

New Brunswick Energy and Utilities Board

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IN THE MATTER OF an application dated November 20, 2008 by Saint John Transit Commission for an Order approving an increase to its passenger fares for its regular scheduled community express service, known as ComeX

held at the New Brunswick Energy and Utilities Board, Saint John, New Brunswick, on December 22nd 2008.

BEFORE: Raymond Gorman, Q.C. - Chairman  
Cyril Johnston - Vice-Chairman  
Edward McLean - Member

NB Energy and Utilities Board:

Board Counsel: Ms. Ellen Desmond

Board Staff : David Keenan

Board Secretary: Ms. Lorraine Légerè

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1 New Brunswick Energy and Utilities Board

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18 Board Secretary: Ms. Lorraine Légerè  
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20 .....

21 CHAIRMAN: Well, good morning, everyone. This is a hearing of  
22 the New Brunswick Energy and Utilities Board to consider an  
23 application made by the Saint John Transit Commission for an  
24 Order approving an increase to its passenger fares for its  
25 regular scheduled community express service, known as ComeX.  
26 The fares which are currently in existence were approved by  
27 this Board on August 24th 2007.

28 The Panel for this hearing is comprised of Edward McLean, Cyril  
29 Johnston, the Vice-Chair and myself, Ray Gorman as Chair.

30 I will now take the appearances starting with the Applicant?

31 MR. MCNAIR: On behalf of the Applicant, Mr. Chair, myself,  
32

2 John McNair from Gorman Nason. Frank McCarey is here, the General  
3 Manager of Saint John Transit, as well as, Christopher  
4 Campbell, who is the Assistant General Manager.

5 CHAIRMAN: Thank you, Mr. McNair. On behalf of the Energy and  
6 Utilities Board?

7 MS. DESMOND: Ellen Desmond, Mr. Chairman, as Board Counsel. And  
8 from Board Staff, David Keenan.

9 CHAIRMAN: Thank you, Ms. Desmond. The Board has not received  
10 any notices of intervention. And for the record is there  
11 anyone present that wishes to intervene in this matter? So the  
12 record will show that there is no one present wishing to  
13 intervene.

14 At this point in time I will mark the exhibits. Mr. McNair,  
15 you have a filed a number of affidavits. The first one was the  
16 Affidavit of Publishing in the Telegraph Journal and the Kings  
17 County Record. And we will mark that as exhibit 1.

18 The second one was an Affidavit of Notice served on Acadian  
19 Coach Lines LP, that will become exhibit 2.

20 Thirdly, there was an Affidavit of Notice served on the Mayors  
21 for Hampton, Quispamsis, Rothesay, Grand-Bay-Westfield and  
22 Saint John. And I believe two of those were served on actually  
23 the Clerks of the communities in the

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absence of the Mayor. And that will become exhibit 3.

And then the fourth affidavit is an Affidavit of Notice a posting on each ComeX bus and on the Applicant's website. And that will become exhibit 4.

Now in addition, Mr. McNair, the application which was filed on behalf of the Saint John Transit Commission, which included the financial statements dated December 31st 2007, the ComeX P & L analysis, the Saint John Transit rationale for the hourly cost, calculation of the average fare, passenger counts for ComeX and the proposed rate increase, collectively that application will be marked as exhibit 5.

I understand you may have additional documents which you are going to present this morning?

MR. MCNAIR: Yes, Mr. Chair. I have got -- and again I apologize, I only have one copy of each, except for the last exhibit. But the first would be the passenger counts. It's essentially just updated to December 12th. So it is a repeat of what is in exhibit 5, but just updated.

CHAIRMAN: So the updated passenger counts will become exhibit 6.

And in fact I believe those were faxed to the Board on Friday.

MR. MCNAIR: Yes.

2 CHAIRMAN: So I believe we have copies of them anyway.

3 MR. MCNAIR: Good. Thank you. The next would be exhibit 7,  
4 which would be a bar graph, which shows the ComeX growth from  
5 September 2007 to November 2008. And that also was forwarded  
6 on Friday.

7 CHAIRMAN: That bar graph from September 2007 to November 2008  
8 will be marked as exhibit 7.

9 MR. MCNAIR: And the last is one which was not forwarded on  
10 Friday, but printed off this morning. And it is essentially a  
11 printout of Saint John Transit's web page which shows that the  
12 application and the Order are still posted in accordance with  
13 the Order of the Board.

14 CHAIRMAN: Perhaps we will just take a quick look at that one.  
15 Thank you.

16 MR. MCNAIR: And you will note down in the bottom right-hand  
17 corner, I believe it appears under What's New, and it carries  
18 on to the next page.

19 CHAIRMAN: I also see an important notice that due to inclement  
20 weather, transit services are in most cases are behind schedule  
21 today. That's easy to understand.

22 All right. So that document will be marked as exhibit 8.

23 MR. MCNAIR: I have no further documents, Mr. Chairman.

24 CHAIRMAN: Thank you, Mr. McNair. Do you have any evidence  
25

2 to present at this point in time other than the filed  
3 documentation?

4 MR. MCNAIR: I do, Mr Chair. But just to -- a preliminary matter  
5 if I could. In connection with the Order of the Board, which  
6 essentially required us to have the publication in the Kings  
7 County Record, I should point out and I believe the Board is  
8 aware that the Kings County Record only publishes on a weekly  
9 basis. So strict compliance was not available. We couldn't  
10 get it in before December 2nd, instead of the required December  
11 1st under the rule.

