



ORDER

IN THE MATTER OF an application by Irving Oil Marketing G.P. and Irving Oil Commercial G.P. requesting an increase in the maximum wholesale margins for motor fuels and furnace oil pursuant to section 1.1 and subsection 12(1) of the *Petroleum Products Pricing Act* and subsection 9(1) of the *General Regulation – Petroleum Products Pricing Act*.

(Matter No. 486)

March 5, 2021

ORDER

WHEREAS Irving Oil Marketing G.P. and Irving Oil Commercial G.P. (Applicants) filed an application for an increase in the maximum wholesale margins for motor fuels and furnace oil on January 5, 2021, which was revised on January 19 (Application);

AND WHEREAS the New Brunswick Energy and Utilities Board (Board) received a letter on March 1, from the Applicants' counsel, Len Hoyt, Q.C., requesting a withdrawal of the Application;

AND WHEREAS a second letter was received from Mr. Hoyt, requesting the withdrawal, in its entirety, of the Excel workbook titled "CONFIDENTIAL NB Master Wholesale Cost Data (Feb 5 21).xlsx" (Spreadsheet) and the removal of the Spreadsheet from the Board's website;

AND WHEREAS the Applicants further requested, in compliance with the previously executed Confidentiality Undertakings, that all participants who have been provided with confidential information, including the Spreadsheet (Confidential Information), destroy all documents, notes and other materials containing or reflecting, directly or indirectly, the Confidential Information, whether printed or electronic, and provide an affidavit of compliance to the Applicants;

AND WHEREAS the Board has considered the Applicants' requests.

NOW THEREFORE IT IS ORDERED THAT:

1. Pursuant to Rule 1.2.6 of the Board's Rules of Procedure, the Applicants' request to withdraw its Application is approved. The Application is hereby dismissed and the Board shall proceed to close Matter 486 without further process.
2. All non-confidential documents placed on the public record and headings of confidential documents shall remain on the Board's website.
3. Pursuant to Rule 6.4.11, the Spreadsheet shall be withdrawn from the public record and the heading shall be removed from the Board's website.
4. All participants who have provided signed Confidentiality Undertakings, shall destroy all documents, notes and other materials containing or reflecting, directly or indirectly, the Confidential Information, whether printed or electronic, and shall provide an affidavit of compliance in the form set out in Appendix A, to the Applicants within 5 business days of this Order.

5. Pursuant to section 25 of the *Petroleum Products Pricing Act*, S.N.B. 2006, c. P-8.05, costs associated with this hearing will be assessed by the Board and shall be paid by the Applicants within 30 calendar days from the date of the invoice.

Dated at Saint John, New Brunswick, this 5th day of March, 2021.

BY THE BOARD



Kathleen Mitchell
Chief Clerk

Appendix A

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

IN THE MATTER OF an application by Irving Oil Marketing G.P. and Irving Oil Commercial G.P. (Irving Oil) requesting an increase in the maximum wholesale margins for motor fuels and furnace oil pursuant to section 1.1 and subsection 12(1) of the *Petroleum Products Pricing Act* and subsection 9(1) of the *General Regulation – Petroleum Products Pricing Act*.

AFFIDAVIT

I, _____, of the _____ of _____, in the Province of New Brunswick, **MAKE OATH AND SAY THAT:**

1. I am a participant in the above described proceeding and as such have personal knowledge of the matters and facts hereinafter deposed to unless otherwise stated.

2. I have been provided with the following confidential information (the “Confidential Information”) in this proceeding:

- (a) Evidence of Irving Oil dated January 5, 2021;
- (b) Revised Evidence of Irving Oil dated January 19, 2021;
- (c) Affidavit of Darren Gillis dated January 19, 2021; and
- (d) CONFIDENTIAL NB Master Wholesale Cost Data (Feb 5 21).xlsx.

3. I confirm that I permanently deleted the electronic versions of the Confidential Information and did not make any electronic copies thereof and I have (i) destroyed any hard copies of the Confidential Information that were made, and (ii) permanently deleted or destroyed any notes and other materials containing or reflecting, directly or indirectly, the Confidential Information, whether printed or electronic, that were made.

4. I did not provide the Confidential Information to, or discuss it with, anyone else (other than someone who had also provided a Confidentiality Undertaking to Irving Oil) and will not do so, or use it in any other capacity, in the future.

SWORN TO BEFORE ME at the _____)
 _____ of _____)
 in the Province of New Brunswick,)
 this ____ day of March, 2021.)
 _____)
 _____)
 _____)
 _____)
 Commissioner of Oaths
 Being a Solicitor