;
- 2) On June 30, 2013 the Island industrial customers' Rate Stabilization Plan will be credited with \$56.5 million, the estimated Rate Stabilization Plan amount required to phase-in industrial customer rates, based on Newfoundland and Labrador Hydro's General Rate Application. The remaining balance in the Rate Stabilization Plan Surplus on June 30, 2013, will be transferred to the credit of Newfoundland Power's Rate Stabilization Plan. No future adjustments will be made to these amounts credited. Effective July 1, 2013 all Island industrial customers, with the exception of Teck Resources, will be subject to the same standard industrial rate, equivalent to the existing base rate but excluding the Rate Stabilization Plan adjustment currently in place;
- 3) Teck Resources rate increase will be phased in, to a reasonable degree, in three equal annual percentage increases, and at the end of the phase-in period Teck Resources will be subject to the standard industrial rate;
- 4) Over the three year Island industrial rate phase in period, the shortfall in Newfoundland and Labrador Hydro's revenues when compared to revenue at the Board of Commissioners of Public Utilities-approved Island industrial customer rates, shall be funded from the Island industrial customer Rate Stabilization Plan;

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Administrator on*

2013/04/04

- 5) Notwithstanding Items 1) through 4) above, effective January 1, 2014, the Island industrial customers will be subject to Rate Stabilization Plan rate changes in accordance with the Board of Commissioners of Public Utilities-approved methodology;
- 6) Newfoundland and Labrador Hydro's General Rate Application process shall include a Rate Stabilization Plan surplus refund plan to ratepayers. The refund plan shall comprise direct payments or rebates to ratepayers and shall not be in the form of an electricity rate adjustment. This refund plan will exclude Island industrial customers who will receive Rate Stabilization Plan surplus funds through the three year phase-in of new rates. The Board of Commissioners of Public Utilities shall make the final determination on the details of the refund to remaining ratepayers;
- 7) Newfoundland Power's portion of the Rate Stabilization Plan Surplus shall be distributed as a direct payment or rebate to its ratepayers and shall not be in the form of an electricity rate adjustment; and
- 8) Newfoundland and Labrador Hydro's General Rate Application shall be based on a 2013 test year in the determination of new electricity rates for customers.

Clerk of the Executive Council

(Forwarded April 05, 2013 to replace OC2013-089 previously forwarded)

Amended by OC2013-207

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2011/08/23

OC2011-218

MC2011-0403. NR2011-018. EPC2011-042.

Under the authority of sections 21 to 25 of the Hydro Corporation Act, 2007, the Lieutenant Governor in Council is pleased to direct that the Debt Guarantee Fee paid to Government by Newfoundland and Labrador Hydro for fiscal year 2010-11 and future years be established as follows:

- i) Commencing in 2011, NLH shall, not later than March 31 of each year, pay to Government of Newfoundland and Labrador an annual guarantee fee, said fee to be determined by applying a guarantee fee rate to the balance of obligations of NLH, net of related sinking funds, guaranteed by the Province of Newfoundland and Labrador (Province) and outstanding as at December 31 of the immediately preceding year as reported in Hydro's audited financial statements;
- ii) For debt outstanding as of December 31, 2010, the guarantee fee rate shall be 25 basis points in respect to those obligations that had a remaining term to maturity as of December 31, 2010 of less than or equal to 10 years and 50 basis points in respect to those obligations that had a remaining term to maturity as of December 31, 2010 of greater than 10 years;
- iii) For debt issued subsequent to December 31, 2010, the guarantee fee rate shall be 25 basis points in respect to those obligations with an original term to maturity of less than or equal to 10 years and 50 basis points in respect to those obligations with an original term to maturity greater than 10 years;
- iv) These rates so assigned shall remain in effect until the next period of review as considered appropriate by the Minister of Finance. Approval of the Lieutenant Governor

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2011/08/23

in Council will be required in instances where a subsequent review suggests a guarantee fee rate of greater than 100 basis points; and
v) The guarantee fee so levied shall be in relation to the guarantee as provided on all guaranteed debt outstanding for the calendar year in which the fee is levied.

Clerk of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2011/08/23

OC2011-217

MC2011-0403. NR2011-018. EPC2011-042.