12 My position would be that that was effective service and since  
13 it was published in the Telegraph before December 1st, I think  
14 we are in compliance.

15 The other thing I should point out to the Chair is that the  
16 posting of the actual notices and on the bus didn't occur until  
17 December 2nd. And that was procedural problems in my office in  
18 forwarding it to my client. But I would once again submit that  
19 effective service in compliance with the Order has occurred. I  
20 thought I should point those two things out because the Order  
21 required it on December 1st.

22 CHAIRMAN: Thank you, Mr. McNair. So the Kings County Record,  
23 the documentation appeared on December 2nd did you

1 - 6 - Mr. McCarrey Direct by Mr. McNair -

2 say?

3 MR. MCNAIR: Yes.

4 CHAIRMAN: And the Board Order has said December 1st. Okay. And  
5 the posting on the ComeX buses was also --

6 MR. MCNAIR: On the 2nd.

7 CHAIRMAN: On the 2nd.

8 MR. MCNAIR: And they remain posted both on the buses and on the  
9 website since.

10 CHAIRMAN: All right. Thank you.

11 MR. MCNAIR: If I could, Mr. Chair, if it is the appropriate  
12 time, I would ask Frank McCarey to take the stand?

13 CHAIRMAN: Certainly. Come forward Mr. McCarey. And Ms.  
14 Desmond, could you come forward and swear Mr. McCarey.

15 FRANK MCCAREY, having been duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. MCNAIR:

17 CHAIRMAN: Any time you are ready, Mr. McNair.

18 MR. MCNAIR: Thank you.

19 Q.1 - Mr. McCarey, I am going to give you a copy of the ComeX  
20 profits and loss analysis, which is part of exhibit 5. And if  
21 you could for the Board, would you just go through the profit  
22 and loss analysis and explain how the averages on the left-hand  
23 side of the table are -- come up with or calculated?

24 A. Yes. We basically operate our system on the basis of

25



2 hourly costs. And the calculation of hourly cost what we look at

3 is our total costs divided by our service hours. So the

4 average system cost per hour last year has been determined to

5 be \$72 per hour. And determine the costs for the different

6 services, we looked at the number of hours of service per day

7 for each of the different services. Therefore, determining the

8 average cost per day. For example, if you look at Grand Bay-

9 Westfield, you will see that there is eight hours of service

10 per day. The average system cost per hour is \$72. So the

11 average cost per day for Grand Bay-Westfield would be \$576.

12 Now the average fare and current rates, this is a calculation

13 made on the basis that not everybody pays cash fare. The fares

14 are paid -- many people buy punch cards, which is a reduced

15 fare from the cash fare, and other people buy monthly passes.

16 Generally speaking, people who buy monthly passes pay even

17 less. We used our system average in determining the average

18 fare, which for example would be that about 40 percent of the

19 passengers pay cash and the other 60 percent use other fare

20 media. However, we have found on this particular service that

21 the use of other fare media is somewhat higher than the cash

22 fare.

23 The average number of passenger trips per day, this is simply

24 based on our ridership counts per day and just an

2 average. It has been rounded off. I mean, for example, if it came  
3 to 251, we said 250. If it came to 219, we said 220, because  
4 it is difficult to know exactly each day. And therefore we  
5 were able to come up with an average revenue per day for the  
6 three different services based on the average revenue and the  
7 average cost, and we have an average loss per day for the three  
8 services. And that is extended over the 250 days of service  
9 that we offer on ComeX each year, which is effectively all of  
10 the weekdays, plus the holidays.

11 So the average loss per year on a fare increase, this is making  
12 some assumptions that if the fare increase we have applied for,  
13 we determined that it will produce an average fare of \$2.90.

14 And that would be the difference between the two losses.

15 Q.2 - Mr. McCarey, I am also going to show the rationale for the  
16 hourly cost calculation which is part of exhibit 5 and the  
17 calculation of the average fare, which you have already  
18 discussed which was also part of exhibit 5?

19 A. Well once again what we look at in the rationale for the hourly  
20 cost calculation, as I did indicate earlier, is the number of  
21 service hours and we have listed the service hours we offer  
22 each weekday, which is 250 days at 343.25 hours. Saturdays and  
23 Sundays, for a total of 93,000 hours

2 per year. We use a 10 percent for extra, in addition to that for  
3 charters and extras. Extras being buses that are sent out to  
4 overload. For a total hours of 103,000. And the 2007 total  
5 expenditures was \$7,481,000. So the hourly cost is seven  
6 million, four hundred eighty-one divided by the number of  
7 service hours, which works out to \$72.42 per hour.

8 There is an additional capital cost that we would calculate,  
9 for example, in charter rights of 13.50 per hour, the basis of  
10 the cost of buses. However, we have not included that in the  
11 analysis for the Grand Bay-Westfield ComeX, because the buses  
12 were received on a federal government grant.

13 Q.3 - Okay. With respect to the rationale for the hourly cost  
14 calculation, as you said, it shows weekdays, Saturdays, Sundays  
15 and holidays, but explain if you would for the Board and for  
16 myself, the hourly rate essentially stays the same?

