

DECISION

Motions were brought by Disco and Irving Oil Limited with respect to access by competitors or customers to the information contained in responses to the following IRs:

PI – IR-4

PI – IR-5

PI – IR-13 (2), (3), (4) and (5)

PI – IR-39 (1) (iv)

PI – IR-41 (6) and (7)

PI – IR-48

(the “Restricted Interrogatories”)

The following is a list of all persons who have signed the confidentiality undertaking and filed a copy with the Board as of November 5, 2007:

Dave Plante

Gary Lawson

Mark Drazen

Gordon Nettleton

Jeff Matthews

Steven McLaughlin

Wayne Wolfe

Kurt Strunk

Jacqueline Oakley

Jayne O’Donnell

R. Knecht

R. O’Rourke

Daniel Theriault

Dana Young

Paula Zarnett

Peter Zed

The parties present here today agree and the Board orders that all of these persons, except for three, are entitled to receive all of the confidential information. The three persons are Wayne Wolfe, Jeff Matthews and Steven McLaughlin and they are entitled to receive all of the confidential information except responses to the six items identified above.

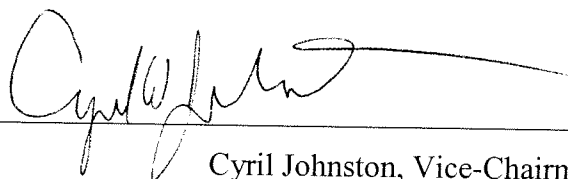
Any person who wishes to sign a confidentiality undertaking but has not done so, must sign the undertaking and file it with the Board and all parties by noon, Tuesday, November 13, 2007. Any party who objects to such persons receiving confidential information, must inform the Board and all parties of such objection by noon, Friday, November 16, 2007.

Persons who do not sign a confidentiality agreement will not be entitled to attend or participate in any in-camera hearing.

DATED AT THE CITY OF SAINT JOHN, NB this 5TH day of November, 2007



Raymond Gorman, Q.C., Chairman



Cyril Johnston, Vice-Chairman



Roger McKenzie, Member