

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

FILE SYSTEM  
# 2007-016-06-02  
COPY TO: *Muster, Goss*

IN THE MATTER OF an application by Enbridge Gas New Brunswick Inc. to change its Contract Large General Service LFO distribution rate

Held at the New Brunswick Energy and Utilities Board premises, Saint John, N.B., on January 17th 2008.

RECEIVED  
JAN 18 2008  
RECEIVED

INDEX

A-3 - Application and supporting evidence - page 35

A-4 - Responses of EGNB to IR's of all parties - page 35

A-5(C) - Confidential response from EGNB, Flakeboard IR-12 -  
page 35

1 (identification) - Project Return and Capital Request  
- page 72

1 NEW BRUNSWICK ENERGY AND UTILITIES BOARD  
2 IN THE MATTER OF an application by Enbridge Gas New Brunswick  
3 Inc. to change its Contract Large General Service LFO  
4 distribution rate  
5 Held at the New Brunswick Energy and Utilities Board premises,  
6 Saint John, N.B., on January 17th 2008.

7 BEFORE: Raymond Gorman, Q.C. - Chairman  
8 Cyril Johnston, Esq. - Vice-Chairman  
9 Edward McLean - Member  
10 Steve Toner - Member  
11 NB Energy and Utilities Board - Counsel - Ms. Ellen Desmond  
12 Staff - Doug Goss  
13 - John Lawton  
14 - Dave Young

15 Secretary Ms. Lorraine Légère  
16 Assistant Secretary - Ms. Juliette Savoie

17 .....

18 CHAIRMAN: Good morning, everyone. Welcome to the Motions  
19 Day in regard to an application by Enbridge Gas New  
20 Brunswick Inc. for a change to its Contract Large General  
21 Service - LFO distribution rate.

22 At this time I will take the appearances?

23 MR. HOYT: Len Hoyt for Enbridge Gas New Brunswick joined by  
24 Dave Charleson, the General Manager of EGNB.

25 CHAIRMAN: Thank you, Mr. Hoyt. Formal intervenors.  
Atlantic Wallboard, J.D. Irving, Limited?

MR. STEWART: Christopher Stewart, Mr. Chairman.

CHAIRMAN: Hopefully we will be able to remedy this  
microphone situation before the hearing. I know that it s

1  
2 awkward. Thank you, Mr. Stewart. Canadian Manufacturers  
3 & Exporters NB Division?

4 MR. PLANTE: David Plante on behalf of CME.

5 CHAIRMAN: Thank you, Mr. Plante. Flakeboard Company  
6 Limited?

7 MR. LAWSON: Good morning, Mr. Chairman, Members of the  
8 Board. Gary Lawson appearing with Barry Gallant of  
9 Flakeboard.

10 CHAIRMAN: Thank you, Mr. Lawson. NB Energy and Utilities  
11 Board?

12 MS. DESMOND: Ellen Desmond, Mr. Chair. And from Board  
13 Staff is Doug Goss, John Lawton and Dave Young.

14 CHAIRMAN: Now are there any informal intervenors present  
15 today that --

16 MR. ROBERTS: Steve Roberts, Mr. Chair. Department of  
17 Energy.

18 CHAIRMAN: Thank you, Mr. Roberts. Any other informal  
19 intervenors that want to be identified on the record?

20 Well, I guess today we have three motions to deal  
21 with. I believe that perhaps just before we get into  
22 dealing with those motions, it might be appropriate to  
23 mark some evidence which has been filed.

24 I believe when we had our pre-hearing conference that  
25 we marked the affidavit of publication and the affidavit

1  
2 of service as exhibits A-1 and A-2. I don't believe the  
3 application itself was ever marked. At least that's the  
4 information I have. So I think that before we get into  
5 dealing with the motion, I think it may be appropriate to  
6 mark the document.

7 So the application and supporting evidence, which was  
8 filed on November 5th, I don't believe was marked. So  
9 that would become exhibit A-3. Subject to anybody's  
10 objection.

11 The next series of documentation that we received was  
12 responses of EGNB to the IR's of all parties, which was --  
13 came in a cover of letter dated January 11th 2008. And  
14 that will be marked as exhibit A-4.

15 And we did receive one confidential response from  
16 EGNB, the Flakeboard IR-12. And that will be A-5(C) to  
17 denote that it is confidential. And obviously subject to  
18 our confidentiality policy. And any party that believes  
19 that it should not remain confidential obviously can bring  
20 a motion before the Board and to address that issue.

21 Any preliminary matters, Mr. Hoyt prior to dealing  
22 with these motions?

23 MR. HOYT: One item. You just mentioned the confidentiality  
24 policy and I know it's something that evolved during the  
25 DISCO proceeding. I just wanted to make sure that we were

1  
2 using the current version of the policy. The one that I  
3 have is dated September 18th 2007. And as I understand  
4 it, the undertaking that was attached to that version of  
5 the policy was subsequently updated and I have a later  
6 version attached to a letter dated November 7th. And I  
7 just wanted to make sure that that's the policy that the  
8 Board is currently using.

9 CHAIRMAN: Perhaps if you could repeat that? The policy  
10 that I have in front of me has a date on it of September  
11 18th 2007. That's the --

12 MR. HOYT: That's the one.

13 CHAIRMAN: -- you are referring to? And the Board also did  
14 develop a summary document as well and that's on -- can be  
15 found on our website. And obviously it's the policy  
16 itself which would govern, but just for the benefit of the  
17 parties, there is a summary document available on the  
18 website. But the only addition to that as I understood  
19 was a schedule A to that policy was later changed in terms  
20 of -- it's the undertaking that the party signed when they  
21 are going to participate.

22 CHAIRMAN: That's the schedule A that's currently attached  
23 to that policy. They are suggesting that's an update. I  
24 am going to have to rely on Board Counsel for advice with  
25 respect to that. I am not sure of --

1  
2 MS. DESMOND: I think, Mr. Chair, if I could, the policy of  
3 September 18th is the one posted on our website. So that  
4 would be the current policy. The undertaking that I have,  
5 again from the website is not dated. I believe it might  
6 have been -- a different form might have been used for the  
7 DISCO proceeding that was specific to the DISCO  
8 proceeding, but this schedule A attached to the September  
9 18th policy is simply a template that was developed. It's  
10 very generic. And I think it would have to be adapted  
11 specifically for this particular proceeding.

12 CHAIRMAN: Is that helpful to you?

13 MR. HOYT: Yes.

14 CHAIRMAN: Any other preliminary matters, Mr. Hoyt?

15 MR. HOYT: No.

16 CHAIRMAN: Any of the formal intervenors have any  
17 preliminary matters prior to dealing with the motions?  
18 And Ms. Desmond, anything preliminary to you?

19 MS. DESMOND: Nothing, Mr. Chair.

20 CHAIRMAN: All right. Well, we have three motions to deal  
21 with this morning. One which was filed by Atlantic  
22 Wallboard/J.D. Irving, Limited, which in fact has --  
23 contains two motions. One of which deals with responses  
24 to particular interrogatories and one which requests an  
25 adjournment and an Order that the Board conduct a hearing

1  
2 into the appropriate ratemaking methodology.

3 We also have a motion from Flakeboard Company Limited  
4 dealing with particular interrogatories and a motion from  
5 the Energy and Utilities Board dealing with I believe one  
6 interrogatory.

7 I think unless the parties believe that perhaps it  
8 would be more appropriate to deal with this otherwise,  
9 that if we are able to deal with the particular  
10 interrogatories first to see whether or not we can --  
11 perhaps some of them may be agree upon, I don't know  
12 whether the parties have been talking or not, but at least  
13 if we could proceed and we will just start with the first  
14 one, which we received, which is the one for Atlantic  
15 Wallboard.

16 So, Mr. Hoyt, I am just going to ask you, first of  
17 all, whether or not there is any of those which you are  
18 able to now indicate that you would be prepared to provide  
19 or otherwise we will go through them one by one?

20 MR. HOYT: Yes, there is perhaps two groups of them.

21 Perhaps if I could talk about some of the confidential  
22 ones and then there are a few others that we are prepared  
23 to provide a response and then the intervenors can comment  
24 on whether that's sufficient and then focus on the  
25 remaining ones.



1  
2 Just a few preliminary comments though. EGNB, as it  
3 always does attempted to be responsive to the IR's that  
4 were posed. I would like to talk just a bit about the  
5 customer confidentiality concerns. EGNB take its  
6 obligation to keep customer information confidential very  
7 seriously. And as for any of the information that would  
8 disclose the identity of EGNB's customers, EGNB believes  
9 it has a duty, either legal or otherwise, to keep customer  
10 information confidential. We are not inclined to provide  
11 it unless compelled to do so by order of the Board.

12 That being said however, EGNB would be prepared to  
13 provide such information on a no name's basis, i.e.,  
14 Customer 1, Customer 2, et cetera, recognizing that that  
15 might still disclose a significantly large customer, for  
16 example. It's difficult to mask certain customers. I  
17 mean at least one of those customers is here today and may  
18 have additional comments on how to deal with the issue.

19 So EGNB's preference is to file customer-related  
20 responses, even those done on a no name's basis pursuant  
21 to the Board's confidentiality policy.

22 So what I will do is work through the IR's that I saw  
23 a confidential aspect to and indicate our position and  
24 then would be looking for some direction from the Board if  
25 the policy were to be used, when I am suggesting it would

1  
2 be used what I have in mind is that there be an order of  
3 the Board pursuant to Section 3(6) that would direct how  
4 this is to be done, i.e., with an undertaking and from  
5 other parties and so on.

6 So in terms of the specific IR's, Mr. Chair, would you  
7 like me to at least turn to each IR, perhaps remind people  
8 what they are about and then give the response or on these  
9 ones, do you want me to just tell you what we are prepared  
10 to do?

11 CHAIRMAN: Well let's identify the ones that at least you  
12 feel fall within that confidential category. I think that  
13 would be a good start.

14 MR. HOYT: Well, I would start with the Board's, because  
15 that's the only IR that they posed. So it's Board IR-2,  
16 and what that relates to is that there was a question  
17 about the analysis that Enbridge had done on the annual GJ  
18 usage used in the price calculation formula that's found  
19 in the evidence and in the response we indicated that a  
20 forecast for usage in '08 was done in October of 2007,  
21 showed that average without two large customers would be  
22 31,200 GJ's. And we indicated that we couldn't provide a  
23 copy of the analysis as it would disclose information  
24 about individual customers.

25 So subject to the comments that I just made on

1  
2 confidentiality, EGNB will provide the requested analysis  
3 on a no name's basis filed in accordance with the Board's  
4 confidentiality policy.

5 CHAIRMAN: That's the only IR that Board Staff has any issue  
6 with. So perhaps we just might deal with that one. Ms.  
7 Desmond do you have comment on what's been suggested?

8 MS. DESMOND: That's acceptable to Board Staff, Mr. Chair  
9 that the response be provided in that fashion.

10 CHAIRMAN: All right. And I am also cognizant of the fact  
11 that the -- some of the customers that would be involved  
12 in that list are represented here today. So I will ask  
13 the parties, the formal intervenors here today to comment  
14 as well on the issues of confidentiality. So Mr. Stewart,  
15 do you have any comment on the response that would be  
16 given?

17 MR. STEWART: This is particularly with respect to the EUB  
18 IR?

19 CHAIRMAN: With respect to the one from the EUB, that's  
20 correct.

21 MR. STEWART: Well for that one I don't think it's  
22 particularly necessary to identify the name of the  
23 customer. So if they are provided -- if they are broken  
24 down by customer in terms of, you know, where that number  
25 came from that would be acceptable.

1  
2 CHAIRMAN: My understanding of the proposal is that it would  
3 be Customer #1, Customer #2, but no information would be  
4 there which would identify the name and customer. That's  
5 the proposal isn't it, Mr. Hoyt?

6 MR. HOYT: That's correct. And just if I could make one  
7 additional comment. In the response that was provided for  
8 number 2, it indicated that what this forecast was is an  
9 average without two very large customers. So in this  
10 particular response the analysis that will be done will  
11 not indicate large customers who would be easily  
12 identified. So there is not the concern that there may be  
13 in other cases where there may be a customer or two who  
14 would stand out.

15 MS. DESMOND: Mr. Chair, if I could just make one other  
16 comment. I believe Mr. Hoyt indicated that it would be  
17 pursuant to 3(6) of the confidentiality policy. And just  
18 having looked at that again quite quickly, I think section  
19 3 deals with documents provided at in-camera hearings.  
20 And it might be a provision under section 2 of the policy  
21 that perhaps would be more appropriately used for this  
22 purposes.

23 MR. HOYT: The reference that was made to 3(6) is that the  
24 one where it talks about designating confidential  
25 information and identifying particular parties who can

1  
2 access it and so on, so although the order may well be  
3 under section 2, I think the details of how we see that  
4 process working are found in 3(6).

5 CHAIRMAN: But I think the point that Ms. Desmond is making  
6 is that 3(6) deals with access to the document at an in-  
7 camera hearing as opposed to access to the documentation  
8 in advance by intervenors by signing an undertaking. I  
9 think there is -- the distinction is that ultimately that  
10 confidential document may be dealt with at an in-camera  
11 hearing and we may have to deal with it at that point in  
12 time with who may should or should not have access. So it  
13 may be that the fact that it should fall under section 2.  
14 Is that essentially what --

15 MS. DESMOND: Yes, just looking at it, I believe it's  
16 section 2(3) that the Board could in essence order that it  
17 be provided under 2(3) and then under subsection (1) and  
18 then (b), it would be provided pursuant to Section 34 and  
19 placed I guess in confidence subject to whatever terms the  
20 Board might think is appropriate and that could be subject  
21 to an undertaking.

22 MR. HOYT: Right. And that's the piece that we want to just  
23 make that connection. We are fine with the Board and  
24 intervenors having access to those documents, but that the  
25 Board set the parameters.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAIRMAN: So, I am going to go back. Mr. Stewart, I don't know if you were finished or not when we came back to the front of the room?

MR. STEWART: Yes, I am finished, Mr. Chair.

CHAIRMAN: Thank you, Mr. Stewart. Mr. Plante, any comments?

MS. DESMOND: Mr. Chair, if I could -- sorry to make this any more complicated, but I did want to just clarify that in practice Board Staff normally don't sign an undertaking, it would be other Intervenors who would be other intervenors that would be providing that undertaking, as we are subject to confidentiality in any event.

CHAIRMAN: I think what you are putting forward is section 34 of the EUB Act essentially makes Board Staff and Board Member subject to confidentiality with respect to anything that we attain in any event.

MR. HOYT: Yes, I am talking more in terms of the intervenors.

CHAIRMAN: Yes. Anything further, Ms. Desmond?

MS. DESMOND: Thank you.

CHAIRMAN: Mr. Plante?

MR. PLANTE: I don't have any comment on the EUB proposal.

CHAIRMAN: Mr. Lawson?

1  
2 MR. LAWSON: No, we are fine as proposed.

3 CHAIRMAN: All right. Well that would seem to deal with the  
4 motion filed by the EUB. The Board Staff is satisfied  
5 obviously with what's been proposed. None of the other  
6 parties see any issue with it. So that resolution of it  
7 is satisfactory.

8 So that's one motion out of the way. Can we get the  
9 rest of them done as quickly do you suppose?

10 MR. HOYT: Can't promise that. So we are turning now to  
11 Atlantic Wallboard's motion on particular IR's. And again  
12 I will follow through with the confidential ones first.

13 The next one I would ask you to turn to is Atlantic  
14 Wallboard IR-8(f). And on that one, Atlantic Wallboard  
15 had asked for a complete list of customers being served  
16 under the LFO rate class and for each customer consumption  
17 by rate block in the last year. And in Mr. Stewart's  
18 letter he had indicated that if Enbridge wished to file  
19 the information under the confidentiality policy that that  
20 would be acceptable.

21 So I suggested earlier EGNB will provide the requested  
22 information on a no name's basis in accordance with the  
23 Board's order re confidentiality. We would seek the  
24 Board's direction as to how to handle a large customer,  
25 fairly easy to identify. And again on that, the

1  
2        intervenors may want to comment further.

3        CHAIRMAN:    So your proposal there is on a no name's basis.

4        And I am not sure is that what Mr. Stewart said he would  
5        accept it on a confidential basis.    I am not sure if you  
6        are saying the same thing or not?

7        MR. HOYT:    You would have to ask Mr. Stewart.

8        CHAIRMAN:    Well, Mr. Stewart, on 8(f)?

9        MR. STEWART:    Well, Mr. Chairman, the reason is this, to be  
10       clear, we have no particular desire, and I think it is  
11       outlined in my letter to have, you know, customer names  
12       or, you know, on the public record.    And to the extent  
13       that you know as we indicated, we are prepared that they  
14       be subject to Board confidentiality.    But in light of the  
15       fact of the responses to the other IRs that EGNB has done  
16       zero in terms of cost of service analysis and our position  
17       that, as I outline in the letter, that the cost of service  
18       this rate class is at least a relevant consideration.  
19       That there is no other way for us to try to determine at  
20       least -- and I have some comments on this later on, but to  
21       try to have some sense of, you know, who the customers are  
22       in this rate class and get some sense of how much it cost  
23       to service them compared to the revenue that they  
24       generate.    And the problem with providing the information  
25       on a no name's basis is I don't know whether the usage of



1  
2 customer number 2 is the one that is next door or the one  
3 that is 40 miles away. And so in order for it to be  
4 relevant for the purposes that we are trying to do a bit  
5 of a review or an analysis, we will need to know who they  
6 are. And we don't want to put their information on the  
7 public record and in and of itself their particular names  
8 is useful or necessary only for that purpose. So, you  
9 know, if you wanted -- if you want -- if they are used to  
10 assign them pseudonyms or whatever, but we need to know  
11 who they are in order to know where they are and what the  
12 potential costs for servicing them might be. So  
13 confidential, but we need their names.

14 CHAIRMAN: Any of the other intervenors have any comments?

15 MR. LAWSON: Mr. Chairman, just in that regard, I certainly  
16 understand where Mr. Stewart is coming from. I would  
17 think that there is a manner of doing it without sort of  
18 having the name identified, but perhaps the class in which  
19 each of the customers come and maybe a distance from some  
20 point that somebody could identify as being appropriate.

21 MR. STEWART: The name or as a means to an end in order to  
22 sort of then be able to derive the necessary information.

23 CHAIRMAN: So without having the actual name is there a  
24 method that you can suggest would work?

25 MR. STEWART: Honestly, I don't. Although I am -- Enbridge

1  
2 may be very well in a better position to say what they  
3 could give us to assist in that regard. I don't quite  
4 frankly know what they have.

5 CHAIRMAN: Any other intervenors want to comment on this  
6 one? Board Counsel? Mr. Hoyt, perhaps do you have any  
7 suggestions as to how this could be done to allow them to  
8 achieve the end there they are looking to achieve here  
9 without specifically naming the individual customer?

10 MR. HOYT: Well, I mean first of all I am -- I don't really  
11 make the connection here. I am not so sure it's necessary  
12 for whatever analysis they want it -- wants to be done.

13 In this case, the issue I see is that it is a fairly  
14 small number of customers. So in terms of trying to  
15 package them or identify them in some way, you are not  
16 going to get too far into that before it becomes pretty  
17 obvious. I mean there is so many communities where these  
18 customers operate and so on. I mean we could consider  
19 whether there is something we could do.

20 We could give it some consideration. I don't have  
21 anything to suggest off the top, because that was the  
22 difficulty we saw with giving much information about them.  
23 But I mean we are certainly open to suggestions. I think  
24 the Board and the intervenors understand our concern as  
25 well. And you know I know where they are coming from.

1  
2 But I am not so sure in this case it is an easy fix.

3 CHAIRMAN: Well then that's one that we will obviously have  
4 to consider. But at least both parties agree that it  
5 could be confidential. The only issue that remains is  
6 whether or not specific names are disclosed on a  
7 confidential basis. Is that a fair characterization of  
8 what's left to decide on that? Okay.

9 MR. HOYT: The next Atlantic Wallboard one that I wanted to  
10 turn to was AWL-14. And this IR concerns the commodity  
11 costs used by EGNB in its calculations of the rate and  
12 references to the \$2.25 that forms part of that  
13 calculation. And in the response, there is an indication  
14 in A(i) that includes costs associated with the purchase  
15 price of a long term gas supply contract held by EGNB.

16 In this case EGNB has no difficulty providing the  
17 requested information to the Board in confidence. But  
18 because the contract at issue is a long-term gas supply  
19 contract of EGNB's, we aren't prepared to provide it to  
20 intervenors who purchase their gas at a competitive basis.  
21 The intervenors may be obtaining gas supply from the  
22 supplier, providing information on EGNB's supply contract  
23 would put the supplier at a competitive disadvantage.

24 Now Mr. Stewart and I have had some conversation about  
25 this one and he is the one who posed the interrogatory.

1

2

So subject to the comments that he may make, I think we are prepared to put this one aside for the moment and the two of us work out an acceptable solution. So perhaps at this point it may not have to be provided in confidence and I at this point would ask Mr. Stewart to chime in?

3

4

5

6

7

MR. STEWART: Mr. Chairman, Mr. Hoyt's comments are correct.

8

9

10

11

I think that this is a -- you know, again there is a certain amount of information sought here, but we don't want to reek havoc, and so we will be in a position to -- we will talk and we will work that out.

12

13

14

CHAIRMAN: All right. So just to be clear this is not one that you want the Board to rule on then, the parties will resolve this on their own?

15

16

17

MR. STEWART: Yes.

CHAIRMAN: For the Board's purposes, I will consider it resolved at least for the time being.

18

19

20

21

22

23

MR. STEWART: Fair enough.

MR. HOYT: I know I said I was going to do the confidential ones first, but just looking at what's left in terms of Atlantic Wallboard, it may make sense to try to knock two down, because there is only a couple of others that I don't think should take much time.

24

CHAIRMAN: Okay.

25

MR. HOYT: So the next one then is Atlantic Wallboard's

1  
2 IR-2(k). And in that IR, Atlantic Wallboard was  
3 requesting all calculations of annual changes in EGNB's  
4 deferral account. And in the letter requesting an  
5 additional response indicates that if the calculations  
6 upon which the annual additions to deferral account were  
7 derived, and upon with the projected status of the  
8 deferral account is estimated. And EGNB will provide the  
9 requested response.

10 CHAIRMAN: Mr. Stewart, that is satisfactory?

11 MR. STEWART: Yes.

12 CHAIRMAN: Okay.

13 MR. HOYT: The next one is Atlantic Wallboard, IR-10. I  
14 guess it's 10(a). And in that interrogatory, the  
15 reference was that EGNB had assessed the competitiveness  
16 of each of its distribution rates and that rate increases  
17 in other classes may also be warranted. But then in  
18 response -- our response was that on December 19th, EGNB  
19 filed a rate application with specific changes to those  
20 rate classes. In the Atlantic Wallboard's motion they had  
21 indicated that Mr. Charleson's evidence, which was filed  
22 on November 5th, had indicated that the competitiveness of  
23 each of those distribution rates was completed that time,  
24 so they were asking for whatever analysis was being  
25 referenced in that evidence. And EGNB will provide the

1  
2 requested response.

3 MR. STEWART: That's satisfactory, Mr. Chairman.

4 CHAIRMAN: Thank you.

5 CHAIRMAN: And that leaves by my count one of Atlantic  
6 Wallboard's IR's and that's 16(b). And in that IR, we  
7 were asked to provide copies of all prior pieces of  
8 written testimony of Mr. Charleson on utility rate  
9 matters. And the response that was given was that given  
10 the scope and subject matter of testimony and that all  
11 evidence is a matter of public record, EGNB believes it's  
12 not practical or necessary to provide the volume of  
13 written testimony of Mr. Charleson.

14 In the response or the motion from Atlantic Wallboard,  
15 there is a reference to, you know, indeed most likely we  
16 have actual copies of the testimony itself and that it was  
17 a transparent attempt to delay and obstruct the  
18 intervenors ability to review Mr. Charleson's current  
19 testimony.

20 First, we believe that the response was responsive and  
21 practical. And the suggestion that it's a transparent  
22 attempt to delay and obstruct intervenors is over the top.  
23 And the suggestion that EGNB has indeed most likely actual  
24 copies of the testimony itself is just wrong. The volume  
25 and type of testimony provided by Mr. Charleson in mature

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

natural gas markets on unrelated matters would have absolutely no value in this proceeding dealing with market-based rates in a unique greenfield situation.

So with respect only to that interrogatory, EGNB is not prepared to provide anything further.