17 A. Yes. I mean it's -- you know, you can make a case I suppose  
18 that on a particular route that like, for example, ComeX, with  
19 less stops perhaps the appeal usage isn't as much, but as it  
20 happens we use newer buses and that would use more fuel. So we  
21 do not try to, you know, come up with individual costs for  
22 individual buses because the

1                   - 10 - Mr. McCarrey Direct by Mr. McNair -

2 buses pulled throughout the fleet and throughout the service. So

3 we basically run our service based on an average hourly cost.

4 Q.4 - And the application that we have before the Board today we

5 are requesting a .25 cent increase essentially?

6 A. That's correct.

7 Q.5 - With some additional changes to the -- on the -- as you said

8 the other fare media, which would be the Transcards?

9 A. That's correct.

10 Q.6 - And the --

11 A. Monthly passes.

12 Q.7 - -- monthly passes? Okay. And can you explain to the Board

13 what request or what increase has occurred with respect to

14 Transit within the city of Saint John, it's similar, is it not?

15 A. It is similar. Obviously the rates are different, but the case

16 fare in the city of Saint John effective January 1st will

17 increase by .25 cents. Our punch cards will increase by about

18 8 percent, which I believe is about the -- a similar amount

19 here. And our monthly passes will increase also by about 8

20 percent.

21 Q.8 - Now, Mr. McCarey, could you indicate to the Board whether or

22 not ComeX services are tracked separately and if not, why not?

23

2 A. In terms of passengers, we are tracking them separately. We  
3 are doing actual counts. But with regards to,  
4 you know, the breakdown of the cost, there is  
5 really no way for us to do that. You know,  
6 basically we feel ComeX operates at the same  
7 hourly cost as does the rest of our system.

8 Q.9 - And with respect to the passenger tracking, how do you go  
9 about doing that, is it just random days that are picked?

10 A. Manual count every day.

11 Q.10 - And that's occurring on an ongoing basis right now?

12 A. Ongoing basis. We are hoping to introduce automatic counters  
13 on the buses, because as we move forward, we have agreements  
14 with the communities that are being served for them to  
15 subsidize the difference in the -- between the revenue and the  
16 cost. And in order do that we will need very accurate counts.  
17 Not that these counts aren't accurate, but we would prefer not  
18 to depend on manual counts. We prefer to depend on some kind  
19 of an automated system. And we hope to introduce those  
20 probably early in the spring.

21 Q.11 - And with respect to the four municipalities involved, you  
22 talked about subsidies or grants. Have they all agreed to do  
23 that for 2008?

24

2 A. They have all agreed. There is an issue with Grand Bay-  
3 Westfield, which we may have to come before the Board again,  
4 because they are looking at subsidizing two trips in the  
5 morning and two in the afternoon as opposed to three, which  
6 would mean they are looking at dropping the trip with the  
7 lowest number of ridership. However, that has not been  
8 confirmed yet. But if that is the case, then we will certainly  
9 have to make an application.

10 Q.12 - And with respect to the operation within the city of Saint  
11 John, it's a similar process, if there is a loss, what happens  
12 at the end of the year?

13 A. The municipality of the City of Saint John makes up the  
14 difference with a subsidy.

15 Q.13 - So the surrounding municipalities are being treated in the  
16 same way I guess or same manner to some extent?

17 A. Yes. Other than we are not charging the surrounding  
18 municipalities the capital cost, because effectively those  
19 vehicles were required by a federal government grant.

20 Q.14 - I am going to show you exhibit 7, which is just the ComeX  
21 growth from September to November of 2008. With respect to  
22 that graph can you just explain I guess what appears on that  
23 graph or what it shows for the Board?

24 A. I guess it just indicates that the service has been very  
25 successful in terms of growth. In fact for the more

1                   - 13 - Mr. McCarrey Direct by Mr. McNair -

2 popular trips, we are at capacity now. That would be the trips  
3 that arrive in town just before work -- working hours. We are  
4 looking at acquiring articulated buses, larger vehicles, so we  
5 can drive a little more ridership on it. But the reality is  
6 that we are at capacity on the more popular trips. And the  
7 target for the service was about 3,000 passengers, and I  
8 believe we will eventually get there.

9 Q.15 - But as you indicate, you are at capacity now on the popular  
10 runs?

11 A. Yes, on the -- yes, the more popular trips.

12 Q.16 - Now, Mr. McCarey, I believe you have in front of you a copy  
13 of exhibit 6, which is the increase or the updated figures for  
14 the passenger ridership?

15 A. Yes.

16 Q.17 - And I know you probably already covered most of this, but  
17 with respect to those numbers, there is no surprises there from  
18 your point of view or is there anything that jumps out as being  
19 significant?

20 A. No, we -- I suppose there is a couple of comments I could make.

21 For example, we do occasionally get blips. For example, you  
22 will notice in August there was a slight drop. That is the  
23 result of people being on vacation. Generally we will see  
24 December drop. Although, it didn't

25

1                   - 14 - Mr. McCarrey Direct by Mr. McNair -

2 last year, but probably because there is -- well Christmas week,  
3 you know, the ridership will drop during that week. But, no,  
4 everything basically has been going as we had predicted in  
5 terms of the ridership numbers.

6 Q.18 - Now, Mr. McCarey, one further question or one more question  
7 from myself at this time, with respect to the .25 cent increase  
8 that by itself does not cover the operations does it or the  
9 loss for this last year?

10 A. No, I think that -- really for the .25 cent increase is because  
11 we are in fact putting the City fares up, and we would like to  
12 coordinate increases on the City -- on the fares within the  
13 City with the service in the valley. We think it is fair that  
14 those increases should be shared by both services.

