



DECISION

IN THE MATTER OF an application by SAINT JOHN TRANSIT COMMISSION for an Order approving an amendment to its existing Motor Carrier license for scheduled (regular) service between the City of Saint John and the Towns of Quispamsis and Rothesay; and the City of Saint John and the Town of Grand Bay-Westfield; as well as, approval of the proposed service and tariffs.

August 24, 2007

New Brunswick Energy and Utilities Board

IN THE MATTER OF an application dated June 14, 2007 by Saint John Transit Commission for an Order approving an amendment to its existing Motor Carrier license for scheduled (regular) service between the City of Saint John and Town of Hampton; the City of Saint John and the Towns of Quispamsis and Rothesay; and the City of Saint John and the Town of Grand Bay-Westfield; as well as, approval of the proposed service and tariffs.

PARTICIPANTS

VICE-CHAIRMAN

Mr. Cyril Johnston

MEMBERS:

Mr. D. Barnett
Mr. E. McLean
Mr. S. Toner

BOARD STAFF

Ms. Ellen Desmond, Board Counsel
Mr. Doug Goss
Ms. Lorraine Légère
Ms. Juliette Savoie

APPLICANT:

Saint John Transit Commission

Mr. John McNair, Solicitor Gorman Nason
Mr. Frank McCarey, Saint John Transit Commission

This matter arises out of an application by Saint John Transit Commission to the New Brunswick Energy and Utilities Board (“the Board”) seeking an amendment to its existing Motor Carrier license to permit it to provide scheduled service between the City of Saint John and the towns of Quispamsis, Rothesay, Hampton and Grand Bay-Westfield. The application further requests that the Board approve the proposed service and tariffs.

The Board dealt with the request for an amendment of the Applicant’s license according to the process set out in Section 4 of the Motor Carrier Act, R.S.N.B. c.M-16. A meeting of the Board was held on August 7, 2007 and the amendment was granted as requested. The Board noted that no Notices of Objection to the amendment were received.

The Board held a public hearing on August 21, 2007 to consider the Applicant’s request that the proposed service and tariffs be approved.

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

There were no intervenors present at the hearing, nor did the Board hear from any persons indicating that they were in opposition to the proposed service and tariffs. Acadian Lines is a competing common carrier on the proposed Saint John to Hampton route. Correspondence to the Applicant from a representative of Acadian Lines indicating Acadian does not oppose the application was filed as an exhibit. Representatives of several of the towns to which the proposed service will operate were in attendance at the hearing.

The Board has considered the pre-filed evidence as well as the oral evidence of Frank McCarey, General Manager of the Applicant.

The proposed schedule and tariff are as follows:

1. Three (3) morning and three (3) afternoon/evening scheduled runs between the City of Saint John and the Town of Hampton;

2. Six (6) morning and six (6) afternoon/evening scheduled runs between the City of Saint John and the Towns of Quispamsis and Rothesay; and
3. Three (3) morning and three (3) afternoon/evening scheduled runs between the City of Saint John and the Town of Grand Bay-Westfield;

At the following fares:

1. Cash fares of \$3.00 per trip;
2. Transcard for 10 rides at \$27.00
3. Transcard for 20 rides at \$49.00
4. Monthly pass at \$89.00

Greater detail regarding the schedules was provided to the Board and entered into the evidence as Exhibits 8, 9 and 10. Copies of these Exhibits are annexed to this decision as Attachment "A"

The Board is satisfied that the proposed service is appropriate and that the proposed tariffs are just and reasonable, and approves the proposed service and tariffs as requested.

During the hearing, the Board reminded the Applicant that neither changes to its tariffs nor the abandonment or discontinuance of any of the approved services are permitted without an Order of the Board. Should the Applicant modify its schedules from those filed at the hearing, the Board directs that the modified schedule be filed with the Board as soon as practicable and, whenever possible, prior to the changes taking effect.

Dated at the City of Saint John, New Brunswick this 24th Day of August, 2007

Original Signed By

Cyril W. Johnston, Vice-Chairman

Original Signed By

Ed McLean, Member

Original Signed By

Steve Toner, Member

Original Signed By

Don Barnett, Member