

JOINT HEARING OF  
NOVA SCOTIA UTILITY AND REVIEW BOARD  
and  
NEW BRUNSWICK ENERGY AND UTILITIES BOARD

IN THE MATTER OF: An Application to amend Motor Carrier License No. 244 and Extra-Provincial Operating License No. X544 (by amending schedules of rates, tolls and charges)

An Application to approve Trailers for the carriage of freight

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HEARD BEFORE: Mr. Roland A. Deveau, Member  
Nova Scotia Utility and Review Board

Mr. Raymond Gorman, QC, Chair  
New Brunswick Energy and Utilities Board

Mr. Cyril Johnston, Vice-Chair (NB)  
Mr. Yvon Normandeau, Member (NB)  
Mr. Steve Toner, Member (NB)

PLACE HEARD: Amherst, Nova Scotia

DATE HEARD: Friday, June 6, 2008

IN ATTENDANCE: Mr. John Stringer, QC  
Counsel for the Licensee

Ms. Denise Sirois  
Product Director for the Licensee

Mr. John Huneault  
Vice-President Finance for the Licensee

Ms. Nancy MacRae, CA  
Local Moncton Office Financial Representative for the Licensee

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Mr. David White  
Motor Carrier Division Director

Ms. Tammy Paradis, Policy Analyst  
New Brunswick Department of  
Transportation

WITNESSES: Mr. John Huneault  
Ms. Nancy MacRae  
Ms. Denise Sirois

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Hearing Clerk: Ms. Anne Bonang

Board Staff: Ms. Dona Di Quinzio (NS)  
Ms. Lorraine Legere, Secretary (NB)  
Mr. David Keenan, Advisor (NB)  
Mr. Douglas Goss, Director of  
Regulatory and Finance (NB)

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1 MR. DEVEAU

2 This is a joint -- or these are joint hearings of  
3 the Nova Scotia Utility and Review Board and the New  
4 Brunswick Energy and Utilities Board with respect to  
5 applications by Acadian Intercity Coaches LP and --  
6 I should get the right name -- Acadian Coachlines LP  
7 operating in New Brunswick with respect to -- in  
8 Nova Scotia it's an application to amend Motor  
9 Carrier License No. 244 and to amend Extra-  
10 Provincial Operating License No. X544. It's an  
11 application to increase the existing fare structure  
12 on an average of 6.2 percent as set out in the  
13 application and the documentation filed with the  
14 Board. There's also a joint application -- or  
15 another application which accompanies that in terms  
16 of trailers, with respect to Nova Scotia it's to  
17 operate public passenger vehicles with approved  
18 trailers attached for the carriage of freight,  
19 parcel express and luggage in conjunction with the  
20 provision of general route service only. My name is  
21 Roland Deveau, I'm here representing the Nova Scotia  
22 Utility and Review Board. And I'd ask Mr. Gorman to  
23 introduce the New Brunswick Board.

24 MR. GORMAN

25 Thank you. In New Brunswick this is an application

1 by Acadian Coachlines LP for approval of an increase  
2 in certain tariffs or passenger fares for its  
3 intercity scheduled services within the Province of  
4 New Brunswick. My name is Ray Gorman and I am the  
5 Chair of the New Brunswick Energy and Utilities  
6 Board. Our legislation requires a quorum of a  
7 minimum of three, and so we have many more people  
8 than Nova Scotia here. We have the vice-chair, Mr.  
9 Cyril Johnston, as part of the panel Mr. Yvon  
10 Normandeau and Mr. Steve Toner. Also from our Board  
11 is our Board secretary, Ms. Lorraine Legere, and  
12 Board staff Doug Goss and David Keenan.

13 MR. DEVEAU

14 I should mention that our staff are here today.  
15 First of all, recording the hearing is Anne Bonang  
16 and Dona Di Quinzio, they're acting as hearing  
17 clerks, and the director of the public passenger  
18 division for Nova Scotia is here as well, Mr. David  
19 White. Mr. Stringer, you're here on behalf of the  
20 Applicants. Perhaps you could introduce who's  
21 accompanying you today.

22 MR. STRINGER

23 Yes. Representing the Acadian Bus Group, Mr. Chair,  
24 our witnesses today will include John Huneault,  
25 vice-president of finance, Denise Sirois, the

1 product manager, and Nancy MacRae to my right who's  
2 the accounting manager for Acadian.

3 MR. DEVEAU

4 And, sorry, it's Nancy MacRae?

5 MR. STRINGER

6 MacRae.

7 MR. DEVEAU

8 Yes.

9 MR. STRINGER

10 M-A-C-R-A-E.

11 MR. DEVEAU

12 And she is ---

13 MR. STRINGER

14 She would be the accounting manager. It's proposed  
15 that we would lead off with Ms. Sirois who would  
16 give the general overview of the application, a  
17 portion of which is confidential, and then we would  
18 move on to a general in-camera session on the  
19 financing aspect of the application where Mr.  
20 Huneault and Ms. MacRae would be sitting as a panel  
21 on that to respond to questions. So, at the  
22 appropriate time we would ask that those people not  
23 involved in the hearing be asked to leave the  
24 hearing room.

25 MR. DEVEAU



1           Okay. Well, first of all, perhaps we can deal with  
2           that issue. Pursuant to a direction last year there  
3           were -- there was communication between the two  
4           Boards and the Applicants with respect to the  
5           confidential filing of information, and in our  
6           letters to the Applicants we indicated that that  
7           should be dealt with at the start of the hearing.  
8           We've obviously read the materials but we do have  
9           questions about that. So, perhaps before we get  
10          into the actual evidence we'd like to deal with that  
11          issue, and perhaps we'll canvass -- I see there's  
12          two people here. They're obviously not with you,  
13          Mr. Stringer, in the back?

14         MR. STRINGER

15                 That's correct.

16         MR. DEVEAU

17                 Okay.

18         MR. STRINGER

19                 With regard to the representative from the New  
20                 Brunswick Department of Transportation we're not  
21                 objecting to her presence during the hearing.

22         MR. DEVEAU

23                 Okay.

24         MR. STRINGER

25                 She has appeared -- or she's been present during

1 other hearings and we don't have any problem with  
2 that.