15 Q.19 - Have you worked out at this point what percentages or what  
16 amounts the different municipalities are going to be  
17 contributing or subsidizing the service?

18 A. Yes. In the case of Grand Bay-Westfield -- or sorry, in the  
19 case of Rothesay and Quispamsis, two communities have come up  
20 with a breakdown based on where the riders taking the bus from  
21 a sample where they live. And the -- I believe it is 35 -- 65  
22 is the number they have agreed on. 65 percent of the cost will  
23 be borne by Quispamsis and 35 percent by Rothesay. The amount  
24 of money it was

25



2 based on the hourly cost, and they wanted a number that they could  
3 have some plan for the next three years. And we used \$78 an  
4 hour for next year and I believe 82 or 84, I am not sure, the  
5 year after, and another number for the third year. So they  
6 have an actual sum of money that they will be providing us on a  
7 quarterly basis.

8 With regards to Hampton, Hampton has an opportunity perhaps to  
9 break even in the near future and with the fare increase. And  
10 Hampton will pay the actual difference whatever it is  
11 calculated to be based on the hourly cost. And Grand Bay-  
12 Westfield will be a similar arrangement as Hampton.

13 MR. MCNAIR: All right. Mr. Chair, I have no further questions  
14 for Mr. McCarey at this time.

15 CHAIRMAN: Thank you, Mr. McNair. Ms. Desmond, do you have any  
16 questions.

17 MR. DESMOND: Yes, I do. Thank you, Mr. Chair.

18 CROSS EXAMINATION BY MS. DESMOND:

19 Q.20 - Mr. McCarey, just to start, I think one of the documents you  
20 did provide to the Board were your financial statements for the  
21 year end 2007. And at least to my knowledge there is nothing  
22 filed for the 2008 year. Can you confirm that the situation in  
23 2008 really is not significantly different than the 2007 year?

2 A. Well I would suggest that certainly the revenue in 2008 for  
3 ComeX would be higher than in 2007, because it was only four  
4 months of operation in 2007. And also as the ridership has  
5 increased, the revenue has improved. But in terms of costs,  
6 our costs are certainly much higher this year. We endured a  
7 very significant increase in fuel costs.

8 Q.21 - Is it fair to say that overall Saint John Transit is relying  
9 on subsidies either from the City of Saint John or from the  
10 outlying communities to continue the services that are offered?

11 A. That is correct, yes.

12 Q.22 - Looking specifically at the ComeX, the profit and loss  
13 statement, I just wanted to go back and have maybe a short  
14 discussion on that document. You have got yours there in front  
15 of you?

16 A. Yes.

17 Q.23 - Just on the -- I appreciate that from your evidence that the  
18 cost for ComeX are tracked separately, do I understand that  
19 correctly?

20 A. No, that is not -- they are based -- not really, no. It is  
21 based -- the cost for ComeX are based on the number of hours of  
22 service. And those costs are calculated on the overall system  
23 cost. So it is not tracked separately.

2 It would be impossible for us to do that because -- I mean, you  
3 know, like there is different buses every day.

4 Q.24 - It is just when I looked at the -- for example, the hourly  
5 average system cost per hour, what struck me from that document  
6 is that to my knowledge at least Comex doesn't operate on  
7 Saturdays or Sundays or holidays. So how representative is  
8 that hourly cost from your view with respect to ComeX  
9 specifically?

10 A. Well I guess if you are looking at the fixed overhead costs,  
11 you know, that -- I don't quite know how to answer the  
12 question. I don't think that it is reflective. It costs us  
13 basically the same to operate on Saturday and Sunday as it does  
14 on -- during the week, and we don't perceive any particular  
15 difference.

16 Q.25 - Is it fair then to include that weekly or the weekend  
17 calculation and apply that to the ComeX hourly operation?

18 A. I would think it may put -- give some benefit to it if you were  
19 to try to break down the cost, because for example, staff costs  
20 would not be as high on Saturday and Sunday because staff is  
21 not in on those days. Although, we look at this, you know, the  
22 salary costs being an hourly cost for over the whole system.

23 Q.26 - Has it been an issue of discussion whether or not you might  
24 track these costs separately in the future? And the

2 reason I ask that question is because the ComeX service is  
3 regulated, whereas your other lines of operation may not  
4 necessarily be subject to regulation and review. So I just  
5 wondered if that's something you have considered doing?

6 A. I don't know how we would do it. You know, I mean the  
7 expectation would be that we would have to know how much fuel  
8 we put in on a particular day, on a particular bus, if that bus  
9 was on for that service. I mean sometimes the bus that is used  
10 in the morning, is not the same bus that's used in the  
11 afternoon. You know, that particular bus may have been used on  
12 Champlain Heights service in the morning and ComeX in the  
13 afternoon. You know, it would be very -- almost impossible for  
14 us to put specific costs other than to try to dedicate buses to  
15 the service, which you know really it would not work out for us  
16 because we need the flexibility being able to move our buses  
17 throughout our fleet.

18 Q.27 - And I believe that when the original application was made, I  
19 was under the impression that those buses because they were  
20 subsidized by the federal government maybe were specific for  
21 those routes, but that is not the case?

22 A. That's not the case, no. No, in fact we received -- we bought  
23 11 buses that year and nine of them are

2 subsidized and we just used four of them on the ComeX service.