CHAIRMAN: And is essentially the basis of the argument you are putting forward that the evidence that he would have given in the prior proceedings was in a mature market as opposed to what you allege exists here in New Brunswick at this time? In other words, it's a relevancy argument?

MR. HOYT: Yes, that and I think it's indicated there the scope of the testimony. Not only was it a mature market, but the scope of the testimony were on very specific issues. I mean if there was a particular one that seemed somehow relevant to this proceeding, you know, let us know. But it really just seems like an effort to put an awful lot of information on the record that's going to have -- I don't want to say nothing, but that would be my guess, nothing to do with the case at hand.

CHAIRMAN: All right. Mr. Stewart?

MR. STEWART: Well, Mr. Chairman, a couple of points. Number one, is I think whether or not particularly the LFO market in New Brunswick is mature and/or New Brunswick is a greenfield is an issue very much in debate, you know,

1  
2 being the subject of discussion and evidence in this  
3 hearing.

4 So if that's the objection for the basis of relevance  
5 then I think quite frankly they are completely relevant  
6 because those issues are four square on the table before  
7 the Board to consider.

8 And what -- as Mr. Hoyt pointed out during I think it  
9 was the pre-hearing conference that we had, you know, the  
10 appropriateness or the methodology in the greenfield  
11 market is in fact in Mr. Charleson's evidence and I think  
12 he pointed us all to the answer, yes, it is. And so what  
13 Mr. Charleson knows about mature markets and what he has  
14 testified to in the past, it seems to me it is directly to  
15 relevant to what he knows about immature markets, if he is  
16 alleging that this is one. And I am not -- I would be  
17 perfectly content to -- because there may be, I don't know  
18 -- information or you know testimony that I don't think is  
19 relevant. And if EGNB would make that available, I will  
20 undertake to review it and see what I think should be on  
21 the record or not on the record. I mean I don't want to  
22 circulate, you know, 15 copies of a thousand pages that  
23 turn out to be not particularly relevant. But the prior  
24 testimony on those issues could be quite relevant to the  
25 cross-examination of the only evidence provided by the



1  
2 Applicant in this proceeding.

3 CHAIRMAN: Is it your intention to make it part of the  
4 record or simply use it as a -- potentially as an aid to  
5 cross-examination? I am not sure I understand the  
6 ultimate purpose for which you would be seeking those  
7 documents. You talk about putting it on the record.  
8 Obviously, if you look at prior evidence filed by  
9 somebody, it's obvious --

10 MR. STEWART: I would be content if it was disclosed at this  
11 point.

12 CHAIRMAN: And I notice in your request that you are looking  
13 for copies of all prior pieces of written testimony. I am  
14 going to assume that because you are talking about  
15 testimony that it's a matter of public record somewhere.  
16 Are you really just looking for a list of where he has  
17 testified or do you actually want copies of the documents?  
18 I just want to clarify that issue.

19 MR. STEWART: Well to be clear, Mr. Chairman, maybe I was a  
20 little bit snarky in my response if the truth be told, but  
21 the bottom line is that in the response they said Mr.  
22 Charleson has testified in these particular proceedings on  
23 these particular topics. It was very specific information  
24 provided. And so what we are asking for is simply is if  
25 you know that information, if you have looked up that

1  
2 information, then disclose to us a copy of what he said on  
3 those other proceedings on these topics, because there are  
4 topics which are -- you know, they may be prior consistent  
5 or prior inconsistent or not related statements to the  
6 issues in this proceeding. So if you will disclose those  
7 to me, that's all I want.

8 CHAIRMAN: Well if I go to the response 16(a), you know,  
9 would that -- would the information you are looking for be  
10 a matter of public record? I guess that's really what I  
11 asking is it something that you could obtain in any event?

12 MR. STEWART: Well you know what Mr. Chairman, probably.

13 And if they -- and if you don't order them to do it now, I  
14 will go through the motions of doing that. But it's clear  
15 that in given the nature of the specific response, if they  
16 have it or have easy access to it and given the time lines  
17 that were on here, and hence the genesis of my arguably  
18 snarky response, was that why did they just provide it to  
19 me? You know the go get it yourself seems to be an  
20 unnecessary response if they have it or they have easy  
21 access to it. If it's going to be, you know -- and given  
22 the detail response they gave, I can't imagine that it is  
23 a whole lot easier for them. And if the Board is not so  
24 inclined, I will go do it the hard way.

25 CHAIRMAN: Thank you, Mr. Stewart. Mr. Hoyt,?

1  
2 MR. HOYT: Yes, I guess the only things that I would want to  
3 confirm on that is that we don't have it and we don't have  
4 easy access to it and it is public. So I think Mr.  
5 Stewart can get it and review it and decide what should be  
6 part of their argument.

7 CHAIRMAN: All right. I guess to be clear then your  
8 response is that you do not have copies of that available?

9 MR. HOYT: That's right.

10 CHAIRMAN: All right. I guess one other one have to deal  
11 with. That pretty much looks after the Atlantic Wallboard  
12 issues except for the second motion, I believe?

13 MR. HOYT: Right. So do you think turn to Flakeboard?

14 CHAIRMAN: Sure.

15 MR. HOYT: Again, I am going to see if there are any  
16 confidential? Well, I guess, yes, there is one  
17 confidential one. IR-14. So maybe we could do that  
18 first.

19 CHAIRMAN: 14?

20 MR. HOYT: 14, yes. And IR-14 is where Enbridge was asked  
21 for a detailed map including -- and then (a) was showing  
22 all interconnections and (c) was length and pipeline  
23 diameter. And in response EGNB filed maps with the Board,  
24 only the Board at this point, in confidence and indicated  
25 that the maps are considered confidential as they identify

1  
2 a detailed distribution system information, including the  
3 size and pressures of pipe that could be used for the  
4 purposes of a threat to public safety.

5 And on that I believe as well on the cover letter when  
6 the IR's were submitted, I had indicated that we would  
7 provide in accordance with the Board's policy. And if I  
8 didn't indicate that, I should have and I indicate it now.  
9 And I wasn't clear from Mr. Lawson's request on IR-14, if  
10 he was just -- if he was on side with that providing it in  
11 accordance with the policy, the request it just -- it  
12 indicated the Board order and the detailed map be made  
13 available to Flakeboard and its agent.

14 What we had contemplated was that we would make those  
15 maps available to all the parties subject to your order  
16 around confidentiality.

17 CHAIRMAN: Mr. Lawson?

18 MR. LAWSON: Just in that regard, Mr. Chairman, the reason  
19 for the motion was because the covering letter did  
20 indicate it would be subject to an order of the Board. So  
21 we are seeking an order of the Board that they be in fact  
22 available to the parties subject to confidentiality rules,  
23 as long as we can -- and I don't know the nature of these  
24 things, but our consultant is not going to be able to come  
25 here to review them, so hopefully they are in a format

1  
2 that we can get them delivered to him.

3 MR. HOYT: I mean on that, I mean they are hard copies. So  
4 I expect they could be couriered and again it's just  
5 really the way the Board orders in terms of the use by  
6 parties and their agents and so on, as long as it's what  
7 the undertaking -- I don't see any issue.

8 CHAIRMAN: Sure. The practice in the past is to have any  
9 experts that are going to review it to -- obviously they  
10 need to sign the confidentiality undertakings as well. So  
11 Mr. Lawson then you are satisfied that as long as your  
12 expert can have access to it, after signing the  
13 confidentiality agreement that that satisfies your  
14 request?

15 MR. LAWSON: Access to copies. What my concern is is that  
16 some things in the past have been filed with the Board  
17 subject to coming here and reviewing them. And I  
18 presuming that's not what is being requested here?

19 CHAIRMAN: I understand from Mr. Hoyt's response that a hard  
20 copy could be provided --

21 MR. LAWSON: Be available. Thank you. That will be fine.  
22 Thank you.

23 MR. HOYT: So then that's the only one that I had marked  
24 with a confidential note on Flakeboard. So I guess just  
25 to go back to the beginning --

1  
2 MR. STEWART: Excuse me, Mr. Hoyt. Mr. Chairman, just so we  
3 are clear because Mr. Lawson has raised an interesting  
4 point, I guess I was presuming that the other matters we  
5 were talking about as accepting on a confidential basis  
6 would be also treated similarly in terms of they are not  
7 going to be in the vault here like some things have been  
8 in the past and that we will be able to provide an  
9 undertaking and distribute them to a consultant as need  
10 be?

11 CHAIRMAN: I think that generally speaking, you know, unless  
12 there is some reason that it wouldn't be available, a hard  
13 copy wouldn't be available to somebody or a copy on disk,  
14 whatever what might be relevant, that in fact it has been  
15 available. Part of the undertaking generally is that  
16 after the proceeding is done, they have to be returned or  
17 destroyed. Is that satisfactory?

18 MR. STEWART: Absolutely.

19 CHAIRMAN: All right.

20 MR. HOYT: So Flakeboard IR-1(6), sub(6). And on this one  
21 in the request from Flakeboard, it indicated that there  
22 was a discrepancy and a number that would -- that made it  
23 difficult to understand what the information being  
24 provided was. We went back and checked. There is a  
25 correction to be made in the number, which we will provide

1  
2 and I think will then make it obvious what the numbers  
3 are.

4 MR. LAWSON: Just in that regard, Mr. Chairman, I guess it  
5 does beg the question, it seems to me apparent what the  
6 numbers in each of the columns represent, but we would  
7 just like confirmation that the corrected numbers do they  
8 in fact reflect the increase or do they reflect the actual  
9 numbers with reflective of the increase?

10 MR. HOYT: Yes, they are full revenue numbers.

11 MR. LAWSON: Thank you.

12 CHAIRMAN: So does that deal with that IR then, Mr. Lawson?

13 MR. LAWSON: Yes, Mr. Chairman.

14 MR. HOYT: So the next one is Flakeboard interrogatory 3(a)  
15 and (b). And in this interrogatory, Enbridge was asked  
16 what it believes to be the cost of operating the service  
17 provided to the LFO class of customers, best allocation of  
18 cost based on cost causation, provide a detailed outline  
19 of the basis for allocating each category of cost among  
20 classes and any assumptions made. And then as well, any  
21 documentation discussing attribution or allocation of some  
22 or all costs between rate classes.

23 And on this one I just wanted to just read into the  
24 record what Enbridge's response to that question was. It  
25 was EGNB currently operates an integrated distribution

1  
2 system under a Board approved market-based rates  
3 methodology and has not conducted any analysis regarding  
4 the operating costs associated with any class of  
5 customers. The requested allocation requires a proper  
6 examination and understanding of the costs and the drivers  
7 behind them so they can be properly allocated to the  
8 appropriate rate class. Furthermore, EGNB does not  
9 believe the allocation of class is relevant to this  
10 proceeding, as cost allocation does not form part of the  
11 Board approved market-based rate methodology.

12 So EGNB believes, first of all, that it was responsive  
13 to the questions. And in there obviously confirms that it  
14 has not done the type of analysis requested. Enbridge has  
15 concerns that the relevance of the questions to this  
16 proceeding. And refers to the decision of this Board  
17 dated October 2nd 2007 in connection with DISCO's recent  
18 rate application, the Board determined that a party  
19 required to provide information that's relevant and went  
20 on to indicate that information is relevant if it would  
21 assist the Board in making its decision.

22 Here EGNB had Board approved market-based rates during  
23 the development period. EGNB has applied for Board  
24 approval of changes in its LFO rate. And that requires  
25 the Board to determine the appropriate market-based rate



1  
2 based on Board approved methodology. Thus information  
3 is relevant here if it helps the Board determine the  
4 appropriate market-based rate.

5 This is not a hearing to reconsider EGNB's  
6 methodology, even though Mr. Stewart has suggested that it  
7 should be, and that issue as you mentioned will be talked  
8 about in a few minutes.

9 Returning to the specific IR-3(a) and (b), these are  
10 cost of service questions. EGNB answered the question and  
11 again would refer back to your decision of October 2nd  
12 where the Board concluded that it would not require DISCO  
13 to develop analysis that are based on assumptions with  
14 which DISCO does not agree. We are in a similar situation  
15 here.

16 And just one other point, the specific letter  
17 requested a confirmation in effect of what the response to  
18 item 3(b) meant. And with respect to that request, our  
19 position really is that's a matter for cross-examination.

20 So those are our comments on 3(a) and 3(b).

21 CHAIRMAN: Thank you. Mr. Lawson?

22 MR. LAWSON: Well, Mr. Chairman, I think Mr. Stewart has  
23 raised the issue already about the second part of this,  
24 the motion. The motion itself, certainly if there is  
25 going to be the hearing with respect the methodology,

1  
2 rather than opening up the whole issue of why there should  
3 be a hearing on the methodology at this point, I think the  
4 cost of service is very important for that purpose and for  
5 the purpose of determining whether there should be a  
6 hearing. Even if the Board decides not to do a hearing on  
7 the methodology, I don't think the Board can and should  
8 just disregard the issue of cost providing a service in  
9 determining what is a just and reasonable rate, which is  
10 the ultimate question this Board has to decide. Each  
11 application is made and decided upon whether or not the  
12 rate is just and reasonable. Market methodology aside,  
13 you don't just plug in the numbers into the formula and  
14 say that's automatically just and reasonable, you have to  
15 look at in the context and the context includes some cost  
16 factors.

17 We think it's essential to do a cost allocation study.  
18 We understand none has been done. At some point in time  
19 one has to be done. I mean this is not something that can  
20 be deferred forever. It has to be done by the applicant.  
21 We are saying that this kind of information, as part of  
22 the motion, the second motion, should be done in more  
23 detail, but as a minimum, should be provided to us to get  
24 a sense. We have no sense of cost allocation. We have no  
25 sense of cost details. They do. What we would be looking

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

for at this point for this purpose is a best estimate, an attempt to do a cost allocation. A back of the napkin calculation, which we can't even do in an informed basis.

CHAIRMAN: Mr. Lawson, what would the relevance be to that issue if the Board were to reject the second motion brought by Atlantic Wallboard?

MR. LAWSON: My point, Mr. Chairman, is this that the -- because this Board's legislated obligation is to set just and reasonable rates --

CHAIRMAN: Yes.

MR. LAWSON: -- you can't just say that the market-based formula sets the rates and are automatically just and reasonable. it has to be looked in the context of what kind of costs are there in servicing just -- in providing just and reasonable rates.

So what is the cost is a factor in determining whether the rates requested are just and reasonable. Perhaps not in the detail. I think the detail should be provided. But even if the Board decided not to have a generic hearing on the issue of rate setting with respect to this class, the Board needs to have a sense of what the cost is.

CHAIRMAN: And in your comments you said at some point in time, this cost study needs to be done. So is it your

1  
2 position that point is now or is it something that could  
3 be done off into the future? And I appreciate that during  
4 the development stage market-based rates have been  
5 approved and maybe part of the issue is whether or not  
6 that development stage is at its end or it isn't. I mean  
7 I appreciate that we are going to hear lots of argument on  
8 the second motion, but if -- again if the Board were to  
9 find that development stage still exists at market-based  
10 rates, is this the appropriate time or is it sometime in  
11 the future?

12 MR. LAWSON: If the Board decided that market-based rates  
13 are an automatic fill in the blank and it will become  
14 automatically just and reasonable, if that was -- if the  
15 Board decided that was the appropriate thing to do, then  
16 it is not relevant I guess for this particular hearing.  
17 But if does -- the Board -- the evidence before us today  
18 suggests that the crossover year, the end of the  
19 development period is two years away. Sometime in 2010.  
20 Well at that point, they must in fact do a cost, because  
21 after that it's a -- cost of service becomes very  
22 relevant. They can't decide to do -- to start the process  
23 of review of cost of service in 2010. It has to be done  
24 prior to that for the Board to consider what to do.

25 We are saying that regardless that process should be

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

undertaken today and should be relevant to the Board in its decision on this application. But if the Board decides not to make it relevant, it should be done anyway. It has to be done at some point.

CHAIRMAN: Thank you. Mr. Hoyt, any further comments?

MR. HOYT: Just a couple of things. In terms of some cost information where there were requests in other interrogatories from various applicants if it was a particular information that EGNB had in terms of costs, they were provided. But doing a complete cost allocation study is a whole different system of regulating EGNB. And you know it's not the back of the envelope calculation. I mean you know the proper cost allocation study is an enormous undertaking.

CHAIRMAN: Any other intervenors want to comment on that one? I see Mr. Stewart without a microphone looking like he would like to say something.

MR. STEWART: Well, I would like to respond to the question you posed to Mr. Lawson, which is you know should -- I mean the even if question, even if the second motion is declined, you know, should this information be provided? And the answer is yes. And it will turn I think on a fundamental consideration that the Board will have to make. And I echo Mr. Lawson's position that the

1  
2 legislated obligation on the Board to set just and  
3 reasonable rates does not mean, you know, plug the numbers  
4 in the formula and what comes out are automatically just  
5 and reasonable. Your obligation is broader than that.  
6 And the entitlement of the ratepayers is broader than  
7 that. And that while there is a formula, which may lead  
8 to a suggested result, there has to be a consideration of,  
9 you know, where that result fits in the context. And one  
10 of those appropriate functions or circumstances of the  
11 context is, what is it actually costing the utility to  
12 serve these customers. And even if -- and you as the  
13 Board need some, at least some information in the regard  
14 in order to determine whether or not the 90 percent rate  
15 increase that is requested in this proceeding is in fact  
16 just and reasonable even if you don't change the overall  
17 methodology.

18 And furthermore -- and I think it is alluded to in the  
19 letter in the their motion, the second point, but the  
20 other issue here is how the deferral account will be  
21 recovered in the future assuming it ever is and how that  
22 will be spread amongst the various rate classes. And  
23 Enbridge has indicated now that they have done zero cost  
24 analysis studies. So that means that they have done -- we  
25 have zero information as to indicate who contributed to

1  
2 this deferral account at what pace and at what rate. And  
3 those will be the relevant considerations to determine in  
4 the future how the deferral account gets repaid.

5 So even if as part of this proceeding you determine  
6 that market-based rates are still appropriate, the Board  
7 needs some cost information to assess the scope of the  
8 increase that's sought here to make sure that there is at  
9 least some semblance of just and reasonableness involved.  
10 And this information is going to be needed anyway.

11 CHAIRMAN: Thank you. Mr. Plante, anything that you want to  
12 add to this issue?

13 MR. PLANTE: I would support the request to actually get  
14 better and more detailed cost information, because given  
15 the magnitude of the cost increase our members have some  
16 real concerns that they are paying rates that are well  
17 beyond their cost of service. And so we would support  
18 Flakeboard's request to get more information. And we will  
19 speak to the second motion later as well.

20 CHAIRMAN: Ms. Desmond, any comments that you would have on  
21 this issue?

22 MS. DESMOND: No comments from Board Staff.

23 CHAIRMAN: Mr. Hoyt, I will give you an opportunity to rebut  
24 since -- after you have finished, others made comments, so  
25 anything further you wanted to add?

1  
2 MR. HOYT: No. Mr. Stewart is just not waiting to make his  
3 comments on his motion, I will wait till we get there.

4 CHAIRMAN: What is the next one?

5 MR. HOYT: The next one is Flakeboard 4(c). And in that one  
6 the request was for distribution revenue signings that  
7 were -- can be reasonably be attributed to the  
8 installation of new pipelines. And the request was just  
9 to answer the question.

10 Enbridge's position on that is that it did answer this  
11 IR. Flakeboard is asking for information that EGNB has  
12 said it doesn't have. And again we refer to the Board's  
13 October 2nd decision where the Board concluded in that  
14 case it wouldn't require DISCO to develop analyses that  
15 are based on assumptions with which DISCO doesn't agree.  
16 I mean these are -- to asking them to create evidence as  
17 opposed to providing something that it has.

18 CHAIRMAN: Mr. Lawson?

19 MR. LAWSON: Mr. Chairman, for EGNB -- bearing in mind that  
20 EGNB is the repository of virtually all the knowledge and  
21 information on the gas distribution system in New  
22 Brunswick, because as customers we have very limited  
23 information, we can't speculate anything. We don't have  
24 any foundation to build any information. What EGNB is  
25 looking to do is basically hide behind the fact that look



1  
2 we haven't done any of this, therefore you shouldn't ask  
3 us to do it. And our point is this, if you haven't done  
4 it, you should have. If you haven't done it, as a  
5 minimum, you are the only one who can give a best estimate  
6 of what costs are, what issues are. We can't do it.  
7 Don't hide behind the fact that we have, for example, done  
8 no analysis when we install lines about what kind of  
9 revenue we are going to get as a result of putting that  
10 in, which befuddles me from a business point of view. But  
11 if they haven't done the analysis, somebody has to have  
12 some sense of what kind of revenue is attributable to the  
13 installation of a line. They -- we certainly have none,  
14 because we aren't privy to any of that information. They  
15 should be able to provide something by way of a best  
16 estimate. And we would submit that they can't hide behind  
17 it. And on cross-examination, for example, I would submit  
18 it would be something that they would be required to  
19 answer. And what we are looking to do is avoid that  
20 having to happen on cross-examination and delay the  
21 hearing.

22 CHAIRMAN: Any other intervenors want to comment on that one  
23 or the Board? Mr. Hoyt any other comments?

24 MR. HOYT: No, nothing further on that one. The next one is  
25 4(d) and it is somewhat related. In that one the request

1  
2 was for copy of any notes or documents whereby EGNB  
3 reviewed or analyzed the issue of EGNB's payback or how  
4 quickly EGNB would recover costs of constructing  
5 pipelines. And in the response it was indicated that  
6 since 2004 Enbridge has used the model that takes all  
7 related revenues and costs associated with that particular  
8 pipeline extension over a period of time into  
9 consideration. And at the end of the response indicated  
10 the evaluation documents would in most cases indicate  
11 actual customers and are therefore not provided. And the  
12 request was to provide the information. And it does  
13 indicate with any confidential information redacted.

14 So aside from the confidentiality concerns expressed  
15 in the response, there are hundreds of these documents.  
16 And I have got a sample of them that perhaps I could  
17 circulate so that everybody knows what it is that I am  
18 referring to. So how many would the Board need?

19 CHAIRMAN: Mr. Hoyt, since you are going to refer to this  
20 document, I think I will mark it for identification. So I  
21 just call this number 1 of identification.

22 MR. HOYT: So as you can see it's called a Project Return  
23 and Capital Request. And there are hundreds of these  
24 documents. So I think you should realize it would take a  
25 considerable period of time to put together. This form is

1  
2 used to conduct the analysis that was described in the  
3 response to 4(d). And what happens is that the sales rep  
4 for EGNB completes one of these forms for each sale that  
5 is made. So in the case of a multi-customer project, one  
6 form would reflect the whole project. However, that's  
7 more often the exception. Usually, you know, it's one  
8 customer, if it's a new customer on a street, you know,  
9 not a pipe there, what are other customers are around that  
10 could be served and so on.

11 So on an annual basis, EGNB would complete in excess  
12 of 500 of these forms. And as can be seen from the form,  
13 although I realize it's a lot of information there, some  
14 of the key information obviously is the name of the  
15 potential customer appears at the top and load information  
16 in terms of what these customers are expected to use are  
17 captured on the form as well. There is a comment section  
18 in the middle of it that may also reflect potential  
19 additional customers, so a line at the end of a street.  
20 There may be speculation that there is four or five other  
21 individuals who might become gas customers, so their names  
22 would appear on this as well.

23 So in addition to having literally nothing to do with  
24 market-based rates, the amount information that would have  
25 to be redacted, and the particular information that would

1  
2 have to be redacted, like the customer name and the street  
3 would make the information practically meaningless. So  
4 again this is the document that is being referenced. I  
5 will give you a sense in terms of the volume of these  
6 things that are available, the parts of it that tend to  
7 get filled in are the potential customer name, the piece  
8 in the middle that starts with number of customers  
9 indicating what potential customers there are to indicate  
10 the revenue and then some comments. So it's not like  
11 everyone of these boxes is going to end up with  
12 information and there is oh, wow, we got to get that  
13 number. You know, essentially this is going to give a  
14 customer's name, street and projected load of other  
15 customers in the vicinity. So those would be our  
16 comments.

17 CHAIRMAN: Thank you, Mr. Hoyt. Mr. Lawson?

18 MR. LAWSON: Mr. Chairman, I guess when I look at the answer  
19 in the first paragraph of (d), I don't understand this and  
20 as a result that may be course of confusion. But it says  
21 in the second sentence of that since that time, since  
22 build on demand strategy, the decision to build a specific  
23 length of pipeline has included utilization of a model  
24 that takes all related revenue and costs associated with  
25 that particular pipeline extension over a period of time

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

into consideration. I don't know is this -- each one of these sheets the analysis that's done?