3 MR. DEVEAU

4 Yes.

5 MR. STRINGER

6 But I believe there's a member of the press here.

7 MR. DEVEAU

8 Okay. You're a member of the media?

9 UNIDENTIFIED MALE VOICE

10 Yes, I am.

11 MR. DEVEAU

12 Okay. What we'll do is -- consistent with other  
13 applications that come before the Board, there is  
14 sometimes a claim for confidentiality of certain  
15 documentation that's been filed with the Board on a  
16 confidential basis. We have to determine -- perhaps  
17 I'll start again. Are you a member of the public or  
18 the press?

19 UNIDENTIFIED MALE VOICE

20 The press.

21 MR. DEVEAU

22 Okay. I'll just start the comments -- you can have  
23 a seat.

24 UNIDENTIFIED MALE VOICE

25 Okay.

1 MR. DEVEAU

2 We just started on an issue that involves you,  
3 there's yourself and another member from the press  
4 as well. In these applications, this type of  
5 application, in terms of our regulatory functions  
6 there is -- sometimes there is a request for  
7 confidentiality in relation to -- in this case today  
8 it's in terms of financial statements. So, the  
9 first -- the way we deal with those is first to hear  
10 the submissions from the Applicants, in this case  
11 Acadian, as to the reasons why they feel that  
12 information is confidential and then the Board rules  
13 on that and then -- depending on the ruling then we  
14 proceed either with or without that information.  
15 And some of the presentation today would be public  
16 but obviously some parts are -- you would like to be  
17 confidential. So, what we have to do before we get  
18 into the actual evidence is we have to hear the  
19 Applicants and what their view is as to why it  
20 should be confidential and we have to determine  
21 that. So, while we hear those arguments -- because  
22 obviously we'll be, you know, referring to the  
23 matters that have been filed -- that will be held in  
24 camera, so we would ask members of the public and  
25 the media that are not related to this to leave the

1 room while we do that. I suspect that would take,  
2 you know, five, 10, 15 minutes, probably at least 10  
3 - 15 minutes in any event. So, if you would, we'd  
4 ask you to leave just for that time, and once --  
5 before we begin hearing the evidence on the  
6 application we will go out and get you and advise  
7 you of what our decision was. Okay?

8 UNIDENTIFIED MALE VOICE

9 Okay.

10 MR. DEVEAU

11 Thank you very much.

12 UNIDENTIFIED MALE VOICE

13 Do you want us to leave right now?

14 MR. DEVEAU

15 Yeah. Thanks. Please.

16 (SHORT DISCUSSION BETWEEN MR. DEVEAU AND MR. GORMAN)

17 MR. GORMAN

18 I understand that there is one member -- person  
19 here, I guess, that is not a member of the  
20 Applicant, is not a member of the various Boards,  
21 and that's somebody from the New Brunswick  
22 Department of Transportation. Perhaps, just for the  
23 record, we can identify who you are.

24 MS. PARADIS

25 Tammy Paradis, Department of Transportation Policy

1                   Branch.  Paradis, P-A-R-A-D-I-S.

2                   MR. GORMAN

3                   Thank you, Ms. Paradis.

4                                 (SEE IN-CAMERA TRANSCRIPT - PAGES 15-60)

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## (PUBLIC SESSION RESUMES)

1  
2 MR. DEVEAU

3 Okay. We have -- we've reopened the session to the  
4 public and the media, and just for the purposes of  
5 our -- how the matters have progressed, for your  
6 information, members of the public and media, as I  
7 indicated earlier this morning, Acadian had filed  
8 financial statements, full financial statements that  
9 were filed on a confidential basis -- pre-filed  
10 actually on a confidential basis with both Boards --  
11 and they were claiming confidentiality over those  
12 agreements for competitive reasons, which is not a  
13 -- that's a normal claim made by Applicants in  
14 matters before the Board. So, we went in camera to  
15 listen to their arguments and there was a break,  
16 discussion occurred between Acadian and staff from  
17 both Boards and it was agreed that the -- Acadian  
18 agreed that they would -- or at the conclusion of  
19 those discussions the result was that Acadian will  
20 file a redacted version, which essentially means  
21 some of the information is either struck out or  
22 combined, groups -- certain expenses or revenues are  
23 combined to protect sensitive information. The  
24 Board -- both Boards were prepared to proceed on  
25 that basis, and those redacted financial statements

1 are part of the public record. If you want to  
2 obtain a copy of that, you can do so. Please  
3 contact the clerk and they can provide you with a  
4 copy of that, but it is part of the public filing  
5 for this hearing. The confidential filings are also  
6 on file and those will be considered by the Board in  
7 camera but the redacted versions will be -- can be  
8 referred to in the public session. So, the way  
9 we'll progress, Acadian will proceed with their  
10 application today, there may be some -- there might  
11 be a short -- shorter in-camera session later on but  
12 we'll first do the public portion of this and then  
13 we'll do the in-camera session later and then we may  
14 or may not issue a decision today. We'll see at the  
15 end of the day how it transpires, but we'll proceed  
16 with the public session now. So, Mr. Stringer, I'll  
17 pass it over to you. And obviously the witnesses  
18 are already sworn for today's testimony.

19 MR. STRINGER

20 Thank you. Just one housekeeping matter, which  
21 would be the filing of the affidavits of publication  
22 of these hearings in -- for New Brunswick and Nova  
23 Scotia, and ---

24 MR. DEVEAU

25 I think we had already assigned No. 2 to that. So,



1           you've got one for both, 2(A) and 2(B)? Okay.

2           MR. STRINGER

3           All right. Thank you. As I mentioned previously,  
4           the first witness that the Applicants wish to  
5           examine would be Ms. Sirois, and she has a  
6           presentation that I will take her through.

7

8           MS. DENISE SIROIS, (Previously Affirmed)

9

DIRECT EXAMINATION BY MR. STRINGER

10    1.    Q.    Ms. Sirois, you've already been sworn, so just for  
11           the record if you could just provide your full name.

12           A.    Denise Sirois, S-I-R-I-O-S.

13    2.    Q.    And where do you live?

14           A.    In Montreal.

15    3.    Q.    And what position do you hold with the Acadian Bus  
16           Group?

17           A.    I'm [inaudible] manager for passenger services and  
18           charter services.

19    4.    Q.    And what are your responsibilities in that position?

