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**NEW BRUNSWICK**  
ENERGY & UTILITIES BOARD

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

## **Liberty Utilities (Gas New Brunswick) LP**

### **Application for a Variance of an Order**

#### **NOTICE**

Liberty Utilities (Gas New Brunswick) LP, as represented by its general partner, Liberty Utilities (Gas New Brunswick) Corp. (Liberty) has filed an application (Application) with the New Brunswick Energy and Utilities Board (Board) requesting an order varying the Board's Order in Matter 494 (Order) and for an order staying the Order pending the outcome of a review by the Board.

In the Order, the Board approved Liberty's rates to take effect on July 1, 2022. On June 23, 2022, the New Brunswick Court of Appeal allowed Liberty's application for judicial review of the Board's cost of capital decision in Matter 491, which had reduced Liberty's return on equity (ROE) from 10.9% to 8.5%. In its Application, Liberty requested a variance to the Order such that the 2022 rates are calculated based on Liberty's ROE being 10.9% until a determination of Liberty's ROE according to the New Brunswick Court of Appeal's decision.

On July 5, 2022, the Board stayed the Order pending the outcome of a review by the Board with respect to the Application. The Board also ordered that Liberty's rates will remain fixed as set out in Appendix A to the Board's Order in Matter 478 dated December 23, 2020, until further order of the Board.

The Application and supporting documents may be viewed on the Board's website at [www.nbeub.ca](http://www.nbeub.ca) under Matter No. 530.

Parties who wish to comment on the Application should file a written submission with the Board. The submissions must be filed by no later than Thursday, August 11 at 4 p.m., by email to [general@nbeub.ca](mailto:general@nbeub.ca). All written responses received by the Board will be shared with all parties in Matter 494 and published on the Board's website as part of the public record. Liberty will have the opportunity to provide a written response to submissions by Thursday, August 18 at 4 p.m.

The Board will hold a hearing on the requested variance on Tuesday, August 23, at 9:30 a.m. at the Board's premises, 15 Market Square, 14<sup>th</sup> Floor, Saint John, to hear the application.

**New Brunswick Energy and Utilities Board**

P.O. Box 5001

Suite 1400, 15 Market Square

Saint John, NB E2L 4Y9

Telephone: (506) 658-2504

Toll Free 1-866-766-2782

Fax: (506) 643-7300

E-Mail: [general@nbeub.ca](mailto:general@nbeub.ca)

Website: [www.nbeub.ca](http://www.nbeub.ca)