MR. HOYT: Yes, that is, Mr. Chair.

MR. LAWSON: And I guess is there a human analysis of it? Or I mean I just -- I have no idea. I am greenfield on the subject. But it seems to me odd that a system would be -- that would fill out one of these forms and decide based on that form whether we will put the pipeline down the next road. Maybe that's what is done, but I would have thought from a cost management perspective there is some sort of analysis of it on a broader basis than just that or a return was their analysis right or something was done. And that's, of course, there would be 500 of these perhaps a year of which maybe 490, and I have no idea, might be related to residential customers. So is there any collectivity analysis of residential customers? So we made a decision to build is there an analysis of what our -- was our assumption for decision, how did it work out? Some analysis of the consequences of building the pipeline, the revenue that came from that. And if not for residential is it practical to do them at least -- provide them at least for the larger customers, so that we can see what analysis or the larger pipeline. There are sort of varying levels of pipe as I understand it. Sort of main

1  
2 distribution, smaller pipes and then the one that goes  
3 down my street, which doesn't go by my street, but that's  
4 a different issue, but so perhaps we don't need the one  
5 that goes down the street into each house, but something  
6 that provides analysis prior to that.

7 CHAIRMAN: Are you able to respond to that? It sounds to me  
8 like the request is for something less than what the  
9 original request was, that Mr. Lawson you are looking for  
10 fewer of these, if you will, much less information. Is  
11 that of any help to the Applicant here in terms of  
12 determining whether or not it is available or could be  
13 provided?

14 MR. HOYT: Yes. It sounds like it would make the volume  
15 less of an issue, but it wouldn't deal with the issue of  
16 redacting information that would make the form of much use  
17 to anyone. It would be the same process. Among those  
18 500, there are these large customers. And if there were  
19 particular ones that were to be identified, it would be a  
20 matter of identifying those and then deciding how can --  
21 that the information that is provided on that particular  
22 one be provided in a way that it doesn't disclose customer  
23 information, customer identity.

24 CHAIRMAN: Would the Applicant have any objection to  
25 providing that information in the format that you are

1  
2 saying -- that you are talking about now redacting all of  
3 the customer information?

4 MR. HOYT: The problem with that, Mr. Chair, I believe it  
5 would make the form meaningless, because if you took the  
6 customer, and you would have to take the address, other  
7 than that you are going to have some projected load  
8 numbers that no one will have any idea where they are and  
9 I am not sure what use that would be.

10 CHAIRMAN: Mr. Lawson, anything further? Is this an issue  
11 that the parties could benefit from a bit of a brief  
12 discussion at some point in time before we finish today as  
13 to whether or not this would be useful information?

14 Mr. Hoyt, you are suggesting it would be of little or  
15 no benefit, but Mr. Lawson response seems to be -- and you  
16 know, perhaps I am not sure if that's correct. And I am  
17 just wondering if there might be some benefit to discuss  
18 this one before we actually adjourn for the day to  
19 determine whether or not it is one that is resolvable?

20 MR. HOYT: Sure we will talk about. And again I appreciate  
21 that Mr. Lawson is just seeing this form for the first  
22 time. So I mean it might be helpful for Mr. Charleson to  
23 take him through what actually is there and he can  
24 determine if the information that would be provided would  
25 be useful for him.

1  
2 CHAIRMAN: Then before we adjourn for the day then we will  
3 come back to this one. And if I don't, somebody remind me  
4 that that's outstanding. So that would take us which one  
5 next, Mr. Hoyt?

6 MR. HOYT: No, I thought we were done the easy ones.

7 Actually the next one I go to is 5(2). And in 5(2), the  
8 interrogatory related to incentives that are provided by  
9 EGNB. And as part of the question at the end of question  
10 2, there was a request to compare levels of those other  
11 incentives to those provided by EGNB. And EGNB  
12 unintentionally overlooked that reference in terms of  
13 providing information about EGNB incentives and EGNB will  
14 provide the requested response.

15 CHAIRMAN: Mr. Lawson, I assume that's satisfactory?

16 MR. LAWSON: I guess to a certain extent, yes, Mr. Chairman.

17 The difficulty is then they have just picked -- and I  
18 don't know how they chose, they said that there are --  
19 this is normal in the industry, if my memory serves me  
20 correct here, something of that nature and gave then gave  
21 an example of I guess a couple of locations. I don't know  
22 how those locations, those particular gas suppliers were  
23 identified for purposes of comparison, but perhaps if they  
24 could select a couple more at random as well and then do a  
25 comparison of what they provide versus what are provided



1  
2 here.

3 CHAIRMAN: Mr. Hoyt?

4 MR. HOYT: I am just looking at what we did provide, I mean  
5 there is an explanation in terms of we provided Nova  
6 Scotia, because it's the jurisdiction nearby and it's, you  
7 know, in a similar stage of development. Pick Kitchener  
8 Utilities out, that's pretty random. I mean we can look  
9 for another to provide, but I think the key that was  
10 missing from the response was information about EGNB's  
11 incentives that could then be compared to it. So I mean  
12 that's particularly what we are going to provide.

13 MR. LAWSON: And that was certainly an important piece of  
14 it, but of course the evidence was to the effect then -- I  
15 stand to be corrected if I am misquoting it, but something  
16 to the effect that this is normal in the industry. And  
17 what we now have are two examples. And I know there are  
18 more gas distributors in the industry, so I am just  
19 thinking two examples may not be a very good sampling. So  
20 perhaps a couple more of randomly selected with  
21 comparisons would be fine.

22 CHAIRMAN: Well you say a couple more, are you saying  
23 specifically two would satisfy what you are looking for?

24 MR. LAWSON: I would think so, as long as they are randomly  
25 selected. What we don't want is them to shop around in

1  
2 the cart and say well these ones are exactly what we do,  
3 so let's do that and make us look good. I don't have -- I  
4 don't know who they are.

5 CHAIRMAN: I don't know what you mean by random selection?

6 MR. LAWSON: They can pick them, as long as they don't  
7 choose them by saying let's look at the answer to the  
8 question first at what the comparison looks like and then  
9 we will select.

10 CHAIRMAN: Mr. Hoyt any -- does that pose a difficulty to  
11 provide a couple more examples as requested by Mr. Lawson?  
12 I mean I am really just looking for your position on it?

13 MR. HOYT: And I don't -- we will look. I am not so sure it  
14 adds anything. I mean we provided the response to the  
15 question. I guess I overstated this being an easy one. I  
16 thought that if we gave them what they wanted that that  
17 might be enough.

18 MR. LAWSON: Look, Mr. Chairman, I do take objection.

19 That's not what we wanted.

20 CHAIRMAN: Well let's just try and determine whether or not,  
21 you know, you can get what it is you now are indicating  
22 that you are looking for. Mr. Hoyt are you prepared to  
23 give him a couple more examples?

24 MR. HOYT: Yes, we are.

25 CHAIRMAN: Mr. Lawson, is that -- does satisfy your

1  
2 question?

3 MR. LAWSON: That would be fine.

4 MR. HOYT: The next one is Flakeboard 13. And Flakeboard 13  
5 was a request for a copy of detailed financial statements  
6 for EGNB. And the response was that the detailed  
7 financial statements for EGNB are confidential as they  
8 deal with items that not of a -- all of regulatory nature.  
9 And that the 2000 and 2006 regulatory statements for EGNB,  
10 which have been approved by the Board are available to the  
11 public at the Board's offices. And in response -- or in  
12 Mr. Lawson's motion, he just asks that we provide the  
13 requested financial statements.

14 So in response to that EGNB will provide the requested  
15 regulatory statements. This is an issue that you know  
16 they are filed at the Board, but that they don't want to  
17 go get them, then we will get them and provide them and  
18 put them on the record. But the Board regulates EGNB's  
19 regulatory statements. EGNB's full financial statements  
20 contain information which is confidential and beyond  
21 what's relevant in this proceeding. And filing EGNB's  
22 regulatory statements is consistent with the approach  
23 always taken by this Board in the past.

24 CHAIRMAN: Mr. Lawson?

25 MR. LAWSON: Well, Mr. Chairman, I have been involved as

1  
2 well with the predecessor Board and in cases where I have  
3 been involved with the Board did require full financial  
4 statements filed on a confidential basis, not just for  
5 regulatory purposes -- not just regulatory statements.  
6 And we would submit that again given the confidentiality  
7 of the obligations, we would submit that the statements  
8 can and ought to be filed with the Board for review by the  
9 parties subject to confidentiality.

10 CHAIRMAN: Mr. Lawson, I guess you are looking for -- what  
11 you are referring to is detailed financial statements,  
12 which obviously differ in some way from the regulatory  
13 statements or it wouldn't be an issue. What type of  
14 detailed financial statements are you indicating have been  
15 filed in the past that would be different than the  
16 regulatory statements?

17 MR. LAWSON: I can cite for this Board, I represented for  
18 some period of time, what was then the SMT bus system.  
19 And in that case the Board required with in addition to  
20 the regulatory statements that we filed with the Board, a  
21 full set of financial statements of that particular  
22 company, regardless of whether or not it was regulatory --

23 CHAIRMAN: I am sorry, I misunderstood you. I thought you  
24 were referring to previous EGNB proceedings.

25 MR. LAWSON: No, no. I am sorry, Mr. Chairman, no. To my

1  
2 knowledge this wasn't requested in previous IR's.

3 MR. HOYT: Mr. Chair, I would just like to correct that. We  
4 have been asked for this specifically in prior  
5 proceedings, these financial statements and the response  
6 was the same as what we are providing now that we would  
7 provide those regulatory statements, but that the others  
8 are confidential and that's the way that the Board treated  
9 them.

10 CHAIRMAN: Did it ever end up as a contentious issue that  
11 resulted in a ruling that --

12 MR. HOYT: I am not sure. I don't think so.

13 CHAIRMAN: Anything further? Do any of the intervenors want  
14 to add on that one? All right.

15 MR. HOYT: The last one. Flakeboard IR-15(b) and 16(b). A  
16 similar point. And in these IR's Flakeboard was asking  
17 in 15 for each month during '06 and '07 for the gas  
18 volumes, and it is (b) that is in issue, that were  
19 delivered at each delivery point on the system broken down  
20 by the rate schedules taking service at the delivery  
21 point. And a similar request is made in 16, only there it  
22 is looking for each year, what those annual gas volumes  
23 were. And the response that was provided by EGNB was that  
24 a delivery point on the system would constitute an  
25 individual customer.

1  
2           So the first -- the first thing is, we are not sure  
3 what it is that Flakeboard is after, because the way the  
4 question was asked, where it references a delivery point,  
5 but then it says to break it down by the rate schedules  
6 taking service at the delivery point sounds like a concept  
7 other than the delivery point actually being the customer.  
8 And to EGNB, the delivery point generally is the customer.

9           So I thought, first of all, we need to determine  
10 whether we are talking about the same thing -- the same  
11 thing or not. And if in fact the delivery point being  
12 referenced is an individual customer's meter, we would  
13 have to mask again this issue about what the delivery  
14 point is in every case to avoid identifying the customer.  
15 And again we are at a little -- at a loss in terms of  
16 what's being requested.

17 CHAIRMAN: Okay, Mr. Hoyt. Mr. Lawson?

18 MR. LAWSON: As to what's being requested, I don't have my  
19 expert here who wrote the question to ask for details to  
20 be perfectly honest with you. But it would appear as  
21 though his purpose was to find out the detailed  
22 information about customers recognizing that we don't need  
23 customer identification particularly, but we are looking  
24 for the information itself what it is, and what class --  
25 and what rate schedule they are. For example, is it

1  
2 residential versus an LFO, HFO customer? So that's what  
3 we are looking for. We are not looking obviously for the  
4 individual customer names. We don't care.

5 CHAIRMAN: Mr. Hoyt, does that help you at all?

6 MR. HOYT: Well only that -- I mean it may be one that Mr.  
7 Lawson wants to consult with the expert just to make sure  
8 there isn't additional information, because the responses  
9 that were given in (a) and (c) to those same IR's that in  
10 (a) it is broken down by rate classes. So in terms of the  
11 amount of gas that is delivered to customers in the  
12 various classes, it is there. And in (c), it gives the  
13 amount of gas that is delivered in the various gate  
14 stations. So when it is delivered by, you know, MN&P at  
15 St. Stephen it says this is the amount of gas that's going  
16 to St. Stephen in all of these months. And then similar  
17 information I believe is prepared -- provided in 16, but  
18 gate station and by customer class.

19 So that's why it seemed as though what -- and I think  
20 what it sounded like Mr. Lawson was just describing I  
21 think is already provided.

22 MR. LAWSON: My reference to by class was not sort of the  
23 entire system by class or even by gate, and I think it's  
24 called here, gate station, but rather by individual  
25 delivery point, which I presume would be described as the

1  
2 customers, as indicated by EGNB, is the actual customer  
3 site. Much more detailed information.

4 CHAIRMAN: I want to go back to the original -- to the  
5 answer to that was that a delivery point would constitute  
6 an individual customer, and therefore EGNB is unable to  
7 provide the information. That was a confidentiality issue  
8 really. And if there were a method of again attempting to  
9 mask the identity of particular customers, it strikes me  
10 that that may be very difficult or it may be somewhat  
11 transparent in terms of being able to identify certain  
12 customers, but would that be of any use to the parties?  
13 Can you work with something like that in terms of doing it  
14 on a confidential basis with actual names not being given?  
15 Does that help at all in this situation?

16 MR. HOYT: Just from our point of view though, I haven't  
17 gone here yet, but it is relevant. That's the other thing  
18 I think is at issue on this is what is the relevance of  
19 the amount of gas taken by every customer on EGNB's system  
20 when application to adjust the LFO rate class is right?  
21 That would be the question that I would have to ask.  
22 Sorry, but to respond to your suggestion, again I think it  
23 is similar to the difficulty we talked about earlier in  
24 terms of we are trying to say how much gas is used at  
25 every location, but we can't say who used it.



1  
2 Challenging, but I think the more important question in  
3 this particular one is relevant.

4 CHAIRMAN: Mr. Lawson, anything further?

5 MR. LAWSON: I just -- our fellow thinks it's relevant and  
6 EGNB didn't say anything about it being irrelevant in  
7 their response in their IR's.

8 CHAIRMAN: Well just going back to the response, Mr. Hoyt,  
9 the word, unable, doesn't mean that you don't have the  
10 ability, it meant because of the confidentiality that  
11 would be the --

12 MR. HOYT: That was with that reference.

13 CHAIRMAN: All right. Well that's one the Board will have  
14 to deal with then. And does that conclude the --

15 MR. HOYT: I believe so.

16 CHAIRMAN: All right. Well, we are going to take a short  
17 adjournment here and come back and hear argument on the  
18 methodology matter. It's 11:30 now, so we will reconvene  
19 at 11:45.

20 (Recess - 11:30 a.m. to 11:45 a.m.)

21 CHAIRMAN: We will deal with Mr. Stewart's second motion at  
22 this point in time. I appreciate that it is fairly handy  
23 to 12:00 o'clock, but it was my thought that if we got at  
24 this now, we could probably deal with it. Probably the  
25 parties would prefer than adjourning for lunch and coming

1  
2 back. If anybody has a contrary speak quickly but -- so e  
3 have a motion on behalf of Atlantic Wallboard that the  
4 within matter be adjourned and the Board conduct a hearing  
5 into the appropriate ratemaking methodology to be utilized  
6 to establish distribution rates for EGNB's contract large  
7 general service light fuel oil rate class.

8 So, Mr. Stewart, I guess that's your motion, so I will  
9 ask you to proceed.

10 MR. STEWART: Thank you, Mr. Chairman. To be clear, and if  
11 it's not, you know, the Board made obvious when the motion  
12 requested, we are not asking the Board today to make nay  
13 solid determination as to what methodology is in fact  
14 appropriate. The Board may have its suspicions that the  
15 market-based methodology remains appropriate. The Board  
16 may have it's suspicions that a cost of service or some  
17 other hybrid methodology would be the appropriate way for  
18 Enbridge to set its rate in its LFO rate class.

19 But all of those are decisions for another day. The  
20 submission made to you today is simply that the  
21 circumstances and the evidence filed in this proceeding  
22 lead us, we submit to the conclusion that this is an issue  
23 which needs to be examined at this time. Certainly it's  
24 the Board, in our submission, cannot proceed with making  
25 any increases to Enbridge's LFO rate, and I am just going

1  
2 to truncate it to LFO, LFO rate without turning its mind  
3 to the appropriateness of the methodology that is  
4 submitted should be followed by Enbridge.

5 There is sufficient doubt that it is no longer -- the  
6 market-based methodology is no longer effective, relevant,  
7 fair, logical, and in our submission that it will result  
8 in just and reasonable rates.

9 Our request is that the Board not increase rates  
10 without a review of the methodology. And this so for  
11 several reasons. And I am going to try to go through the  
12 points sort of one by one. And just to keep things  
13 interesting, I am not going to do them in the same order  
14 that I put them in the letter.

15 The first point and why it's necessary for you to step  
16 back and review the methodology is what I believe is an  
17 obvious inconsistency on the face of the application  
18 itself. Because as Mr. Charleson points out in his  
19 evidence, he says that the methodology applied, this  
20 concept of you know taking a burner tip price and backing  
21 off a percentage has its basis and is appropriate because  
22 natural gas and oil prices have generally tracked each  
23 other. And I was counsel for a participant in the  
24 original rate case in 2000 and the Board's decision in  
25 June of 2000 and the record of that case would confirm

1  
2 that there was a great deal of evidence filed on that  
3 particular point. And indeed it was the Board's  
4 conclusion, and indeed at a review of the evidence at that  
5 time, none of the other parties seriously took issue with  
6 the fact that indeed those prices for oil and natural gas  
7 generally tracked each other.

8 And I would submit when the Board reviews that  
9 decision and the record if you are so inclined, you will  
10 appreciate that this fact was part of what made the  
11 market-based formula in the unique greenfield market that  
12 we were facing back at that time eight years ago  
13 acceptable in at least initially just and fair or just and  
14 reasonable. That is that while there might be minor  
15 fluctuations between the two, maybe a seasonal adjustment,  
16 maybe something which would cause a spike in one or the  
17 other prices, generally the two would track each other.  
18 Because if they don't track each other, it's not fair. I  
19 mean backing off a percentage and proceeding on that basis  
20 doesn't work unless that fact is true. And the  
21 establishment of that methodology or this methodology back  
22 2000 was fundamentally based on that truism. And the  
23 inconsistency emerges in the recent experience that we  
24 have -- with respect to oil and natural gas prices over  
25 the last two years.

1  
2 In other words, at one point in his evidence, Mr.  
3 Charleson says well the formula is still appropriate  
4 because oil and natural gas prices continue to track each  
5 other. And the next breath he says, oh, but they are so  
6 different now, we deserve a 90 percent increase after  
7 having a hundred percent increase just two years ago. And  
8 we would submit that you can't have your cake and eat it  
9 too that way. You can't say that the formula is still  
10 appropriate because the prices are same and then seek  
11 these kinds of dramatic increases because the prices have  
12 varied some much.

13 And this simple fact alone, I would submit, should  
14 cause the Board to step back and say wait a minute, is  
15 this methodology still appropriate if these are the  
16 results that are flowing from it and if the old days of  
17 these prices generally tracking each other are now over.  
18 As I recall the record of the 2000 rate case would reveal,  
19 I think we were talking \$36 a barrel gas prices. In the  
20 CARD here I heard this morning that oil is now \$95 a  
21 barrel. We are sort of in a brave new world. It's not  
22 Enbridge's fault. It's not anyone's fault. And I wish it  
23 didn't happen. But that change in circumstance, which  
24 results in this gap in the first place must cause you, and  
25 it certainly has caused the ratepayers to step back and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

reflect as to whether or not the formula still is appropriate as a way to set rates, because the results you get out the other end is so dramatically different in a way that was never envisioned in 2000 when the rate methodology was established.

And I am going to come back to it a little later one, but I just want to give one more nod to whether or not cost of service is relevant even in a market-based methodology. And the answer is, of course, it is. Because even though the market-based methodology was approved by the Board originally in 2000, it still divided the customers of Enbridge up in very distinct rate classes. Residentials pay more than light fuel oil and they did right from the outset. And the reason they did that is because even though you were using the so-called market-based formula, it was recognized that in order to reach -- or just reasonable rates, it was necessary to charge different customers different amounts based on at least in broad strokes, the cost of servicing them.

I would like to, if I could, refer you to Mr. Charleson's evidence filed with respect to this matter. And particularly questions and answers 3 and 4. It would be toward the bottom of the first page. Page 1 of 11. And questions or more particularly I guess answers e and

1  
2 4, as far as I can tell set out the evidence that Enbridge  
3 has provided to this Board as to why the market-based rate  
4 methodology is still appropriate and what its purpose is.

5 Question 3 reads, EGNB has stated previously that its  
6 distribution rates are market-based. Please explain the  
7 purpose of market-based rates? Market-based rates are  
8 predicated on local market conditions with the objective  
9 of providing potential end use customers with the economic  
10 incentive to convert to continue to use natural gas.

11 Well, all right, Enbridge says its evidence is that it's -  
12 - the purpose of these rates are to meet this incentive to  
13 convert and continue to use approach objective.

14 And then the question is does EGNB continue to feel  
15 that the market-based methodology of setting its rates  
16 best suits the greenfield market in New Brunswick? Well  
17 there is evidence given in the question because that  
18 presumes that the market in New Brunswick is a greenfield  
19 and I am going to come back to that.

20 But assuming the question is does Enbridge believe  
21 that the market-based methodology is still appropriate  
22 today in its current environment? The answer is simply,  
23 yes. And why? And it goes on the top of the next page,  
24 because it continues to enable EGNB to establish base --  
25 excuse me, establish rates based on local market

1  
2 conditions. And quite frankly I am not sure what that is.  
3 But certainly any other methodology would arguably allow  
4 you to set rates based on local market conditions. And it  
5 also supports EGNB's objective to provide potential and  
6 existing end use customers with sufficient economic  
7 incentive to convert and continue to use natural gas.  
8 Basically the same response.

9 So the evidence before you is it's appropriate to  
10 continue to use these rates, because it meets this  
11 objective we have of having LFO customers convert and use  
12 natural gas. That's the evidence.

13 And then over the next several questions and answers,  
14 Mr. Charleson goes on to roll out the formula and plug in  
15 the numbers and arrive at his rate. Fair enough. And I  
16 think it's appropriate to ask the question are these rates  
17 in fact meeting the objective that Enbridge has indicated  
18 they want them to meet, that is providing the incentive to  
19 convert LFO customers? And I would submit the answer is  
20 no.

21 I would like to refer the Board -- and I just made  
22 some copies. In one of the IR's I asked -- and I  
23 shouldn't walk and talk because I will go off the  
24 microphone at the same time. I asked Enbridge to provide  
25 a copy of their last two or three years construction plan.



1  
2 And what I have just handed you is a copy of page 2 from  
3 Enbridge's 2006, 2007 and 2008 construction plan. And for  
4 those of you, Board Members, who aren't familiar with the  
5 construction plan, and perhaps you are, as a result of a  
6 previous order of the Board, Enbridge was required to file  
7 at the end of the year with the Board, its certain  
8 projections as to where it is going to build and what it  
9 may build for the following year.

10 So in essence, we have at the end of 2005 a plan filed  
11 for what they are going to do in 2006. 2006, what they  
12 are going to do in 2007. And indeed one filed just before  
13 Christmas for what they anticipate will happen in 2008.  
14 And if I could just take you, please, to the Table 1 of  
15 the 2006 plan, so this is the end of 2005 projecting  
16 what's going to happen in 2006. And you see Table 1 says  
17 2006 Forecast Customer Addition. And under the LFO rate  
18 class, there s projected two additions to get you to a  
19 total of 20. So that means that in the end of 2005 you  
20 had 18 LFO customers and they were projecting two more.

21 If you turn the page and look at what they were  
22 projecting for 2007, you will see the projected additions  
23 for 2007 in the rate class were zero. And did both of  
24 those proposed editions happen in 2006, as they had  
25 projected? No. There is a net gain of 1. So we have

1  
2 moved from 18 to 19 LFO customers. And it is interesting,  
3 of course, to remember that the rates increase  
4 substantially based on the last increase at the beginning  
5 in early 2006.