20           A.    I'm responsible for revenue growth, customer service  
21           and the marketing of our services.

22    5.    Q.    And how long have you been employed with the Acadian  
23           Orleans Express organization?

24           A.    18 years.

25    6.    Q.    And generally for the record can you just describe

1           the Intercity bus operations that Acadian Bus Group  
2           runs throughout the Maritime provinces.

3           A.    Okay.  Acadian operates daily passenger services  
4           throughout Nova Scotia and New Brunswick and parts  
5           of PEI.  We're connecting Quebec with [inaudible]  
6           and other carriers for the west trips and we connect  
7           in Bangor with Greyhound for trips to the States.

8    7.    Q.    And do you operate sort of a 24/7 operation?

9           A.    Yes, we do.

10   8.    Q.    And can you describe the motor carrier and extra-  
11           provincial operating authorities that you hold in  
12           the Maritime provinces.

13           A.    Well, we do have [inaudible] in Nova Scotia, in New  
14           Brunswick, in Quebec [inaudible] inter-provincial  
15           [inaudible].

16   9.    Q.    And that would be for intercity and charter  
17           services?

18           A.    That's correct.

19   10.   Q.    And can you describe the location of your terminals  
20           in both New Brunswick and Nova Scotia.

21           A.    We have six main terminals.  In New Brunswick  
22           they're located in Moncton, Fredericton and Saint  
23           John.  In Nova Scotia they're in Halifax, Truro and  
24           Sydney.

25   11.   Q.    And besides the terminal operations, how many agency

1 operations do you have throughout the Maritimes?

2 A. We do operate 68 point of sales [inaudible] agencies  
3 throughout the Maritimes.

4 12. Q. And to run your network throughout the Maritimes how  
5 many employees does Acadian have?

6 A. We do have -- [inaudible] I don't know if I have  
7 that information here by provinces. I'll get back  
8 with the information. I don't have the details.

9 13. Q. You don't have them as totals, or do you just have  
10 them broken down?

11 A. I don't have them broken down.

12 14. Q. Okay.

13 A. Okay, here they are. Sorry. We do have 49 persons  
14 in Nova Scotia, 29 of them are drivers, in New  
15 Brunswick we have 97 employees, of them 37 are  
16 drivers, and we also have eight drivers based in  
17 [inaudible].

18 15. Q. And at the present time how many motor coaches does  
19 the Acadian Bus Group operate in the Maritimes?

20 A. We to have 39 modern coaches.

21 16. Q. And are any of those handicap-equipped?

22 A. Yes, eight of them are equipped with a lift to give  
23 access to the people with reduced mobility  
24 travelling with a wheelchair.

25 17. Q. Since Acadian last appeared before these Boards have

1           there been any changes in the bus fleet?

2           A.    We still have the same number of buses.  We added,  
3           obviously, five modern coaches -- three modern  
4           coaches with the lift, but otherwise we have the  
5           same number of buses.

6  18.    Q.    Same number, but have any of them been upgraded from  
7           the -- the years?

8           A.    The new ---

9  19.    Q.    They're newer?

10          A.    Yeah.  Yeah.  We have a replacement program to --  
11          that's [inaudible].

12  20.    Q.    And where does Acadian have maintenance facilities?

13          A.    We do have facilities in Moncton that we operate  
14          ourselves and we also use our [inaudible] Express  
15          facilities [inaudible] and we [inaudible] services  
16          in Halifax.

17  21.    Q.    And since Acadian restructured its fare structure a  
18          number of years ago to reflect a zone of distance  
19          system, has Acadian seen any improvement in its  
20          volumes?

21          A.    In fact, the passenger volume is going down since  
22          two thousand and -- mid-2006, but what we wanted  
23          with our new structure was to increase the round-  
24          trip volume of our sales and we did attain that  
25          objective, it's slightly going up.

1 22. Q. So, now you sell a round-trip ticket whereas before  
2 people were just buying one-way ---

3 A. Yes.

4 23. Q. --- and sometimes finding another way to get back?

5 A. Yes, exactly.

6 24. Q. Okay. Now, Ms. Sirois, you've prepared a PowerPoint  
7 presentation to explain the request for the fare  
8 increase contained in Acadian's application.

9 Perhaps you could just take us through that. I  
10 realize a portion of this is confidential, so when  
11 we come to that point maybe we could just stop and  
12 we'll deal with that.

13 A. Okay. Perfect. Thank you. What we are proposing  
14 this year is obviously the same structure that we  
15 introduced a few years ago in 2005. We -- if  
16 [inaudible] with the [inaudible]. We're keeping our  
17 same [inaudible] distance, [inaudible] kilometres of  
18 each throughout the network. We maintain the same  
19 discount structure that we have used years ago,  
20 meaning that students and seniors will receive the  
21 15 percent discount on one-way, children from five  
22 to 12 receive a 40 percent discount and children  
23 from one to four years travel for five dollars  
24 (\$5.00). Round-trip we are giving an additional  
25 discount of 15 percent to all groups and the young

1 kids are travelling free. There's no change in that  
2 [inaudible]. The change, of course, will  
3 [inaudible] structure. What I would like to show  
4 here is a -- what I was saying previously when I  
5 said that our round-trips are increasing slightly  
6 over the year, from last year we -- from 2006 we  
7 were at 40 percent of our sales with round-trips and  
8 for 2007 the total increased to 45 percent. Here  
9 what we see is a segmentation by [inaudible]  
10 clientele. Adults and the students are our main  
11 customers, but we do see a decrease in our volume of  
12 ridership. What I'm showing here is only the sales  
13 on Acadian network, it doesn't show the people  
14 coming from other networks, [inaudible] if they  
15 connect with United States.

16 25. Q. So, within the Acadian network in the Maritimes  
17 there was a reduction of 11.5 percent in 2007?

