



NEW BRUNSWICK
ENERGY & UTILITIES BOARD

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

DECISION

IN THE MATTER OF an application by Jay Young Chang. for approval of a licence to operate public motor buses throughout the Province of New Brunswick, as an irregular service.

(Matter No. 578)

May 23, 2024

Matter 578 – Jay Young Chang

IN THE MATTER OF an application by Jay Young Chang for approval of a licence to operate public motor buses throughout the Province of New Brunswick, as an irregular service.

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NEW BRUNSWICK ENERGY AND UTILITIES BOARD:

Member:	Heather Black
Board Counsel:	Maggie Coffin Prowse
Clerk:	Melissa Curran

APPLICANT:

Jay Young Chang

OPPOSITION:

No notice of objection was received in connection with this application.

A. Introduction

[1] In accordance with a direction from the Acting Chairperson, Board Member Heather Black has determined this Matter pursuant to paragraph 27.1(1)(a) of the *Energy and Utilities Board Act*, S.N.B. 2006, c. E-9.18.

[2] On March 24, 2024, Jay Young Chang (“**Applicant**”) filed an application for a public motor bus licence with supporting evidence (the “**Application**”) with the Board. The Application is filed pursuant to subsection 4(1) of the *Motor Carrier Act*, R.S.N.B. 1973, c. M-16 (“**Act**”) and the *General Regulation – Motor Carrier Act*, N.B. Reg. 84-301 (“**Regulation**”).

[3] The Applicant has applied for the following licence:

For the carriage of passengers and their baggage as a charter operation only, to, from and between all points in the Province of New Brunswick.

[4] Pursuant to subsection 4(2) of the Act, the Board determined that the Application would be reviewed on May 10, 2024 (the “**Review Date**”). The Applicant was advised of the Review Date by regular mail. A notice of application for a motor carrier licence was published in *The Royal Gazette* on April 10, 2024.

[5] Any person wishing to object to the granting of the Application was required to file with the Board a notice of objection at least seven (7) days prior to the Review Date. The Board did not receive any notice of objection.

B. Granting of the Application

[6] The Board is required to grant an application in the circumstances described in subsection 4(5) of the Act, which provides:

4(5) The Board shall grant an application at the meeting referred to in paragraph (2)(a), if

(a) no objection has been filed with the Board and served on the applicant in accordance with subsection (3),

(b) all objections under subsection (3) have been dismissed pursuant to subsection (4), or

(c) all objections under subsection (3) have been withdrawn

and, in the opinion of the Board, there are no sufficient and probable grounds to believe that the granting of the application would likely be detrimental to the interests of the users of public transportation services, to provincial economic or social development, or to intraprovincial, interprovincial or international commerce.

[7] The Board is satisfied that the circumstances set out in subsection 4(5) of the Act exist, and that the granting of the Application is warranted.

C. Insurance Requirements

[8] A motor carrier licence cannot be issued unless the circumstances described in subsection 6(1) of the Act and section 52 of the Regulation are satisfied.

[9] A certificate of insurance from an insurer was filed with the Board, which certifies that the insurance requirements prescribed by the Regulation have been satisfied. The Board finds that the certificate filed is satisfactory and that the prescribed insurance requirements have been met.

D. Conclusion

[10] The Board has carefully considered the Application and is satisfied that the requirements of the Act and the Regulation have been met.

[11] The Board approves the Application as requested. The Applicant is therefore licensed to operate a public motor bus as a charter operation only, to, from and between all points in the Province of New Brunswick.

[12] Prior to the issuance of the licence and plates, the following conditions need to be satisfied:

1. The prescribed fees as required by the Regulation have been paid; and,
2. Such additional documentation as required by Board staff.

Dated in Fredericton, New Brunswick this 23rd day of May 2024.



Heather Black
Member