6 Well let's flip the page again. So what is Enbridge  
7 projecting for customer additions for 2008 in their plan  
8 which was filed with the Board as it indicates on December  
9 21, 2007? Did the forecast of zero additions in 2007 hold  
10 true? Yes, there were zero additions or zero net gain.  
11 And what are they projecting for next year? Zero. How  
12 many conversions are forecast as a result of the market-  
13 based rates to meet Enbridge's objective to provide  
14 potential and existing end use customers sufficient  
15 economic incentive to convert to natural gas? Their own  
16 projection for the second row in a year is zero.

17 So that's the objective that their evidence indicates  
18 these market-based rates are about to -- are trying to  
19 achieve. They are not achieving them. And if that's the  
20 case, then it would seem to me this Board should consider  
21 whether that's the appropriate rate-making methodology  
22 that it should use to set Enbridge's LFO rates.

23 It does beg the question why? I don't know. And I  
24 haven't done enough analysis yet and we still have some  
25 IR's to be provided or IR responses to be provided, but I

1  
2 rather suspect because there is no one left to convert.  
3 The one net addition is quite frankly almost certainly my  
4 client, which is a new build and does not have dual fuel  
5 capacity and was not a conversion. And I would submit  
6 that any new additions to this LFO class are not going to  
7 be a conversion. They are going to be new builds where  
8 the proponents of a project will look not at gee, can I  
9 convert and save a lot of money? They are going to look  
10 at their business plan as a whole and say, will I set up  
11 my shop in New Brunswick and hook -- get my natural gas on  
12 the Enbridge system, or will I go to Boston or Virginia or  
13 some place else where my distribution rates are  
14 substantially lower? Potential new customers are not  
15 going to give a flying frig whether the price they are  
16 paying for long -- for local distribution natural gas  
17 services are cheaper than oil or not, because oil is never  
18 a question for them. They are going to burn natural gas  
19 no matter what and they are going to do it where the rates  
20 are either cheaper or just and reasonable based on the  
21 cost of actually servicing you as a customer.

22 So what does that mean? I submit or we submit that it  
23 means that with respect to the LFO rate class,  
24 particularly the market-based rates are done. And that  
25 the LFO market is mature and that the objective that they

1  
2 once obtained getting those first 19 conversions or 18 and  
3 then one new build done are gone, it's spent. And it's  
4 time for the methodology to be reviewed and to be changed.

5 And this leads me to the third and fourth points on  
6 page 6 of the letter I wrote in support of the motion  
7 filed yesterday. And my third point was the market is  
8 mature, the incent to convert and the relationship that  
9 benchmark oil is no longer relevant to the growth of the  
10 class membership. And the proof is in the pudding. The  
11 forecast growth for the last two -- for the second year in  
12 a row is zero. And the application of the market-based  
13 approach in the current pricing environment creates I  
14 would submit an absurd result, which results in  
15 distribution rates which are not just and reasonable. And  
16 with respect to Enbridge all it really does is allow them  
17 to charge 90 percent more to the existing customers they  
18 have. And it doesn't incent anyone to convert to natural  
19 gas or to set up shop in a way that consumes natural gas  
20 and provide additional distribution revenue.

21 I would like to if I could come briefly to the whole  
22 notion that New Brunswick remains a greenfield market some  
23 eight years into the piece. And sorry, just having a  
24 little paper shuffle issue here.

25 And if I could I would like to refer you to the

1  
2 document I handed you earlier, which is page 2 from EGNB's  
3 2008 proposed construction plan.

4 In the Executive Summary at the top of the page. And  
5 it reads "In the last eight years Enbridge Gas New  
6 Brunswick has made significant progress in building the  
7 infrastructure necessary to bring natural gas to New  
8 Brunswick residents and businesses. EGNB is currently  
9 serving nine municipalities and has installed over 657  
10 kilometers of distribution mains to the end of 2007."

11 And in the next paragraph they tell you that they  
12 propose to install another 60 more kilometers in 2008.  
13 "Over 27,000 home and business now have access to EGNB's  
14 natural gas mains, meaning that many New Brunswickers now  
15 have a new energy choice." And quite frankly I agree.

16 In responses the IR's they have now constructed nine  
17 custody transfer stations, that is nine taps into the  
18 Maritimes Northeast Maine Pipeline. By the end of 2008  
19 they project that they are going to have 10,500 customers.  
20 They have spent \$300 million. And they had a gross  
21 revenue for 2007 of \$51.7 million. New Brunswick's days  
22 as a natural gas greenfield are over.

23 At a minimum, just rattling off those statistics, must  
24 give this Board pause to reflect that before it can give a  
25 90 percent rate increase it must step back and make sure

1  
2 that the methodology which has been used up to this point  
3 is still relevant in this context.

4 This system is going to continue to expand. Mature  
5 systems continue to expand. But any new LFO projects will  
6 be new builds. And they will build or they will not build  
7 based on their ability to get charged for their natural  
8 gas distribution services what is fair and appropriate,  
9 but what it cost the company to provide them those  
10 services, not based on some oil price benchmark that is  
11 not relevant to them.

12 So what else may have changed since 2000? Well, there  
13 is at least three major things. The first two are that  
14 the rules have significantly changed for Enbridge since  
15 2000 when the market-based rate methodology was first  
16 approved.

17 Number (1). In April of 2003 the Gas Distribution Act  
18 was amended to allow Enbridge Gas New Brunswick to sell  
19 the commodity. We have to remember that when this  
20 methodology was first approved, Enbridge Gas New Brunswick  
21 was what we call a totally unbundled utility. That is it  
22 just the service. They couldn't actually sell the gas.  
23 The natural gas marketers had to sell all the gas.

24 Now as the revenues show, selling the gas commodity is  
25 now a significant portion of their business and now a

1  
2 significant integral part of their business plan and their  
3 expansion.

4 Change number (2), and one candidly dear to my own  
5 heart, in April of 2006 the Gas Distribution Act was  
6 amended again to effectively eliminate, I would submit,  
7 single end use franchises.

8 And what were single end use franchises? Single end  
9 use franchises were special permission from this Board to  
10 take gas directly off the Maritimes and Northeast Pipeline  
11 and avoid Enbridge altogether and their rates, fees and  
12 charges.

13 They are only permitted now under the legislation in  
14 areas which are not serviced by Enbridge and areas where  
15 it is ruled by the Board that it would be uneconomic for  
16 Enbridge to service.

17 I would submit that means they effectively have ceased  
18 to exist. But at a minimum they have been seriously  
19 curtailed. And so the monopoly that Enbridge has over  
20 distribution services in this province has been  
21 strengthened dramatically since the ratemaking methodology  
22 first came into play.

23 The third major change is the LNG plant. There is now  
24 going to be a second potential source of natural gas. And  
25 the long-term viability of the system has changed

1  
2 dramatically as a result or at least potentially as a  
3 result.

4 And now I'm to cost of service. And I'm just going to  
5 follow up on the comments that I made earlier. Based on  
6 what I think I was able to glean from the responses that  
7 are in the IR's to this point, Enbridge is I believe  
8 projecting in 2008, if they get this rate increase, that  
9 the revenue from the LFO rate class will be \$6,314,000.

10 And it also tells us that the cost of servicing, the  
11 direct cost of servicing Atlantic Wallboard are about  
12 19,500 and Flakeboard 250,000. So rough strokes \$269,500.  
13 And to be clear that \$269,500 includes a sizeable  
14 amortization of the initial capital costs to install the  
15 facilities to serve mine and Mr. Lawson's client.

16 For example for Atlantic Wallboard the \$19,500 cost to  
17 service us next year, \$17,000 of that is made up with an  
18 amortization of the initial \$4 million capital cost.

19 So if I do that math -- and I will confess that I'm no  
20 rate design expert. But to use Mr. Lawson's term or  
21 phrase, the back of the napkin analysis says that at least  
22 for two of the 19 LFO customers, the cost to service them  
23 including recouping the cost of building the facilities to  
24 serve them is 23 1/2 times -- the revenue is 23 1/2 times  
25 the cost of servicing.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I appreciate there are 17 other LFO customers. But I also submit that anecdotally I know one of the most expensive to serve was Mr. Lawson's client. And so when you turn that into the mix, I can't imagine that the numbers get worse or more out of whack. When we get a little more data we will do a little better analysis.

I also appreciate that those numbers are based on direct costs. And I suppose you could argue that, you know, a certain amount of the percentage of the head office rent and the accounting system costs and those sorts of things need to get worked in there too. But that hasn't come back to 23 1/2 times.

And while that may be a bit of a simplistic analysis I can see the results of that analysis in my view, in my submission to the Board, are that they cause -- they should cause you to pause and reflect and say, wait a minute, maybe this methodology is no longer appropriate.

Because the disconnect that is occurring between the cost to service these customers and the revenue that this formula now -- or the charges of this formula now on its face seems to permit are completely out of whack.

And they are so disconnected that approving rates at that level cannot be just or reasonable or certainly should not be done until you satisfy yourself that the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

methodology remains sound.

And once again Mr. Lawson stole my thunder earlier. But I'm going to remind the Board about what section 52 of the Gas Distribution Act says.

52 (3) says the Board may make an order approving or fixing just and reasonable rates and tariffs that a gas distributor may charge for the distribution of gas. So your obligation, indeed your jurisdiction is to impose rates that are only just and reasonable.

And more importantly section 52 (5) says that in approving or fixing just and reasonable rates and tariffs, the Board may adopt any method or technique that it considers appropriate including an alternate form of regulation. So the Act mandates you to determine the methodology at the time you fix rates.

So I would submit the Board has a mandate to turn its mind to whether the methodology remains appropriate. And I would submit that the circumstances surrounding that consideration now require the Board to step back and conduct a more detailed hearing and review as to whether or not the methodology remains important.

And finally section 54 says in an application regarding rates and tariffs for gas distribution, the burden of proof is on the gas distributor. With respect

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

it is not up to the ratepayers to tell the Board -- or to convince the Board that some other methodology should be used or that any methodology is appropriate.

It is up to Enbridge Gas New Brunswick to convince you that the methodology they propose is in fact the appropriate one. And the only real evidence you have is it is appropriate you meet an objective, which I submit the evidence shows is not being met.

Two additional points. I think it was in a press release with respect to the rate application that is pending for the other rate classes.

But Mr. Charleson was quoted in the newspaper the other day saying that comparing Enbridge Gas New Brunswick, and it has been in the record in other rate hearings, and it is alluded to in the evidence that we have filed here that, you know, Enbridge Gas New Brunswick, you know, has to have these market-based rates because they had to -- you know, we rolled out and we invested in infrastructure and we -- you know, we don't have the pay as you go system like they have in Nova Scotia that Heritage Gas, the distributor there, operates on.

Well, with respect, since 2004 that has not been the case. See, it is alluded to in the evidence -- in fact it

1  
2 is directly referred in the evidence -- excuse me just one  
3 sec'. I have lost my construction plans. Since I haven't  
4 got off this chair I'm greatly concerned about where I may  
5 have put it. Here we go.

6 In the portions of the construction plans I have in  
7 front of you, I think it changes from year to year. But  
8 the text is exactly the same.

9 In the second paragraph of the Executive Summary that  
10 you have, it always reads, EGNB tentatively plans to  
11 construct approximately so many kilometers of main in the  
12 next year, and in what municipalities.

13 "However all actual pipeline construction in 2008 will  
14 be based on demand. As a result the enclosed routes are  
15 preliminary until sufficient demand has been confirmed.  
16 EGNB will continue to work closely with industry  
17 stakeholders to ensure that they understand the  
18 preliminary nature of the proposed routes."

19 So the market-based rates aren't being utilized to  
20 fund expansions of the network. And in fact since 2004  
21 Enbridge has had a pay as you go approach. They don't  
22 build the line, as they continue to repeat in their  
23 construction plans, until they have sufficient signed  
24 demand to proceed.

25 So they are proceeding as it were on a cost of service

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

basis then anyway. Until they have the revenue I'm not putting the pipe in the ground. Until I have the signed customers I don't put the pipe in the ground.

So don't tell us then that we need these market-based rates and cost of service is not relevant and you may have to pay more than that to fund this expansion. Because your expansion is proceeding on a pay as you go basis in any event.

Our interrogatory, AWL interrogatory number 9, I posed the question -- quite frankly I was a little surprised at the answer. But I posed the question -- because I wanted to try to figure out what Enbridge's position is on this point.

And I asked them instead of \$4 per gigajoule distribution rates, do you think they would still be just and reasonable if they were \$20 per gigajoule? And the answer was yes. As long as that is what you plug in the formula and that is what comes out the other end, then it is just and reasonable.

And I would submit that position is not tenable. And the mere fact that that approach has been approved by this Board in another completely different set of circumstances is hardly determinative as to what the Board should do today.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

And part of the reason why the Board needs to embark upon the methodology that we are suggesting -- or methodology review that we are suggesting you should is revealed among other places. Because I think all of us asked that -- vary on this theme.

But in the response to AWL's interrogatory number 3 where we asked "And have you conducted a market or customer study in relation to the use of these market-based rates?", the answer is "No. EGNB has not conducted such a study."

We asked them if they conducted a study or performed any sort of analysis as to the propriety or the appropriateness of continuing to use your market-based rate methodology? The answer, no.

So if they are not doing it somebody has to do it. And the ratepayers are entitled to it to be done. And the ratepayers are entitled to know that the rates set by the Board are just and reasonable.

And that consideration must involve this Board reviewing and improving a methodology that will result in just and reasonable rates, not simply the blind application of numbers to a formula established eight years ago.

The last point I want to address is the bogeyman of

1  
2 the deferral account. And in Mr. Charleson's evidence he  
3 says well, we got to charge these rate now, even if they  
4 are high, because we got to take every opportunity we have  
5 to pay down that deferral account. You know, that is  
6 going to be good.

7 And my response to that is -- and the response I  
8 submit of all the ratepayers is oh, you know what, we  
9 don't care. Ultimately Enbridge Gas New Brunswick is a  
10 privately-held for profit corporation. They applied for,  
11 indeed fought for the franchise they have.

12 And in its most basic terms it was your business model  
13 will function on two basic parameters. Number one, we are  
14 going to grant you a province-wide monopoly. And in fact  
15 we made it even stronger in the meantime. But you have a  
16 province-wide monopoly.

17 But the other parameter is you can only charge your  
18 customers just and reasonable rates. And if you fellows  
19 think that you can make a profit in amongst all that, it  
20 is yours.

21 And if it turns out that this utility hasn't been  
22 running the way that it should, or quite frankly through  
23 no fault of the individuals around, the business model  
24 just didn't work out, lord knows that happens, and the  
25 deferral account doesn't get paid, and the Province of New

1  
2 Brunswick draws down on the letter of credit that is in  
3 the vault at the Department of Energy, that is not the  
4 ratepayers' responsibility.

5 The ratepayers have the right and indeed only the  
6 obligation to pay rates which are just and reasonable, not  
7 to ensure that the business model for the investors of  
8 Enbridge Gas New Brunswick make all the money they thought  
9 they were going to make by charging us rates which are not  
10 just and reasonable.

11 The Board has a statutory obligation to arrive at just  
12 and reasonable rates, not to plug numbers into a formula  
13 hoisted upon you by Enbridge, even if that formula was at  
14 one point appropriate. The onus is on Enbridge to prove  
15 here.

16 I submit based on the evidence you have before you  
17 now, there is real and sufficient doubt that the  
18 methodology they propose is acceptable, that before this  
19 Board touches the rates in any way, it needs to conduct a  
20 review.

21 With respect to Mr. Charleson, his simple answer of  
22 "Yes" in answer 4 is not sufficient.

23 I ask the Board to grant the motion sought. We assure  
24 the Board that we have no intent to unduly delay these  
25 proceedings. And we are perfectly prepared to discuss the



1  
2 timetable for the process at the parties' and the Board's  
3 convenience.

4 Those are my submissions.

5 CHAIRMAN: Thank you, Mr. Stewart. Any questions?

6 Mr. Johnston?

7 BY THE VICE CHAIRMAN:

8 VICE CHAIRMAN: Mr. Stewart, I have a few questions for you.

9 And I would like to start by talking about the question of  
10 onus, which you put quite a bit of emphasis on in your  
11 statements.

12 But let me suggest to you -- and I may be anticipating  
13 an argument that is going to be raised by somebody else --  
14 that there have been previous decisions of this Board that  
15 put a certain system in place.

16 And I would refer specifically to the 2005 decision  
17 which extended the development period until 2010. Given  
18 that decision in 2005 which extends the development period  
19 to 2010, does that not put the onus on your client or the  
20 advocate of a proponent of a change in the system to have  
21 that decision varied or rescinded rather than putting the  
22 onus on Enbridge to demonstrate that the methodology is  
23 still appropriate?

24 MR. STEWART: I would say no. And I appreciate, you know,  
25 there was an extension to the development period granted.

1  
2 and I think when we look at that decision and see what it  
3 actually says, while there is clearly no denying that the  
4 development period is extended, I really think that has  
5 more to do with what is happening with the deferral  
6 account and how it is treated and how it is recovered as  
7 opposed to any sort of blessing of any particular  
8 ratemaking methodology. Because that really doesn't seem  
9 to be dealt with in any particular or direct way in the  
10 decision.

11 But even if that is the case, I would submit that the  
12 legislation mandate, section 54, that the onus is always  
13 on the applicant and that the Board can only set just and  
14 reasonable rates.

15 And what methodology the Board has used in the past is  
16 not binding. Because the legislation mandates in my  
17 submission a review under 52 (5), the Board adopting the  
18 methodology for setting the rates at any given time.

19 And I think the Board -- excuse me. 52 (5) mandates  
20 you to consider the methodology every time.

21 VICE CHAIRMAN: You made reference in your remarks to a  
22 hybrid system. And I would just like to explore what you  
23 had in mind there.

24 Are you talking about a system where certain classes  
25 including the LFO class would be on a cost of service

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

system, and other classes would remain on the market-based system?

Or are you talking about people -- all of the classes remaining on a market-based system with some cap or some contribution to the overall process from a cost of service?

MR. STEWART: I will give you a good lawyer answer. Maybe both.

I don't know. And I think in answering those very kinds of questions and an assessment of whether some or all of those or a variant of those is appropriate and results in just and equitable rates in this circumstance is precisely what I'm asking the Board to do.

And I'm not precluding or necessarily advocating any particular methodology at this point. Quite frankly I don't know enough, you know. I'm trying to get this information among other things to my expert to help give me advice as to what might be the appropriate methodology to be used.

I'm submitting that those are potential results. But what I'm requesting is that the Board consider those very kinds of options.

VICE CHAIRMAN: In my review of the previous Board's decisions, it seemed clear to me that as the development

1  
2 period was coming to an end, the previous Board  
3 anticipated that there would be directions given to  
4 Enbridge to start work on determining what the costs of  
5 service were overall and for particular classes.

6 So it was anticipated that at some point in time the  
7 Board would give certain directions to Enbridge to begin  
8 assessments of cost of service within respective classes.

9 Is it your suggestion that we do an analysis that  
10 relates only to the one class? Or would it be necessary  
11 to do all classes at once with a comprehensive class cost  
12 allocation study?

13 MR. STEWART: I guess I would leave that to the Board's  
14 discretion. My client in this proceeding relates to a  
15 particular rate class. And I guess my submission is there  
16 is no doubt in our view that that needs to be done with  
17 respect to this rate class.

18 Whether the Board then sees fit to -- I mean, I'm  
19 aware and was served with a copy of the other rate  
20 increase application that is out there for many of the  
21 other rate classes. If the Board sees fit to explain  
22 about those as well, then yes, I can see a certain logic  
23 in that.

24 But since the position I'm in and the particular  
25 client I represent falls into this rate class, that is

1  
2 where I'm focusing my submission.

3 VICE CHAIRMAN: Now at the end of your submission you made  
4 the comment that you had no desire to unduly delay this  
5 process. And I certainly accept that no one does.

6 But it would seem to me that to do the kind of cost  
7 allocation study that would be necessary would be a  
8 reasonably lengthy process, both from Enbridge getting it  
9 together in the first place and then with the other  
10 parties having an opportunity to comment on it.

11 And I guess part of my concern is your submission that  
12 there should be no rate increases until the new  
13 methodology is determined.

14 You have made reference to just and reasonable rates.  
15 But that of course is something that applies both to the  
16 applicant and its ratepayers.

17 Would we not be delaying for quite a long time if we  
18 are looking at the rates?

19 MR. STEWART: Well, here is my comments in response to that.

20 And they are twofold. Number one, the fact that Enbridge  
21 has not done any of the work that I would submit they  
22 should have done, and therefore may have put themselves  
23 into this position, is their own fault, to put it very  
24 bluntly.

25 If they had conducted zero analyses, zero studies, you

1  
2 know, assembled zero cost numbers at this -- you know,  
3 into this late stage and in this environment then -- well,  
4 they would pay the price of the delay. That was their  
5 management decision and that is what they did.

6 My second comment in response to that is the evidence  
7 that is before you, as I understand it, is not that gosh,  
8 we need this rate increase because the cost of servicing  
9 these same 19 LFO customers has gone through the roof, and  
10 if we don't get it, you know, we are going to suffer  
11 financially.

12 What they have really said to you is oh, guess what,  
13 the gap has widened, we can get more now. I'm being a  
14 little flippant. But I think that is the gist of it.

15 And so that if their sought-after rate increase is  
16 delayed, there is not a shred of evidence to say that the  
17 only loss they will suffer or any hardship they will  
18 suffer is their ability to get even more based on this  
19 formula. There is no evidence of any hardship if we don't  
20 get it at all.

21 And there is -- I know that Enbridge has once applied  
22 for an interim rate increase in the past. And the Board  
23 has, you know, set out parameters for what might be an  
24 interim rate increase.

25 And in large measure, as I recall that decision, the

1  
2 Board said and ruled in denying the application for an  
3 interim rate increase, that in essence Enbridge drives the  
4 bus, it controls the situation. It put itself in this  
5 position where it had to wait for its increase. Then it  
6 bears the brunt of that.

7 VICE CHAIRMAN: Thank you very much. Those are all the  
8 questions I have.

9 CHAIRMAN: Thank you, Mr. Johnston. Mr. Toner, any  
10 question?

11 MR. TONER: I have a question.

12 BY MR. TONER:

13 MR. TONER: In relation to the -- it seems that you know  
14 what Atlantic Wallboard's cost was. Because you were  
15 discussing \$19,000 at 23 times. I don't see any evidence  
16 here. But maybe -- I'm thinking you would produce --

17 MR. STEWART: Yes.

18 MR. TONER: -- where you are getting these numbers?

19 MR. STEWART: I pulled that Information Request. Sorry, I  
20 wasn't expecting to have to go back to my notes. I  
21 believe it is Flakeboard Information Request number 11 and  
22 the responses to that.

23 MR. TONER: That is Flakeboard's cost? Or that is  
24 Atlantic --

25 MR. STEWART: I believe they have provided for both.

1  
2 MR. TONER: For both? Okay.

3 MR. TONER: Okay. Thank you. That is it.

4 CHAIRMAN: Thank you. Mr. McLean, any questions? And I  
5 don't have any questions. Thank you, Mr. Stewart.

6 Mr. Plante, do you wish to address the Board on this  
7 issue?

8 MR. PLANTE: That is fine. I will be brief. As I noted  
9 previously, given the magnitude of the proposed rate  
10 increase, we have some real concerns that our members  
11 would be paying charges that are well in excess of the  
12 cost of service.

13 In essence these companies would be subsidizing other  
14 consumers. As well they would be subsidizing the  
15 development of gas distribution infrastructure in the  
16 province. And I don't think that is what was intended.

17 Thus we feel it would be appropriate and very timely  
18 actually to take a review of the ratemaking methodology.

19 CHAIRMAN: Thank you, Mr. Plante. Any questions from the  
20 Board? Thank you. Mr. Lawson?

21 MR. LAWSON: I will just proceed now if you would like,  
22 Mr. Chairman. But just to give you a heads-up I will  
23 probably be about 15 or 20 minutes. So as long as the  
24 Board is okay with proceeding.

25 CHAIRMAN: It would appear we are not going to --



1  
2 MR. LAWSON: It would appear --

3 CHAIRMAN: -- get this in --

4 MR. LAWSON: Unless Mr. Hoyt wants to proceed.

5 CHAIRMAN: -- unless Mr. Hoyt is going to be a lot briefer  
6 than I was going to anticipate.

7 And the other question, Mr. Hoyt, I'm going to ask  
8 you, is that after you have heard Mr. Lawson, are you  
9 going to want a bit of a break to consider your comments  
10 or --

11 MR. HOYT: I'm not sure. I mean, I don't want to anticipate  
12 what they may be. But I wouldn't -- I wouldn't think so.