18 A. That's correct, over -- between 2006 and 2007. We  
19 will see there that it's slightly less [inaudible].  
20 I'm showing here a table that reflects that our  
21 [inaudible] structure that was introduced is -- the  
22 [inaudible] between the average price in Nova Scotia  
23 and New Brunswick is getting lower, is decreasing.  
24 When we introduced that new price structure years  
25 ago, there was a different pricing structure for New

1 Brunswick than Nova Scotia that was inherited from  
2 the [inaudible] and in 2007 we're getting closer  
3 between the two provinces. I must -- may remind you  
4 that the average price is only an indicator for us,  
5 it's only the number -- the revenues divided by the  
6 number of passengers that we have, so it gives us an  
7 average price and it's influenced by the distance  
8 that is travelled and the type of clientele and the  
9 type of trip, if it's a one-way or a round-trip.  
10 So, that has an impact on the average price, so the  
11 more we're selling round-trips it's going to  
12 influence that price, but it's a good indicator for  
13 us on where we're going. Here, I'm sorry it's  
14 really small but I'm presenting the price per zone.  
15 Those are the adult one-way. We see that Zone 1 to  
16 4 is increasing -- are increasing by one dollar  
17 (\$1.00), Zone 5 to 9 by \$2.00, 10 and 11 by \$3.00,  
18 12 to 20 by four dollars (\$4.00) and 21 to 52 by  
19 five dollars (\$5.00). We're still keeping the  
20 concept that the farther the person travels the less  
21 he pays per kilometre. We had estimated that our  
22 impact -- average impact rate is up 62 percent and  
23 I'll show in a further slide where that number is  
24 coming from. Moncton-Halifax, who is one of our  
25 main corridors, is increasing by three dollars

1 (\$3.00) or 6.8 dollars on a one-way basis for an  
2 adult. I'm showing here adult round-trip, a 15  
3 percent discount is given and the increase varies  
4 from 4.5 to 16.7 percent, the increase being higher  
5 if the price is smaller. Of course, that's only  
6 mathematical. And we rounded all our prices to the  
7 closest dollar, so maybe smaller or larger increases  
8 are shown there. Adult and Club 60, seniors, we're  
9 still maintaining that 17 discount, prices are  
10 rounded to the closest dollar, and I'm showing here  
11 a few examples of the impact on some corridors.  
12 We'll see that Moncton-Halifax one-way is increasing  
13 by three dollars (\$3.00), the same thing for the  
14 students, and that's an increase of 6.8 or 8.1 for  
15 students. And we do still add that two dollar  
16 (\$2.00) surcharge on one-ways and four dollars  
17 (\$4.00) on returns for the Confederation Bridge  
18 tolls. Same thing here for Nova Scotia, if we're  
19 looking at the popular corridor, Halifax-Antigonish,  
20 adult is increasing by 5.3 and student by 6.3.  
21 That's a two dollar (\$2.00) increase for Nova  
22 Scotia. And that concludes the part on my  
23 structure. I have further elements that will  
24 explain why we're presenting that increase today.

25 MR. STRINGER



1           Now, Mr. Chair, as we go through pages 11 on it  
2           deals with information which was redacted in the  
3           financial information. We can either just skip over  
4           that, if the Board has got that -- we do have an  
5           additional exhibit, as we undertook to provide  
6           actual fuel cost increases this year. So, we could  
7           enter that in and we could speak to that.

8           MR. DEVEAU

9           On a public ---

10          MR. STRINGER

11          On a public basis.

12          MR. DEVEAU

13          Sure.

14          MR. STRINGER

15          We could do that?

16          MR. DEVEAU

17          Yeah.

18          MR. STRINGER

19          These are separate diesel costs for New Brunswick  
20          and the [inaudible] Nova Scotia. We'll enter that  
21          as an exhibit.

22          MR. DEVEAU

23          It's the same exhibit, it's just for each province?

24          Or is the diesel prices ---

25          MR. STRINGER

1 Well, it's -- and it's updated through to May, so it  
2 is useful to see how ---

3 MR. DEVEAU

4 But one for each province?

5 MS. SIROIS

6 Yes.

7 MR. STRINGER

8 There's one for each province, yes.

9 MR. DEVEAU

10 Okay. So, that'll be 11(A) and (B).

11 MR. STRINGER

12 11(A) and (B).

13 EXHIBIT NO. 11(A) (ENTERED) - AVERAGE COST OF DIESEL FOR  
14 NOVA SCOTIA

15 EXHIBIT NO. 11(B) (ENTERED) - AVERAGE COST OF DIESEL FOR  
16 NEW BRUNSWICK

17 BY MR. STRINGER

18 26. Q. Ms. Sirois, do you have a copies of ---

19 A. No, I don't.

20 27. Q. You don't? Okay.

21 A. I gave mine ---

22 28. Q. Sure, you gave them ---

23 A. --- yesterday.

24 29. Q. There we go. Maybe we could just identify Exhibit  
25 (A) and (B), Ms. Sirois.

1 A. Yes. (A) and (B) are showing the average diesel  
2 cost paid by Acadian in New Brunswick and in Nova  
3 Scotia. That's a by-month pricing since January  
4 2005 up to May 2008 and it shows our increases or  
5 the price we paid over the months. In 2005 our  
6 average price was 78.3, it goes up to 84.3 in 2006  
7 and 86.7 in 2007. By the end of May of this year  
8 our average price was at 1.1 dollars a litre, so  
9 over -- if we compare the average price of 2008 to  
10 the one in 2007, that's an increase of almost 27  
11 percent, 26.8 to be more precise. By the end of May  
12 we were paying 45 percent more than we were paying  
13 in May last year.

14 30. Q. And, Ms. Sirois, could you just explain the  
15 significance of this number. In May you were at  
16 \$1.23.51.

17 A. Yes.

18 31. Q. And for the purposes of your budgeting forecasts, as  
19 the Board would have seen in your pre-filed  
20 information ---

21 A. Okay.

22 32. Q. --- what did you use as your forecasted number, even  
23 your amended forecasted number?

24 A. Our amended forecast was at 1.1 per litre, our  
25 initial forecast when we prepared our 2008 budget

1           was at 95.6 -- 85.6. 85.6. So, it's really over  
2           what we budgeted and reforecast in May -- in March.

3   33.   Q.   So, at the bottom of this document you say:

4                    "By the end of May we were paying 44.8  
5                    percent more than the same period last  
6                    year."

