

ORDER

NSUARB-NSPI-P-128.07(TUC)

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE PUBLIC UTILITIES ACT

- and -

IN THE MATTER OF AN APPLICATION by **Nova Scotia Power Incorporated**
for Authority to Overspend (ATO) – TUC6 Waste Heat Recovery Project – CI#
28098

BEFORE  Roberta J. Clarke, Q.C., Member

ORDER

WHEREAS Nova Scotia Power Incorporated (“NSPI”) filed an application on May 3, 2010, for approval of CI# 28098 – Authority to Overspend (ATO) – TUC6 Waste Heat Recovery Project with the Nova Scotia Utility and Review Board (the “Board”);

AND WHEREAS the Board in a letter dated May 27, 2010, gave stakeholders an opportunity to intervene in the review of this application;

AND WHEREAS NewPage Port Hawkesbury Corp. and Bowater Mersey Paper Company Limited (“NPB”); Avon et al. (“Avon”); the Nova Scotia Department of Energy (“NSDOE”); and the Municipal Electric Utilities of Nova Scotia Co-operative (“MEUNSC”) (collectively the “Intervenors”); advised the Board that they wished to participate;

AND WHEREAS the Board set a timetable for review of the application and Information Requests were issued by Board Staff and NPB in accordance with the timetable, and NSPI filed its responses on the required date;

AND WHEREAS written submissions were received from Avon, NPB and NSDOE on July 22, 2010;

AND WHEREAS NSPI filed its Reply Submission on August 6, 2010;

AND WHEREAS on August 20, 2010, NSPI requested an opportunity to make oral submissions on the application, which would allow Intervenor to make any final representations, and allow the Board to raise any additional questions it might have;

AND WHEREAS the Board agreed to this request and set October 22, 2010, as the date for hearing oral submissions. The Intervenor advised the Board that they would not appear; however, the Consumer Advocate ("CA") requested an opportunity to appear at the hearing, which the Board allowed;

AND WHEREAS the MEUNSC did not file a submission in accordance with the timetable. However, through Board Counsel, it requested the opportunity to file a brief written submission instead of appearing at the hearing. The Board accepted this approach, and the submission was received on October 22, 2010, and provided to all parties.

AND WHEREAS the Board reviewed the evidence, responses to IRs and written submissions and issued its decision on the 22nd day of November, 2010.

IT IS HEREBY ORDERED that the application is approved in the amount of \$8,699,864, for a total Project cost of \$92,996,628.

DATED at Halifax, Nova Scotia, this 22nd day of November, 2010.


Clerk of the Board