

**P.U. 28(2002-2003)**

**IN THE MATTER OF** the  
**PUBLIC UTILITIES ACT**,  
R.S.N. 1990, c. P-47, as amended  
("the *Act*")

**AND**

**IN THE MATTER OF** an *Ex Parte*  
Application by Newfoundland and Labrador  
Hydro ("Hydro) for approval, pursuant to  
Section 41 of the *Act*, of the purchase by  
Hydro of the joint use support structures  
of Aliant Telecom Inc. ("Aliant") located  
in Hydro's service territory.

**WHEREAS** Hydro is a public utility as defined in the *Act*; and

**WHEREAS** Hydro engages in the generation, transmission and distribution of electricity in the Province of Newfoundland and Labrador (the "Province") and owns distribution and support structures, including poles, anchors, guys, grounding systems, pole cribs and related equipment, including all interests in real property associated with the support structures (the "Support Structures") in connection with the provision of such services; and

**WHEREAS** Aliant engages in the provision of telecommunications services in the Province and in particular in the service territory of Hydro, both on the island portion of the Province and in Labrador ("Hydro Service Territory"); and

**WHEREAS** Aliant currently owns and has attachments on approximately 7,688 Support Structures in Hydro's Service Territory upon which Hydro has electrical service attachments ("Joint Use Support Structures"); and

**WHEREAS** Hydro filed an application with the Board of Commissioners of Public Utilities (the "Board") on June 5, 2002 requesting approval, pursuant to Section 41 of the *Act*, of the purchase by Hydro of the Joint Use Support Structures (the "Application"); and

**WHEREAS** Hydro and Aliant have negotiated a Support Structures Purchase Agreement made as of January 1, 2002 whereby Hydro has agreed to purchase from Aliant the Joint Use Support Structures at a purchase price of \$3,569,840; and

**WHEREAS** Hydro and Aliant have agreed upon a rental arrangement with respect to Aliant's attachments on Support Structures in Hydro's Service Territory, including the Joint Use Support Structures to be purchased by Hydro; and

**WHEREAS** Aliant has agreed to pay Hydro an annual rental amount of \$28.80 for each Support Structure that has an Aliant attachment as of January 1, 2002, which amount will escalate each year as set out in the Joint Use Facilities Partnership Agreement; and

**WHEREAS** the Board provided notice of the Application to Newfoundland Power Inc. on July 11, 2002; and

**WHEREAS** on June 28 and July 18, 2002 the Board issued Requests for Information to Hydro which were responded to by Hydro on July 12, July 22 and October 22, 2002; and

**WHEREAS** on July 16, 2002 Newfoundland Power Inc. issued Requests for Information to Hydro respecting the Application which were responded to by Hydro on July 22, 2002; and

**WHEREAS** the Board has reviewed the information and evidence before it and is satisfied that the proposed acquisition by Hydro will be beneficial to Hydro and electrical consumers in the Province.

**IT IS THEREFORE ORDERED THAT:**

1. Pursuant to Section 41 of the *Act*, the purchase by Hydro of the Joint Use Support Structures and the associated supplementary capital expenditure for 2002 of \$3,569,840 is hereby approved.
2. Hydro shall pay all costs and expenses of the Board incurred in connection with this Application.

Dated at St. John's, Newfoundland and Labrador this 5<sup>th</sup> day of November 2002.

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Darlene Whalen, P.Eng.,  
Vice-Chairperson.

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Gerard Martin, Q.C.,  
Commissioner.

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G. Cheryl Blundon,  
Board Secretary.