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September 19, 2023

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

Attention: G. Cheryl Blundon
Director of Corporate Services
and Board Secretary

Dear Ms. Blundon:

Re: Application for EV Load Management Pilot Project – Consumer Advocate’s Request for Re-hearing of Application

On June 2, 2023, Newfoundland Power Inc. (“Newfoundland Power” or the “Company”) filed an application for the approval to recover the costs of conducting an Electric Vehicle Load Management Pilot Project (the “Application”). Following a review process that included requests for information and comments from the parties, the Board issued Order No. P.U. 23 (2023) approving the Application on August 31, 2023 (the “Order”).

On September 12, 2023, the Consumer Advocate filed with the Board a request to rehear the Application pursuant to section 28 of the *Board of Commissioners of Public Utilities Regulations, 1996* (the “Regulations”).

The Consumer Advocate submitted that: (i) the Order is inconsistent with previous Board Orders; and (ii) the overlap of the pilot project approved in the Order, and the Company’s ongoing Load Research Study and Rate Design Review (the “Studies”) were not reasonably considered.

The Company disagrees that the Order is inconsistent with previous Board Orders. The Application was made in furtherance of the Board’s commentary in Order No. P.U. 33 (2022) on the Company’s 2021 Electrification, Conservation and Demand Management Application (the “ECDM Application”). In that order, the Board indicated that appropriate electrification initiatives, combined with measures to reduce peak load, are likely to lead to positive outcomes for customers in the long term.¹ Although the initiatives proposed in the ECDM Application were ultimately not approved, the Board invited the utilities to file subsequent applications for the approval to recover the cost of specific electrification initiatives which could be shown to be appropriate for the Province at this time.² The Board further specified that pilot programs may

¹ See Order No. P.U. 33 (2022), page 11, lines 17-20.

² Ibid., page 16, lines 1-3.

Newfoundland Power Inc.

55 Kenmount Road • P.O. Box 8910 • St. John's, NL A1B 3P6

PHONE (709) 737-5364 • FAX (709) 737-2974 • ihollett@newfoundlandpower.com

be presented with evidence as to the need for the information which will be gathered.³ The Board reiterated these sentiments in the Order.⁴

The Company submits that potential for overlap between the pilot project and the Studies was reasonably interrogated as part of the Application.⁵ In the Order, the Board stated that it did not agree that the Studies would provide the necessary information with respect to EV load management costs and benefits.⁶

Newfoundland Power submits that the Consumer Advocate has not provided any grounds upon which the Order could reasonably be found to be erroneous. As such, the Consumer Advocate has not established a reasonable basis for re-hearing the application in accordance with the requirements of the Regulations. The Company therefore submits that a re-hearing of the Application is unwarranted.

If you have any questions regarding the enclosed, please contact the undersigned.

Yours truly,



Lindsay Hollett
Senior Legal Counsel

ec. Shirley Walsh
Newfoundland and Labrador Hydro

Dennis M. Browne, K.C.
Browne Fitzgerald Morgan & Avis

³ Ibid., page 18, lines 35-37.

⁴ Ibid., page 2, lines 34-42 and page 3, lines 1-4.

⁵ See the Company's response to Request for Information CA-NP-001.

⁶ See the Order, page 3, lines 27-33.

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