3 Q.28 - So the next document I think is the average fare, which you  
4 have indicated in -- you have got your ridership breakdown on  
5 the calculation of average fare?

6 A. Yes.

7 Q.29 - And that's a weighted average is it?

8 A. Yes.

9 Q.30 - And then in the next entry on your profit and loss statement  
10 is the average passenger trips per day. And frankly I  
11 struggled to try and determine how you came to those average  
12 number passenger trips per day because I looked at your  
13 ridership count, but wasn't able to line up the passenger count  
14 with the average passenger trips per day. So could you walk us  
15 through how you came to those -- to the entry?

16 A. I mean this is a predicative. These are the number -- the  
17 average ridership numbers we expect on a go forward basis.  
18 They are not based on what we carried in the past, because the  
19 service obviously grew over the course of its inception.  
20 We think it is pretty much at capacity now, but we had the  
21 opportunity to build up to about 3,000 passengers. And without  
22 additional buses, it really -- it would be

23

1 - 20 - Mr. McCarrey Cross by Ms. Desmond -

2 difficult to build a ridership, you know, beyond that amount. So

3 that the -- for the P & L analysis, we used a predictive number

4 as to what we expect to carry on a go forward basis. It's not

5 based on what we carried you know over the past 12 months.

6 It's what we expect to carry on average as we go forward.

7 Q.31 - So that entry, that average number of passenger trips is

8 just your -- I guess your speculation as to what --

9 A. That's correct, yes.

10 Q.32 - -- the average would be and that doesn't line up at all with

11 the accounts that have been taken to the --

12 A. No, it would be much lower if we were to use the counts to

13 date, because obviously it would average it down. And given

14 that we started out with about 1,300, we are now up to close to

15 2,800. If you look at it, those numbers are just under 3,000.

16 And if you add them up on a daily basis, you are in the area

17 of about 600 passengers. I think it is 590 that it comes to.

18 So you are -- you know, on that basis you are looking at just

19 about 3,000 passengers a week, which is where we are at now.

20 Q.33 - Now on the issue of subsidies as this profit and loss

21 analysis determines I guess there is a loss at this stage. And

22 you have indicated that you do expect funding from the

23 communities?

24

1                   - 21 - Mr. McCarrey Cross by Ms. Desmond -

2    A. Not for the past, but for as we go forward.

3    Q.34 - Okay.

4    A. Effective January 1st. The Saint John Transit Commission is  
5       borne the loss up to this date, i.e., the City of Saint John.

6    Q.35 - And I wanted to clarify that, because I believe Mr. McNair  
7       had asked about 2008, whether the funding was provided for  
8       2008?

9    A. No. This would be as of January 1st 2009.

10   Q.36 - That the funding --

11   A. As I get older, I have trouble with the years, but yes, it's  
12       January 1st 2009 is when the funding will begin from the  
13       surrounding communities.

14   Q.37 - And so moving forward then you would expect that there  
15       wouldn't be a loss on these runs with that funding provided?

16   A. That's correct. Because they would be subsidized by the  
17       surrounding communities.

18   Q.38 - Just on the financial statement if I could take you to that  
19       document, just on the issue of revenues and costs, what is the  
20       percentage of your fare revenue compared to those of your  
21       expenses at this stage? I guess from your experience to date?

22   A. Our recovery is about -- typically our recovery on

23

2 average is about 15 percent of costs, which is extremely high by  
3 comparison to other transit systems, would suggest to some  
4 people that we charge too much for too little service, but it  
5 is a very, very high level.

6 Q.39 - And is that your -- have you met your goal or your objective  
7 and who sets that objective for you?

8 A. What basically we do is provide a budget to the City of Saint  
9 John on an annualized basis and we generally use benchmarking  
10 for them to look at, you know, what we are applying for. In  
11 fact this year we are telling them that we are looking at a 50  
12 percent recovery on our budget application. Although the last  
13 financial statement or the last numbers that they were able to  
14 compare across the country to were 2007. And we were at about  
15 52 percent at that time.

16 Q.40 - And as you indicated that's relatively high compared to  
17 other communities?

18 A. Yes. The Canadian system has the highest recovery rate in the  
19 world, in the industrialized world I guess. For example, if  
20 you go to the United States -- the highest system in the world  
21 is Toronto at about 80 percent. The highest system in the  
22 United States, for example, would be New York City at about 42  
23 percent. If you go to Europe, you are generally in the 20 to  
24 30 percent recovery rate.



2 Q.41 - Now for ComeX --

3 A. In fact we are, for cities between 50 and 150,000, we are tied  
4 for the highest level in Canada. And Canadian -- you know at  
5 the level of population, 50 to 150', the Canadian properties  
6 are the highest in the world. So I guess we could say we are  
7 the highest in the world in terms of fast recovery for cities  
8 doing 50 and 150,000.

9 Q.42 - For ComeX what would the fare revenue be percentagewise of  
10 your expenses?

11 A. Well if you look at their predictives, it is not a percent I  
12 figured out, but it's obviously one we could do if you were to  
13 take the average revenue per day and add that across. Somebody  
14 got a calculator? I could do that very quickly.

