

November 3, 2020

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

Attention: Ms. Cheryl Blundon
Director of Corporate Services & Board Secretary

Dear Ms. Blundon:

**Re: Newfoundland Power's 2021 Capital Budget Application – Technical Conference –
Newfoundland and Labrador Hydro submissions regarding the Consumer Advocate's
Correspondence of October 30, 2020**

On October 30, 2020, the Consumer Advocate filed correspondence with the Board of Commissioners of Public Utilities ("Board") submitting that the Capital Budget Application Guidelines ("Guidelines") are inconsistent with the *Public Utilities Act* (the "Act"). The Consumer Advocate also argued that the Commissioners should participate in the technical conference and that the technical conference should be open to the public.

Newfoundland and Labrador Hydro ("Hydro") respectfully disagrees that the section of the Guidelines pertaining to technical conferences is inconsistent with the *Act*. Section A.3 of the Guidelines, provides for technical conferences that involve the participation of Board staff, as well as technical conferences where the Commissioners of the Board who are hearing the Capital Budget Application may participate in the presentation portion of the technical conference. When a technical conference is held with Board staff only, the technical conference is not a proceeding before the Board, and any presentations or discussions that take place are not testimony. Therefore, in those circumstances, a complete record or recording is not necessary. In the circumstances where the Commissioners are present during a technical conference, the guidelines require the technical conference to be transcribed or recorded, which is consistent with the *Act*.

A technical conference, held with the parties and Board staff, does allow for the parties to gain a full understanding of the scope and nature of a proposed project. However, if the Board determined that the attendance of the Commissioners at a technical conference and/or the transcription of a technical conference would be helpful to the regulatory process, Hydro would have no objection.

Should you have any questions, please contact the undersigned.

Yours truly,

NEWFOUNDLAND AND LABRADOR HYDRO



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