



NEW BRUNSWICK
ENERGY & UTILITIES BOARD

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

July 25, 2022

Via Email

All parties in Matter 491 and Matter 530

**Subject: Matter 491 – Liberty Utilities – Cost of Capital
Matter 530 – Liberty Utilities – Application for a variance of an order**

On June 23, 2022, the New Brunswick Energy and Utilities Board (Board) received a decision from the New Brunswick Court of Appeal (Decision) in relation to Liberty Utilities' application for judicial review of the Board's decision in Matter 491. The Court of Appeal allowed the application and ordered that the matter be remitted to the Board for rehearing.

The Board will not be seeking leave to appeal of the Decision.

Considering the above, the fact that a rehearing has been ordered with respect to Matter 491, and the upcoming hearing in Matter 530 on August 23, 2022, the Board is seeking comment from parties in Matters 491 and 530 on whether the Board should rehear Matter 491 in advance of a hearing on Matter 530.

In light of the Decision, the Board is also seeking comment from parties in Matter 491 if a rehearing constitutes a rehearing on the evidence submitted in Matter 491 or a reconsideration of the evidence without a hearing, then issuing a decision.

The Board invites parties to submit comments on the above by no later than **Friday, July 29, 2022 at noon**. Failure to provide a submission will not be considered as an objection to rehearing Matter 491 in advance of a hearing on Matter 530.

The Board will issue further correspondence following the comment period.

Regards,

Katherine McBrearty
General Counsel