

1 NEW BRUNSWICK ENERGY AND UTILITIES BOARD

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5 IN THE MATTER OF an application dated May 1st 2008 by

6 New Brunswick System Operator (NBSO) for approval of changes

7 to the Open Access Transmission Tariff

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9 Delta Hotel, Saint John, N.B.

10 June 4, 2008

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A-1 - Direct evidence in support of interim rate relief, English and French, and the direct evidence in support of the changes to the tariff rates, English, French, which was filed under a cover of a letter dated May 1st 2008 from Kevin Roherty the Secretary and General Counsel of the NBSO, and includes the application and executive summary, a request for an interim order, and an affidavit of William K. Marshall dated April 30th 2008. Also contained direct evidence regarding changes to the tariff and there were appendices - page 6

A-2 - affidavit of Norm Seely outlining the notice and publication - page 6

1 NEW BRUNSWICK ENERGY & UTILITIES BOARD
2 IN THE MATTER OF an application dated May 1st 2008 by
3 New Brunswick System Operator (NBSO) for approval of changes
4 to the Open Access Transmission Tariff

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6 held at the Delta Hotel, Saint John, N.B. on June 4th 2008

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8 BEFORE: Raymond Gorman, Q.C. - Chairman
9 Cyril Johnston - Vice-Chairman
10 Edward McLean - Member
11 Constance Morrison - Member
12 Robert Radford - Member
13
14 NB Energy & Utilities Board - Counsel - Ms. Ellen Desmond
15
16 - Staff - Doug Goss
17 - David Young
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19 CHAIRMAN: Good morning, everyone. This is a pre-hearing
20 conference of the New Brunswick Energy & Utilities Board
21 in relation to an application being made by the New
22 Brunswick System Operator for the approval to changes to
23 the Open Access Transmission Tariff.

24 The New Brunswick System Operator is also requesting
25 that the Board issue an interim order pursuant to Section
26 40 of the Energy & Utilities Board Act approving the
27 changes to the schedule 1 rates to be effective from the
28 date of such interim order until further order of this
29 Board.

30 The Panel for the pre-hearing conference this morning consists
31 of Robert Radford, Edward McLean, Connie Morrison, the Vice-
32 Chair, Cyril Johnston and myself.

33 At this time I will take the appearances from the

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2 parties and I will start with the New Brunswick System
3 Operator?

4 MR. KENNY: Good morning, Mr. Chair and Deputy Chair and
5 Commissioners. My name is Robert Kenny. I am the counsel
6 for the NB System Operator. With me is Kevin Roherty, as co-
7 counsel. And I also have with me Mr. George Porter of NB
8 System Operators on the panel and Mr. Norman Seely. And
9 resource people, Marg Tracy and Linda Pyne. Now Mr. Bill
10 Marshall will be joining us later. He had a personal
11 situation this morning. He intended to be here but he
12 should be.

13 CHAIRMAN: Thank you, Mr. Kenny. We have had requests for
14 formal intervenor status from a number of parties and I
15 will first of all just go through and see who is here.
16 Bayside Power?

17 MR. HOYT: Len Hoyt for Bayside Power, Mr. Chair.

18 CHAIRMAN: Thank you, Mr. Hoyt. Integrys Energy Services
19 Inc.?

20 MR. MACDOUGALL: Good morning, Mr. Chair. David MacDougall
21 for Integrys Energy Services Inc. And I am joined today
22 by Mr. Ed Howard. As well today, Mr. Chair, I have been
23 asked by Mr. Ken Belcher of the Northern Maine Independent
24 System Administrator to make an appearance on their
25 behalf. I don't believe they had yet filed a notice of

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2 intervention, but they intend to do so.

3 CHAIRMAN: All right. So that as on behalf of the Northern
4 Maine System --

5 MR. MACDOUGALL: Independent System Administrator.

6 CHAIRMAN: And do you know if they are going to be applying
7 for formal intervenor status?

8 MR. MACDOUGALL: I was trying to find that out this morning
9 and have not been able to do so, but I believe that is
10 their intention, Mr. Chair.

11 CHAIRMAN: Thank you, Mr. MacDougall. New Brunswick Power
12 Distribution and Customer Service Corporation, sometimes
13 known as DISCO?

14 MR. KENNEDY: Yes, Mr. Chair. It is Blair Kennedy from NB
15 Power Distribution and Customer Service commonly known as
16 DISCO.

17 CHAIRMAN: Thank you, Mr. Kennedy. New Brunswick Power
18 Generation Corporation known as Genco?

19 MR. TRENHOLM: Good morning, Mr. Chair. Arden Trenholm
20 representing Genco.

21 CHAIRMAN: Thank you, Mr. Trenholm. Nova Scotia Power
22 System Operator? Not present this morning. And Oxbow-
23 Sherman?

24 MR. DIMOU: I am here, I am Stacy Dimou, D-i-m-o-u.

25 CHAIRMAN: Thank you, Mr. Dimou. The Public Intervenor?

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2 MR. THÉRIAULT: Good morning, Mr. Chairman. Daniel
3 Thériault.

