



NEW BRUNSWICK
ENERGY & UTILITIES BOARD

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

ORDER

MATTER: PT-005-2025

IN THE MATTER OF a Review as a
Consequence of the Pending Repeal of
the Cost of Carbon Adjustor from the
Petroleum Products Pricing Act.

November 7, 2025

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

IN THE MATTER OF a Review as a
Consequence of the Pending Repeal of the
Cost of Carbon Adjustor from the
Petroleum Products Pricing Act.

O R D E R

WHEREAS:

1. Certain amendments to the *Petroleum Products Pricing Act* repealing provisions relating to the cost of carbon adjustor will come into effect on December 1, 2025;
2. as a result, the Board must determine the scope of its jurisdiction when setting maximum retail prices for petroleum after that time and whether any changes are warranted;
3. the Board has received an application by Power Plus Technology Inc. on Tuesday, November 4th;
4. the Board wishes to give an opportunity for other interested industry participants to seek whatever Order from the Board they believe is appropriate, supported by evidence and within the Board's jurisdiction to be considered along with Power Plus Technology Inc.'s application; **and**
5. the Board wishes to hear submissions from interested parties on the nature and scope of the Board's jurisdiction under the *Petroleum Products Pricing Act* after December 1, 2025.

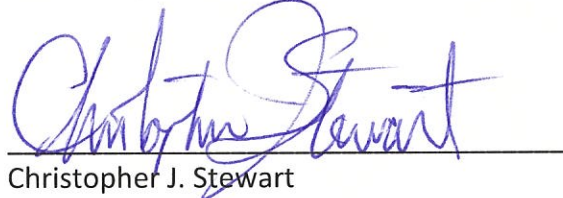
IT IS ORDERED THAT:

1. The Board will conduct a review and, in addition to Power Plus Technology Inc.'s application, will consider the questions outlined in Appendix "A" attached hereto.
2. The Board will hold a Pre-Hearing Conference in this matter via the Zoom videoconference platform on **Friday, November 14, 2025, beginning at 9:30 a.m.** Interested parties may attend and make representations about the procedure to be followed.
3. Parties who are granted intervener status at the Pre-Hearing Conference will have leave to ask that relevant questions in addition to those contained in Appendix "A" be addressed by the Board in this proceeding.

4. Parties who wish to intervene in this matter should file a completed Intervener Request form with the Board by email to general@nbeub.ca no later than **4:00 p.m. on Wednesday, November 12, 2025**. Parties are to indicate the official language in which they wish to be heard.
5. A copy of Power Plus Technology Inc.'s application is available on the Board's website at www.nbeub.ca, and a copy of the Notice attached hereto and marked as "Appendix B" shall be posted on the Board's social media accounts by no later than **Friday, November 7, 2025**.

Dated at the City of Saint John, New Brunswick, this 7th day of November 2025.

New Brunswick Energy and Utilities Board



Christopher J. Stewart
Chairperson

Appendix “A”

1. Particularly in light of the legislative history of the *Petroleum Products Pricing Act* (the “*Act*”) and the *General Regulation – Petroleum Products Pricing Act* (“the *Regulation*”), the fact that the only legislative change pending is the repeal of the provisions relating to the cost of carbon adjustor and the legal rules of statutory interpretation, what, if any, jurisdiction or statutory authority will the Board have to consider the cost to comply with the *Clean Fuel Regulations* (Canada) under the *Canadian Environmental Protection Act, 1999* (the “*Clean Fuel Regulations*”) when setting maximum retail prices in accordance with section 4 of the *Act* after December 1, 2025?
2. What will be the nature and scope of the Board’s authority to consider *Clean Fuel Regulations* compliance costs when reviewing whether maximum margins currently in place remain justified pursuant to subsection 14(1) of the *Act* (and related provisions in the *Regulation*) after December 1, 2025?
3. What will be the nature and scope of the Board’s authority to consider *Clean Fuel Regulations* compliance costs when reviewing the suitability of the pricing mechanism for benchmark prices, and does the Board have statutory authority to order adjustments to the mechanism under subsection 14(2) of the *Act* (and related provisions in the *Regulation*) after December 1, 2025?
4. What will be the nature and scope of the Board’s authority to consider *Clean Fuel Regulations* compliance costs when reviewing the suitability of the market adjustor to ensure that it is justified, having regard to market conditions pursuant to subsection 14(2.2) of the *Act* (and related provisions in the *Regulation*) after December 1, 2025?
5. What, if any, jurisdiction does the Board have to make an interim order in this context and what test should be applied if the Board considers doing so, and what is the nature and extent of evidence which must be led to support such a request?
6. If the Board concludes that it possesses any jurisdiction to consider *Clean Fuel Regulations* compliance costs when setting maximum retail prices under any or all of the above-noted provisions after December 1, 2025: i) does the evidentiary record before the Board warrant an adjustment to components of the maximum retail price and which, if any, components should be adjusted and to what extent; ii) does the evidentiary record before the Board result in a new conclusion on the suitability of the pricing mechanism for benchmark prices; and iii) how does the Board’s obligation under section 1.1 of the *Act* to consider that consumers should benefit from the lowest possible price without jeopardizing the continuity of supply be balanced in these circumstances?

Appendix “B”



NEW BRUNSWICK
ENERGY & UTILITIES BOARD

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

A Review as a Consequence of the Pending Repeal of the Cost of Carbon Adjustor from the *Petroleum Products Pricing Act*

NOTICE

The New Brunswick Energy and Utilities Board will conduct a public hearing with respect to this matter. The Board received an application from Power Plus Technology Inc. and has retained Signal Energy Consulting to conduct a review and provide a report on its findings by January 9, 2026. After that time, a copy of the report may be viewed on the Board's website at www.nbeub.ca under Matter PT-005-2025.

The Board also wishes to receive submissions from interested parties and consider the scope of its jurisdiction and statutory authority when setting maximum retail petroleum prices after amendments repealing the provisions relating to the cost of carbon adjustor come into effect on December 1, 2025.

Parties who wish to intervene in this matter should visit the Board's website at www.nbeub.ca, click on the "Rules of Procedure" tab, and then select "Procedural Forms-Utility Matters." There, parties will find an "Intervener Request" form. This form, specifying Matter PT-005-2025, should be completed and filed with the Board by email to general@nbeub.ca no later than **4:00 p.m. Wednesday, November 12, 2025**. Parties are to indicate the official language in which they wish to be heard.

The Board will hold a Pre-Hearing Conference via Zoom videoconference on **Friday, November 14, 2025, beginning at 9:30 a.m.** to consider requests for intervener status and determine the filing and hearing schedule to be followed. Interested parties wishing to intervene may attend at that time to make representations about the procedure and schedule to be followed. A link to attend the Pre-Hearing Conference will be provided to each party who has filed an Intervener Request form with the Board. The Pre-Hearing Conference will also be broadcast live to the general public on the Board's YouTube channel at <http://www.youtube.com/@nbeubcespn337>.

It is also the Board's intention to hold a hearing, tentatively scheduled for **Thursday, November 27, 2025**, to hear submissions on the questions relating to the Board's jurisdiction. The scheduling of this hearing will be confirmed at the Pre-Hearing Conference.

New Brunswick Energy and Utilities Board

P.O. Box 5001
Brunswick House
44 Chipman Hill, Suite 800
Saint John, NB E2L 4Y9
Telephone: (506) 658-2504
Toll Free: 1-866-766-2782
Fax: (506) 643-7300
E-Mail: general@nbeub.ca
Website: www.nbeub.ca