Under the authority of section 4 of the Hydro Corporation Act, 2007, section 4 of the Energy Corporation Act, and section 245 of the Corporations Act, the Lieutenant Governor in Council is pleased to direct Newfoundland and Labrador Hydro and Nalcor Energy (Nalcor) to enter into an agreement requiring Newfoundland and Labrador Hydro to pay Nalcor 4 cents per kilowatt-hour for up to 679 million kilowatt-hours of electrical energy, with effect from January 1, 2011, from the generation assets formerly owned by AbitibiBowater and others and currently operated by Nalcor to Newfoundland and Labrador Hydro, the net proceeds to be held by Nalcor as an amount payable to Government.

Clerk of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2010/12/14

OC2010-317

MC2010-0823.

Under the authority of section 5.1 of the Electrical Power Control Act, 1994, the Lieutenant Governor in Council is pleased to amend OC2010-216 to remove the words "and that there will be no changes to Newfoundland and Labrador Hydro's rates to its customers or deemed changes to its other costs, cost structures, or other components of the Rate Stabilization Plan, resulting from that application" from Item (ii).

OC2010-216 is hereby amended.

Clerk of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2010/07/28

OC2010-216

MC2010-0558. NR2010-022. EPC2010-050.

Under the authority of section 5.1 of the Electrical Power Control Act, 1994, the Lieutenant Governor in Council is pleased to direct the Board of Commissioners of Public Utilities to:

- i) change Newfoundland and Labrador Hydro's rate structures to adopt a policy that, upon application by Newfoundland and Labrador Hydro, amends the Load Variation provision of Newfoundland and Labrador Hydro's Rate Stabilization Plan to effect a reduction in the balance of the Rate Stabilization Plan attributable to the Industrial Class load variation in the amount of \$10 million being the same amount that the Government of Newfoundland and Labrador contributed to the Industrial Customer component of the Rate Stabilization Plan, as approved by the Board under Order No. P.U. 31(2006); and
- ii) adopt a policy as to Newfoundland and Labrador Hydro's rate structures that, upon application by Newfoundland and Labrador Hydro for such a change in the Rate Stabilization Plan, the amount so deducted from the balance in the Industrial Customer Load Variation component to be reimbursed to the Government of Newfoundland and Labrador be approved, and that there will be no changes to Newfoundland and Labrador Hydro's rates to its customers or deemed changes to its other costs, cost structures, or other components of the Rate Stabilization Plan, resulting from that application.

Clerk of the Executive Council

Executive
Council



Newfoundland
and Labrador

*Certified to be a true copy of a Minute of a Meeting
of the Committee of the Executive Council of Newfoundland and
Labrador approved by His Honour the Lieutenant-Governor on*

2009/03/17

OC2009-063

MC2009-0140. NR2009-002. TBM2009-062.

Under the authority of section 5.1 of the Electrical Power Control Act, 1994, the Lieutenant Governor in Council is pleased to direct the Board of Commissioners of Public Utilities to adopt policies as follows for all future General Rate Applications by Newfoundland and Labrador Hydro, commencing with the first General Rate Application by Newfoundland and Labrador Hydro after January 1, 2009:

- i) in calculating the return on rate base for Newfoundland and Labrador Hydro, to set the same target return on equity as was most recently set for Newfoundland Power through a General Rate Application or calculated through the Newfoundland Power Automatic Adjustment Mechanism;
- ii) that Newfoundland and Labrador Hydro is entitled to earn annually, a rate of return equal to the weighted average cost of capital, as ordered from time to time, on the entire rate base as fixed and determined by the Board of Commissioners of Public Utilities, including amounts used solely for the provision of service to its rural customers; and
- iii) that the capital structure approved for Newfoundland and Labrador Hydro should be permitted to have a maximum proportion of equity as was most recently approved for Newfoundland Power.

Clerk of the Executive Council

2003/08/01

OC2003-406

MC2003-0258. ME2003-013, JUS2003-026, EPC2003-028.

Under the authority of section 5.1 of the Electrical Power Control Act, 1994, the Lieutenant Governor in Council is pleased to direct the Board of Commissioners of Public Utilities to:

- i) adopt a policy that a utility's costs, relative to projects exempted from the Public Utilities Act and the Electrical Power Control Act, 1994 by Order in Council, shall be recovered fully in appropriate rates, unless otherwise directed on a specified project; and,
- ii) that costs related to the Lower Churchill Development Project will be excluded from such policy directive.

Clerk of the Executive Council

(Forwarded August 22, 2003 - To replace OC2003-406 previously forwarded)