13 CHAIRMAN: Do you have any estimate as to how long your  
14 remarks might be?

15 MR. HOYT: 15, 20 minutes.

16 CHAIRMAN: The Board is inclined to take a break for lunch.  
17 But I don't really want to put this thing off so that it  
18 would delay it too long.

19 It is 20 to 1:00 now. Does anybody think that they  
20 couldn't be back for 1:30 if we had a break for lunch?  
21 Would that work for everybody?

22 All right. We will adjourn till 1:30.

23 (Recess - 12:40 p.m. - 1:30 p.m.)

24 CHAIRMAN: Mr. Lawson, are you ready to proceed?

25 MR. LAWSON: Yes, Mr. Chairman, I am. And I have a few

1  
2 handouts for everybody. I distributed the things that I  
3 had available for everybody else. I don't know that it  
4 was necessary to do that. But it might be a little  
5 easier.

6 No need to have those marked, Mr. Chairman, unless you  
7 wish to.

8 CHAIRMAN: Well, they appear to just be extracts from the  
9 evidence. So perhaps just in your remarks, if you just  
10 give us the reference to where -- well, it appears to be  
11 anyway.

12 MR. LAWSON: Some are extracts and some are previous Board  
13 decisions and the like. So they are all sort of on the  
14 record of the Board somewhere I believe.

15 CHAIRMAN: All right. So we should have four handouts?

16 MR. LAWSON: I believe that is correct, Mr. Chairman. If I  
17 refer to the fifth then I apologize for you not having it.

18 CHAIRMAN: All right. Proceed.

19 MR. LAWSON: Thank you, Mr. Chairman. I guess I would like  
20 to first refer -- and they have been handed out in  
21 randomly selected order.

22 So the first one is a copy of the decision of this  
23 Board, the PUB, the predecessor Board of January 21st 2005  
24 with respect to the extension of the deferral account and  
25 of the development period.

1  
2 And the Vice Chair referred to that in questioning  
3 earlier today in argument with Mr. Stewart.

4 And I would like to refer specifically to I guess what  
5 is the only page that you folks have. But it is page 3 of  
6 that decision.

7 And the second to last paragraph on that page in  
8 particular, firstly the last sentence reads "Market-based  
9 rates are lower than cost of service rates and may result  
10 in revenue shortfall."

11 So the presumption I think that needs to be started  
12 with on the concept of market-based rates is that the  
13 rates are lower as a market-based rate than a cost of  
14 service rate. And I submit that is very important as a  
15 principle.

16 And the reason for that clearly is that the market --  
17 the intention is to set it lower than it might otherwise  
18 be to attract customers and then recover the shortfall  
19 through the deferral account from a future customer base.

20 That is why I think it is so important for this Board  
21 to consider the issue of cost. Is in fact the market-  
22 based rate being sought now -- in fact is the market-based  
23 rate that is in place currently for the LFO class greater  
24 than the cost of the certain delivery of the service  
25 itself?

1  
2 I'm suspicious that at least to a certain extent that  
3 is the case. I use it by way of information. Because the  
4 answer that EGNB gave on the question of cost of service  
5 indicated they don't have an ability to do that analysis.

6 The one deliverer of service that we do have that is  
7 easy to isolate is Flakeboard's. And it is not just  
8 Flakeboard. It is the lateral that serves Flakeboard and  
9 all of St. Stephen.

10 The information that we have is that the cost on an  
11 annualized basis of having that lateral serve Flakeboard  
12 and all of St. Stephen is \$250,000 including a large  
13 amortization of the capital cost of \$3.2 million for the  
14 building of that lateral.

15 So it goes to Flakeboard. And because of the physical  
16 location of Flakeboard it continues beyond Flakeboard to  
17 service much of the community of St. Stephen.

18 Flakeboard's revenue for this line in 2005 -- sorry,  
19 EGNB's revenue for this line in 2005, which is in the  
20 evidence from the previous hearing, was \$1.4 million.

21 I don't know that there is in evidence to date what it  
22 is that Flakeboard's revenue will be for 2008. But with  
23 the rate increase that is being sought at 90 percent,  
24 obviously theirs is significantly in excess of \$2 million  
25 for 2008.

1  
2 That doesn't include any revenue coming from any other  
3 customers in that lateral. And in 2005 there was \$400,000  
4 worth of extra revenue, other revenue, non Flakeboard  
5 revenue coming from that lateral line.

6 So conceivably we are talking \$2 1/2 million in annual  
7 revenue at the requested rate increase. And that doesn't  
8 include any consideration of what the other customers that  
9 might be there might have by way of an increase being  
10 sought. So \$2 1/2 million for what is a \$250,000 cost.

11 If you assume what Mr. Stewart said, there are  
12 obviously some overhead costs which we have been told  
13 can't be allocated at this stage because it is not done  
14 that way. One can only hopefully safely assume that their  
15 overhead is not anything close to that number.

16 So the only information we have about cost is a single  
17 lateral line. We have a little bit of information with  
18 respect to one other lateral line. And that is the  
19 Atlantic Wallboard line. And it is not a lateral line. I  
20 don't know what they call it. But the pipe into the  
21 Atlantic Wallboard, where the cost is \$19,500. The  
22 revenue stream will be I submit substantially more. No  
23 evidence with respect to it I don't believe.

24 But the press release put out by Atlantic Wallboard  
25 indicated it was going to be \$850,000, I believe my memory

1  
2 serves me correctly, in extra charges by virtue of just  
3 this increase. So clearly there is a very substantial  
4 amount of money there on that side too.

5 So we don't know what the cost is for the other  
6 classes or the other people in the class. But the two  
7 people that appear we have some sense of cost suggests  
8 that the cost of service is substantially, substantially  
9 lower than the revenue being sought and probably  
10 substantially lower than what the current rate justifies.

11 So why, if this is -- are we just waking up to this  
12 idea? So why didn't the last request in 2005 address the  
13 issue of cost of service?

14 I can tell you one reason. Because I'm only learning  
15 about this gas process. When I gave advice to my clients  
16 in 2005 I didn't have two clues to what to look for. And  
17 as each time we go through the hearing we learn more.

18 And I submit if you take a look in the 2005 decision  
19 of PUB to extend this, there appears to me to not have  
20 been a single customer of any class who participated in  
21 that hearing.

22 There are two possibilities. (1) they had no problem  
23 with the idea of extension or (2), which I submit is the  
24 case, far, far more likely the case, is they haven't two  
25 clues what the consequences are going to be of the

1  
2 extension of the development period.

3 So I think we have to be careful not to read into the  
4 idea that the Board made this decision and that nobody  
5 objected to it, on the basis that, you know, nobody was  
6 there, so they must have been accepting of the idea. I  
7 don't think that is it at all. I think it is a case that  
8 we are all just learning about sort of the impact of  
9 issues like the development period.

10 And also in that decision on page 1 -- I'm sorry, on  
11 page 3 of that decision, just before that sentence I cited  
12 in that same paragraph, it talks about the characteristics  
13 of a market-based methodology being used the period of  
14 development, low market share and product awareness, high  
15 fixed cost, immature customer service support and low  
16 revenues. I don't think really any of those apply to the  
17 LFO class anymore.

18 So I think the underpinning if you will of the market-  
19 based cost structure is, even from the extension period in  
20 2005, is gone.

21 The other is -- and the evidence was alluded to by  
22 Mr. Stewart this morning -- the evidence of Mr. Charleson  
23 within this application when he talked about the  
24 objectives.

25 And he did say, as Mr. Stewart said, the objective of

1  
2 providing potential end use customers with an economic  
3 incentive to convert and to continue to use natural gas.

4 Well, the last -- the evidence is I believe in this  
5 case that there haven't been any conversions -- sorry,  
6 there haven't been any people who were on natural gas who  
7 have converted back to, if they have dual fuel capacity,  
8 to oil. So that shouldn't be a problem.

9 Are they able to -- are there new customers to chase?  
10 Well, if you take a look at -- and I didn't copy this.  
11 But if we take a look in the IR reply that we were  
12 provided by EGNB, IR number 2 of Flakeboard's, in it as I  
13 read it -- and this is number 2, page 2 of 2, section (c).  
14 It identifies LFO total market potential.

15 Now there is an indication that there are perhaps 19  
16 LFO customers. And perhaps there were 20. At one time  
17 there may have been 20. It appears from looking at this  
18 (c) that they are tapped out. There are no more LFO  
19 customers within proximity of their pipeline to even get  
20 to convert.

21 There are five more who are, regardless of their  
22 location, and I think the record shows, and I may stand to  
23 be corrected on this, but I think the record shows from  
24 previous hearings that those five are sort of well outside  
25 the area. They are in geographic areas that are not at



1  
2 all served there at the moment.

3 So they have got 100 percent it appears of the  
4 customers or potential customers that they have got. That  
5 is not a development period issue.

6 The development period is not a cross-subsidization  
7 period. It is not -- it is designed to develop customers.  
8 It is not designed to say one customer class should be  
9 overcharged so as to draw in more customers in another  
10 class that will have a wide distribution system. There is  
11 -- I have been unable to find anything that suggests that  
12 cross-subsidization is appropriate.

13 In fact if we look at the decision -- I think there is  
14 a copy of it there from June 23rd of 2000. If we look at  
15 page 14. I guess this is not the place I was looking for.  
16 But 14, the cost of service study -- I will refer to this  
17 when you have got it open. It is in the last paragraph of  
18 that page. It says "The Board will not require EGNB to  
19 file cost of service studies at this time."

20 And then if I just jump for a second, the last  
21 sentence says "The Board intends to revisit this issue  
22 near the end of the development period", the issue of cost  
23 of service studies.

24 We would submit from the evidence, as I have indicated  
25 this morning, we are approaching the end of the

1  
2 development period anyway. Then it says in between there  
3 "The Board does consider that the revenues provided by a  
4 given customer class should over time be reasonably close  
5 to the costs incurred to serve that class of customers."

6 So the Board in its decision initially does recognize  
7 that over time there needs to be a reflection in terms of  
8 the revenue from a class reflective of the cost of the  
9 class. And of course the market-based approach doesn't do  
10 that. But again it is underpinning on the assumption that  
11 it will be cheaper than cost to get them in.

12 Not to suggest it is the equivalent to the bait-and-  
13 switch. But it is the concept of the bait-and-switch.  
14 Get them in. Everybody knows ahead of time about it. Get  
15 them in and let them pay for it later. In this case we  
16 are paying for it now. The customer class is paying for  
17 it now

18 Interestingly in the evidence -- and I didn't make a  
19 copy of this -- but there is reference in the IR reply to  
20 Flakeboard's -- EGNB's reply to Flakeboard's IR number  
21 11 -- the answer refers to one of the advantages is an  
22 economy of scale that is achieved by having a large  
23 system.

24 Well, I would submit that even the benefit of economy  
25 of scale is destroyed. There isn't any economy of scale

1  
2 being achieved here. The larger customers are in fact not  
3 reaping any benefit. They are being asked to say, even  
4 though it may be cheaper to serve you, we are going to  
5 charge you a whole lot more so that you can spread the  
6 cost -- so we can spread that revenue amongst others.

7 And I don't think that is either right, or more  
8 importantly that that reflects just and reasonable rates.  
9 And it is contrary to the principles, regulatory  
10 principles that he who causes costs pay those costs. That  
11 is the fundamental principle generally.

12 Interestingly when I was looking through the decision  
13 in 2000 that I have alluded to, the Board didn't make a  
14 ruling on this, but there was to be a class called  
15 Contract Power Plant Service. And it is referred to on  
16 page 45 of that decision, a copy of which you have.

17 And in there the request of EGNB was that the rate for  
18 service for that class shall be determined for each  
19 applicant based upon the costs imposed upon the company to  
20 provide the requested service.

21 So for that class they were recommending to the Board  
22 that the Board accept the idea that this class would be  
23 charged the cost of service, presumably because those  
24 customers would -- they shouldn't carry any burden or  
25 provide any burden to others in the class.

1  
2 As I say, I don't know. To my knowledge there isn't  
3 any such class. But I don't know I can speak to it. But  
4 the concept was that EGNB accepted the idea, in fact  
5 proposed the idea that there should be a cost of recovery  
6 for that class. That is all we are looking for here.

7 And one of the things that we have to bear in mind, we  
8 do not know what a cost allocation study will result in.  
9 We don't know that. We can't even do the back of the  
10 napkin calculation.

11 Except those two laterals, the St. Stephen lateral and  
12 the one to Atlantic Wallboard, which gives us an absolute  
13 sense that there is no way we could conceivably be other  
14 than above cost. The revenue must exceed the cost of the  
15 service. But we don't know.

16 Our whole proposition here is, in agreement with what  
17 Mr. Stewart's motion is, is that -- well, we don't know.  
18 I think the obligation falls upon the Board to find out  
19 and to reflect the cost of service on what really is --  
20 what does it cost to provide service to this class,  
21 whatever that might be.

22 Lastly -- I don't know if I made a copy of this or  
23 not. But there was -- there had been an answer to an  
24 interrogatory provided back in one of the previous  
25 applications by EGNB asking effectively why -- I don't

1  
2 know what happened to it. I don't know if I gave away all  
3 my copies or what happened, but -- yes, I gave away all my  
4 copies. Thank you.

5 Asking EGNB basically what happened from 2000 to 2005?  
6 What has gone wrong here that what everybody expected was  
7 going to be a takeoff of this service and it would be a  
8 relatively short development period, what went wrong?

9 Well, I'm not going to bother reading all the things.  
10 But if you take a look at the things that they have  
11 identified here, they told us the assumption that were  
12 made were wrong.

13 Well, those assumptions were the assumptions on which  
14 the concept of the development period was made in the  
15 first place.

16 They tell us here the assumptions were wrong, things  
17 changed. I think now it behooves this Board to say if  
18 EGNB has told us the assumptions have changed, this Board  
19 has to look at the question of whether or not it is  
20 appropriate to in fact now say, we have got to look at it.

21 They tell us everything has changed. we know the  
22 fundamentals have changed. And one of the IR's shows the  
23 relative price of gas to oil from the time the application  
24 was made to now.

25 At the time the application was made, according to the

1  
2 evidence in the IR's, at the time the application was made  
3 to get the development period put in place, there was to  
4 be a 15 percent savings to the LFO class. And the spread  
5 between natural gas and oil was 16 percent.

6 They were anticipating a 1 percent. And bear in mind  
7 this is based on the historical data. They said there has  
8 been a historical gap. They were looking for a 1 percent  
9 spread. They have now changed that through the Board's  
10 approval, with the Board's approval from 15 percent down  
11 to 10 percent. So maybe with that change a 6 percent  
12 spread.

13 What in fact they were proposing now is 27 times -- 27  
14 times what their initial contemplated spread was. They  
15 contemplated a 1 percent spread between the price of oil  
16 and natural gas that would be provided that would be their  
17 money if you will, their cut.

18 The customer gets 15 percent of the 16 percent spread.  
19 They get 1. They are now looking for that spread, based  
20 on the numbers they have given us, to be 27 percent  
21 instead of 1 percent.

22 The fundamentals have changed dramatically. We submit  
23 as a result the Board has to consider what is truly the  
24 appropriate methodology.

25 Unless there are any questions that is all I have.

1  
2 CHAIRMAN: Thank you, Mr. Lawson. Any questions from the  
3 panel? Mr. Hoyt?

4 MR. HOYT: Thank you, Mr. Chair. EGNB wholeheartedly  
5 disagrees with Atlantic Wallboard's suggested adjournment.

6 And I want to begin by making a few points before  
7 addressing the comments from the intervenors. Just to  
8 provide a bit of background, EGNB was successful in  
9 responding to the Province's request for proposals for a  
10 gas distribution system in New Brunswick back in 1999.

11 And following that EGNB entered a general franchise  
12 agreement with the Province of New Brunswick, a general  
13 franchise agreement that was premised on EGNB's market-  
14 based rates methodology.

15 And after a full public rate proceeding in 2000 the  
16 Board approved EGNB's marked-based rate methodology for  
17 the development period. It has been discussed this  
18 morning. EGNB applied for in 2005 and received an  
19 extension of the development period to 2010.

20 Mr. Stewart and Mr. Lawson are attempting to separate  
21 one rate class from all of the other rate classes. But as  
22 a number of EGNB's responses to IR's confirmed, we have to  
23 look at the natural gas market as a whole.

24 The objective is to allow the entire natural gas  
25 distribution system in New Brunswick to grow. And to

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

start isolating a particular class is totally against the philosophy of what EGNB and the Province are trying to do in New Brunswick.

EGNB has had a consistent regulatory framework since day one. EGNB's market-based rates methodology and the certainty surrounding it is what supported the investment of \$300 million to date by EGNB and is what will support further investment.

Turning first to the points made by Mr. Stewart, noting that, you know, there is simply Mr. Stewart's comments about developments in the current state of the natural gas market in New Brunswick.

A lot of them are without foundation. For example number 4 in the actual motion, which he focused on specifically in his comments, says that the application of the market-based approach and the current pricing environment creates an absurd result.

None of the information has been tested. Some of the points that are made are quite frankly wrong. In number 7 it talks about continued use of the market-based rate methodology would act as a disincentive for new projects.

Well, if you turn to EGNB's response to the Board's IR number 7, in the second paragraph of that response EGNB contacted a prospective CLGS LFO customer regarding the



1  
2 rate change and the impact it may have on their decision  
3 to convert.

4 The customer indicated they still saw the savings they  
5 would achieve from using natural gas as being significant.  
6 And the rate increase would not impact any decision to  
7 convert.

8 Mr. Stewart suggested that we are not in a greenfield  
9 anymore. Well, EGNB would be very happy if we were no  
10 longer in a greenfield.

11 However the evidence indicates that we are still in a  
12 greenfield market. Enbridge is not recovering its costs  
13 at this time. It is far from a mature utility. And its  
14 deferral account continues to grow.

15 While it is tempting to go through each of the  
16 particular items one by one, I think it is more important  
17 we remain focused on the facts and evidence before the  
18 Board.

19 And what the Board has in front of it is an  
20 application from EGNB based on the Board-approved market-  
21 based rates. The application that Mr. Stewart and now  
22 Mr. Lawson would like to debate is not the application  
23 that EGNB filed.

24 Atlantic Wallboard is asking for a whole different  
25 hearing which we submit is inappropriate. They are trying

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

to ignore EGNB's application and make their own application.

A couple of reasons why the LFO proceeding as constituted should continue as scheduled. As I said, the Board's 2000 decision approved EGNB's market-based rates for the development period which currently goes to 2010.

EGNB has spent \$300 million in reliance on the Board's market-based rates decision. EGNB's application is to determine a specific rate based on the Board-approved market-based rate. Intervenors signed up with EGNB knowing how EGNB's rate methodology works.

LFO customers have had and will continue to enjoy significant saving. Many of them with fuel-switching capabilities aren't switching back to oil.

Every effort needs to be made to limit increases to EGNB's deferral account as it will impact future rates during the period over which the deferral account is actually being recovered.

We need to continue this process at this point. It has taken two and a half months to get to this point in this particular proceeding.

The intervenors I would submit are simply trying to delay implementation of a justified rate increase. They want to keep their own rates down despite significant

1  
2 savings both past and future and substantial price  
3 increases in their relative energy sources.

4 I do want to comment on just a couple of the remarks  
5 made by Mr. Lawson first and then Mr. Stewart.

6 Mr. Lawson referred specifically to a couple of prior  
7 Board decisions. The first one that was referred to was  
8 the 2005 decision to extend the development period and  
9 mentioned the fact or referred to the fact that market-  
10 based rates are lower than cost of service rates and may  
11 result in an overall shortfall. Again they are trying to  
12 look at these rate on a class by class basis to the  
13 exclusion of others.

14 But I would like to refer to the next paragraph of the  
15 same decision, the second sentence, which indicates that  
16 when a utility reaches the point where it can move to cost  
17 of service rates it can then begin to recover amounts  
18 recorded in the deferral account.

19 So what was being contemplated was that that time  
20 wouldn't happen until the company was in a position to  
21 begin recovering that deferral account. As I just  
22 mentioned, the deferral account continues to grow.

23 The second decision that Mr. Lawson referred to was  
24 the original Board decision in 2000 to approve EGNB's rate  
25 methodology to approve EGNB's rate methodology.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

And Mr. Lawson actually even referred to the particular sentence where he indicated or the Board indicated that they intend to revisit the issue near the end of the development period.

Well, at this point that is three years from now. I know somebody suggested it was two years. But I believe it goes to December 31st 2010. That is three years from now. And Enbridge would submit that we aren't near the end of the development period.

A couple of points on Mr. Stewart's remarks. One thing that he remarked on in terms of no more potential LFO customers.

And Mr. Lawson actually went to the IR that I would ask you to turn to as well. And that is a response to Flakeboard's IR 2 (c) which is the reference to potential LFO customers. And he went to, regardless of location, these five additional customers.

You know, I would suggest that prior to Flakeboard becoming a customer they might well have shown up on that line in this chart, where they were in St. Stephen, the line wasn't nearby. They may have been there. I mean, obviously Flakeboard has turned into an important client -  
- or an important customer.

The point is there are five identified. This is a

1  
2 class that only has 20 in it. That is 25 percent. So it  
3 is not like this class is closed.

4 With respect to a number of the EGNB responses to IR's  
5 that Mr. Stewart cited, I encourage the Board in those  
6 cases to look at the complete responses. As he was doing  
7 it and going through them rather quickly, some of the  
8 citations were fairly selective in terms of no. Well,  
9 there was a pretty good explanation as to why. And I  
10 would commend the Board to take a look at those four  
11 responses.

12 And I guess in particular the comment that he made  
13 that, you know, would particularly concern me was that  
14 there was a suggestion that there was a suggestion that  
15 there was absolutely no evidence from EGNB that these  
16 increases are necessary.

17 Well, on that one I would ask you to particularly read  
18 EGNB's response to Atlantic Wallboard 9 (c) and perhaps  
19 just turn there for a moment.

20 I think with time -- this is a really important  
21 response to take a look at. I'm not going to go through  
22 and read the whole thing.

23 But at the top of page 2 in the first full paragraph,  
24 at the end -- halfway through it you will see it says that  
25 these rate adjustments which are consistent with the

1  
2 market-based model are essential to maintaining the long-  
3 term viability of EGNB. Unnecessary additions to the  
4 deferral account not only delay achieving crossover. They  
5 will also impact future rates during the period in which  
6 the deferral account is being recovered.

7 I would suggest that, you know, from there you can see  
8 that there clearly is evidence that these rate increases  
9 are of importance to EGNB.

10 And again I think there is a lot more detail in this  
11 particular response in terms of how the methodology works  
12 and the rationale of the deferral account and so on. So  
13 it is an IR in particular that I would refer you to.

14 And with that, those are my comments.

15 CHAIRMAN: Thank you, Mr. Hoyt. Any questions from the  
16 panel?

17 BY THE VICE CHAIRMAN:

18 VICE CHAIRMAN: Mr. Hoyt, you referred to the length of time  
19 until the development period is going to end based on the  
20 2005 decision. And then you referred as well -- and there  
21 had been some discussion between myself and counsel about  
22 this earlier today -- to the fact that the indications  
23 were that Enbridge -- EGNB would have to begin doing some  
24 work on cost of service analysis sometime near the end of  
25 the development period.

2 It seems to me that much of the debate taking place on  
3 this motion is really one of timing now as opposed to  
4 sometime in the future, within the next three years.

5 Would you agree with that?

6 MR. HOYT: I would expect that is a discussion that would  
7 take place during that time. The other piece of it that  
8 was set out in the original rate decision was there was an  
9 indication that Board staff and EGNB would work together,  
10 as we get closer to the end of the development period, to  
11 determine what the parameters would be around the end of  
12 the development period.

13 So I think that is another important piece that would  
14 be taking place as we get nearer to the end of the  
15 development period.

16 VICE CHAIRMAN: Well, thank you for bringing that up.

17 Because I was going to raise that issue as well.

18 It seems to me that there is a substantial amount of  
19 work that is going to need to be done prior to the end of  
20 the development period.

21 And I guess my question is -- and you may not have  
22 turned your mind to this -- but when would that begin in  
23 your view?

