

**NEW BRUNSWICK ENERGY AND UTILITIES BOARD**

**IN THE MATTER** of New Brunswick Power Corporation and subsections 113(2) and 113(3) of the *Electricity Act*, S.N.B. 2013, c. 7.

**ORDER**

**WHEREAS** on December 9, 2021, the New Brunswick Power Corporation (NB Power) applied to the New Brunswick Energy and Utilities Board (Board), for approval of its Transmission Revenue Requirements and changes to the provisions of its Open Access Transmission Tariff;

**AND WHEREAS** the Board granted WKM Energy Consultants Inc. (WKM Energy) intervener status on January 25, 2022;

**AND WHEREAS** NB Power filed a Notice of Motion seeking certain relief with respect to the intervention of WKM Energy on July 22 (Motion);

**AND WHEREAS** the Board received written submissions on the Motion from NB Power, Utilities Municipal, WKM Energy, and the Acting Public Intervener;

**AND WHEREAS** during the hearing of the Motion on August 10, the parties agreed to participate in a dispute resolution process to attempt to settle the outstanding issues;

**AND WHEREAS** the parties reached an agreement and NB Power has agreed to withdraw the Motion, contingent on the terms of their agreement being reflected in an Order of the Board issued on the consent of all parties;

**AND WHEREAS** the Board is prepared to issue such an Order at the request of, and based on the consent of all the parties.

**IT IS HEREBY ORDERED THAT:**

1. WKM Energy inadvertently breached Rule 3.2.4(b) of the Board's Rules of Procedure by failing to disclose that it was retained by third parties which were not disclosed;
2. Such relationship caused potential or actual procedural unfairness to NB Power as the Applicant in this Matter, contrary to subsection 38(c) of the *Energy and Utilities Board Act*, S.N.B. 2006, c. E-9.18; and
3. This Order is without prejudice to the ability of any party to advance in final argument any position with respect to the weight to be attached to the evidence of WKM Energy or Mr. Marshall, or the admissibility of evidence given by Mr. Marshall in light of the withdrawal of his request to be qualified as an expert witness.

**DATED** at the City of Saint John, New Brunswick, this 12<sup>th</sup> day of August 2022.

**BY THE BOARD**



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Chief Clerk

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