December 5, 2006 NSUARB – NSPI – P-886

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF: The Public Utilities Act, R.S.N.S. 1989, c. 380, as amended

- and -

IN THE MATTER OF: An Application by Nova Scotia Power Incorporated, and a Hearing for Approval of Certain Revisions to its Rates, Charges, and Regulations

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DEC - 5 2006
Nova Scotia Utility and Review Board

RE: LATE FILED EVIDENCE

TO: The Utility and Review Board

Barrington Wind Energy Limited (BWEL), would like to add its voice in support of the letter from Mr. George Cooper to the Board, dated November 29th relating to the evidence filed by NSPI as prepared by Michal O'Sheasy and JT Browne Consulting.

Notwithstanding the letter from Mr. Gallant dated December 5th purporting to withdrawal this evidence, the concerns below remain. These concerns are exacerbated by Mr. Gallant reserving the right to reintroduce this evidence within this Rate Case.

With respect to the evidence of Michael O'Sheasy we would concur that this evidence not be admitted as:

1. it raises issues that should otherwise have been treated within the ELIIR2 proceedings;
2. it raises the spectre of a Fuel Adjustment Mechanism through a back door mechanism, potentially with negative implications on all rate classes;
3. it treats with issues that were not identified within the Issues List.

With respect to the JT Browne Consulting Lead/Lag Study, the filing of this report on the last business day prior to the filing of the second round IR's to NSPI, raises concerns as a specific example of the challenges to due process that are encroaching upon Intervenors ability to usefully participate in regulatory processes.

We understand that there are additional reports, relevant to this Rate Case that are still pending release to Intervenors. They include, but may not be restricted to, the Operations Review and the B&V Hedging Report. In light of the significant issues that may arise from these documents, and the inadequate review and response time prior to the scheduled hearing dates, Barrington Wind does not believe that the current schedule is appropriate to the tasks put before the Intervenors or the Board. On that basis we respectfully suggest that a deferral of the hearing dates until a period of not less that 6-8 weeks from the receipt of the final evidence to be filed by the Company be considered.

Whether of a calculated nature or not, the following issues continue to frustrate and challenge participation in electricity regulatory processes:

1. Late filing of documents (expressed above);
2. Inconsistent provision of data, current, historical, and prospective, across regulatory processes;
3. Increasing amounts of information deemed to be confidential, with each proceeding leaving less available for general distribution and review;
4. The creation of a multiplicity of processes that challenge intervenor abilities to participate from a financial and time perspective, but also isolate significant issues that should be treated within a broader context. The application for approval of Tufts Cove Six, outside the consideration of the IRP process, and despite an understanding that new generation will be procured through a competitive process is such an example.

Thank you for your consideration of this information.

DATED at Halifax Regional Municipality, in the Province of Nova Scotia this 5th day of December, 2006.

Yours respectfully,

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