7   A.   That's correct. For Nova Scotia the numbers are  
8           really similar. By the end of May this year we were  
9           paying 45.4 percent over what we paid last year at  
10          the same time. Our average price in 2008 is at 1.9  
11          dollars a litre. The increase between May and --  
12          April and May was almost up 7 cents a litre, so  
13          that's a big increase, and our forecast and budget  
14          were at the same prices that I just mentioned for  
15          New Brunswick, 1.1 in the reforecast and 85.6 in the  
16          initial budget.

17   34.   Q.   And as a percentage of your overall expenses can you  
18          comment on how fuel costs have grown.

19   A.   The share of fuel?

20   35.   Q.   Yes, fuel as a percentage of expense. It's  
21          obviously grown.

22   A.   Yeah, it has and -- let me check my numbers, John,  
23          I'm sorry. I don't have them, sorry. The increase  
24          over our budget for ---

25   36.   Q.   No, as a percentage of your overall operating budget

1           can you comment on how fuel has impacted that as a  
2           percentage?

3           A.    I don't have the precise information, and maybe I'll  
4           let my -- I'm not sure that ---

5   37.   Q.    I'll just show you the [inaudible].

6           A.    Okay.  I didn't understand your question properly.  
7           That's our share -- the fuel share over our revenue  
8           has increased, yes.  In 2006 in Nova Scotia it was  
9           14.2 and it goes to 14.8.  That was in our initial  
10          budget, and finance will be able to explain with the  
11          reforecast and actual results because what I'm  
12          showing here is only from our initial budget.

13   38.   Q.    Yes.  And obviously now that we have the end of May  
14          that's not reflected in that?

15          A.    Not at all.

16   39.   Q.    No.

17          MR. DEVEAU

18                Just for clarification, what you're saying is the  
19                application you're making today for the increase,  
20                the application that's before the Board, that was  
21                based on earlier projections on fuel?

22          MS. SIROIS

23                Yes.

24          MR. DEVEAU

25                So, what's happened -- I think it's obviously fair

1 to say it's known to everyone in the world that the  
2 price of fuel has gone up drastically over the last,  
3 you know ---

4 MS. SIROIS

5 Month and ---

6 MR. DEVEAU

7 --- two, three, four months, six months, but over  
8 the last few weeks all those increases are not  
9 reflected in the application at all?

10 MS. SIROIS

11 They're not. Our application reflects a fuel cost  
12 of one dollar point one.

13 MR. DEVEAU

14 1.1 ---

15 MS. SIROIS

16 1.1.

17 MR. DEVEAU

18 --- dollars per litre?

19 MS. SIROIS

20 Yes.

21 MR. DEVEAU

22 And perhaps you could just give me -- just so that  
23 -- that would be as of -- you made that projection  
24 at what date? What date would you have made that  
25 projection for the year -- for your purpose --

1           because your application is dated ---

2           MS. SIROIS

3           It was at the beginning -- the end of March/  
4           beginning of April.

5           MR. DEVEAU

6           The application ---

7           MS. SIROIS

8           I think it was at the beginning of April, because my  
9           initial presentation included a May average price,  
10          so that would be really at the beginning of April.

11          MR. DEVEAU

12          Okay. So, as of April 1st that's when you were  
13          proceeding with the 1.1 and that's when the  
14          application was filed and ---

15          MS. SIROIS

16          Yes.

17          MR. STRINGER

18          We thought it would be useful for the Board just to  
19          see how it's still continuing to ramp up.

20          MR. DEVEAU

21          Yeah. Yeah. So, what's ---

22          MR. STRINGER

23          So, the actual percentages that we've provided here  
24          are not reflected in the ---

25          MR. DEVEAU

1 Right. So, what's happened since April 1st, that's  
2 not being recovered as part of this application?

3 MS. SIROIS

4 No, it's not.

5 MR. DEVEAU

6 Okay. Thank you.

7 MR. TONER

8 No, but the average includes May, though.

9 MS. SIROIS

10 That's an updated information that I prepared ---

11 MR. TONER

12 But it's still a dollar one. Is that a dollar one  
13 or a dollar ten?

14 MS. SIROIS

15 A dollar ten.

16 MR. TONER

17 The average [inaudible] ---

18 MS. SIROIS

19 Yeah.

20 MR. TONER

21 --- [inaudible] still on ---

22 MR. STRINGER

23 You've got -- maybe I can just explain that.

24 MR. DEVEAU

25 Yeah, that's [inaudible]. Yeah.



1 MR. STRINGER

2 You're not looking at a full year, you're looking at  
3 an average for only those months.

4 MR. TONER

5 I agree but -- yeah, okay.

6 BY MR. STRINGER

7 40. Q. Anyway, we can get into that a little bit more maybe  
8 on the in-camera session.

9 A. Yeah.

10 41. Q. We're just trying to -- and maybe I can just ask you  
11 a little bit again with regard to other operating  
12 expenses. Generally the company has seen other  
13 expenses continue to increase?

14 A. Yes, but not as much as the fuel is.

15 42. Q. No.

16 A. We will be presenting details later but ---

17 43. Q. And I think just generally those expenses for -- in  
18 New Brunswick have gone up in 2008 versus over 2007  
19 3.4 percent?

20 A. That's correct.

21 44. Q. And in Nova Scotia 3.6 percent?

22 A. That's correct.

23 45. Q. Correct.

24 A. Those are based on the initial budget.

25 46. Q. Maybe I could just ask you to then just skip over to

1           the conclusions of your presentation.

2           A.    Yes, I will.

3           MR. TONER

4           Can I ask you a question first?

5           MS. SIROIS

6           Yes, certainly.

7           MR. TONER

8           Can you explain to me in your opinion, since it is  
9           your -- that's your responsibility, why has your  
10          ridership gone down given fuel costs being so high?

11          I would think that it would be skyrocketing just ---

12          MS. SIROIS

13          We may expect it. Demography is one of the elements  
14          that, I think, has an impact on our ridership. Low-  
15          cost airlines, because I think a lot of people from  
16          the Maritimes travel farther than Quebec or they  
17          don't travel that much within the provinces, they  
18          tend to travel to go to west and they travel by  
19          plane. Because if we're looking at our numbers,  
20          what we're selling on the network is going down  
21          faster that what is coming from interlining. We  
22          will have a survey of our customers later this  
23          summer. It's part of our marketing activities for  
24          this year. We may have better information or  
25          precise information of what people -- why people are

1 using us, are using our services, because we'll  
2 survey our customers. Knowing what people like of  
3 us we will be able to promote those advantages, but  
4 what I'll be telling today are really feelings and  
5 we know that the airline -- low-cost airlines are  
6 hitting us hard, but further than that I don't have  
7 really precise information or scientific answers to  
8 that.

