



NEW BRUNSWICK  
ENERGY & UTILITIES BOARD

COMMISSION DE L'ÉNERGIE ET DES SERVICES PUBLICS  
NOUVEAU-BRUNSWICK



February 26, 2021

## Via Email

To All Parties:

### **Matter 486 – Irving Oil – Application for adjustment – Wholesale Petroleum Products Margin**

The following is a Ruling on Objections filed by Canadian Union of Public Employees (CUPE) and Grassroots NB:

Irving Oil Marketing G.P. and Irving Oil Commercial G.P. (Applicants) filed a Claim for Confidentiality on February 5, 2021 (Claim), in relation to evidence entitled “CONFIDENTIAL NB Master Wholesale Cost Data (Feb 5 21)” (Evidence). The Claim requests that confidential treatment be afforded to the Evidence, because the information within the Evidence contains proprietary, financial and/or commercially sensitive information in relation to the Applicants and its affiliates.

The New Brunswick Energy and Utilities Board (Board) received Notices of Objection (Objections) to the Claim from CUPE and Grassroots NB on February 19. The main objection is that not all information in the Evidence should be deemed confidential.

Letters of support for the Objections were filed by the Common Front for Social Justice New Brunswick and Leap4wards.

On February 19, the Board established a written process to respond to the Objections and directed that it would accept submissions on the Objections in writing. Written submissions were received by the Applicants, the Public Intervener, CUPE and Grassroots NB.

In its Ruling on Objection dated February 1, the Board ordered that all information subject to the Claim for Confidentiality of the Applicants dated January 19, 2021, was to be disclosed as per the claim and would remain confidential, with the exception of certain narrative language ordered to be placed on the public record. In the Board’s view, the Evidence is of the same confidential nature as the information that was subject to the February 1 ruling. Additionally, the same public interest concern applies to this evidence.

Having considered the above, the Board confirms the Claim, subject to the following:

1. All contextual, narrative or descriptive language that is not confidential and any publicly available information, shall be revealed to the public.
2. All financial data within the Evidence shall remain confidential.

3. The Applicants are to provide to the Board the redacted version of the Evidence by March 1 at 4:30 p.m., for the Board's review. The Board will inform the Applicants if any further information needs to be put on the public record.
4. Interveners will be permitted to submit interrogatories to the Applicants on the redacted Evidence by March 5, at 12:00 p.m. Interrogatory responses are to be filed by the Applicants by March 12, at 12:00 p.m.
5. If a motion is required, a Notice of Motion shall be filed by March 15 at 12:00 p.m. In that event, a motion hearing will be held on March 16 at 1:30 p.m.

In its written submission, Grassroots NB also objected to the redacted interrogatories submitted by the Public Intervener. The Board notes that certain interrogatories from the Public Intervener and Board staff have been redacted. Once the redacted version of the Evidence is filed, the Board requests that these parties review their redacted interrogatories and put on the public record non-confidential information contained within these documents by March 3, at 4:30 p.m.

On behalf of the Board,



Kathleen Mitchell  
Chief Clerk