



March 4, 2022

Via Email

All Parties

Subject: Matter 514 - PCS application for renewal of its Local Gas Producer Franchise Agreement

The New Brunswick Energy and Utilities Board (Board) sent a letter dated February 25, 2022, asking parties to comment on a possible written process for the above noted Matter.

The Board received correspondence from Potash Corporation of Saskatchewan (PCS), Board Staff, Liberty Utilities and the Public Intervener. While no party objected to the proposed schedule, Board Staff requested that parties address the following items in their final submissions:

- Section 6.2 of the Local Gas Producer Franchise Agreement dated December 21, 2001 (Franchise Agreement) provides that the local gas producer maintain comprehensive general liability insurance with policy limits of at least \$5,000,000, per accident or occurrence. It also states that the local gas producer shall furnish the Province of New Brunswick with a certificate evidencing the coverage required and that the certificate shall state that the Province will be notified not less than thirty (30) days prior to the cancellation or any material change in the policy. Should these requirements be amended in the context of the current application?
- The Minister of Natural Resources and Energy was a party to the Franchise Agreement. What precisely will be the Province's role as it relates to the signing and authorizing of the agreement if the Board renews or extends its term pursuant to subsection 11(1) of the *Gas Distribution Act, 1999*, S.N.B. 1999, c. G-2.11?

The Board requests that parties address the questions posed by Board Staff in their final submissions.

The written process will proceed as follows:

Final arguments – filed by Friday, March 11 at 12 p.m.

Rebuttal arguments – filed by Friday, March 18, by 12 p.m.

Board Members to ask clarifying questions to parties, if necessary, by Tuesday, March 29, by 12 p.m.

Parties to file responses to questions by Tuesday, April 5, by 12 p.m.

As we are proceeding by written process, the oral hearing previously scheduled for April 12 will no longer be needed.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Mitchell". The signature is written in a cursive style with a large initial 'K'.

Kathleen Mitchell
Chief Clerk