



**RULING**

**IN THE MATTER OF an application dated  
May 1, 2008 by the New Brunswick System  
Operator ("NBSO") for approval of changes  
to the Open Access Transmission Tariff.**

**Motions Day**

**August 18, 2008**

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**NEW BRUNSWICK ENERGY AND UTILITIES BOARD**

New Brunswick Energy and Utilities Board

IN THE MATTER OF an application dated May 1, 2008 By New Brunswick System Operator (NBSO) for approval of changes to the Open Access Transmission Tariff.

Motion's Day

**PANEL:**

**CHAIRMAN**  
**VICE-CHAIRMAN**

Raymond Gorman, Q.C.  
Cyril Johnston

**MEMBERS**

Donald Barnett  
Yvon Normandeau

The Board has had an opportunity to consider the Motion filed by the Public Intervenor. With respect to that Motion, the Board rules as follows:

1. All parties to the application will have an opportunity to submit a set of interrogatories on the clarification of tariff changes filed by the NBSO on July 29<sup>th</sup>, 2008 in accordance with the following filing schedule changes.

The revised filing schedule will include a set of IR's to the NBSO on clarification of tariff changes due August the 26<sup>th</sup>, 2008. That is a Tuesday at noon. The responses of the NBSO to the IR's on clarification of tariff changes must be filed by Wednesday, September the 3<sup>rd</sup>, 2008 at noon.

If a Motions Day is required, notice must be provided to the Board no later than Thursday, September 4<sup>th</sup>, 2008 at noon. A Motions Day, if necessary, will occur on Friday, September 5<sup>th</sup>, 2008 at 9:30 a.m.

There are no other changes to the filing schedule.

2. The second part of our ruling is with respect to PI Supplemental IR-4, Question 1(a). The applicant has filed some of the requested documents and has agreed to and is ordered to file the contracts with DBR Enterprises Inc., Business Bridge Inc. and EA, Energy Analysis.
3. With respect to PI IR-2 and PI Supplemental IR-2, the Board finds that the answers were responsive and will not order any further answers to those questions.

The Board believes that there is sufficient data on the record to allow the parties to further pursue this matter in cross examination and argument, and anticipates that the parties may do so.

An issue that was not raised by way of Motion was brought forward by Mr. MacDougall on behalf of Integrys Energy Services. He requested the Board to approve the settlement agreement with respect to the surplus.

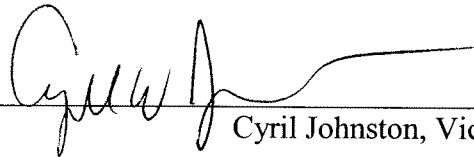
This settlement is tied to changes to the OATT and the Board will not prejudge any elements of the application. Accordingly, the settlement agreement will be considered by the Board at the full hearing of the application for changes to the Open Access Transmission Tariff.

Dated at the City of Saint John, New Brunswick this 18<sup>th</sup> day of August, 2008.



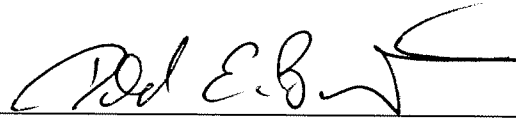
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Raymond Gorman, Q.C., Chairman



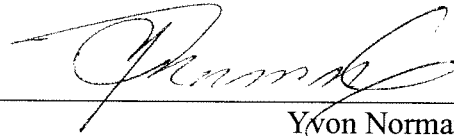
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Cyril Johnston, Vice- Chairman



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Donald Barnett, Member



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Yvon Normandeau, Member