



DECISION

IN THE MATTER OF an application by Holmes Multiservice Ltd. d/b/a HMS Transportation Service, for approval of the Discontinuance of the line run service between St. Andrews and Saint John with stops in St. Stephen, St. George and Pennfield.

October 20, 2008

APPLICANT:

Holmes Multiservice Ltd d/b/a HMS Transportation Service

REPRESENTED BY:

Mr. Jeffrey Holmes
President / HMS

INTERVENORS:

No Interventions received

NB ENERGY AND UTILITIES BOARD

Board Counsel:
Ms. Ellen Desmond

Panel:

Vice-Chairman: Mr. Cyril Johnston

Members: Ms. W. McGraw

Ms. C. Morrison

Board Secretary: Ms. Lorraine Légère

Board Staff: Mr. David Keenan

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 September 16, 2008. The Applicant applied to the Board for an Order approving an amendment to its existing Motor Carrier License to discontinue its scheduled (regular) service over specific routes within the Province of New Brunswick.

Under the terms of its current operating license, HMS Transportation Services provides 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). In its Application letter, HMS stated that, since it began scheduled service in September 2007, passenger volumes had been lower than anticipated and the run has not been profitable. Further, the applicant stated that there were no business commuters or students using the service on a daily basis, the service was rarely used by passengers returning the same day, and the applicant was not aware of passengers using the service for medical treatment on a regular basis.

Section 8 of the Motor Carrier Act states:

Except as provided in section 9 no licensed motor carrier shall abandon or discontinue any public motor bus service comprised within its licence without an order of the Board which shall be granted only after a hearing upon such notice as the Board may direct.

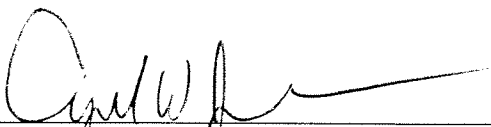
On September 22, 2008 the Board issued an Order which set a hearing for the Application for October 20, 2008 and further ordered the Applicant to publish notice of the hearing through letters to the mayors of the affected communities, posting notice on the applicant’s buses, and through newspaper advertisements.

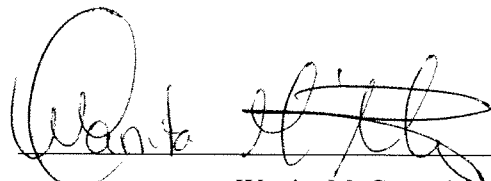
At the Hearing on October 20, 2008 the Applicant attested to the issue of notice and submitted three exhibits certifying the HMS Transportation had complied with the Board Order of September 22, 2008.

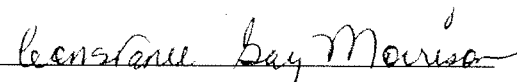
There were no intervenors present at the hearing, nor did the Board hear from any persons indicating that they were in opposition to the application. The Board has considered all of the documentary evidence and the submissions of Mr. Jeffrey Holmes.

The Board orders, based on the information before it and the lack of interventions from the public, that the Applicant may discontinue its scheduled service between St. Andrew's and Saint John, effective October 31, 2008. The Applicant is further ordered to place notices regarding the cessation of service on all its buses for the next run and for all runs up to and including October 31st, 2008.

Dated at the City of Saint John, New Brunswick this 20th Day of October, 2008.


Cyril W. Johnston, Vice-Chairman


Wanita McGraw, Member


Connie Morrison, Member