9 BY MR. STRINGER

10 47. Q. Ms. Sirois, could you just skip over to page 21 of  
11 your presentation.

12 A. Yes.

13 MR. STRINGER

14 Just go down on your computer to page ---

15 MR. DEVEAU

16 Is there a way you can point to that page on your  
17 computer, please.

18 MR. STRINGER

19 Just go to page 21 on your computer.

20 MR. GORMAN

21 Just to confuse the issue, I'm not sure we have a  
22 page 21 in the pre-filed.

23 MR. STRINGER

24 Oh, I'm sorry.

25 MS. SIROIS

1           Yeah, that's the ---

2           THE CLERK

3           That would be 19.

4           MR. STRINGER

5           19, okay. Page 19.

6           MS. SIROIS

7           Ah! Okay.

8           MR. DEVEAU

9           Mine seems to conclude at 17.

10          BY MS. SIROIS

11          A. I don't see a 19, John. 19?

12   48.    Q. No, I'm sorry, keep going, and you have a page with  
13           "Conclusions," Ms. Sirois.

14          A. Okay. The conclusion?

15   49.    Q. Yes.

16          A. Okay. That's page 24.

17   50.    Q. 24, I'm sorry. My pagination got changed. Sorry.

18          A. Okay.

19          MR. GORMAN

20           I'm not sure we have copies of it. That's fine,  
21           we'll just follow along on the PowerPoint.

22          MS. SIROIS

23           What you're missing, I think, in the original  
24           presentation are the updated fuel costs that I --  
25           that we gave [inaudible].

1 MR. GORMAN

2 Fair enough.

3 MR. DEVEAU

4 [Inaudible] the last page?

5 MR. GORMAN

6 No, but that's okay, we'll ---

7 MS. SIROIS

8 That's the last page of the presentation that we --  
9 my conclusion.

10 MR. GORMAN

11 Fair enough. We'll just follow along with the  
12 PowerPoint.

13 MR. STRINGER

14 We can follow along with that.

15 MS. SIROIS

16 I'm sorry about the confusion.

17 MR. GORMAN

18 No problem.

19 BY MS. SIROIS

20 A. Okay. Of course, we believe that what we are  
21 presenting today is a reasonable request for our  
22 price increase, especially in light of the fuel  
23 costs that we are facing since the beginning of the  
24 year, in fact since mid-summer last year. We're  
25 trying to keep our request or our price as low as

1 possible because we know that our customers are  
2 really price-sensitive, but this year we cannot go  
3 with the usual 2 or 2.5, 3 percent increase. Our  
4 projected costs for this year could be more than 27  
5 over budget because obviously that was prepared  
6 before the May result. In light of those things and  
7 the further information you will have from my  
8 colleagues, we think that's a reasonable increase.  
9 We don't think it will be -- it will have an impact  
10 on our actual customers, and it will be my work as a  
11 marketing person to convince other people to use our  
12 services.

13 51. Q. Now, Ms. Sirois, if the Boards approve the rate  
14 increase as applied for, Acadian would like to have  
15 that implemented by ---

16 A. By June 16 ---

17 52. Q. --- June 16?

18 A. --- if it's possible, yes.

19 53. Q. Okay.

20 A. Thank you very much.

21 MR. STRINGER

22 And Ms. Sirois is available for any questions of the  
23 Board.

24 MS. SIROIS

25 Yes, of course.

1 MR. DEVEAU

2 Perhaps I'll pass it over to New Brunswick first.

3 Do you have any questions?

1 QUESTIONED BY MR. GORMAN

2 1. Q. I just want to clarify the -- just at that slide 24,  
3 that the projected cost of fuel is 27 percent over  
4 our initial budget. That's the increase since the  
5 budget -- does that reflect what was applied for in  
6 April or is that an additional 27 percent. I just  
7 need a little clarification.

8 A. No. It's what was originally presented in April.

9 2. Q. Is 27 percent over your initial budget.

10 A. Yes. At 1.1.

11 MR. DEVEAU

12 So it's 27 percent over 1.1.

13 MS. SIROIS

14 No.

15 MR. DEVEAU

16 No?

17 MS. SIROIS

18 No.

19 MR. DEVEAU

20 I'm confused then.

21 BY MS. SIROIS

22 A. Our initial budget when we prepared them last fall,

1           we were at .856. And when I prepared that, I  
2           prepared that with in mind 1.1, one dollar, ten  
3           cents (\$1.10). So we projected at that time 27  
4           percent costs over our initial budget.

5       3.   Q.   And that took you to a dollar ten. And what your  
6           figures are showing is that, as of today, it's about  
7           a dollar and a quarter. So that additional fifteen  
8           cents has not been contemplated in your application.  
9           So there's a greater cost that you've seen of about  
10          fifteen cents a litre on fuel that's not part of  
11          your application.

12       A.   That's correct.

13       MR. STRINGER

14           Given current costs where they've been ---

15       MS. SIROIS

16           Yes.

17       MR. GORMAN

18           Sure.

19       MR. KEENAN

20           Mr. Chair, just on the document that was filed, I'm  
21           just looking at the last -- bottom line on 2008, and  
22           just on the -- the Brunswick item, it is identified  
23           as 1.0991, the Nova Scotia 1.0891. Those should be  
24           -- to conform with the rest of the document, should  
25           be 109.91 and 108.91. Is that correct?



1 MS. SIROIS

2 I'm not sure I understand.

3 MR. KEENAN

4 The documents -- they -- if you -- you have it in  
5 cents per litre. It's just the decimal position is

6 ---

7 MS. SIROIS

8 Oh, okay, okay.

9 MR. DEVEAU

10 The decimal is in the wrong place.

11 MR. KEENAN

12 So just to confirm that under the last line on 2008,  
13 for New Brunswick, should read 109.91, and for Nova  
14 Scotia, 108.91.

