



DECISION

IN THE MATTER OF an application dated March 13, 2007 by Acadian Coach Lines LP for Changes to its Rates, Tolls and Charges.

May 28, 2007

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

IN THE MATTER of an application dated March 13, 2007 by Acadian Coach Lines LP for Changes to its Rates, Tolls and Charges.

New Brunswick Energy and Utilities Board:

Mr. Raymond Gorman, Chairman
Mr. Cyril Johnston, Vice-Chairman
Ms. Wanita McGraw, Member
Mr. Roger McKenzie, Member

Ms. Lorraine R. Légère, Secretary to the Board
Mr. D. Goss, Senior Advisor
Ms. Ellen Desmond, Board Counsel

Nova Scotia Utility and Review Board:

Mr. Roland Deveau, Member

Also present from Nova Scotia:

Ms. Anne Bonang/Court Reporter

Applicant:

Acadian Coach Lines LP

Solicitor:

Mr. John Stringer Q.C.
McInnes Cooper

Witnesses:

Manon Piché, Vice-President Marketing, Sales & Communications
for Group Orleans Express

Linda Deloughery, Accounting Manager for the Acadian
Group of Companies

DECISION

This matter arises out of an application filed by Acadian Coach Lines LP (the “Applicant” or “Acadian”) on March 13, 2007 for changes to its rates, tolls and charges. The matter was heard in Sackville, New Brunswick on May 9, 2007. The New Brunswick Energy and Utilities Board (the “Board”) held a concurrent hearing with the Nova Scotia Utility and Review Board (“NSURB”) which was represented by Commissioner Roland A. Deveau.

The Board granted the order requested at the hearing and an oral decision was given. The Applicant was advised that a written decision would follow.

The concurrent hearing was approved by the Honourable Denis Landry, New Brunswick Minister of Transportation, pursuant to Section 2 (4.1) of the *Motor Carrier Act, R.S.N.B. c. M-16* and amendments thereto. By letter dated March 20, 2007, Minister Landry stated that he was satisfied that the Board had made adequate provisions for any interested party to be heard in person, at the Applicant’s expense, at the hearing or to provide comments via toll-free telephone arrangements, all of which were advertised in advance.

The Applicant provided an Affidavit of Publication verifying that it had complied with the Board Order regarding notice of the hearing to the public.

Prior to the hearing, the Applicant filed financial documents including Income Statements, Balance Sheets and other financial information, its Business Plan for 2007 to 2009 and a PowerPoint presentation. At the request of the Applicant, the financial information was determined to be confidential and the portion of the hearing dealing with the financial information was heard *in-camera*.

There were no intervenors present at the hearing, nor did the Board hear from any persons indicating that they were in opposition to the requested increase in rates, tolls and charges.

The Board has considered the pre-filed evidence as well as the oral evidence of Manon Piché, the Vice-President of Marketing, Sales and Communications for Group Orleans Express and Linda Deloughery, the Accounting Manager for the Acadian group of companies.

The Applicant requested an average 2.9% increase. The proposed increase results in price increases of \$1 to \$2 per zone of distance for zones 4 to 52 with all prices rounded to the closest dollar amount.

No increases were proposed for Zones 1-3. It is noted that prices do not include applicable taxes. It was also noted that pricing zones are related to distance travelled (each zone representing 25 km) and are not related to any specific routes. The Applicant also indicated that all discount categories were to remain as presently in place.

The Board is satisfied that the tariff applied for is just and reasonable and approves the tariff effective the first day of June 2007. In approving the increase in tariff the Board noted that Acadian will not be profitable in its New Brunswick operation over the coming year even when the tariff increase is factored in. The Board took note of the increasing expenses of the Applicant, including increases in fuel and employee expenses. Despite these increased costs, Acadian continues to update its fleet of motor coaches.

The Board advised the Applicant at the commencement of the hearing that it had concerns with respect to the filing of all of its financial documents as “confidential”. In the opinion of the Board, financial information relating specifically to the line run operation of Acadian Coach Lines LP should not be considered to be “confidential”. The Board is cognizant of the fact that the Acadian group of companies file consolidated financial information and it may be appropriate to consider the consolidated information as confidential. Acadian, through its counsel, agreed to meet with the Board and NSURB staff to determine, for the purpose of future hearings, an appropriate financial filing. In particular, the Applicant is to work with the two Boards to establish a manner in which financial information with respect to the individual Applicants can be separated from the consolidated financial reports to facilitate the filing of the relevant financial documentation in a non-confidential format. As a result, the Applicant is directed to meet with Board staff to establish appropriate financial filing guidelines prior to its next application and to follow these guidelines at the time of its next application.

Dated in Saint John, New Brunswick this 28th day of May 2007.

Original Signed By

Raymond Gorman, Q.C., Chairman

Original Signed By

Cyril W. Johnston, Vice-Chairman

Original Signed By

Wanita McGraw, Member

Original Signed By

Roger McKenzie, Member