



ORDER

IN THE MATTER OF a stay of the Board's Decision of July 16, 2019, in accordance with sections 32 and 41 of the *Energy and Utilities Board Act*, S.N.B. 2006, c. E-9.18.

(Matter No. 552)

September 29, 2023

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

ORDER

WHEREAS in its decision in Matter 430 dated July 16, 2019 (Decision), the New Brunswick Energy and Utilities Board directed the New Brunswick Power Corporation (NB Power) to file its annual general rate application no later than the first Wednesday of October, each and every year, to allow sufficient time for the conduct of a fulsome hearing process and for the Board to approve rates in a timely fashion;

AND WHEREAS in a letter dated September 28, 2023 (Letter), NB Power advised the Board that it had received a directive from the Executive Council on September 27, 2023, under section 69 of the *Electricity Act*, S.N.B. 2013, c. 7, directing NB Power to make plans to achieve its equity goal of 20% by March 31, 2029, and to incorporate that directive into its forecast operating budgets, capital expenditures and rate forecasts for each of the 2024/25 through 2026/27 fiscal years;

AND WHEREAS in the Letter, NB Power stated that based on this, it will not be in a position to file its annual general rate application by October 4, 2023, and that it will advise the Board as soon as it has a reasonable estimate of when it would be in a position to do so;

AND WHEREAS the Board has concluded that in light of the requirements in the new directive issued by the Executive Council on September 27, 2023, it would not be in the public interest, or in the interest of NB Power or its ratepayers, to require NB Power to file what would now be an incomplete or inaccurate general rate application as previously directed.

NOW THEREFORE IT IS ORDERED THAT:

1. Pursuant to sections 32 and 41 of the *Energy and Utilities Board Act*, the requirement that NB Power file a general rate application no later than the first Wednesday of October contained in the Board's Decision in Matter 430 is stayed on an interim basis until October 31, 2023, or further Order of the Board.
2. Should NB Power be unable to file its annual general rate application on or before October 31, 2023, it is directed to file a written application, supported by affidavit evidence, with the Board and serve a copy of same on the Public Intervener and the other parties to NB

Power's last rate proceeding (Matter 541) no later than Wednesday, October 25, 2023, seeking an extension to the within interim stay and/or a variance to the Board's Decision in Matter 430 requiring it to file its next general rate application by a new date certain.

Dated in Saint John, New Brunswick, this 29th day of September 2023.

BY THE BOARD

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

Kathleen Mitchell
Chief Clerk