4 CHAIRMAN: And Mr. Thériault, are you seeking formal status?
5 I had understood from the documents that you filed that
6 you had not requested formal status, so I wonder if you
7 could clarify that as formal or informal?

8 MR. THÉRIAULT: It would be formal.

9 CHAIRMAN: Thank you. New Brunswick Energy & Utilities
10 Board staff?

11 MS. DESMOND: Ellen Desmond, Mr. Chair. And from Board
12 Staff, Douglas Goss and David Young.

13 CHAIRMAN: Thank you. Well at this time the Board will
14 grant formal intervenor status to all of the parties that
15 have requested that status, save and except the Northern
16 Maine Independent System. And that, Mr. MacDougall,
17 perhaps if they are seeking that status, they can file the
18 appropriate documentation with the Board and that could be
19 dealt with next week.

20 MR. MACDOUGALL: We will do that as soon as possible, Mr.
21 Chair. Thank you.

22 CHAIRMAN: Thank you. The evidence which accompanied this
23 application stated that there were no changes to rates for
24 transmission services or none were proposed. In the event
25 that changes to rates for transmission services were

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2 proposed, then transmitters such as Transco would be
3 required to attend the hearing to defend its revenue
4 requirement pursuant to Section 111(3) of the Electricity
5 Act.

6 And I just want to clarify at this stage of the
7 proceedings, obviously that's the position of the System
8 Operator. That was in the application. Are there any
9 intervenors who take any issue with that position?

10 Well silence I guess will be taken as acquiescence.
11 So we will take it that there is no objection to that
12 position and nobody is looking for Transco to be here.

13 Then I think at this stage I will mark the pre-filed
14 documents as exhibits subject to any objections that any
15 of the intervenors may have. And in fact -- just give me
16 one moment.

17 All right. The pre-filed documentation, does anybody
18 have any objection to that? That would be the direct
19 evidence in support of interim rate relief, English and
20 French, and the direct evidence in support of the changes
21 to the tariff rates, English, French, which was filed
22 under a cover of a letter dated May 1st 2008 from Kevin
23 Roherty the Secretary and General Counsel of the NBSO, and
24 includes the application and executive summary, a request
25 for an interim order, and an affidavit of William K.

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2 Marshall dated April 30th 2008. Also contained direct
3 evidence regarding changes to the tariff and there were
4 appendices. And so if there is no objection that will
5 become exhibit A-1. And that is the only pre-filed
6 evidence I have.

7 Mr. Kenny do you have documentation with respect to
8 advertising?

9 MR. KENNY: Yes, Mr. Chair. I have the affidavit of Mr.
10 Seely, with the attachment as to the various newspapers
11 within the province outlining the notice, which I will
12 offer to the Board.

13 CHAIRMAN: Thank you. So that affidavit of Norm Seely
14 outlining the notice and publication will become exhibit
15 A-2.

16 Mr. Kenny, any other documents that you wish to tender
17 as exhibits at this stage?

18 MR. KENNY: No, Mr. Chair.

19 CHAIRMAN: Thank you. The request for an interim rate
20 increase has been scheduled for next week, Wednesday, June
21 11th, I believe, here at the Delta commencing at 9:30. So
22 I think -- does anybody have any issue with that? That's
23 the date that's been set by the Board and which was
24 contained in the advertisement, but does anybody here take
25 any issue with respect to that date? Any difficulties?

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2 Again, silence will be taken as acquiescence on that. So that
3 hearing on the motion for interim rate relief will be heard
4 next Wednesday, June 11th.

5 The next issue I think is that of setting a schedule, and
6 I am not sure if Board Staff has -- or the Applicant
7 has circulated a tentative schedule? I know that I have
8 one in my hands. I am not sure if all the parties do or
9 not?

10 MS. DESMOND: I don't believe that has been circulated, Mr.
11 Chair at this stage.

12 CHAIRMAN: Perhaps we could circulate that. And while you
13 are doing that, we will indicate that the tentative
14 schedule contemplates two sets of IRs to the NBSO. And it
15 contemplates a Motions Day, one set of IRs to the
16 intervenors on any evidence that they may file and
17 culminating in a hearing which will commence on Monday,
18 October 20th.

19 Now we may at some point here this morning need to
20 take an adjournment for the parties. I don't know,
21 perhaps the parties can address the tentative schedule or
22 if there are any difficulties, we will take a break and
23 see if the parties can work out any of the issues that may
24 arise from this tentative schedule.

25 So I will start, Mr. Kenny, with you. Do you need a

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2 break to look at this or consult with your client or have
3 you had an opportunity to look at this? Do you have an
4 issues with respect to the number of sets of IRs that are
5 there or the timelines that have been set out in the
6 tentative schedule?