15 Q.43 - Actually we did do that math just by way of interest and it  
16 looks like the --

17 A. It would be higher than 50.

18 Q.44 - Yes.

19 A. Yes.

20 Q.45 - You are doing better on the ComeX runs --

21 A. That's correct, yes.

22 Q.46 - -- by way of recovering your expenses? And in particular  
23 the Hampton run --

24 A. Yes.

2 Q.47 - -- has been extremely successful?

3 A. Yes. Primarily because we are only offering the service during  
4 peak hours. That's when buses tend to fill.

5 Q.48 - And has there been a goal or policy set for ComeX in terms  
6 of what percentage of recovery must be reached?

7 A. No, there hasn't been.

8 Q.49 - The subsidies that have been provided are they just for  
9 2009?

10 A. No. The commitments made by the communities vary, but for us  
11 in Quispamsis it's three years. And for Hampton it's five  
12 years. And I believe Grand Bay-Westfield, I don't really know  
13 yet. I think they may be talking on a year-by-year basis.

14 Q.50 - So has a decision been made to make this a long-term  
15 service? I think originally when the application was made to  
16 the Board, there was a sense that it was offered on a trial  
17 basis?

18 A. Yes. I think that, you know, the proof is in the pudding.  
19 They wanted to see if people are going to use it. I think  
20 that particularly in Hampton, Grand Bay-Westfield -- or sorry,  
21 Hampton, Rothesay, Quispamsis, the Councils are very committed  
22 to it. Certainly when they commit for three -- you know, three  
23 years out and five

24

2 years out, that would indicate that you know it's going to be  
3 around on an ongoing basis. Grand Bay-Westfield, it's been  
4 more of a challenge. I think the problem in Grand Bay-Westfield  
5 is related somewhat to the fact that as not as many people now  
6 live out there work uptown. I think they work in peripheral  
7 areas of the city, such as the hospital, et cetera. So it has  
8 not been quite as attractive, but they are very committed to  
9 seeing the service. They believe in the service and they are  
10 looking for ways to make it work, support it, that's affordable  
11 within their tax rate, which is i.e., the concern they have  
12 about maybe possibly dropping the lowest ridership trip in the  
13 morning and the lowest ridership trip in the afternoon make it  
14 more economically viable for them. But as I say, again we  
15 recognize if that's their decision in the end, we will have to  
16 come back before the Board.

17 Q.51 - In your view, have you had any feedback from the ridership  
18 as a result of the proposed increase?

19 A. We haven't heard -- we have not heard anything. We have a blog  
20 page or a -- you know, the ability for people on our website to  
21 make comments and there has been nothing. There have been no  
22 comments whatsoever on the fare increase, either for this or  
23 for the city service.

2 Q.52 - The Board recently had an application where the service  
3 provider was concerned that given the decrease in the cost of  
4 fuel that the parties might or participants might decide to use  
5 their own vehicles now instead of the commuter service?

6 A. I think if you look at the ridership numbers, the evidence is  
7 that in fact that has not happened. And I would suggest that  
8 anybody who makes the commitment and makes the change, the  
9 saving is not just the fuel. They find the saving is, you  
10 know, in terms of maybe they have dropped a second car. So the  
11 savings are very, very large. And we have been I should say  
12 pleasantly surprised, and I really wasn't surprised, but we  
13 have -- it has been confirmed really with the drop in the fuel  
14 that the ridership has not dropped. And so when people make  
15 the change, they seem to be there for the long term.

16 Q.53 - Have you had any independent studies or surveys conducted to  
17 demonstrate that? I am just wondering, probably of interest,  
18 if there is any independent evidence of --

19 A. No.

20 Q.54 - One of the things that struck me with respect to the fares  
21 arguably it would be more expensive to travel to Hampton than  
22 it would be to Rothesay or Quispam', and the

2 fare is still the same. Have you looked at sort of structuring the  
3 fares to reflect the cost?

4 A. We certainly looked at that initially. And it was decided as  
5 much as with the city service that a common fare would be more  
6 appropriate. For example, even within the city, you can take a  
7 bus for 2.50 from the airport to Martinon. But it will also  
8 cost you also 2.50 to take a bus from King Square to the South  
9 End. So it's very difficult to try to start collecting fares  
10 based on distances, et cetera. So we basically set a fare for  
11 ComeX that, you know, would be for the whole service. And that  
12 was a decision made early on that in fact we would not try to  
13 structure the fares. Having said that, discussions with the  
14 Councils, the different Councils, you know, I indicated to them  
15 that certainly we would not be adverse to them looking at  
16 something like that. It would be prepared to bring it forward  
17 to the Board if they wanted to do that. And there was some  
18 discussion in Hampton in fact that maybe that they might look  
19 having a fare that was not necessarily the same as elsewhere.

20 Q.55 - The increases that have been proposed, it appears that the  
21 breakdown I guess is more favorable to the cardholder, as  
22 opposed to the cash fare?

23 A. That's correct, yes.

1 - 28 - Mr. McCarrey by Mr. McLean -

2 Q.56 - And is there a rationale for that in terms of why?

3 A. Rewarding -- you know, presumably the people that buy monthly  
4 passes or buy the punch cards are more frequent users. And it  
5 is always just trying to reward them on a frequent user. We  
6 adopt the same policy within the city.

7 Q.57 - I believe your application was to have the fares increased  
8 as of January 1, is that still your target date for  
9 implementation?

10 A. That would be, yes.

11 Q.58 - That's still --

12 A. Although in fact the monthly passes, we have already had to  
13 distribute those and we have advised the -- our sales locations  
14 that they will charge the old rate. So in fact if you have  
15 bought a monthly pass for January, you will -- even if the fare  
16 goes up, you will have paid the old rate.

