



RULING ON MOTION

IN THE MATTER OF an Application by New Brunswick Power Corporation pursuant to subsection 107(2) of the *Electricity Act*, S.N.B 2013, c. 7, for approval of an Advanced Metering Infrastructure capital project and a deferral account with respect to the amortization of the remaining book value of its currently installed electricity meters.

and

IN THE MATTER OF a Notice of Motion filed by the New Brunswick Power Corporation.

(Matter No. 452)

September 4, 2020

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

IN THE MATTER OF an Application by New Brunswick Power Corporation pursuant to subsection 107(2) of the *Electricity Act*, S.N.B 2013, c. 7, for approval of an Advanced Metering Infrastructure capital project and a deferral account with respect to the amortization of the remaining book value of its currently installed electricity meters.

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IN THE MATTER OF a Notice of Motion filed by the New Brunswick Power Corporation.

(Matter No. 452)

NEW BRUNSWICK ENERGY AND UTILITIES BOARD:

Acting Chairperson: François Beaulieu

Members: Michael Costello

Patrick Ervin

Counsel: Matthew Letson

Chief Clerk: Kathleen Mitchell

APPLICANT:

New Brunswick Power Corporation: John Furey

INTERVENERS:

Atlantica Centre for Energy: Colleen d'Entremont

Gerald Bourque: Per se

J.D. Irving, Limited: Christopher Stewart

James D. Lane: Per se

Liberty Utilities (Gas New Brunswick) LP
(formerly Enbridge Gas New Brunswick Limited
Partnership): Paul Volpé

Our Environment, Our Choice – Notre
Environnement, Notre Choix: Michael McKinley

Dr. Roger Richard: Per se

T4G Limited: Geoffrey Flood

Utilities Municipal: Scott Stoll

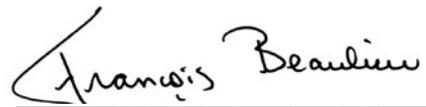
PUBLIC INTERVENER: Heather Black

RULING ON MOTION

- [1] In Matter 452, the New Brunswick Power Corporation (NB Power) applied to the New Brunswick Energy and Utilities Board (Board) on August 1, 2019 for approval of a capital project consisting of the procurement and deployment of Advanced Metering Infrastructure (AMI) and approval of the creation of a deferral account with respect to the amortization of the remaining book value of its currently installed electricity meters.
- [2] The hearing concluded on January 22, at which time the Board advised all parties that it would be releasing its decision as soon as possible.
- [3] On March 19, NB Power filed correspondence with the Board requesting a delay in the Board rendering its decision, as a result of the state of emergency and related limitations announced by the Province of New Brunswick caused by the COVID-19 pandemic. By email on March 20, NB Power confirmed that this correspondence should be considered as a notice of motion.
- [4] On March 24, the Board issued a Ruling on Motion granting an adjournment, *sine die*, until further notice of the Board. The Ruling also indicated that, after the State of Emergency has been terminated, the Board would be in contact with NB Power and interveners with respect to the next steps.
- [5] On August 5, NB Power filed a Notice of Motion with the Board, requesting that the Board render a decision in Matter 452 in the normal course, and lift the adjournment that was granted on March 24. NB Power circulated the Notice of Motion to all parties.
- [6] The Notice of Motion states that, although the State of Emergency is still in effect, business activity is no longer restricted to critical functions and that it is at a “steady state of operations” in which normal business functions are being performed, subject to directives and policies aimed at minimizing transmission of the COVID-19 virus.
- [7] On August 7, the Board issued a letter to all parties, directing that any party wishing to respond to the Notice of Motion must file and serve a response on all parties no later than August 21, with an indication of any evidence upon which the party seeks to present or rely upon.
- [8] Responses from J.D. Irving, Limited, Utilities Municipal, and the Public Intervener all indicated that they had no objection to the motion. In his response, Dr. Richard continued to object to the AMI capital project, but did not directly address the issues raised in the motion. None of the respondents referred to any additional evidence to be used in relation to the motion. No other interveners responded to the Notice of Motion.

- [9] The Board issued a letter to all parties on August 26 to inform them that a hearing would be held on September 2 to consider the motion to lift the adjournment and to render its decision on the AMI capital project application. The hearing was held using a web conference platform.
- [10] At the hearing, J.D. Irving, Limited, Utilities Municipal, and the Public Intervener all indicated that they had no objections to the motion to lift the adjournment. Dr. Richard restated his objection to the motion. His supporting argument however, did not address the issue of whether to lift the adjournment of Matter 452, but rather, addressed his opposition to the AMI capital project.
- [11] The State of Emergency declared by the Province is still in effect. It is apparent that, as of March 24, when the Board granted the adjournment, information about the nature of the pandemic and its various impacts was still evolving. Viewed from today's perspective, it is clear that the State of Emergency may remain in effect for an indeterminate period.
- [12] In the Ruling on Motion dated March 24, the Board indicated that the adjournment would last until the State of Emergency is terminated and that the Board would then consult with NB Power and interveners with respect to the next steps.
- [13] In the Board's view, to await an end to the State of Emergency before lifting the adjournment and rendering a decision on NB Power's AMI application could potentially delay this matter for an indefinite period.
- [14] There is no reason to continue the adjournment of this matter. With the exception of Dr. Richard, there were no objections to the lifting of the adjournment. As stated above, Dr. Richard's reasons for retaining the adjournment addressed only the merits of the AMI capital project.
- [15] The Board grants NB Power's motion to lift the adjournment that was originally granted on March 24.

Dated at Saint John, New Brunswick, this 4th day of September, 2020.

Handwritten signature of François Beaulieu in black ink.

François Beaulieu
Acting Chairperson

Handwritten signature of Michael Costello in blue ink.

Michael Costello
Member

Handwritten signature of Patrick Ervin in black ink.

Patrick Ervin
Member