7 MR. KENNY: None, Mr. Chair. That's fine.

8 CHAIRMAN: Mr. Hoyt, any issues?

9 MR. HOYT: No issues, Mr. Chair.

10 CHAIRMAN: Thank you, Mr. Hoyt. Mr. MacDougall?

11 MR. MACDOUGALL: No issues, Mr. Chair.

12 CHAIRMAN: Thank you. Mr. Kennedy?

13 MR. KENNEDY: No issues, Mr. Chair.

14 CHAIRMAN: Mr. Trenholm?

15 MR. TRENHOLM: No, Mr. Chair. It is fine.

16 CHAIRMAN: Thank you. Mr. Dimou?

17 MR. DIMOU: It is fine, sir.

18 CHAIRMAN: Thank you. Mr. Thériault?

19 MR. THÉRIAULT: I hate to be the odd one out. I am just
20 looking at the hearing commencement date and unfortunately
21 I have been working on a matter for about 12 years. It
22 goes to trial starting October 6th for three weeks. So
23 that would put it -- so if the hearing could commence the
24 following week, that would be ideal for me.

25 CHAIRMAN: I will probably have to -- probably have to take

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2 a break just to check our schedule. I am not sure that I
3 know where we would be with respect to the following week.
4 But you are saying then that if we went one week later
5 that would work for you?

6 MR. THÉRIAULT: That's correct

7 CHAIRMAN: I am going to go back through the parties. Mr.
8 Kenny would that represent any difficulty with you if we
9 did delay it by a week?

10 MR. KENNY: No, Mr. Chair

11 CHAIRMAN: And could I ask you to perhaps address the issue
12 of the length of time you think the hearing will take,
13 because I have got on the tentative schedule we have the
14 hearing commencing on October 20th, but I don't know if
15 you have a sense of how many days, weeks, months that we
16 need for this hearing?

17 MR. KENNY: Well I think we will start with five hearing
18 days, Mr. Chair, that should do it.

19 CHAIRMAN: Thank you, Mr. Kenny. Mr. MacDougall would that
20 be -- sorry, Mr. Hoyt any difficulty with respect to
21 starting a week later?

22 MR. HOYT: No difficulty.

23 CHAIRMAN: Mr. MacDougall?

24 MR. MACDOUGALL: No difficulty.

25 CHAIRMAN: Mr. Kennedy?

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2 MR. KENNEDY: No difficulty.

3 CHAIRMAN: Mr. Trenholm?

4 MR. TRENHOLM: That's fine.

5 CHAIRMAN: Mr. Dimou?

6 MR. DIMOU: That is fine.

7 CHAIRMAN: And Ms. Desmond, do you know whether or not the
8 Board has any difficulty?

9 MS. DESMOND: I am sorry, Mr. Chair. I think we would have
10 to check the calendar to see what if any other events are
11 scheduled.

12 CHAIRMAN: We will take a break to have a look at our
13 schedule. Are there any other issues that will need to be
14 discussed this morning other than schedule? I don't think
15 I have seen a hearing go quite so quickly in the past.
16 Look we will take a short break just to check the Board's
17 schedule and we will be back very quickly.

18 Recess - 9:55 a.m. to 10:05 a.m.)

19 CHAIRMAN: Pushing the commencement of the hearing back a
20 week will work with the Board's schedule. So we will
21 commence the hearing on Monday, October 27th. All of the
22 times that are set out on the tentative schedule for
23 filing will be at noon. And all of the time set forth for
24 hearings will commence at 9:30 in the morning.

25 And I am just going to go through the tentative

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2 schedule for the record to make sure that everybody
3 doesn't have any issues with it. So the hearing on the
4 motion for interim rate relief will be Wednesday, June
5 11th. First set of IRs to the NBSO will be Tuesday, June
6 24th. Responses by the NBSO, Monday, July 14th. Second
7 set of IRs to the NBSO will be Monday, July 21st.
8 Responses by the NBSO, Thursday, July 31st. Parties need
9 to inform the EUB of a need for a Motions Day by Monday,
10 August 11th. Motions Day, if necessary, will be held on
11 Monday, August 18th. Any additional information that may
12 be required to be filed by the NBSO as a result of that
13 Motions Day would be filed by Monday, August 25th. The
14 intervenors will file their evidence on or before
15 September 10th. The IRs to intervenors will be sent by
16 Thursday, September 18th. Responses by the intervenors
17 will be completed by Tuesday, October 14th. And the
18 hearing will commence on Monday, October 27th. And the
19 Board will set five hearing days for this hearing unless
20 in the meantime we are advised that additional days may be
21 required or fewer days.

22 Any other matters to be dealt with this morning or
23 does that conclude all of the matters for this pre-hearing
24 conference? Anybody have any other issues?

25 Well then the Board will adjourn until next Wednesday,

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2 June 11th at 9:30 a.m. Thank you.

3 (Adjourned)

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Certified to be a true transcript

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of the proceedings of this hearing, as recorded by

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me, to the best of my ability.

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Reporter