17 MS. DESMOND: Those are all of my questions. Thank you.

18 CHAIRMAN: Thank you, Ms. Desmond. I understand that the Panel  
19 Members have a couple of questions. I will start with Mr.  
20 McLean.

21 MR. MCLEAN: Yes, thank you, Mr. Chairman.

22 BY MR. MCLEAN:

23 Q.59 - You just indicated there a minute ago that the Council  
24 were involved in setting the rates or you are discussing

25

2 with them what the rates should be as well as deciding yourself, is  
3 that the idea?

4 A. That's correct. Yes.

5 Q.60 - And I believe you answered -- you don't have a --

6 A. I am sorry, I am saying Councils, but in fact it was municipal  
7 staff is who we --

8 Q.61 - Oh, yes. All right. So they would -- as far as the  
9 subsidy, do you plan to sort of develop a program to either  
10 decide what percentage the subsidy should be or eventually  
11 phase it out or is it just happening, take the leftovers from  
12 the fares or just how do you think that should be approached in  
13 the longer term?

14 A. Well I think, you know, the approach we intend to take on it is  
15 that in fact it will be self-sufficient in terms of the City of  
16 Saint John. So that in fact we would like to see them pick up  
17 the subsidy on a go forward basis, whatever is required. If in  
18 fact we happen to make money on it, then we think it should  
19 just fall back into the system.

20 Q.62 - Is that -- obviously it's --

21 A. Hampton is very close.

22 Q.63 - Hampton is doing very well?

23 A. And in fact we have an application now with the provincial  
24 government and an agreement has come back to

1                   - 30 - Mr. McCarrey by Vice-Chairman -

2   acquire an articulated bus for Hampton. And that's a bus that will  
3       seat more people, which will allow us to again drive the  
4       ridership a little bit and may in fact bring it very close to  
5       break even.

6   MR. MCLEAN: Thank you.

7   CHAIRMAN: Thank you, Mr. McLean. Mr. Johnston.

8   BY VICE-CHAIRMAN:

9   Q.64 - Mr. McCarey, do you just want to take a look at the page  
10       calculation of average fares?

11   A. Yes.

12   Q.65 - I just have one question here. In my note, you mentioned  
13       that you are using a system average with respect to the  
14       calculation of average fares, is that correct?

15   A. That's correct. Yes.

16   Q.66 - And I note that with respect to the proposal that it varies  
17       from the current in terms of the percentage breakdown between  
18       monthly passes and check cash fares and so forth?

19   A. Yes.

20   Q.67 - Is the proposed fare here is that what you anticipate for  
21       the system average or is that ComeX only?

22   A. That would be ComeX only. The proposed -- the current is what  
23       our system average is now.

24   Q.68 - Yes.

25



2 A. And the proposed is that's what we are experiencing on ComeX.

3 In fact that there is less cash fares than there are on the --  
4 on our system. What we find is even people who do not use the  
5 service consistently out there tend to buy a punch card, as  
6 opposed to just using cash. So they have the punch card. If  
7 they need it, they can use it.

8 Q.69 - I am interested that the monthly pass is only at 20 percent.

9 That's the same as the system average. I would have expected  
10 that the ComeX would have a higher usage of monthly passes?

11 A. That surprised us, too. But I guess what it is, is people out  
12 there, there is a lot of people are taking the service on a  
13 fairly regular basis, but probably say I am going to take my  
14 car one day a week because I have errands I want to do in town  
15 and maybe find that second day they sometimes take the car --  
16 you know, also take the car. So rather than commit to the  
17 monthly pass, they tend to buy the punch cards. That did  
18 surprise us. We expected -- not so much from Hampton, because  
19 certainly there is a very high usage of the monthly passes.  
20 But Rothesay, which is Rothesay, Quispamsis, which is the  
21 highest volume service, there is not near as many monthly  
22 passes sold on there. It seems to be more the punch cards.

23 Q.70 - As I recall when we had the original hearing, we talked

24

2 a lot about this issue and the ability of monthly pass holders to  
3 transfer for a bus, go to the hospital and so forth. And I  
4 guess, you know, I was under the -- as you, I guess, the  
5 expectation that there would be a higher percentage of monthly  
6 passholders. It seemed to make sense. But that's interesting  
7 --

8 A. Just for the Board's information, we have an interest expressed  
9 by the hospital in running a service. They may want to do it  
10 on a charter basis to and from the valley area to the hospital,  
11 because they are having so much difficulty with parking out  
12 there. And they felt that they would use the ComeX fares as  
13 the basis for what they would charge the passengers. If they -  
14 - certainly if they express an interest doing that, we will  
15 have to work through you as to see as to whether that would be  
16 a charter service or which -- you know, it is difficult for us  
17 to understand how they are going to do that one. Some of this  
18 stuff --

19 Q.71 - Well we have to look at them all, too, to figure it out  
20 ourselves and it is not a clear cut --

21 A. But that might be more inclined directly to the hospital,  
22 because it will also include the university that the parents  
23 would buy a monthly pass for students, for example. It might  
24 have a much higher usage of monthly

1 - 33 - Mr. McCarrey Redirect by Mr. McNair -

2 passes.

