

- 1 Q. In Hydro’s view, does the Board have jurisdiction to oblige Hydro to:
- 2 a. deny service to a potential general service customer, if doing so would create
- 3 unacceptable consequences for system reliability with existing infrastructure?
- 4 b. require capital contributions from a general service customer if, in order to
- 5 provide service to that customer, it would have to make capital improvements
- 6 to its infrastructure that cannot be characterized as Specifically Assigned assets?
- 7 c. treat cryptocurrency miners or other types of data centres differently than
- 8 other general service customers?
- 9 d. require Hydro to require multi-year service contracts, financial guarantees or
- 10 other mechanisms from cryptocurrency miners or other types of data centres,
- 11 insofar as they create significant demands on system infrastructure?
- 12 e. curtail service to particular customers or groups of customers, in order to avoid
- 13 a voltage collapse or other severe system consequences?
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- 16 A. a. Please refer to Hydro’s response to LAB-NLH-028(a).
- 17 b. Please refer to Hydro’s response to LAB-NLH-028(b).
- 18 c, d, e. The Board has a broad mandate to regulate the public utilities and their
- 19 relationship with customers; however, the Board’s governing legislation prohibits
- 20 the treatment of customers in an unjustly discriminatory manner. An example of
- 21 this is found in subparagraph 3(b)(ii) of the *Electrical Power Control Act, 1994*,
- 22 which reads:
- 23 **Power policy**
- 24 3. It is declared to be the policy of the province that

1 (b) all sources and facilities for the production, transmission and
2 distribution of power in the province should be managed and
3 operated in a manner
4 (ii) that would result in consumers in the province having
5 equitable access to an adequate supply of power,

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7 Further, the Board is governed by sound regulatory practice which, Hydro
8 submits, generally prohibits discriminatory treatment of customers
9 except where doing so is demonstrably in the public interest. Section 4 of
10 the *Electrical Power Control Act, 1994* reads:;

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12 **Implementing Policy**

13 4. In carrying out its duties and exercising its powers under this
14 Act or under the *Public Utilities Act*, the public utilities board shall
15 implement the power policy declared in section 3, and in doing so
16 shall apply tests which are consistent with generally accepted
17 sound public utility practice.

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19 So, while Hydro believes the Board currently has the jurisdiction to treat
20 cryptocurrency miners or other types of data centres differently than other general
21 service customers with regard to any of their terms of service, for the Board to do
22 so would require there to be a juridical basis founded in public utilities regulatory
23 principles.