24 MR. HOYT: The short answer is not during this proceeding in  
25 terms of the particular motion. But it is something that

1  
2 the company would see towards the end of 2008 turning its  
3 mind to in terms of cost of service, discussing with Board  
4 staff, parameters of the development period, leaves a full  
5 two years to sort through a number of, you know, issues  
6 that will have to be worked through.

7 VICE CHAIRMAN: So you would see -- this whole process of  
8 determining what is going to need to take place for the  
9 end of the development period, starting sometime this  
10 year, if only the preliminary discussions between your  
11 client and Board staff?

12 MR. HOYT: That is right. Towards the latter part of 2008.  
13 Because again it is two years to sort through these  
14 things.

15 And we recognize that we can't just walk in here  
16 January 1st of 2010 and everything is in place. So  
17 clearly there does have to be lead time, yes, we recognize  
18 that.

19 VICE CHAIRMAN: Thank you. That is the only question I  
20 wanted to raise.

21 CHAIRMAN: I guess I have no questions. Mr. Stewart, do you  
22 have any rebuttal?

23 MR. STEWART: No, Mr. Chairman.

24 CHAIRMAN: All right. Any other matters for the Board to  
25 consider? Today is Motions Day.



1  
2 MR. HOYT: The schedule. And I don't know if that is  
3 something that you would just determine in your order.  
4 But the way the schedule is set up at the moment, evidence  
5 is due from intervenors next week. I believe it is  
6 Friday.

7 And so some of this information we have agreed to  
8 provide, which we will do. My suggestion would be that  
9 that information we provide on Monday.

10 There is one thing though that we do have to sort out  
11 in the meantime. And that is the confidentiality process.  
12 I spoke to Board counsel about it briefly. But we will  
13 have to get an undertaking that works for this proceeding.

14 But hopefully we would be in a position on Monday to  
15 have sorted that out, get the undertakings and provide a  
16 lot of the information. But I thought we should maybe  
17 talk about that.

18 CHAIRMAN: Just going to the schedule, the intervenor  
19 evidence is due on January 25th. Is it necessary at this  
20 point in time to address that schedule?

21 In the event that the Board were to rule in favor of  
22 the motion, then I suppose all bets are off in the sense  
23 of the timing. But in the event that they don't then is  
24 there any reason to alter the schedule as it currently  
25 exists?

1  
2 In other words is it maybe premature -- I appreciate  
3 you raising the issue and bringing it to our attention.  
4 But is it premature for us really to look at whether it  
5 needs to be tinkered with or not?

6 MR. HOYT: And that may be the best way to deal with it, Mr.  
7 Chair, in terms of -- we don't know what your decision is  
8 going to be. We don't know when it is going to be  
9 rendered. And that is something that obviously you could  
10 comment in the decision.

11 I wasn't suggesting it. But I thought we needed an  
12 adjustment. Quite the contrary. I would -- whatever is  
13 necessary for us to stick to the schedule is what we will  
14 do.

15 CHAIRMAN: Mr. Stewart, do you have a comment on that?

16 MR. STEWART: I do, Mr. Chairman. And it flows quite  
17 frankly out of Mr. Hoyt's comment just now. And that is,  
18 you know, I don't know where the Board is on this  
19 particular issue.

20 But you know, our evidence in this proceeding is  
21 supposed to be filed next Friday as I recall. We still  
22 have some IR's that are yet to be answered. Although I  
23 suspect Enbridge will hustle around to that pretty  
24 quickly.

25 But obviously what that evidence will say and when it

1  
2 will be rendered and what else we are going to do here  
3 will depend in large measure on what the Board has to say  
4 with respect to its ruling on the motion made today.

5 And it does leave us in a bit of limbo in terms of the  
6 appropriateness of the schedule, even if we are going to  
7 proceed, until that ruling is made.

8 I guess for example, Mr. Chairman, if you say the  
9 Board is going to come back and rule next Wednesday, then  
10 it would seem to me it is very difficult to proceed and do  
11 our evidence by Friday. Because we don't know where we  
12 are going.

13 CHAIRMAN: Well, let's say the Board ruled tomorrow. For  
14 example would that change anything in terms of filing a  
15 schedule?

16 You know, let's say there was a one-day -- it took us  
17 one day to render a decision. I'm not suggesting that it  
18 will happen tomorrow.

19 MR. STEWART: Yes.

20 CHAIRMAN: I just kind of throw that out. Because it  
21 strikes me that wouldn't be much different than giving an  
22 oral decision this afternoon in terms of the impact it  
23 would have on the parties in preparing their evidence.

24 MR. STEWART: Right. I guess at this point though there are  
25 also some IR's that you have to rule on as well. And they

1  
2 are not going to be provided or not until you rule on  
3 them. So we are in a little bit of limbo.

4 Clearly the sooner the Board provides its decision  
5 then I guess the better. But the Board will have to take  
6 its time as it sees fit. If the Board -- I can see the  
7 possibility that the schedule might get impinged a bit.

8 CHAIRMAN: Well, if that is the case then I would hate to  
9 see the hearing dates that we have already scheduled not  
10 used, unless in fact the motion was successful.

11 But if in fact we are going to proceed then I would  
12 hate to see us sort of lose the dates that we have. The  
13 Board will take all of this into consideration and will  
14 address the issue in the decision that we render.

15 MR. STEWART: I might suggest, Mr. Chairman, that it might  
16 even be -- you know, if there was some tweaking of the  
17 schedule required, you know, like for example the Board  
18 isn't in a position to render its decision till next  
19 Thursday, maybe we can do something about it, telephone  
20 conference or, you know, Ms. Desmond can make the rounds.

21 CHAIRMAN: I was going to say sometimes Board Staff can be  
22 very helpful in those regards. But if necessary, you  
23 know, we can reconvene. And it may well be that we could  
24 do it by conference call, you know. We will cross that  
25 bridge when we get to it.

1  
2 But we will certainly take into consideration that the  
3 planning schedule may need to be looked at, depending on  
4 the outcome of the motion and the timing of our decision.

5 MS. DESMOND: Mr. Chair, I believe there was an IR that the  
6 applicant was going to discuss with Mr. Lawson. And then  
7 you were going to come back to that before we conclude.

8 CHAIRMAN: Thank you. I knew if somebody didn't remind me  
9 of that I would never get back to that.

10 MR. HOYT: Yes. That one and a couple of others. There is  
11 three Flakeboard ones. I think it is 4 (b), 15 (b) and 1  
12 (b) where Mr. Charleson is going to speak to Flakeboard's  
13 expert and see if they can set out what the objectives are  
14 in terms of the information and whether there is a fashion  
15 it can be provided.

16 CHAIRMAN: All right. And the Board will be advised as  
17 quickly as possible if in fact there is no resolution to  
18 it so that we will include it in our decision then.

19 MR. STEWART: Mr. Chair, if I may, we also had an interest  
20 with respect to that information. I mean, we know it was  
21 an IR posed by another intervenor. But we are entitled to  
22 the benefit of that. And so we would like to be involved  
23 in that discussion.

24 MR. HOYT: That seems a little odd to me, Mr. Chair.

25 MR. STEWART: Why would that be?

1  
2 CHAIRMAN: Well, it is Mr. Lawson's IR. Well, is there a  
3 problem with that to start? I guess let me just start  
4 with what the problem may be, in the sense that if the  
5 solution was up for discussion here today, Mr. Stewart may  
6 well have made some comments on it.

7 I guess that would be maybe where he would be coming  
8 from. It would be the only way in which he would have any  
9 -- you know, had an impact on that question. Because you  
10 didn't draft it. It wasn't your question. Obviously you  
11 get the benefit of the answer.

12 MR. STEWART: Right. And if there is going to be, you know,  
13 some compromise or some discussion as to what is a  
14 sufficient answer to that -- and Mr. Chairman, you are  
15 exactly right. I would see it that I would be entitled to  
16 have input into whether or not the answer is sufficient.

17 MR. HOYT: And I understand where that is coming from and  
18 your comment that if it had happened today that  
19 Mr. Stewart would have had input into it. But these are  
20 IR's that we were asked a question by a particular  
21 intervenor. We provided a response.

22 And if Mr. Stewart on cross wants to take these issues  
23 and that another intervenor has raised and run with it  
24 then, you know, that is fine.

25 The only -- and I'm not discouraging it to provide the

1  
2 information. We are trying to resolve the issue. And I  
3 have the sense that we are fairly close to resolving it.  
4 And I know how three-way discussions tend to deteriorate.  
5 And it is not a reflection on Mr. Stewart. It is all of a  
6 sudden.

7         Anyway I think you know what my concern is. We are  
8 just trying to get a concern that a particular intervenor  
9 raised with a couple of IR's. We are trying to satisfy  
10 that particular intervenor's concern.

11 CHAIRMAN: Well, what we have before us is Mr. Lawson's  
12 motion requesting an answer to his question. So in the  
13 strictest sense I think it probably is between Mr. Lawson  
14 and yourself.

15         But as I have indicated, you know, if the resolution  
16 were discussed today, Mr. Stewart would at least have had  
17 the opportunity to make a comment.

18         And I don't know whether or not Mr. Lawson would have  
19 any problem with perhaps collaborating with Mr. Stewart in  
20 any event. And then he could to a certain extent maybe  
21 have his views represented in the discussions.

22         Is that a possible way to deal with that?

23 MR. LAWSON: Certainly. Mr. Lawson won't consult. Because  
24 he won't understand what Mr. Stewart is trying to say to  
25 him. But we could certainly have our expert consult and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

see what can be done.

The objective of course of the IR process is to try to expedite the hearing. And to sort of take the position that they can't participate to get the answers that they want, we should do it on cross examination, is just going to slow the hearing down.

So I would suggest for the sake of trying to make sure everybody gets the information that the need in advance to help them expedite the hearing, there should be no problem in having a three-way.

CHAIRMAN: I think, as far as that is concerned, I think in order to expedite matters, if Mr. Stewart wants to participate in the process, we are going to allow it.

MR. HOYT: That is fine, Mr. Chair.

CHAIRMAN: Anything further? All right. Then we will adjourn. And there will be a written decision. And we will render it just as quickly as we can. Thank you.

(Adjourned 2:25 p.m.)

Certified to be a true transcript of the proceedings of this hearing as recorded by me, to the best of my ability.

*Hennelberry Lepore Sewing*  
Reporter



<b>A</b>	
<b>ability</b> 52:18 87:10 100:7 116:18 122:5 150:21	101:5 104:5,15 134:22
<b>able</b> 33:24 38:9,18 47:22 58:24 60:8 71:15 76:7 86:11 102:6 126:9	<b>actual</b> 47:23 52:16 52:23 61:8 72:11 86:2,14 106:13 134:15
<b>about</b> 38:21 39:4 40:8,17,24 42:24 48:22 49:24 54:13 54:15 55:7,14 60:5 63:8,23 71:8 77:2,20 78:13 79:10 84:10,13,22 86:23 87:6 96:18 102:11 104:4 106:4 111:9 112:24 113:4 114:22 118:23 123:16 124:15 125:8,12,23 128:14 134:12,21 140:21 143:12,17 146:19	<b>actually</b> 55:17 68:11 69:13 77:18 77:23 78:7 84:7 97:21 100:22 112:3 118:18 136:19 138:2,14
<b>above</b> 130:14	<b>adapted</b> 37:10
<b>absolute</b> 130:2	<b>add</b> 69:12,25 83:14
<b>absolutely</b> 53:3 60:18 139:15	<b>addition</b> 36:18 73:23 82:19 95:17 97:3
<b>absurd</b> 98:14 134:18	<b>additional</b> 39:18 42:7 51:5 73:19 85:8 98:20 105:10 138:18
<b>accept</b> 46:5 115:5 129:22	<b>additions</b> 51:6 95:18,22 96:7,9 96:10 97:6 140:3
<b>acceptable</b> 41:8,25 45:20 50:4 90:13 110:18	<b>address</b> 35:20 77:6 108:25 118:6 124:12 143:20 146:14
<b>accepted</b> 130:4	<b>addressing</b> 133:7
<b>accepting</b> 60:5 125:6	<b>adds</b> 80:14
<b>access</b> 43:2,6,7,12 43:24 56:16,21 57:4 59:12,15 99:13	<b>adjourn</b> 77:18 78:2 119:22 150:17
<b>accordance</b> 41:3 45:22 58:7,11	<b>adjourned</b> 88:4 150:19
<b>according</b> 131:25	<b>adjourning</b> 87:25
<b>account</b> 51:4,6,8 68:20 69:2,4 109:2,5,25 112:6 120:24 121:19 135:14 136:17,18 137:18,21,22 140:4,6,12	<b>adjournment</b> 37:25 87:17 133:5
<b>accounting</b> 103:11	<b>adjust</b> 86:20
<b>achieve</b> 48:8,8 96:19 135:5	<b>adjustment</b> 90:15 144:12
<b>achieved</b> 128:22 129:2	<b>adjustments</b> 139:25
<b>achieving</b> 96:19 140:4	<b>adopt</b> 104:13
<b>act</b> 44:16 100:17	<b>adopting</b> 112:17
	<b>advance</b> 43:8 150:9
	<b>advantages</b> 128:21
	<b>advice</b> 36:24 113:19 124:15
	<b>advised</b> 147:16
	<b>advocate</b> 111:20
	<b>advocating</b> 113:15
	<b>affidavit</b> 34:25,25
	<b>after</b> 57:11 59:12 60:16 66:21 69:24 84:3 91:6 119:8 133:15
	<b>afternoon</b> 145:22
	<b>again</b> 37:5 42:18 45:11,25 50:8 57:15 59:4 63:11 66:8 70:12 74:4 77:20 82:6 84:13
	84:15 86:8,22 96:6 101:6 104:3 128:10 137:11 140:10 142:13
	<b>against</b> 134:2
	<b>agent</b> 58:13
	<b>agents</b> 59:6
	<b>ago</b> 90:12 91:7 108:24
	<b>agree</b> 38:11 49:4 63:14 70:15 99:15 141:5
	<b>agreed</b> 143:7
	<b>agreement</b> 59:13 130:16 133:12,13
	<b>ahead</b> 128:14
	<b>aid</b> 55:4
	<b>allege</b> 53:10
	<b>alleging</b> 54:16
	<b>allocated</b> 62:7 123:13
	<b>allocating</b> 61:19
	<b>allocation</b> 61:17,21 62:5,9,10 64:17 64:24 65:3 67:11 67:14 114:12 115:7 130:8
	<b>allow</b> 48:7 94:3 98:16 100:18 133:24 150:14
	<b>alluded</b> 68:18 105:16,25 125:21 129:13
	<b>almost</b> 97:3
	<b>alone</b> 91:13
	<b>already</b> 63:23 85:21 146:9
	<b>alter</b> 143:24
	<b>alternate</b> 104:14
	<b>although</b> 43:2 47:25 73:13 144:22
	<b>altogether</b> 101:11
	<b>always</b> 39:3 81:23 106:10 112:12
	<b>amended</b> 100:18 101:6
	<b>among</b> 61:19 76:17 108:5 113:18
	<b>amongst</b> 68:22 109:19 129:6
	<b>amortization</b> 102:14,18 122:13
	<b>amount</b> 50:9 73:24 85:11,13,15 86:19 103:10 124:4 141:18
	<b>amounts</b> 92:19 137:17
	<b>amy</b> 68:7
	<b>analyses</b> 70:14 115:25
	<b>analysis</b> 40:17,23 41:2 42:10 46:16 47:5 48:12 51:24 62:3,14 63:13 68:24 71:8,11 73:2 75:3,5,12,13 75:17,18,20,24 76:6 96:24 102:21 103:7,14,15 108:13 114:9 122:5 140:24
	<b>analyzed</b> 72:3
	<b>and/or</b> 53:24
	<b>anecdotally</b> 103:3
	<b>annual</b> 40:17 51:3,6 73:11 83:22 123:6
	<b>annualized</b> 122:11
	<b>another</b> 79:9 88:19 99:12 107:23 127:9 141:13 147:21 148:23
	<b>answer</b> 54:12 67:23 70:9,10 71:19 74:18 80:7 86:5 92:10 93:22 94:19 107:12,18 108:10 108:15 110:21,22 113:8 122:4 128:21 130:23 141:24 148:11,14 148:16 149:12
	<b>answered</b> 63:10 144:22
	<b>answering</b> 113:10
	<b>answers</b> 92:23,25 94:13 150:5
	<b>anticipate</b> 95:13 119:6,11
	<b>anticipated</b> 114:3,6
	<b>anticipating</b> 111:12 132:6
	<b>anybody</b> 88:2 119:19
	<b>anybody's</b> 35:9
	<b>anymore</b> 125:17 135:9
	<b>anyone</b> 76:17 98:18
	<b>anyone's</b> 91:22
	<b>anything</b> 37:18 44:17,21 48:21 53:6 69:11,25 70:23 77:10 80:14 83:13 87:4,6 123:15 127:11 145:14 150:16
	<b>anyway</b> 67:4 69:10 107:2 120:11 128:2 149:7
	<b>apologize</b> 120:17
	<b>apparent</b> 61:5
	<b>appear</b> 73:22 84:20
	118:25 119:2 120:8 124:7
	<b>appearances</b> 33:18
	<b>appearing</b> 34:8
	<b>appears</b> 73:15 120:10 124:19 126:17 127:3
	<b>applicant</b> 55:2 64:20 76:11,24 112:13 115:16 129:19 147:6
	<b>applicants</b> 67:9
	<b>application</b> 33:2,15 35:3,7 51:19 62:18 64:11 67:3 86:20 89:17 98:12 104:23 105:11 108:23 114:20 117:2 125:23 131:23,25 132:2 134:16 135:20,21 135:22 136:2,3,9
	<b>applications</b> 130:25
	<b>applied</b> 62:23 89:19 109:10 116:21 133:18
	<b>applies</b> 115:15
	<b>apply</b> 125:16
	<b>appreciate</b> 66:3,7 77:20 87:22 90:10 103:2,8 111:24 144:2
	<b>approach</b> 81:22 93:13 98:13 106:21 107:22 128:9 134:17
	<b>approaching</b> 127:25
	<b>appropriate</b> 34:22 35:5 38:2,8 43:20 47:20 62:8,25 63:4 66:10,15 68:10 69:6 88:5 88:14,15,17 89:21 91:3,10,15 92:3 93:4,21 94:9,16 96:21 100:8 103:18 104:14,18 105:4,7,8 110:14 111:23 113:12,19 118:17 127:12 131:20 132:24
	<b>appropriately</b> 42:21
	<b>appropriateness</b> 54:10 89:3 108:14 145:6
	<b>approval</b> 62:24 132:10,10
	<b>approve</b> 137:24,25
	<b>approved</b> 62:2,11 62:22 63:2 66:5 81:10 92:12

- 100:16,20 107:22  
133:16 136:6  
**approving** 103:23  
104:6,12  
**approximately**  
106:11  
**April** 100:17 101:5  
**area** 126:25  
**areas** 101:14,14  
126:25  
**arguably** 56:17 94:3  
**argue** 103:9  
**argument** 53:7,11  
57:6 66:7 87:17  
111:13 121:3  
**around** 58:16 73:9  
79:25 109:23  
141:11 144:23  
**arrive** 94:15 110:11  
**aside** 50:3 64:12  
72:14  
**asked** 45:15 52:7  
57:20 61:15 83:4  
84:4 94:22,24  
107:15 108:6,8,12  
129:3 148:20  
**asking** 51:24 55:24  
56:11 70:11,16  
83:16 88:12  
113:14 130:25  
131:5 135:24  
**asks** 81:12  
**aspect** 39:23  
**assembled** 116:2  
**assess** 69:7  
**assessed** 51:15  
**assessment** 113:11  
**assessments** 114:8  
**assign** 47:10  
**assist** 48:3 62:21  
**Assistant** 33:10  
**associated** 49:14  
62:4 72:7 74:24  
**assume** 55:14 78:15  
123:11,14  
**assuming** 68:21  
93:20  
**assumption** 75:19  
128:10 131:11  
**assumptions** 61:20  
63:13 70:15  
131:13,13,16,18  
**assure** 110:23  
**Atlantic** 33:22  
37:21 38:14 45:11  
45:13,14 49:9  
50:21,25 51:2,13  
51:20 52:5,14  
57:11 65:7 88:3  
102:11,16 117:14  
117:24 123:19,21
- 123:24 130:12  
133:5 135:24  
139:18  
**attached** 36:4,6,22  
37:8  
**attain** 44:18  
**attempt** 52:17,22  
65:3  
**attempted** 39:3  
**attempting** 86:8  
133:20  
**attract** 121:18  
**attributable** 71:12  
**attributed** 70:7  
**attribution** 61:21  
**automatic** 66:13  
**automatically** 64:14  
65:13 66:14 68:4  
**available** 36:17  
54:19 57:8 58:13  
58:15,22 59:21  
60:12,13,15 74:6  
76:12 81:10 120:3  
**average** 40:21 42:9  
**avoid** 71:19 84:14  
101:11  
**aware** 114:19  
**awareness** 125:14  
**away** 47:3 66:19  
131:2,3  
**awful** 53:18  
**awkward** 34:2  
**AWL** 107:10  
**AWL's** 108:7  
**AWL-14** 49:10  
**A(i)** 49:14  
**A-1** 35:2  
**A-2** 35:2  
**A-3** 35:9  
**A-4** 35:14  
**A-5(C)** 35:16  
**a.m.** 87:20,20
- 
- B**
- b** 43:18 61:15 63:9  
83:18 147:11,11  
147:12  
**back** 44:2,3 59:25  
60:24 63:11 65:3  
67:13 78:3 86:4  
87:8,17 88:2  
89:16 90:12,21  
91:14,25 92:7  
93:19 99:25  
102:21 103:13  
104:20 117:20  
119:20 126:7  
130:9,24 133:10  
136:15 145:9  
147:7,9  
**background** 133:8
- backing** 89:20 90:19  
**bait-and** 128:12  
**bait-and-switch**  
128:13  
**barrel** 91:19,21  
**Barry** 34:8  
**base** 93:24 121:19  
**based** 61:18 63:2,13  
70:15 75:9 90:22  
92:19 93:25 94:4  
96:4,13 97:20  
100:7,10 102:5  
103:8 106:14  
108:10 110:16  
116:18 121:22  
125:19 129:19  
132:7,19 133:14  
135:20,21 136:10  
137:10 140:19  
**basic** 109:12,13  
**basically** 70:25 94:8  
131:5  
**basis** 39:13,20 41:3  
45:22 46:3,5,25  
49:7,20 53:7 54:4  
60:5 61:19 65:4  
73:11 75:12 82:4  
86:14 89:21 90:19  
107:2,8 122:11  
125:5 137:12  
**bear** 130:7 132:6  
**bearing** 70:19  
**bears** 117:6  
**become** 35:9 66:13  
73:21  
**becomes** 48:16  
66:21  
**becoming** 138:20  
**before** 33:5,25  
34:21 35:4,20  
48:16 54:6 66:17  
77:12,18 78:2  
94:9 95:12 99:24  
110:16,18 116:7  
125:11 133:6  
135:17 147:7  
149:11  
**befuddles** 71:10  
**beg** 61:5 96:23  
**begin** 114:7 133:6  
137:17,21 140:23  
141:22  
**beginning** 59:25  
96:4  
**behalf** 34:4 88:3  
**behind** 62:7 70:25  
71:7,16  
**behooves** 131:17  
**being** 39:12 45:15  
47:20 50:17 51:24  
54:2 59:18 60:23
- 74:4 80:15 84:7  
84:11,16,18 86:11  
86:14 87:6 105:9  
106:19 116:13  
121:22 122:23  
123:9 124:9  
125:13 129:2,3  
135:5 136:19  
137:19 140:6  
**believe** 34:21,24  
35:2,8 37:5 38:5,7  
42:16 43:15 52:20  
57:12 58:5 62:9  
77:4 85:17 87:15  
89:16 93:20 102:7  
117:21,25 120:14  
120:16 123:23,25  
126:4 138:7 143:5  
147:5  
**believes** 35:18 39:8  
52:11 61:16 62:12  
**benchmark** 98:9  
100:10  
**benefit** 36:16 77:11  
77:15,17 128:24  
129:3 147:22  
148:11  
**best** 61:17 65:2 71:5  
71:15 93:16 144:6  
150:21  
**bets** 143:22  
**better** 48:2 69:14  
103:7 146:5  
**between** 61:22  
90:15 103:19  
128:2 132:5,15  
140:21 142:10  
149:13  
**beyond** 69:17 81:20  
122:16  
**binding** 112:16  
**bit** 39:4 47:4 55:20  
77:11 103:14  
111:10 119:9  
123:17 133:8  
145:5 146:3,7  
**blank** 66:13  
**blessing** 112:7  
**blind** 108:22  
**block** 45:17  
**bluntly** 115:24  
**Board's** 39:21 40:14  
41:3 45:23,24  
50:16 58:7 65:9  
70:12 81:11 89:24  
90:3 111:2 113:24  
114:13 132:9,10  
134:23 136:6,8  
**Board-approved**  
135:20 136:10  
**bogeyman** 108:25
- Boston** 97:12  
**both** 49:4 95:23  
113:9 115:8,15  
117:25 118:2  
137:2  
**bother** 131:9  
**bottom** 55:21 92:24  
**boxes** 74:11  
**brave** 91:21  
**break** 84:5 119:9,16  
119:20  
**breath** 91:5  
**bridge** 146:25  
**brief** 77:11 118:8  
**briefer** 119:5  
**briefly** 98:21 143:12  
**bring** 35:19 99:7  
**bringing** 141:16  
144:3  
**broad** 92:20  
**broader** 68:5,6  
75:12  
**broken** 41:23 83:19  
85:10  
**brought** 65:7  
**Brunswick** 33:1,2,4  
33:16,19 53:10,24  
53:24 70:22 93:16  
93:18 97:11 98:22  
99:6,8 100:18,20  
105:5,15,18 109:9  
110:2,8 133:10,12  
133:25 134:4,13  
**Brunswickers** 99:14  
**Brunswick's** 99:21  
**brunt** 117:6  
**build** 70:24 74:22  
74:22 75:18 95:8  
95:9 97:4 98:3  
100:6,6 106:22  
**building** 75:20 99:6  
102:23 122:14  
**builds** 97:7 100:6  
**burden** 104:25  
129:24,25  
**burn** 97:18  
**burner** 89:20  
**bus** 82:18 117:4  
**business** 71:10  
97:10 99:13  
100:25 101:2  
109:12,23 110:7  
**businesses** 99:8
- 
- C**
- c** 57:22 85:9,12  
126:13,18 138:16  
139:18  
**cake** 91:8  
**calculation** 40:18  
49:13 65:4 67:13