3 VICE-CHAIRMAN: Thank you very much. Those are my questions.

4 CHAIRMAN: Thank you, Mr. Johnston. Mr. McNair, do you have any  
5 redirect?

6 MR. MCNAIR: Just a point of clarification, Mr. Chair.

7 REDIRECT EXAMINATION BY MR. MCNAIR:

8 Q.72 - With respect to the buses, Mr. McCarey, that are used for  
9 ComeX, the so-called dedicated buses, they are put into the  
10 system and used elsewhere throughout the day typically are they  
11 not, they don't sit idle?

12 A. No, they are used, yes. And in fact it is not -- we put  
13 colouring for four of the buses, ComeX colouring on four of the  
14 buses. But in fact if you watch what's out there, you will  
15 find that those coloured buses are not necessarily the ones  
16 that are out there.

17 Q.73 - I noticed that. They travel everywhere?

18 A. Yes.

19 Q.74 - And maybe that's the best form of advertising?

20 A. Yes.

21 MR. MCNAIR: No further questions.

22 CHAIRMAN: Thank you, Mr. McNair. Do you have any further  
23 witnesses?

24 MR. MCNAIR: No further witnesses, Mr. Chair.

25

1                   - 34 - Mr. McCarrey Redirect by Mr. McNair -

2       CHAIRMAN: So that would conclude your evidence then with respect  
3       to this matter?

4       MR. MCNAIR: Yes.

5       CHAIRMAN: All right. Well any comments in summary that you wish  
6       to make at this point in time?

7       MR. MCNAIR: Mr. Chair, just with respect to the .25 cent  
8       increase requested, I think the evidence has shown that it is  
9       reasonable in the circumstances and necessary to continue to  
10      provide effective service to the surrounding municipalities and  
11      we would submit that it is reasonable and appropriate at this  
12      time.

13      CHAIRMAN: Thank you, Mr. McNair. I do note that when I was  
14      reading off the list of the attachments to exhibit 5, I may  
15      have missed one. The final page is entitled Proposed Fare  
16      Increase. I believe that relates to the Saint John system. I  
17      may not have understood that. Just so that the record will be  
18      complete, exhibit 5 also includes an attachment entitled the  
19      Proposed Fare Increase. And that would be for the system  
20      within the city of Saint John. Could you just verify that for  
21      me that that's what that document relates --

22      MR. MCNAIR: My understanding is that the Proposed Fare Increase  
23      was the document that Mr. McCarey was just looking at.

24

1                   - 35 - Mr. McCarrey Redirect by Mr. McNair -

2       WITNESS: I don't have the Proposed Fare Increase here.

3       CHAIRMAN: Yes. Right. But it was comparing to both systems  
4           what I am suggesting?

5       MR. MCNAIR: Yes.

6       CHAIRMAN: That was really the clarification. All right. Thank  
7           you. Ms Desmond, anything further that we need to do to  
8           complete the record?

9       MS. DESMOND: Nothing further. Thank you.

10      CHAIRMAN: All right. We will adjourn here for a few minutes and  
11           see whether or not we can deliver an oral decision this  
12           morning.

13      (Recess - 10:17 a.m. to 10:28 a.m.)

14      CHAIRMAN: The Board will deliver an oral decision on this  
15           matter.

16           This matter arises out of an application by Saint John Transit  
17           Commission to the New Brunswick Energy and Utilities Board  
18           seeking an Order approving an increase to its passenger fares  
19           for its regular scheduled community express service, known as  
20           ComeX.

21           The fares, which are currently in existence, were approved by  
22           this Board on August 24th 2007.

23           The Board held a public hearing on December 22nd 2008 to  
24           consider the Applicant's request for the proposed increase to  
25           its fares. The Applicant provided an

2 Affidavit of Publication verifying that it had complied with the  
3 Board Order regarding notice of the hearing to the public.

4 There were no Intervenors present at the hearing, nor did the  
5 Board hear from any persons indicating that they were in  
6 opposition to the proposed increase in fares.

7 The Board has considered the filed evidence, as well as, the  
8 oral evidence of Frank McCarey, General Manager of the  
9 Applicant.

10 The proposed increase in fares are as follows:

11 (1) Cash fares per trip from \$3 to \$3.25.

12 (2) 10-ride Transcard from \$27 to \$30.

13 (3) 20-ride Transcard from \$49 to \$55.

14 (4) Monthly pass from \$89 to \$99.

15 The Applicant has demonstrated that it is still not recovering  
16 anything near the full costs of operating the ComeX routes.

17 The Board is satisfied that the proposed fares are just and  
18 reasonable and approves the proposed fares as requested to be  
19 effective as of January 1st 2009.

20 And I hope I got that year right, too, because I am moving on  
21 in years as well.

22 The Board will in fact issue a written decision. And if for  
23 any reason there is some minor changes between the oral  
24 decision and the written decision, the written

2 decision will govern.

3 Anything further this morning?

4 MR. MCNAIR: Mr. Chair, must one other matter. Is the Saint John  
5 Transit permitted to remove the notice with respect to the  
6 Order after today from their website?

7 CHAIRMAN: Yes. And I would suggest that the website should in  
8 fact indicate what the new fares are and that the Board Order  
9 issued as of today.

10 MR. MCNAIR: Thank you.

11 CHAIRMAN: Thank you. Anything further, Ms. Desmond, for us to  
12 consider? Thank you, very much.

13 (Adjourned)

14 Certified to be a true transcript

15 of the proceedings of this hearing,  
16 as recorded by me, to the best of  
17 my ability.

18  
19  
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Reporter





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