

## NEW BRUNSWICK ENERGY AND UTILITIES BOARD

IN THE MATTER OF an Investigation into the necessity for the three per cent increase in the charges, rates and tolls of the New Brunswick Power Distribution and Customer Service Corporation pursuant to section 24 of the *Energy and Utilities Board Act*

### ORDER

WHEREAS the New Brunswick Energy and Utilities Board (the "Board") has been directed by the Minister of Energy pursuant to section 24 of the *Energy and Utilities Board Act (the "Act")* to make an investigation into the necessity for the 3% increase in the charges, rates and tolls of the New Brunswick Power Distribution and Customer Service Corporation ("Disco") to be effective April 1, 2009.

AND WHEREAS the Board has determined that, as part of this investigation, there will be an opportunity for public participation;

AND WHEREAS the Board has set out the public participation process that will be used during the course of this investigation, a copy of which process is attached hereto as Exhibit "A";

AND WHEREAS the Board intends, subject to such changes that may be required from time to time, to follow the process outlined in Exhibit "A";

NOW THEREFORE IT IS ORDERED THAT:

- (a) Disco shall make available for inspection by Board staff and/or its consultants, all records or documents that are requested by the Board and that relate to the matter under investigation;
- (b) Disco shall file with the Board and shall make available for review both in its business offices and on its website on or before 12 noon April 30<sup>th</sup>, 2009 a complete package of the evidence relating to its forecasted revenues and costs for 2009/2010.
- (c) Disco shall respond to written questions submitted by registered participants by 12 noon May 19, 2009.
- (d) In the event there is an issue with respect to the adequacy of a response, registered participants must inform Disco and the Board in writing no later than 4 p.m. May 20, 2009 with their reasons as to why the response is not adequate. Disco must respond in writing to any objection that has been raised no later than 4 p.m. May 21, 2009.

- (e) Disco shall appear at a public hearing on May 27, 2009 commencing at 9:30 a.m. in the forenoon at the Delta Brunswick Hotel, Ballroom "C", Saint John, New Brunswick and from day-to-day thereafter as required.
- (f) Disco shall place a copy of this Order on file for examination by interested parties during business hours in Disco's business offices and shall further place a copy of this Order on its website by April 15, 2009.

DATED at the City of Saint John, New Brunswick, this 31<sup>st</sup> day of March , 2009.

BY THE BOARD



Lorraine R. Légère  
Board Secretary  
New Brunswick Energy and Utilities Board

**EXHIBIT "A"**

**INFORMATION WITH RESPECT TO THE PUBLIC PARTICIPATION PROCESS TO BE USED BY THE NEW BRUNSWICK ENERGY AND UTILITIES BOARD IN ITS INVESTIGATION**

The New Brunswick Energy and Utilities Board (the "Board") is investigating the necessity for the 3% increase in the charges, rates and tolls of the New Brunswick Power Distribution and Customer Service Corporation ("Disco") to be effective April 1, 2009.

This investigation is limited to Disco's forecast of its revenues and costs and does not include an investigation of any other company.

The Board has set the schedule for the public participant segment of this investigation as follows:

- **Participants who register with the Board will be permitted to submit written questions to Disco and participate at the hearing by asking questions and making comments in accordance with the following schedule:**

Disco to file information with the Board and to make the information available at its business offices and on its website	12 noon April 30 <sup>th</sup> , 2009
Participants to register with the Board and Disco	4 p.m. April 30 <sup>th</sup> , 2009
Participants to submit written questions to Disco with a copy to the Board	4 p.m. May 8 <sup>th</sup> , 2009
Disco to respond to written questions	12 noon May 19 <sup>th</sup> , 2009
Participants to inform Disco and the Board in writing if they are not satisfied with the adequacy of a response and the reasons why they are not satisfied	4 p.m. May 20 <sup>th</sup> , 2009
Disco to respond in writing to any objection that has been raised	4 p.m. May 21 <sup>st</sup> , 2009
The Board to provide written directions with respect to any response that has been challenged	4 p.m. May 22 <sup>nd</sup> , 2009
Public Hearing commences	9:30 am May 27 <sup>th</sup> , 2009
<p>Note:</p> <ul style="list-style-type: none"> <li>➤ Questions will be confined to the issue of "Disco's forecast of revenues and costs". As such, questions that are outside the scope of this investigation will not be permitted.</li> <li>➤ The Board notes that this is an investigation and not a rate application and as such, the process has been varied accordingly.</li> </ul>	

- Those who do not wish to participate at the hearing may provide written comments to the Board and Disco on or before May 20<sup>th</sup>, 2009.

- In addition to the above- noted schedule, the Board's financial consultant, who is conducting a review, will provide a written report to the Board. The report will be available on the Board's website by May 15, 2009.
- Participants who register with the Board will have an opportunity to question the consultant in relation to his report during the hearing.
- Disco will also have the opportunity to question the Board's consultant.

**At the hearing on May 27<sup>th</sup>, 2009, the Board intends to proceed as follows:**

- Disco will present its evidence;
- Board Counsel will question Disco witnesses on their evidence;
- Registered participants will be permitted to question Disco witnesses on issues not canvassed by Board Counsel;
- The Board's consultant will present his evidence;
- Board Counsel will question the Board consultant on his evidence;
- Disco will question the Board consultant on his evidence;
- Registered participants will be permitted to question the Board consultant on issues not previously canvassed by either Board Counsel or Disco.
- Registered participants may offer final comments and submissions.