- 130:10  
**calculations** 49:11  
 51:3,5  
**call** 72:21 100:21  
 123:20 146:24  
**called** 72:22 85:24  
 129:14  
**came** 35:13 41:25  
 44:3 75:21 101:22  
**camera** 43:7  
**Canadian** 34:2  
**candidly** 101:4  
**cap** 113:5  
**capabilities** 136:15  
**capacity** 97:5 126:7  
**capital** 72:23  
 102:14,18 122:13  
**captured** 73:17  
**CARD** 91:20  
**care** 85:4 109:9  
**careful** 125:3  
**carry** 129:24  
**cart** 80:2  
**case** 48:13 49:2,16  
 53:20 70:14 73:5  
 82:19 84:14 89:24  
 89:25 91:18 96:20  
 105:25 112:11  
 122:3 124:24,24  
 125:7 126:5  
 128:15 146:8  
**cases** 42:13 72:10  
 82:2 139:6  
**category** 40:12  
 61:19  
**causation** 61:18  
**cause** 90:16 91:14  
 91:24 103:16,17  
**caused** 91:25  
**causes** 129:10  
**ceased** 101:17  
**certain** 39:16 50:9  
 78:16 86:11 95:7  
 103:10 111:15  
 112:24 114:7,22  
 121:24 122:2  
 149:20  
**certainly** 47:15  
 48:23 63:24 71:13  
 79:13 88:23 91:25  
 94:3 97:3 103:24  
 115:5 147:2  
 149:23,25  
**certainty** 134:7  
**Certified** 150:20  
**cetera** 39:14  
**chair** 34:12,16 37:2  
 37:19 40:6 41:8  
 42:15 44:5,8 75:4  
 77:4 83:3 106:4  
 121:2 133:4 144:7
- 147:5,19,24  
 150:15  
**Challenging** 87:2  
**change** 33:2,16  
 68:16 91:23 101:4  
 101:23 111:20  
 132:11 135:2  
 145:14  
**changed** 36:19 98:4  
 100:12,14 101:25  
 131:17,18,21,22  
 132:9,22  
**changes** 51:3,19  
 62:24 106:7  
**characteristics**  
 125:12  
**characterization**  
 49:7  
**charge** 92:19 98:17  
 104:8 109:3,17  
 129:5  
**charged** 100:7  
 129:23  
**charges** 101:12  
 103:21 118:11  
 124:2  
**charging** 110:9  
**Charleson** 33:20  
 52:8,13,25 54:13  
 55:22 77:22 89:18  
 91:3 94:14 105:13  
 110:21 125:22  
 147:12  
**Charleson's** 51:21  
 52:18 54:11 92:22  
 109:2  
**chart** 138:21  
**chase** 126:9  
**cheaper** 97:17,20  
 128:11 129:4  
**checked** 60:24  
**chime** 50:6  
**choice** 99:15  
**choose** 80:7  
**chose** 78:18  
**Christmas** 95:13  
**Christopher** 33:23  
**circulate** 54:22  
 72:17  
**circumstance** 91:23  
 113:13  
**circumstances**  
 68:10 88:21  
 104:19 107:23  
**citations** 139:8  
**cite** 82:17  
**cited** 125:11 139:5  
**clarify** 44:9 55:18  
**classes** 51:17,20  
 61:20,22 68:22  
 85:10,12 92:14
- 105:12 112:24  
 113:2,4 114:5,8  
 114:11,21 124:6  
 133:21  
**clear** 46:10 50:12  
 55:19 56:14 57:7  
 58:9 60:3 88:10  
 102:13 113:25  
**clearly** 112:3  
 121:16 124:3  
 140:8 142:17  
 146:4  
**CLGS** 134:25  
**client** 97:4 102:15  
 103:4 111:19  
 114:14,25 138:23  
 142:11  
**clients** 124:15  
**close** 123:15 128:4  
 149:3  
**closed** 139:3  
**closely** 106:16  
**closer** 141:10  
**clues** 124:16,25  
**CME** 34:4  
**cognizant** 41:10  
**collaborating**  
 149:19  
**collectivity** 75:17  
**columns** 61:6  
**come** 47:19 58:24  
 78:3 87:17 92:7  
 93:19 98:21  
 103:13 145:9  
 147:7  
**comes** 68:4 107:19  
**coming** 47:16 48:25  
 59:17 87:25 114:2  
 123:2,5 148:7,17  
**commend** 139:10  
**comment** 38:23  
 41:7,13,15 42:7  
 42:16 44:24 46:2  
 48:5 67:16 71:22  
 73:17 115:4,10  
 116:6 137:4  
 139:12 144:10,15  
 144:17 148:18  
 149:17  
**comments** 39:2,18  
 40:25 44:7 46:20  
 47:14 50:2,7  
 63:20 65:24 67:6  
 69:20,22,24 70:3  
 71:23 74:10,16  
 102:5 115:19  
 119:9 133:7  
 134:12,16 140:14  
 148:6  
**commodity** 49:10  
 100:19,24
- communities** 48:17  
**community** 122:17  
**companies** 118:13  
**company** 34:5 38:3  
 82:22 100:9  
 129:19 137:20  
 142:2  
**compare** 78:10  
**compared** 46:23  
 79:11  
**comparing** 105:14  
**comparison** 78:23  
 78:25 80:8  
**comparisons** 79:21  
**compelled** 39:11  
**competitive** 49:20  
 49:23  
**competitiveness**  
 51:15,22  
**complete** 45:15  
 67:11 73:11 139:6  
**completed** 51:23  
**completely** 54:5  
 103:22 107:23  
**completes** 73:4  
**complicated** 44:9  
**comprehensive**  
 114:11  
**compromise** 148:13  
**conceivably** 123:6  
 130:13  
**concept** 84:6 89:20  
 121:12 128:13  
 130:4 131:14  
**concern** 42:12  
 48:24 59:15  
 115:11 139:13  
 149:7,8,10  
**concerned** 106:4  
 150:12  
**concerns** 39:5 49:10  
 62:15 69:16 72:14  
 118:10  
**conclude** 87:14  
 147:7  
**concluded** 63:12  
 70:13  
**conclusion** 88:22  
 90:4  
**conditions** 93:8 94:2  
 94:4  
**conduct** 37:25 73:2  
 88:4 104:21  
 110:19  
**conducted** 62:3  
 108:8,10,12  
 115:25  
**conference** 34:24  
 54:9 146:20,24  
**confess** 102:19  
**confidence** 43:19
- 49:17 50:5 57:24  
**confidential** 35:15  
 35:17,19 38:21  
 39:6,10,23 40:12  
 42:24 43:10 45:12  
 46:5 47:13 49:5,7  
 50:19 57:16,17,25  
 59:24 60:5 72:13  
 81:7,20 82:4 83:8  
 86:14  
**confidentiality**  
 35:18,23 39:5,21  
 41:2,4,14 42:17  
 44:13,17 45:19,23  
 46:14 58:16,22  
 59:10,13 72:14  
 82:6,9 86:7 87:10  
 143:11  
**confirm** 57:3 89:25  
**confirmation** 61:7  
 63:17  
**confirmed** 106:15  
 133:22  
**confirms** 62:13  
**confusion** 74:20  
**connection** 43:23  
 48:11 62:17  
**consequences** 75:20  
 124:25  
**consider** 48:18 49:4  
 50:16 54:7 66:24  
 96:20 112:20  
 113:22 119:9  
 121:21 128:3  
 132:23 142:25  
**considerable** 72:25  
**consideration** 46:18  
 48:20 67:24 68:8  
 72:9 75:2 104:20  
 108:20 123:8  
 146:13 147:2  
**considerations** 69:3  
**considered** 57:25  
**considers** 104:14  
**consistent** 56:4  
 81:22 134:5  
 139:25  
**constitute** 83:24  
 86:5  
**constituted** 136:5  
**construct** 106:11  
**constructed** 99:16  
**constructing** 72:4  
**construction** 94:25  
 95:3,5 99:3 106:3  
 106:6,13,23  
**consult** 85:7 149:23  
 149:25  
**consultant** 58:24  
 60:9  
**consumers** 118:14

- consumes** 98:19  
**consumption** 45:16  
**contacted** 134:25  
**contain** 81:20  
**contains** 37:23  
**contemplated** 58:14  
   132:14,15 137:19  
**content** 54:17 55:10  
**contentious** 83:10  
**context** 64:15,15  
   65:14 68:9,11  
   100:3  
**continue** 91:4 93:10  
   93:13,14 94:7,10  
   100:4,5 106:16,22  
   126:3 136:5,13,20  
**continued** 134:21  
**continues** 93:24  
   122:16 135:14  
   137:22  
**continuing** 108:14  
**contract** 33:2,16  
   49:15,18,19,22  
   88:6 129:15  
**contrary** 88:2 129:9  
   144:12  
**contributed** 68:25  
**contribution** 113:6  
**controls** 117:4  
**convenience** 111:3  
**conversation** 49:24  
**conversion** 97:5,7  
**conversions** 96:12  
   98:2 126:5  
**convert** 93:10,13  
   94:7,11,19 96:15  
   97:2,9 98:8,18  
   126:3,20 135:3,7  
**converted** 126:7  
**convince** 105:3,5  
**copies** 52:7,16,24  
   54:22 55:13,17  
   57:8 59:3,15  
   94:22 131:3,4  
**copy** 40:23 56:2  
   59:20 60:13,13  
   72:2 81:5 94:25  
   95:2 114:19  
   120:22 126:10  
   127:14 128:19  
   129:16 130:22  
**corporation** 109:10  
**correct** 41:20 42:6  
   50:7 77:16 78:20  
   83:3 120:16  
**corrected** 61:7  
   79:15 126:23  
**correction** 60:25  
**correctly** 124:2  
**costing** 68:11  
**costs** 47:12 49:11,14  
   61:22 62:4,6  
   65:15 67:10 71:6  
   72:4,7 74:24  
   102:14 103:9,11  
   114:4 123:12  
   128:5 129:10,10  
   129:19 135:12  
**counsel** 33:8 36:24  
   48:6 89:23 140:21  
   143:12  
**count** 52:5  
**couple** 50:22 53:22  
   67:7 78:21,24  
   79:20,22 80:11,23  
   136:4 137:4,6  
   138:11 147:10  
   149:9  
**couriered** 59:4  
**course** 74:20 75:14  
   79:14 92:10 96:3  
   115:15 128:9  
   150:3  
**cover** 35:13 58:5  
**covering** 58:19  
**create** 70:16  
**creates** 98:13  
   134:18  
**credit** 110:2  
**cross** 146:24 148:22  
   150:6  
**crossover** 66:18  
   140:4  
**cross-examination**  
   54:25 55:5 63:19  
   71:17,20  
**cross-subsidization**  
   127:6,12  
**current** 36:2 37:4  
   52:18 93:22 98:13  
   124:10 134:12,17  
**currently** 36:8,22  
   61:25 99:8 121:23  
   136:7 143:24  
**curtailed** 101:19  
**custody** 99:17  
**customer's** 74:14  
   84:12  
**customer-related**  
   39:19  
**cut** 132:17  
**Cyril** 33:6
- 
- D**
- d** 74:19  
**data** 103:7 132:7  
**date** 36:10 122:21  
   134:8  
**dated** 35:13 36:3,6  
   37:5 62:17  
**dates** 146:9,12  
**Dave** 33:9,20 34:13  
**David** 34:4  
**day** 33:15 77:18  
   78:2 88:19 105:14  
   134:6 142:25  
   145:17  
**days** 91:16 99:21  
**deal** 34:20 37:20  
   38:8,9 39:18 41:6  
   43:11 45:3 57:10  
   61:12 76:15 81:8  
   87:14,21,24 90:2  
   144:6 149:22  
**dealing** 34:22 35:5  
   35:21 37:17 38:4  
   38:5 53:3  
**deals** 37:23 42:19  
   43:6  
**dealt** 43:10 112:9  
**dear** 101:4  
**debate** 53:25 135:22  
   141:2  
**December** 51:18  
   96:8 138:8  
**decide** 49:8 57:5  
   64:10 66:22 75:8  
**decided** 64:11 65:20  
   66:12,15  
**decides** 64:6 67:4  
**deciding** 76:20  
**decision** 62:16,21  
   63:11 67:3 70:13  
   74:22 75:18,19  
   89:24 90:9 111:16  
   111:18,21 112:2  
   112:10 116:5,25  
   120:22 121:6  
   124:18 125:4,10  
   125:11 127:13  
   128:6 129:12,16  
   135:2,6 136:6,9  
   137:8,15,23,24  
   140:20 141:8  
   144:7,10 145:17  
   145:22 146:4,14  
   146:18 147:4,18  
   150:17  
**decisions** 88:19  
   111:14 113:25  
   120:13 137:7  
**declined** 67:22  
**deferral** 51:4,6,8  
   68:20 69:2,4  
   109:2,5,25 112:5  
   120:24 121:19  
   135:14 136:17,18  
   137:18,21,22  
   140:4,6,12  
**deferred** 64:20  
**delay** 52:17,22  
   71:20 110:24  
   115:4 116:4  
   119:18 136:24  
   140:4  
**delayed** 116:16  
**delaying** 115:17  
**delivered** 59:2  
   83:19 85:11,13,14  
**deliverer** 122:6  
**delivery** 83:19,20  
   83:24 84:4,6,7,8  
   84:11,13 85:25  
   86:5 121:24  
**demand** 74:22  
   106:14,15,24  
**demonstrate** 111:22  
**denote** 35:17  
**denying** 112:3  
   117:2  
**Department** 34:16  
   110:3  
**depend** 145:3  
**depending** 147:3  
**derive** 47:22  
**derived** 51:7  
**described** 73:2  
   85:25  
**describing** 85:20  
**deserve** 91:6  
**design** 102:20  
**designating** 42:24  
**designed** 127:7,8  
**desire** 46:10 115:4  
**desmond** 33:8 34:12  
   34:12 37:2,18,19  
   41:7,8 42:15 43:5  
   43:15 44:8,21,22  
   69:20,22 146:20  
   147:5  
**despite** 136:25  
**destroyed** 60:17  
   128:25  
**detail** 56:22 64:23  
   65:19,19 140:10  
**detailed** 57:21 58:2  
   58:12 61:18 69:14  
   81:5,6 82:11,14  
   84:21 86:3 104:21  
**details** 43:3 64:25  
   84:19  
**deteriorate** 149:4  
**determination**  
   88:13  
**determinative**  
   107:24  
**determine** 46:19  
   62:25 63:3 68:14  
   69:3,5 77:19,24  
   80:20 84:9 104:15  
   136:10 141:11  
   143:3  
**determined** 62:18  
   115:13 129:18  
**determining** 64:5,9  
   65:17 76:12 114:4  
   142:8  
**develop** 36:14 63:13  
   70:14 127:7  
**developed** 37:9  
**development** 62:23  
   66:4,6,9,19 79:7  
   111:17,18,25  
   112:4 113:25  
   118:15 120:25  
   125:2,9,14 127:5  
   127:6,22 128:2  
   131:8,14 132:3  
   133:17,19 136:7  
   137:8 138:5,10  
   140:19,25 141:10  
   141:12,15,20  
   142:4,9  
**developments**  
   134:12  
**diameter** 57:23  
**differ** 82:12  
**different** 37:6 67:12  
   76:4 82:15 91:6  
   92:4,19,19 107:23  
   135:24 145:21  
**difficult** 39:16  
   60:23 86:10  
   145:10  
**difficulty** 48:22  
   49:16 78:17 80:10  
   86:23  
**direct** 40:3 102:11  
   103:9 112:9  
**direction** 39:24  
   45:24  
**directions** 114:3,7  
**directly** 54:14  
   101:10 106:2  
**disadvantage** 49:23  
**disagrees** 133:5  
**disclose** 39:8,15  
   40:23 56:2,6  
   76:22  
**disclosed** 49:6 55:10  
**DISCO** 35:25 37:7  
   37:7 63:12,14  
   70:14,15  
**disconnect** 103:19  
**disconnected**  
   103:23  
**discouraging**  
   148:25  
**DISCO's** 62:17  
**discrepancy** 60:22  
**discretion** 114:14  
**discuss** 77:17  
   110:25 147:6  
**discussed** 133:17  
   149:16

- discussing** 61:21  
 117:15 142:3  
**discussion** 54:2  
 77:12 140:21  
 141:6 147:23  
 148:5,13  
**discussions** 142:10  
 149:4,21  
**disincentive** 134:22  
**disk** 60:13  
**disregard** 64:8  
**distance** 47:19  
**distinct** 92:13  
**distinction** 43:9  
**distribute** 60:9  
**distributed** 120:2  
**distribution** 33:3,17  
 51:16,23 58:2  
 61:25 70:6,21  
 76:2 88:6 93:6  
 97:13,16 98:15,20  
 99:10 100:8,17  
 101:5,20 104:5,8  
 104:24 107:16  
 118:15 127:10  
 133:10,25  
**distributor** 104:8,25  
 105:22  
**distributors** 79:18  
**divided** 92:12  
**Division** 34:3  
**document** 35:6  
 36:14,17 43:6,10  
 72:20 74:4 99:2  
**documentation**  
 35:11 43:7 61:21  
**documents** 42:19  
 43:24 55:7,17  
 72:2,10,15,24  
**doing** 47:17 56:14  
 67:11 86:13  
 108:16 139:6  
 140:23  
**done** 39:20 40:4,17  
 40:20 42:10 45:9  
 46:15 48:7,12  
 60:16 62:14 64:18  
 64:19,20,22 65:25  
 66:3,23 67:4,5  
 68:23,24 71:2,3,4  
 71:7,11 75:3,10  
 75:14 78:6 96:24  
 97:24 98:3 103:25  
 108:17 114:16  
 115:21,22 123:13  
 141:19 150:2  
**door** 47:2  
**doubt** 89:5 110:17  
 114:16  
**Doug** 33:8 34:13  
**down** 41:24 50:22
- 75:9 76:3,5 83:19  
 84:5 85:10 109:5  
 110:2 132:10  
 136:25 150:7  
**draft** 148:10  
**dramatic** 91:11  
**dramatically** 92:4  
 101:21 102:2  
 132:22  
**draw** 127:9  
**draws** 110:2  
**drivers** 62:6  
**drives** 117:3  
**dual** 97:4 126:7  
**due** 143:5,19  
**during** 35:24 54:8  
 62:22 66:3 83:17  
 136:18 140:5  
 141:7,24  
**duty** 39:9
- 
- E**
- e** 88:2 92:25  
**each** 40:7 45:16  
 47:19 51:16,23  
 61:6,19 64:10  
 73:4 75:2 76:5  
 83:17,19,22 89:22  
 90:7,17,18 91:4  
 91:17 124:17  
 129:18 135:15  
**earlier** 45:21 86:23  
 99:2 102:5 104:3  
 121:3 140:22  
**early** 96:5  
**easier** 56:23 120:5  
**easily** 42:11  
**easy** 45:25 49:2  
 56:16,20 57:4  
 78:6 80:15 122:7  
**eat** 91:8  
**echo** 67:25  
**economic** 93:9 94:6  
 96:15 126:2  
**economy** 128:22,24  
 128:25  
**editions** 95:24  
**Edward** 33:6  
**effect** 63:17 79:14  
 79:16  
**effective** 89:6  
**effectively** 101:6,17  
 130:25  
**effort** 53:17 136:16  
**EGNB's** 39:8,19  
 49:19,22 51:3  
 63:5 72:3 79:10  
 81:18,19,21 86:19  
 88:6 94:5 99:2,13  
 122:19 128:20  
 133:13,16,22
- 134:6,23 136:2,6  
 136:9,12,17  
 137:24,25 139:18  
**eight** 90:12 98:23  
 99:5 108:23  
**either** 39:9 97:20  
 129:7  
**eliminate** 101:6  
**Ellen** 33:8 34:12  
**embark** 108:2  
**emerges** 90:23  
**emphasis** 111:10  
**enable** 93:24  
**Enbridge's** 61:24  
 70:10 88:25 91:22  
 95:3 96:13,22  
 107:13  
**enclosed** 106:14  
**encourage** 139:5  
**end** 47:21 48:8 66:6  
 66:18 72:9 73:19  
 74:11 78:9 83:10  
 92:4 93:9 94:6  
 95:7,10,15,19  
 96:14 99:10,18  
 101:7,8,8 107:19  
 114:2 115:3 126:2  
 127:22,25 138:5  
 138:10 139:24  
 140:19,24 141:10  
 141:11,14,19  
 142:2,9  
**energy** 33:1,4,8  
 34:10,17 38:5  
 99:15 110:3 137:3  
**enjoy** 136:13  
**enormous** 67:15  
**enough** 50:18 80:17  
 94:15 96:24  
 113:17  
**ensure** 106:17 110:7  
**entered** 133:11  
**entire** 85:23 133:24  
**entitled** 108:17,18  
 147:21 148:15  
**entitlement** 68:6  
**envelope** 67:13  
**environment** 93:22  
 98:13 116:3  
 134:18  
**envisioned** 92:5  
**equitable** 113:13  
**equivalent** 128:12  
**Esq** 33:6  
**essence** 43:16 95:10  
 117:3 118:13  
**essential** 64:17  
 140:2  
**essentially** 43:14  
 44:16 53:7 74:13  
**establish** 88:6 93:24
- 93:25  
**established** 92:6  
 108:23  
**establishment** 90:21  
**estimate** 65:2 71:5  
 71:16 119:13  
**estimated** 51:8  
**et** 39:14  
**EUB** 41:17,19 44:16  
 44:24 45:4  
**evaluation** 72:10  
**even** 39:20 63:6  
 64:6 65:4,20  
 67:21,21 68:12,16  
 69:5 85:23 92:9  
 92:11,16 109:3,15  
 110:13 112:11  
 116:18 125:19  
 126:19 128:24  
 129:3 130:9 138:2  
 145:6 146:16  
**event** 44:14,18  
 56:11 107:9  
 143:21,23 149:20  
**ever** 35:3 68:21  
 83:10  
**every** 84:14 86:19  
 86:25 109:4  
 112:20 136:16  
**everybody** 72:17  
 119:21 120:2,3  
 128:14 131:6  
 150:9  
**everyone** 33:14  
 74:11  
**everything** 131:21  
 142:16  
**evolved** 35:24  
**exactly** 80:2 106:8  
 148:15  
**examination** 62:6  
 150:6  
**examined** 88:23  
**example** 39:16 71:7  
 71:17 78:21 84:25  
 102:16 134:14  
 145:8,14 146:17  
**examples** 79:17,19  
 80:11,23  
**exceed** 130:14  
**except** 57:12 130:11  
**exception** 73:7  
**excess** 73:11 118:11  
 122:24  
**exclusion** 137:13  
**excuse** 60:2 93:25  
 106:2 112:19  
**Executive** 99:4  
 106:9  
**exhibit** 35:9,14  
**exhibits** 35:2
- exist** 101:18  
**existing** 94:6 96:14  
 98:17  
**exists** 53:10 66:9  
 143:25  
**expand** 100:4,5  
**expansion** 101:3  
 107:7,8  
**expansions** 106:20  
**expect** 59:4 141:6  
**expected** 73:16  
 131:6  
**expecting** 117:20  
**expedite** 150:4,10  
 150:13  
**expensive** 103:4  
**experience** 90:23  
**expert** 59:12 84:19  
 85:7 102:20  
 113:18 147:13  
 149:25  
**experts** 59:9  
**explain** 93:6 114:21  
**explanation** 79:5  
 139:9  
**explore** 112:22  
**Exporters** 34:3  
**expressed** 72:14  
**extend** 124:19 137:8  
**extended** 111:17  
 112:4  
**extends** 111:18  
**extension** 72:8  
 74:25 111:25  
 120:24 124:23  
 125:2,19 133:19  
**extent** 46:12 78:16  
 122:2 149:20  
**extra** 123:4 124:2  
**extracts** 120:8,12
- 
- F**
- face** 89:17 103:22  
**facilities** 102:15,23  
**facing** 90:12  
**fact** 37:22 41:10  
 43:13 46:15 54:11  
 58:21 60:14 61:8  
 66:20 68:15 70:25  
 71:7 84:11 88:13  
 90:6,10,20 91:13  
 94:17 105:6,25  
 106:20 107:22  
 109:14 115:20  
 121:21,22 127:13  
 129:2 130:4  
 131:20 132:13  
 137:9,9 140:22  
 146:10,11 147:17  
**factor** 65:17  
**factors** 64:16