15 MS. SIROIS

16 Yeah. That's right.

17 MR. GORMAN

18 Any questions from the rest of the New Brunswick  
19 panel on the information that we've heard so far?  
20 That's it from New Brunswick.

21 MR. DEVEAU

22 Thank you.

23 MR. STRINGER

24 Thank you, Mr. Chair. That would conclude the  
25 information that we've led on the application, on

1 the public portion of these matters, Mr. Chair. I'm  
2 just wondering how you'd like to proceed. There's  
3 been a lot of discussion about the in-camera  
4 information during the preceding session earlier  
5 this morning, but if there are questions arising,  
6 then we can go into the presentation with regard to  
7 Mr. Huneault and Ms. MacRae, if that's alright.

8 MR. DEVEAU

9 Okay. So what I'll do is we are now going to go  
10 into extraordinary in-camera session, and hopefully  
11 it won't be as long as the one this morning. And  
12 what we'll do, we'll come out and get you after that  
13 portion is completed.

14 THE PRESS

15 Can we just have a clarification on when she was  
16 talking about the increases of fuel prices? Because  
17 when she went through them, like 2006, 2007, the  
18 last one, with a car going by and noise, we couldn't  
19 hear, or at least I couldn't hear.

20 MR. DEVEAU

21 Okay. Perhaps you could just repeat that again.

22 THE PRESS

23 And I'm just wondering if the table is on a piece of  
24 paper. And the other one was you had a page of  
25 increases in actual fares, like from Halifax to

1 Amherst or something like that. If we could have  
2 that page.

3 MR. DEVEAU

4 Perhaps what we'll do is -- perhaps after we finish  
5 the in-camera session, we'll make sure that you have  
6 access to those exhibits ---

7 THE PRESS

8 That'd be great.

9 MR. DEVEAU

10 --- so you can get those figures. Okay.

11 THE PRESS

12 Thank you.

13 MR. DEVEAU

14 Thank you.

15 (SEE IN-CAMERA TRANSCRIPT)

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## (PUBLIC SESSION RESUMES)

1  
2 MR. DEVEAU

3 Just one question, just to deal with the issue again  
4 of the trailer. The Board has obviously -- this  
5 material was pre-filed. And the Board understands  
6 that staff has spoken with the appropriate  
7 representatives from Acadian in terms of bringing  
8 these on line. The Board is prepared to do so. So  
9 there are a few points that we just -- in our order  
10 that we'd be looking for. And just to summarize  
11 them, obviously there's a particular type of trailer  
12 that's been looked at and inspected, one that's been  
13 -- is being manufactured on behalf of Acadian. And  
14 those are the trailers that would be approved, and  
15 the list of those would be provided to the Public  
16 Passenger Division by VIN number. Obviously  
17 necessary permits would have to be obtained. Those  
18 obviously -- they'd have to be obtained in any  
19 event, but we'll note them in the order as we do in  
20 this type of application. Necessary permits in  
21 terms of Nova Scotia, subject to inspection, the  
22 same as the coaches. And obviously insurance,  
23 satisfy that insurance is in place for the trailers.  
24 And finally, perhaps the only -- the other item that  
25 would be a little out of the ordinary would be to

1 provide a training manual, provide a copy of the  
2 training manual for the coaches and the trailers.  
3 There's obviously a reference to the training in the  
4 application. And just to file the appropriate  
5 training manual, booklet or pages or portion with --  
6 keep that filed with the Public Passenger Division.  
7 But based on those five things, we're prepared to  
8 grant that order. We realize that in New Brunswick,  
9 it's been in place, I think, the last two years.

10 MR. STRINGER

11 Yes, I believe that's the case, by special permit.

12 MR. DEVEAU

13 Pardon me?

14 MR. STRINGER

15 By special permit in New Brunswick. It's done  
16 separately, I think, from -- with the Department of  
17 Transportation.

18 MR. DEVEAU

19 So I understand from our -- administratively it  
20 would be another schedule. We don't have enough  
21 schedules already, so we're going to add another  
22 one. So in any event, the Board is prepared to  
23 approve that based on that -- and again, I think  
24 there have been discussions -- many discussions in  
25 relation to bringing that on line, so -- yeah, in

1 relation to the application today, I just should  
2 mentioned for the press, that was just in relation  
3 to Acadian's application to -- for trailers on the  
4 back of their coaches for freight. So that's  
5 obviously approved. Now, we're back to the original  
6 application on the rate increase. Now, Mr.  
7 Stringer, we -- you know, we've just caucused here  
8 and we're fairly satisfied with the applications.  
9 If you want to just briefly summarize it for the  
10 purposes of the press who -- and the public, just to  
11 bring them up to speed with that.

12 MR. STRINGER - SUMMATION

13 Yes, absolutely. I'll just briefly summarize.  
14 Thank you, Mr. Chair, Members of the Boards. As  
15 we've heard at this concurrent hearing of the New  
16 Brunswick Energy and Utility Board and the Nova  
17 Scotia Utility and Review Board, the purpose of this  
18 application by Acadian Bus Group is to provide for a  
19 general increase in fares of an average of 6.2  
20 percent over its 52 zones of distance. And this  
21 strategy has been in place for approximately three  
22 years and was approved by the Board, so it gives a  
23 seamless pricing scheme throughout the Maritimes.  
24 It's been well received. However, as we've heard,  
25 there has been a decrease in the past year, which

1           Acadian is hoping to stem the tide on through new  
2           marketing programs. We've got a return ticket  
3           program in place, which has been well received, and  
4           now Acadian, as we've heard, is going to have a  
5           Passport program trying to get better customer  
6           allegiance on a go-forward basis. Ms. Sirois has  
7           described that it's a continuing challenge to try to  
8           make these companies profitable with the increasing  
9           price of fuel, as well as other operating expenses.  
10          In fact, since this application was made to the  
11          Board, we've seen significant increases in fuel  
12          month over month, so it's a constant catch-up  
13          process. The company has explained its commitment  
14          to Maritime customers. Over the years, it has  
15          decreased the average age of the Acadian bus fleet.  
16          It's committed to bringing handicap-equipped busses  
17          on stream. It has improved its website. There is,  
18          we would submit, a great commitment by the company  
19          to the Maritimes to improve the quality of service,  
20          improve the schedules, and generally improve the  
21          service levels to the public. The next 12 months  
22          are obviously going to be very challenging for the  
23          company. It is a period of time where expenses are  
24          going in directions that nobody had forecast. And  
25          we hope that the increases that have been applied



