



ORAL DECISION

**IN THE MATTER OF a hearing concerning
the requirement for a License pursuant to
Section 86 of the Electricity Act
Re: Perth-Andover Electric Light Commission**

July 19, 2005

New Brunswick

Board of Commissioners of Public Utilities

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IN THE MATTER OF a hearing concerning the requirement for a License
pursuant to Section 86 of the Electricity Act Re: Perth-Andover
Electric Light Commission

July 19th 2005

BOARD: David C. Nicholson, Esq., Q.C. - Chairman

Randy Bell - Commissioner

Ken F. Sollows - Commissioner

David S. Nelson - Commissioner

Patricia LeBlanc-Bird - Commissioner

BOARD COUNSEL - Peter MacNutt, Esq., Q.C.

BOARD STAFF - M. Douglas Goss - Senior Advisor

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HENNEBERRY REPORTING SERVICE

CHAIRMAN: Thank you for waiting. With great frankness the Panel found this to be a difficult decision to in fact make. And, Mr. Dionne, we really can't argue with any of the arguments that you so ably put forward. Seriously, we can't.

And we do agree with you that the Regulation (2004-2) is at the basis of what both you and we consider to be an inequitable situation. That is, the Commissioners of Perth-Andover receive -- and the Village of Perth-Andover receive basically the same service off the SO Grid as both the municipal utility here in the City of Saint John and in Fredericton. But because of the drafting of that section, you are caught and they are not. And that is inequitable.

But fortunately it is in our opinion -- as Mr. MacNutt presented to us, our job is to interpret the legislation as it is presently drafted. It fits the situation.

So our initial interpretation has not changed as a result of today. But the -- we feel that we have to require that the Commissioners of the Village of Perth-Andover must get a license. However, as Mr. MacNutt pointed out, we do have some discretion under Section 124 of the Electricity Act. And therefore, we will extend the time for the Village to get that until the 15th of November of 2005.

And, Mr. MacNutt, we will ask you to assist the Board in drafting the Order which will allow that. And we certainly feel that we will provide you, sir, with a copy of our decision. And that a simple amendment to 2004-2 will relieve this inequity and that certainly is something that you can take to government who handle the legislation and the regulations.

And in closing, again thank you for your participation. So hopefully, Mr. Dionne, armed with the Board's decision, you will be able to persuade those people in Fredericton that you do have a good equitable case, which the Board really does support, and you will have success in removing the inequity. Thank you.

(Adjourned)

The above-noted decision was extracted from the transcript of the hearing recorded by Henneberry Reporting Services.

Dated in the city of Saint John this 19th day of July, 2005.

Lorraine R. Légère
Board Secretary