



**ORAL DECISION**

**IN THE MATTER OF an Application by WPS Canada  
Generation Inc. dated January 10, 2003 for approval of  
Rates**

**March 26, 2003**

**NEW BRUNSWICK**

**BOARD OF COMMISSIONERS OF PUBLIC UTILITIES**

CHAIRMAN: It started in 1989. That's basically all you can tell from the court's files. Well, that's okay. It was just simply a matter of curiosity, that's all. The Board and its staff has had the opportunity to review the contracts and notices have been published and we read your pre-filed testimony, Mr. Howard. We're going to take a brief recess now just so that now we can check on the Board's decision on the open access tariff and we'll go back whenever you've had the opportunity to do that and we'll remove this passage.

CHAIRMAN: All right, Mr. MacDougall the Board has heard what you and Board staff have chatted about concerning this clause ten dealing with the arbitration provisions, etc. We've had a discussion among the panel members. First of all, we'll approve the application as filed.

MR. MACDOUGALL: Thank you, Mr. Chair.

CHAIRMAN: And it will be, the Board's Order will be effective as of, how do say that? As of April 1, 2003 or is it midnight of March the whatever, 2003?

MR. DIONNE: In the electric business, we 0001 April one.

CHAIRMAN: I see.

MR. MACDOUGALL: Commencing the first of April I think will do.

CHAIRMAN: Commencing the first of April will be fine. It will be that. The difficulty that the Board had with section 10 of the arbitration process is you have had discussions and there are only two parties involved in this and you have mutually agreed the way you want to proceed and you have

acknowledged on the record what your concerns are. And secondly, the fact that if the customer were to choose the route of complaining directly to this Board then that would be open to them. So our suggestion is quite simply take what we have put in our decision in reference to the NB Power open access tariff and adapt it to reflect what it is that the two parties here agree to and file that with the Board and we will accept that as the way in which section 10 of your agreement will be interpreted in the future until such time that you're gotten your new transmission tariff. Any comments on that approach, Mr. MacDougall?

MR. MACDOUGALL: That's perfectly acceptable, Mr. Chair, and we'll have that to you if not tomorrow then certainly on Friday so that you'll have it by the end of this week in advance of April 1.

CHAIRMAN: Do you want to do a draft Order?

MR. MACDOUGALL: Yes, Mr. Chair, I'll do that.

CHAIRMAN: If you could, we'd appreciate it you getting it in either tomorrow or on Friday. Some people are leaving the province around the first of April.

MR. MACDOUGALL: We will certainly have it to you by Friday at the latest.

CHAIRMAN: They're dodging the difficulty that the first of April brings. In closing the Board wants to thank the Village of Perth-Andover for their normal hospitality and also allowing us to use their very adequate premises.

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Lorraine Légère  
Board Secretary