1           for are approved and that that allows the company to  
2           reach some equilibrium to stem the tide of losses  
3           that it's incurred over the last period of time.  
4           The tests that the respective Boards have to apply  
5           to this application are found in Section 14 of the  
6           New Brunswick Act and Section 13 of the Nova Scotia  
7           Motor Carrier Act. We would submit that we've met  
8           those requirements, those prerequisites, that the  
9           evidence as presented today, both in public and in  
10          in-camera sessions, both the current and the  
11          forecasted financial information, clearly supports  
12          the increase being requested. And as a result, we  
13          submit that the application should be approved as  
14          presented. We again want to emphasize we appreciate  
15          the respective Boards being receptive to sitting on  
16          a concurrent basis. It's efficient to the  
17          companies, we would submit that it's efficient for  
18          the respective Boards, and I think the discussion  
19          with regard to technical sessions with regard to the  
20          form of disclosure for financial informations going  
21          forward will be useful. On that basis, we would ask  
22          that the applications be granted effective June 16th  
23          of this year. Thank you.

24          MR. DEVEAU - N.S. DECISION

25                I'll perhaps proceed first. Obviously the Board has

1 reviewed the information that's been filed in  
2 advance of today's session and it is satisfied that  
3 the factors in Section 13 have been met and that the  
4 rate increase is justified and appropriate.  
5 Obviously one of those -- all costs go up, but  
6 obviously fuel is an important component of your  
7 operation, and it's clear that that's presenting  
8 many challenges not only to your industry but other  
9 industries. And for those and other reasons,  
10 obviously rising costs, particularly including fuel,  
11 the Board is prepared to approve the rate increase  
12 as requested, and it'll be effective June 16th.  
13 We'll have an order out before then. Part of that  
14 order as well will be to continue to move towards a  
15 protocol for financial statements, redacted  
16 financial statements. And we'll -- we talked about  
17 a 90-day session today, so obviously if you're  
18 prepared to proceed on that basis, we can do -- I'm  
19 sure the Boards can accommodate that and work  
20 towards that. And finally, in relation to Nova  
21 Scotia, as I mentioned, we're prepared to approve  
22 the use of trailers on the basis that we've  
23 previously outlined, and we'll incorporate that into  
24 the same order as well. Mr. Gorman?

25 MR. GORMAN - N.B. DECISION

1 Thank you. The application before the New Brunswick  
2 Energy and Utilities Board is for permission to vary  
3 the tariff of passenger fares on its inter-city  
4 services within the Province of New Brunswick as set  
5 out in the Schedule "A" that was attached to the  
6 application. The evidence indicates that those  
7 changes would result in an average increase of 6.2  
8 percent. The New Brunswick Board is satisfied on  
9 the evidence filed before it, both the evidence  
10 which was disclosed on a public basis and that which  
11 was disclosed on a confidential basis, that there is  
12 indeed an indication that that would be an  
13 appropriate increase, and so the Board will grant  
14 the increase as requested. We particularly take  
15 note of the fuel costs and the fact that they  
16 continue to escalate even beyond the point of having  
17 been an increase from the point in time when the  
18 application was first made. We also would make as a  
19 condition of the approval that the parties -- or  
20 that Acadian meet with the two Boards to agree on  
21 essentially a formula or a template, if you will,  
22 for disclosure of financial information for filings  
23 for future applications that would be made public.  
24 And the 90 days seems to be the period of time that  
25 everybody is comfortable with. I appreciate we're

1 going into the summer season, so I hope everybody  
2 understands what they're agreeing to. But I think  
3 if we don't do it now, as I indicated in my earlier  
4 remarks, then perhaps, you know, another year  
5 potentially will pass and we'll find ourselves in a  
6 similar situation. The Board will in fact render a  
7 written decision, and if in fact the written  
8 decision varies in some minor respects from my  
9 comments today, the written decision will govern.

10 MR. DEVEAU

11 On that 90-day issue, perhaps it might be better to  
12 set a date certain. I'm just seeing -- is September  
13 30th reasonable? That's -- I mean, by the time ---

14 MR. STRINGER

15 Certainly.

16 MR. DEVEAU

17 So that's -- we're talking about a hundred days or  
18 something.

19 MR. GORMAN

20 There, you've extended it already.

21 MR. DEVEAU

22 Yeah. By the time we issue our decisions ---

23 MR. GORMAN

24 New Brunswick can live with September 30th.

25 MR. DEVEAU

1           Yeah. Okay. So we'll do September 30th.

2           MR. STRINGER

3           Thank you.

4           MR. DEVEAU

5           And then we'll know -- everyone knows the date after  
6           we leave here today and -- okay. So on that basis,  
7           there are a few undertakings. One, you're going to  
8           file a clean version of those redacted financial  
9           statements for both New Brunswick and Nova Scotia.  
10          And there was also the undertaking about the extra-  
11          provincial crossings from Nova Scotia. And I think  
12          that was it. So I thank you for your presentation.  
13          Obviously there are challenges, but hopefully things  
14          will get better and hopefully the price of oil will  
15          go down, for everyone's benefit. So I thank you  
16          all, and we're adjourned for the day.

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18          --- Hearing adjourned at 1:45 p.m.

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## CERTIFICATE OF COURT TRANSCRIBERS

We, the undersigned, Gwenyth Smith-Dockrill and Janine Seymour, Court Transcribers, hereby certify that we have transcribed the foregoing and that it is a true and accurate transcript of the evidence given in the matter of An Application to amend Motor Carrier License No. 244 and Extra-Provincial Operating License No. X544 (by amending schedules of rates, tolls and charges) and An Application to approve Trailers for the carriage of freight, taken by way of electronic tape recording, and transcribed by us to the best of our abilities given the quality of portions of the recording.

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Janine Seymour  
Court Transcriber (Registration No. 2006-28)

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Gwenyth Smith-Dockrill  
Court Transcriber (Registration No. 2006-45)

Halifax, Nova Scotia  
Tuesday, June 10, 2008