



DECISION

IN THE MATTER OF an application by Holmes Multiservice Ltd. d/b/a HMS Transportation Service, for an Order approving an amendment to its existing Motor Carrier license for scheduled (regular) service between St. Andrews and Saint John with stops in St. Stephen, St. George and Pennfield; as well as approval of the proposed service and tariffs.

September 18, 2007

APPLICANT:

Holmes Multiservice Ltd d/b/a HMS Transportation Service

REPRESENTED BY:

Solicitor:
Mr. John McNair
Gorman Nason

Mr. Jeffrey Holmes
President / HMS

INTERVENORS:

No Interventions received

NB ENERGY AND UTILITIES BOARD

Board Counsel:
Ms. Ellen Desmond

Panel:

Chairman: Mr. Raymond Gorman Q.C.

Vice-Chairman: Mr. Cyril Johnston

Members: Mr. D. Barnett

Mr. S. Toner

Board Secretary: Ms. Lorraine Légère

Assistant Secretary: Ms. Juliette Savoie

Board Staff: Mr. Doug Goss

DECISION

An Application was filed with the New Brunswick Energy and Utilities Board (“the Board”) by Holmes Multiservice Ltd. doing business as HMS Transportation Service (“the Applicant ”or “HMS”) on July 17, 2007. The Applicant applied to the Board for an Order approving an amendment to its existing Motor Carrier License to provide the additional authority to operate a scheduled (regular) service over specific routes within the Province of New Brunswick. HMS also applied to the Board for interim Orders authorizing HMS to operate the proposed scheduled bus service from July 2, 2007 until further Order of the Board and these Orders were granted pursuant to section 4.1 of the Motor Carrier Act.

The proposed service is a scheduled bus service originating in St. Andrews and terminating in Saint John with stops in St. Stephen, St. George and Pennfield New Brunswick. The service operates five days a week (Monday to Friday). The proposed fares are identical to the fares currently being charged by Acadian Coach Lines LP (Acadian) for service on the same route. HMS intends to honor tickets purchased from Acadian .

The Board met on September 4, 2007 to review Phase 1 of the application to amend the existing license. There were no objections to Phase 1 of the application and the Board granted the amendment to the existing license as applied for.

At the Hearing on September 18, 2007 the Applicant provided an Affidavit of Publication verifying that it had complied with the Board Order regarding notice of the hearing to the public. In addition an affidavit was provided verifying that the Mayors of the affected communities had been served with notice. Prior to the hearing, the Applicant filed a number of documents in support of its application, all of which were reviewed by the Board.

There were no intervenors present at the hearing, nor did the Board hear from any persons indicating that they were in opposition to the application. The Board has considered all of the documentary evidence , the oral evidence of Jeffrey Holmes and the submissions of Counsel.

The Board is satisfied that the tariff applied for is just and reasonable and that the specific public motor service is appropriate. The application of HMS is therefore granted on the terms and conditions as proposed by the Applicant.

Dated at the City of Saint John, New Brunswick this 18th Day of September, 2007.

Original Signed By

Raymond Gorman, Q.C. Chairman

Original Signed By

Cyril W. Johnston, Vice-Chairman

Original Signed By

Don Barnett, Member

Original Signed By

Steve Toner, Member