



NEWFOUNDLAND AND LABRADOR

BOARD OF COMMISSIONERS OF PUBLIC UTILITIES

120 Torbay Road, P.O. Box 21040, St. John's, Newfoundland and Labrador, Canada, A1A 5B2

2023-07-05

Newfoundland Power Inc.

Dominic Foley
Legal Counsel
55 Kenmount Road, P.O. Box 8910
St. John's, NL A1B 3P6
E-mail: dfoley@newfoundlandpower.com

Newfoundland and Labrador Hydro

Shirley Walsh
Senior Legal Counsel, Regulatory
P.O. Box 12400
St. John's, NL A1B 4K7
E-mail: shirleywalsh@nlh.nl.ca

Consumer Advocate

Dennis Browne, K.C.
Browne Fitzgerald Morgan & Avis
Terrace on the Square, Level 2
P.O. Box 23135
St. John's, NL A1B 4J9
E-mail: dbrowne@bfma-law.com

Drive Electric NL

Jon Seary
Resource Centre
10 Pippy Place
St. John's, NL A1B 3X3
E-mail: jon@driveelectricnl.ca

Dear Madam/Sirs:

Re: Newfoundland Power Inc. - Application for Electric Vehicle Load Management Pilot Project - Drive Electric NL Request for Intervenor Status

On June 19, 2023 Drive NL submitted a request for intervenor status in Newfoundland Power's application for an Electric Vehicle Load Management Pilot Program. Newfoundland Power and Hydro do not oppose granting intervenor status to Drive NL. On June 27, 2023 the Consumer Advocate filed a letter asking that the Board reject the request for intervenor status.

In considering a request for intervenor status the Board considers the interest to be represented by the requesting party, whether the participation of the party may be of assistance to the Board and whether there may be a potential negative impact on the proceeding and/or the other parties. In relation to a request for intervenor status filed by Grand RiverKeeper Labrador Inc. in the Board's 2014 investigation into supply issues and power outages on the Island Interconnected system, the Board stated:

The Board may consider a late application for intervenor status in some circumstances but such application must be shown to be reasonable and necessary in the circumstances with due regard to an efficient and effective process and potential prejudice to the parties. The applicant must demonstrate

their interest is relevant to the matter and that their participation will assist the Board in its determination. ¹

The Board found that the stated interest of Grand RiverKeeper Labrador Inc. was potentially within the issues to be addressed and that intervenor status should be granted.

In 2019 in considering a request by the Muskrat Falls Concerned Citizens Coalition for intervenor status in its rate mitigation review, the Board stated:

...to ensure that the review proceeds efficiently and that the identified issues are fully and thoroughly addressed, standing to participate as a party will only be granted where the Board is satisfied that there is a unique interest which is not already represented and that the requested participation would be of assistance.²

The Board found that it was not satisfied that the Coalition had a unique interest or that its participation as a party would be of material assistance to the Board.

In this proceeding, Drive NL states that it represents electric vehicle owners of Newfoundland and Labrador and that the regulatory decisions relating to electric vehicle adoption, rates and charging infrastructure will have significant effect for electric vehicle owners and future owners. According to Drive NL its participation would provide the Board with accurate and up to date information so that the Board can include the perspective of experienced EV owners when considering the application.

The Consumer Advocate states that the participation of Drive NL would be redundant and contrary to the spirit and intent of section 117 of the **Public Utilities Act**. The Board does not agree. While the Consumer Advocate is appointed to represent the interests of all domestic and general service electricity customers, it is not unusual for the Board to grant an application for intervenor status to an individual or group with an interest which may be within the general interests represented by the Consumer Advocate. For example, the Board regularly grants intervenor status to the Labrador Interconnected Group and recently granted Intervenor status to NunatuKavut Community Council to participate in Hydro's application related to the long-term supply plan for Southern Labrador. These applications for intervenor status were not opposed by the Consumer Advocate, even though these intervenors would have interests which would be included within the general interests represented by the Consumer Advocate.

In relation to the Consumer Advocate, Drive NL states:

To date, the perspective of EV owning ratepayers and the understanding of the needs of this rapidly growing segment have not been represented in regulatory matters before the Board. We acknowledged the Consumer Advocates role to

¹ March 13, 2014 letter to Grand RiverKeeper Labrador Inc.

² March 26, 2019 letter to Muskrat Falls Concerned Citizens Coalition

speak on behalf of ratepayers, however the needs of EV owning ratepayer have not been represented in the Consumer Advocate's comments in matters to date.

In this regard the Board notes the following statement by the Consumer Advocate in a letter dated July 8, 2022 relating to Newfoundland and Labrador Hydro's electrification programming:

In each submission, the Consumer Advocate opposed utility involvement in electrification beyond that related to traditional roles (e.g., rate design, service entrance upgrades, customer education programs, etc.). We have, in particular, opposed utility ownership of charging infrastructure as a regulated undertaking with customers taking on all risks.

The Board is satisfied that Drive NL has a unique interest which may not be represented by another party and that its participation may be of assistance to the Board.

Drive NL states that its participation may include participation in technical and other conferences and making representations to the Board. Drive NL confirms that it will not be filing requests for information or seeking to cross-examine witnesses or call witnesses. On this basis the Board is satisfied that that its participation will not prejudice the parties or negatively impact the efficient and effective completion of this regulatory process. The Board notes that the other parties did not object.

The Board will approve the request of Drive NL to participate as an intervenor in this proceeding. The Board notes, however, that there is no provision for intervenor funding in this province and as a result Drive NL may not recover the costs of its participation. Drive NL may file an application for costs at the conclusion of the matter for consideration of the Board pursuant to section 90 of the **Public Utilities Act**.

If you have any questions, please do not hesitate to contact the Board's Legal Counsel, Ms. Jacqui Glynn, by email, jglynn@pub.nl.ca or telephone (709) 726-6781.

Sincerely,


Cheryl Blundon
Board Secretary

CB/cs

ecc **Newfoundland Power Inc.**
Lindsay Hollett, E-mail: lholllett@newfoundlandpower.com
NP Regulatory, E-mail: regulatory@newfoundlandpower.com
Newfoundland and Labrador Hydro
NLH Regulatory, E-mail: NLHRegulatory@nlh.nl.ca

Consumer Advocate
Stephen Fitzgerald, E-mail: sfitzgerald@bfma-law.com
Sarah Fitzgerald, E-mail: sarahfitzgerald@bfma-law.com
Bernice Bailey, E-mail: bbailey@bfma-law.com