- facts** 135:17  
**fair** 49:7 50:18 89:7  
 90:13,18 94:15  
 100:8  
**fairly** 45:25 48:13  
 87:22 139:8 149:3  
**fall** 40:12 43:13  
**falls** 114:25 130:18  
**familiar** 95:4  
**far** 48:16 93:2  
 124:24,24 135:13  
 150:12  
**fashion** 41:9 147:14  
**fault** 91:22,22  
 109:23 115:23  
**favor** 143:21  
**feel** 40:12 93:14  
 118:17  
**fees** 101:11  
**fellow** 87:5  
**fellows** 109:18  
**few** 38:22 39:2 63:8  
 111:8 119:25  
 133:6  
**fewer** 76:10  
**fifth** 120:17  
**figure** 107:13  
**file** 39:19 45:18 95:6  
 127:19  
**filed** 34:23 35:8  
 37:21 41:3 45:4  
 51:19,21 55:8  
 57:23 59:16 81:16  
 82:4,8,15,20  
 88:21 90:2 92:22  
 95:10,12 96:8  
 98:7 105:17  
 135:23 144:21  
**filing** 81:21 145:14  
**fill** 66:13 75:8  
**filled** 74:7  
**finally** 104:23  
**financial** 81:5,7,13  
 81:19 82:3,11,14  
 82:21 83:5  
**financially** 116:11  
**find** 66:9 84:21  
 127:11 130:18  
**fine** 43:23 45:2  
 59:21 79:21 81:3  
 118:8 148:24  
 150:15  
**finish** 77:12  
**finished** 44:3,5  
 69:24  
**first** 38:10,13,16  
 45:12 48:10 50:20  
 52:20 57:18 62:12  
 74:19 77:21 80:8  
 84:2,2,9 89:15  
 91:24 92:24 98:2
- 100:13,15,20  
 101:22 115:9  
 120:20,22 131:15  
 134:10 137:5,7  
 139:23  
**firstly** 121:8  
**fit** 114:18,21 146:6  
**fits** 68:9  
**five** 73:20 126:21,24  
 138:18,25  
**fix** 49:2 104:16  
**fixed** 125:15  
**fixing** 104:7,12  
**Flakeboard** 34:5,9  
 35:16 38:3 57:13  
 58:13 59:24 60:20  
 60:21 61:14 70:5  
 70:11 81:4,4  
 83:15,16 84:3  
 102:12 117:21  
 122:8,8,11,15,16  
 122:16 123:4  
 138:19,23 147:11  
**Flakeboard's** 69:18  
 117:23 122:7,18  
 122:22 126:12  
 128:20,20 138:16  
 147:12  
**flip** 96:6  
**flippant** 116:14  
**flowing** 91:16  
**flows** 144:16  
**fluctuations** 90:15  
**flying** 97:15  
**focus** 38:24  
**focused** 134:15  
 135:17  
**focusing** 115:2  
**folks** 121:5  
**follow** 45:12 102:5  
**followed** 89:4  
**following** 95:9  
 133:11  
**forecast** 40:20 42:8  
 95:17 96:9,12  
 98:11  
**forever** 64:20  
**form** 37:6 62:10  
 72:25 73:6,12,17  
 75:9 76:16 77:5  
 77:21 104:14  
**formal** 33:21 37:16  
 41:13  
**format** 58:25 76:25  
**forms** 49:12 73:4,12  
 75:8  
**formula** 40:18  
 64:13 65:13 68:4  
 68:7 90:11 91:3,9  
 92:2,17 94:14  
 103:21,21 107:19
- 108:23 110:12,13  
 116:19  
**forward** 44:15 53:8  
**fought** 109:11  
**found** 36:15 40:18  
 43:4  
**foundation** 70:24  
 134:14  
**four** 54:6 73:20  
 120:15 139:10  
**fourth** 98:5  
**framework** 134:5  
**franchise** 109:11  
 133:11,13  
**franchises** 101:7,8,9  
**frankly** 48:4 54:5  
 94:2 97:3 99:15  
 107:11 109:22  
 113:16 134:20  
 144:17  
**Friday** 143:6  
 144:21 145:11  
**frig** 97:15  
**front** 36:10 44:4  
 106:7 135:19  
**fuel** 88:7 92:14 97:4  
 126:7  
**fuel-switching**  
 136:14  
**full** 61:10 81:19  
 82:3,21 133:15  
 139:23 142:4  
**function** 109:13  
**functions** 68:10  
**fund** 106:20 107:7  
**fundamental** 67:24  
 129:11  
**fundamentally**  
 90:22  
**fundamentals**  
 131:22 132:22  
**further** 44:21 46:2  
 53:6 67:6 69:25  
 71:24 77:10 83:13  
 87:4 134:9 150:16  
**furthermore** 62:8  
 68:18  
**future** 66:3,11  
 68:21 69:4 121:19  
 136:17 137:2  
 140:5 141:4
- G**
- gain** 95:25 96:10  
**Gallant** 34:8  
**gap** 91:24 116:13  
 132:8  
**Gary** 34:8  
**gate** 85:13,18,23,24  
**gave** 56:22 78:20,20  
 80:16 122:4
- 124:15 131:2,3  
**gee** 97:8  
**general** 33:2,16,20  
 88:7 133:11,12  
**generally** 60:11,15  
 84:8 89:22 90:7  
 90:17 91:17  
 129:11  
**generate** 46:24  
**generic** 37:10 65:20  
**genesis** 56:17  
**geographic** 126:25  
**gets** 69:4 132:18  
 150:9  
**getting** 98:2 115:8  
 117:18  
**gigajoule** 107:15,17  
**gist** 116:14  
**give** 40:8 48:3,20  
 69:23 71:5 74:5  
 74:13 80:23 92:8  
 97:15 99:24,24  
 113:8,18 114:7  
 118:22 120:10  
**given** 41:16 52:9,9  
 53:9 56:15,16,21  
 69:14 82:6 85:9  
 86:14 93:17  
 111:17 112:18  
 114:3 118:9 128:4  
 132:20  
**gives** 85:12 130:12  
**giving** 48:22 145:21  
**GJ** 40:17  
**GJ's** 40:22  
**glean** 102:6  
**go** 38:19 44:2 56:8  
 56:14,19,24 59:25  
 76:3 78:7 81:17  
 86:4 89:11 94:23  
 97:12 105:21  
 106:5,21 107:8  
 117:20 124:17  
 135:15 139:21  
**goes** 76:2,5 93:23  
 94:14 122:15  
 136:7 138:8  
**gone** 86:17 98:3  
 116:9 125:20  
 131:6  
**good** 33:14 34:7  
 40:13 79:19 80:3  
 109:6 113:8 139:9  
**Gorman** 33:5  
**gosh** 116:7  
**Goss** 33:8 34:13  
**govern** 36:16  
**grant** 109:14 110:23  
**granted** 111:25  
**great** 90:2  
**greater** 121:23
- greatly** 106:4  
**greenfield** 53:4,25  
 54:10 75:6 90:11  
 93:16,18 98:22  
 99:22 135:8,10,12  
**gross** 99:20  
**ground** 107:3,4  
**groups** 38:20  
**grow** 133:25 135:14  
 137:22  
**growth** 98:9,11  
**guess** 34:20 43:19  
 51:14 53:20 56:10  
 57:2,7,10,16  
 59:24 60:4 61:4  
 66:16 74:18 75:5  
 78:16,21 80:15  
 82:10 88:8 92:25  
 114:13,15 115:11  
 116:12 120:19  
 121:4 127:15  
 139:12 141:21  
 142:21 145:8,24  
 146:5 148:3,7
- H**
- half** 136:21  
**halfway** 139:24  
**hand** 53:20  
**handed** 95:2 99:2  
 120:20  
**handle** 45:24  
**handouts** 120:2,15  
**handy** 87:22  
**happen** 71:20 91:23  
 95:13,16,24  
 137:20 145:18  
**happened** 131:2,3,5  
 148:18  
**happening** 112:5  
**happens** 73:3  
 109:24  
**happy** 135:9  
**hard** 56:24 59:3,19  
 60:12  
**hardly** 107:24  
**hardship** 116:17,19  
**hate** 146:8,12  
**having** 42:18 43:24  
 47:18,23 71:20  
 73:23 91:7 94:11  
 98:23 115:10  
 120:17 122:11  
 128:22 150:11  
**havoc** 50:10  
**head** 103:10  
**heads-up** 118:22  
**hear** 66:7 87:17  
**heard** 91:20 119:8  
**hearing** 33:25 37:25  
 43:7,11 54:3 63:5

- 63:25 64:3,6,6  
65:21 66:16 71:21  
88:4 104:21  
122:20 124:17,21  
135:25 146:9  
150:4,7,10,21  
**hearings** 42:19  
105:16 126:24  
**heart** 101:5  
**held** 33:4 49:15  
**help** 76:11 85:5  
86:15 113:18  
150:10  
**helpful** 37:12 77:22  
146:22  
**helps** 63:3  
**hence** 56:17  
**Heritage** 105:22  
**HFO** 85:2  
**hide** 70:25 71:7,16  
**high** 109:4 125:14  
**him** 59:2 77:23,25  
80:23 149:25  
**historical** 132:7,8  
**hoisted** 110:13  
**hold** 96:9  
**home** 99:13  
**honest** 84:20  
**Honestly** 47:25  
**hook** 97:11  
**hopefully** 33:24  
58:25 123:14  
143:14  
**house** 76:5  
**Hoyt's** 50:7 59:19  
144:17  
**human** 75:5  
**hundred** 91:7  
**hundreds** 72:15,23  
**hustle** 144:23  
**hybrid** 88:17  
112:22
- 
- I**
- idea** 75:6,15 77:8  
124:12,23 125:4,6  
129:22 130:4,5  
**identification** 72:20  
72:21 84:23  
**identified** 34:19  
42:12 47:18 76:19  
78:23 131:11  
138:25  
**identifies** 126:14  
**identify** 40:11 41:22  
42:4 45:25 47:20  
48:15 57:25 86:11  
**identifying** 42:25  
76:20 84:14  
**identity** 39:8 76:23  
86:9
- ignore** 136:2  
**imagine** 56:22 103:5  
**immature** 54:15  
125:15  
**impact** 125:8 135:2  
135:6 136:17  
140:5 145:22  
148:9  
**impinged** 146:7  
**implementation**  
136:24  
**importance** 140:9  
**important** 64:4  
79:13 87:2 104:22  
121:14,20 135:16  
138:23,24 139:20  
141:13  
**importantly** 104:11  
129:8  
**impose** 104:9  
**imposed** 129:19  
**improving** 108:21  
**inappropriate**  
135:25  
**Inc** 33:2,16  
**incent** 98:8,18  
**incentive** 93:10,12  
94:7,18 96:15  
126:3  
**incentives** 78:8,11  
78:13 79:11  
**inclined** 39:10 56:24  
90:9 119:16  
**include** 123:2,8  
147:18  
**included** 74:23  
**includes** 49:14  
64:15 102:13  
**including** 57:21  
58:2 102:23  
104:14 112:25  
122:12  
**inconsistency** 89:17  
90:23  
**inconsistent** 56:5  
**increase** 61:8,9  
68:15 69:8,15  
89:9 91:6,7 96:3,4  
99:25 102:8  
114:20 116:8,15  
116:22,24 117:3,5  
118:10 122:23  
123:7,9 124:3  
135:6 136:24  
**increases** 51:16  
88:25 91:11  
115:12 136:16  
137:3 139:16  
140:8  
**incurred** 128:5  
**indeed** 52:15,23
- 90:3,4,6 95:12  
104:9 109:11  
110:5  
**indicate** 38:18  
39:23 42:11 58:8  
58:8,20 62:20  
68:25 72:10,13  
74:9  
**indicated** 40:19,22  
42:8,16 45:18  
46:13 51:21,22  
53:12 57:24 58:6  
58:12 60:21 68:23  
72:5,9 86:2 94:17  
122:5 123:25  
127:24 135:4  
138:3,4 149:15  
**indicates** 51:5 96:8  
96:17 135:11  
137:15  
**indicating** 74:9  
80:21 82:14  
**indication** 49:13  
126:15 141:9  
**indications** 140:22  
**individual** 40:24  
48:9 83:25 84:12  
85:4,24 86:6  
**individuals** 73:21  
109:23  
**industry** 78:19  
79:16,18 106:16  
**informal** 34:14,18  
**informed** 65:4  
**infrastructure** 99:7  
105:20 118:15  
**initial** 102:14,18  
132:14  
**initially** 90:13 128:6  
**input** 148:16,19  
**install** 71:8 99:12  
102:14  
**installation** 70:8  
71:13  
**installed** 99:9  
**instead** 107:15  
132:21  
**integral** 101:2  
**integrated** 61:25  
**intend** 138:4  
**intended** 118:16  
**intends** 127:21  
**intent** 110:24  
**intention** 55:3  
121:17 144:3  
**interconnections**  
57:22  
**interest** 147:19  
**interesting** 60:3  
89:13 96:2  
**Interestingly**
- 128:18 129:12  
**interim** 116:22,24  
117:3  
**interrogatories**  
37:24 38:4,10  
67:9  
**interrogatory** 38:6  
49:25 51:14 53:5  
61:14,15 78:8  
107:10,10 108:7  
130:24  
**intervenor** 143:18  
147:21 148:21,23  
149:8  
**intervenor's** 33:21  
34:14,19 37:16  
38:23 41:13 43:8  
43:24 44:11,12,20  
46:2 47:14 48:5  
48:24 49:20,21  
52:18,22 67:16  
71:22 83:13 133:7  
136:11,23 143:5  
**intervenor's** 149:10  
**invested** 105:20  
**investment** 134:7,9  
**investors** 110:7  
**involve** 108:20  
**involved** 41:11 69:9  
81:25 82:3 147:22  
**in-camera** 42:19  
43:10  
**IR** 40:7,15 41:5,18  
49:10 51:2 52:6  
61:12 70:11 96:25  
126:11,12 128:19  
128:20 134:23  
138:14,16 140:13  
147:5,21 148:2  
150:3  
**irrelevant** 87:6  
**IRs** 46:15  
**Irving** 33:22 37:22  
**IR's** 35:12 39:3,22  
40:6 45:11 52:6  
58:6 83:2,16 85:9  
87:7 94:22 96:25  
99:16 102:7  
131:22 132:2  
133:22 139:4  
144:22 145:25  
148:20 149:9  
**IR-1(6)** 60:20  
**IR-10** 51:13  
**IR-12** 35:16  
**IR-14** 57:17,20 58:9  
**IR-15(b)** 83:15  
**IR-2** 40:15  
**IR-2(k)** 51:2  
**IR-3(a)** 63:9  
**IR-8(f)** 45:14
- isolate** 122:7  
**isolating** 134:2  
**issue** 35:20 39:18  
41:5 45:6 48:13  
49:5,18 53:25  
55:18 59:7 63:7  
63:23 64:2,8 65:6  
65:21 66:5 68:20  
69:12,21 72:3  
76:4,15,15 77:10  
81:15 82:13 83:10  
83:18 84:13 86:7  
86:18 88:22 90:5  
98:24 118:7  
121:21 124:13  
127:5,21,22 138:4  
141:17 144:3,19  
146:14 149:2  
**issues** 41:14 53:15  
54:6,24 56:6  
57:12 71:6 125:9  
142:5 148:22  
**item** 35:23 63:18  
**items** 81:8 135:16  
i.e 39:13 40:4
- 
- J**
- January** 33:4 35:13  
120:23 142:16  
143:19  
**John** 33:4,9 34:13  
**Johnston** 33:6  
111:6 117:9  
**joined** 33:19  
**Juliette** 33:10  
**jump** 127:20  
**June** 89:25 127:14  
**jurisdiction** 79:6  
104:9  
**justified** 136:24  
**justifies** 124:10  
**J.D** 33:22
- 
- K**
- keep** 39:6,9 89:12  
136:25  
**key** 73:14 79:9  
**kilometers** 99:10,12  
106:11  
**kind** 64:21 65:15  
71:8,12 115:6  
145:20  
**kinds** 91:11 113:11  
113:23  
**Kitchener** 79:7  
**knew** 147:8  
**knock** 50:21  
**knowing** 136:12  
**knowledge** 70:20  
83:2 130:2  
**knows** 54:13,15

72:17 109:24 128:14	51:4 58:5,19 63:16 68:19 89:14 98:6 110:2	97:16	61:20 64:11 69:24 73:5 75:18 83:21 88:11,20 90:10 94:21 99:6 102:5 102:17 109:15 112:21 115:3,14 125:4 130:22 131:12,14,24,25 132:2 134:10,20 136:16 137:5 139:12 145:4,7 148:6	133:16
<b>L</b>	<b>let's</b> 40:11 80:3,7,20 96:6 145:13,16	<b>location</b> 86:25 122:16 126:22 138:17	<b>magnitude</b> 69:15 118:9	<b>market</b> 53:9,13,24 54:11 64:12 90:11 93:8,16,18,25 94:4 96:12 97:25 98:7,22 108:8,9 121:16,21 125:14 125:18 126:14 133:13,23 134:13 135:12,20 137:9
<b>large</b> 33:2,16 39:15 40:21 42:9,11 45:24 76:18 88:6 116:25 122:12 128:22 145:3	<b>level</b> 103:24	<b>locations</b> 78:21,22	<b>main</b> 75:25 106:11	<b>marketers</b> 100:23
<b>larger</b> 75:23,24 129:2	<b>levels</b> 75:25 78:10	<b>logic</b> 114:22	<b>Maine</b> 99:18	<b>markets</b> 53:2 54:13 54:15
<b>last</b> 45:17 83:15 90:25 94:25 96:4 98:11 99:5 108:25 121:7,8 124:12 126:4 127:17,20	<b>LFO</b> 33:2,17 45:16 53:23 61:17 62:24 85:2 86:20 88:18 88:25 89:2,2 94:11,19 95:17,20 96:2,22 97:6,23 97:25 100:5 102:9 102:22 103:2 112:25 116:9 121:23 125:17 126:14,16,18 132:4 134:25 136:4,13 138:13 138:17	<b>logical</b> 89:7	<b>mains</b> 99:10,14	<b>market-based</b> 53:4 62:2,11,22,25 63:4 65:12 66:4,9 66:12 69:6 73:24 88:15 89:6 90:11 92:9,11,17 93:3,6 93:7,7,15,21 96:18 97:24 98:12 100:15 105:18 106:19 107:5 108:14 113:2,5 121:8,12,13,22 125:13 128:9 134:6,17,21 136:6 136:9,11 140:2
<b>lastly</b> 130:22	<b>light</b> 46:14 88:7 92:14	<b>long</b> 49:15 58:23 59:6,11 79:24 80:6 97:16 107:18 115:17 118:23 119:13,18 140:2	<b>maintaining</b> 140:2	<b>mask</b> 39:16 84:13 86:9
<b>late</b> 116:3	<b>like</b> 39:4 40:7 53:17 60:7 61:7 67:17 67:18,19 74:2,10 76:8,14 80:8 83:3 84:6 85:20 86:13 92:21 94:21 98:21 98:25 105:21 111:9 112:22 118:21 120:13,19 121:4 125:9 135:22 137:14 139:3 146:17 147:22	<b>longer</b> 89:5,6 98:9 103:18 135:10	<b>major</b> 100:13 101:23	<b>math</b> 102:19
<b>later</b> 36:5,19 46:20 69:19 92:7 128:15	<b>looking</b> 39:24 43:15 48:8 50:20 55:12 55:16 56:9 64:25 67:17 70:25 71:19 76:9 79:4,23 80:12,22 82:10 83:22 84:23 85:3 85:3 115:18 126:17 127:15 129:12 130:6 132:8,19	<b>long-term</b> 49:18 101:25	<b>making</b> 43:5 62:21 88:24 133:6	<b>matter</b> 33:2 52:10 52:11 55:15 56:10 63:19 76:20 87:18 88:4 92:22 97:19
<b>lateral</b> 122:8,11,14 123:3,5,17,18,19 130:11	<b>likely</b> 52:15,23 124:24	<b>look</b> 55:8 64:15 70:25 74:18 79:8 80:3,7,13,18 95:21 97:8,9 112:2 124:16,18 126:10,11 127:13 127:14 131:10,19 131:20 133:23 137:12 139:6,10 139:21 144:4	<b>management</b> 75:11 116:5	<b>matters</b> 35:21 37:14 37:17 52:9 53:2 60:4 142:24 150:13
<b>laterals</b> 130:11	<b>limbo</b> 145:5 146:3	<b>looks</b> 57:11 80:8	<b>Manager</b> 33:20	<b>mature</b> 52:25 53:9 53:13,24 54:13 97:25 98:8 100:4 135:13
<b>latter</b> 142:12	<b>limit</b> 136:16	<b>lord</b> 109:24	<b>mandate</b> 104:17 112:12	<b>maybe</b> 47:19 55:19 57:17 66:5 75:10 75:15 90:15,16 103:18 113:8 117:16 132:11 143:16 144:2 146:19 148:7 149:20
<b>Lawson's</b> 58:9 67:25 81:12 102:15,20 103:4 148:2 149:11	<b>limited</b> 33:22 34:6 37:22 38:3 70:22	<b>Lorraine</b> 33:10	<b>mandates</b> 104:15 112:16,19	<b>McLean</b> 33:6 118:4
<b>Lawton</b> 33:9 34:13	<b>line</b> 55:21 71:13 73:19 106:22 122:18,19 123:5 123:17,18,19,19 138:21,22	<b>lose</b> 146:12	<b>manner</b> 47:17	<b>mean</b> 39:17 48:10 48:17,18,23 53:15 54:21 59:3,3 64:19 66:6 67:14 67:21 68:3 70:16 75:6 77:22 79:4,8 79:11 80:5,12,14 85:6 87:9 90:19 97:22 114:18
<b>lawyer</b> 113:8	<b>lines</b> 56:16 71:8	<b>loss</b> 84:15 116:17	<b>Manufacturers</b> 34:2	
<b>lead</b> 68:7 88:22 142:17	<b>list</b> 41:12 45:15 55:16	<b>lost</b> 106:3	<b>many</b> 48:17 72:18 96:12 99:14 106:11 114:20 136:14	
<b>leads</b> 98:5	<b>literally</b> 73:23	<b>lot</b> 53:18 56:23 73:13 97:9 119:5 129:5 134:14 140:10 143:16	<b>map</b> 57:21 58:12	
<b>learn</b> 124:17	<b>little</b> 55:20 77:14 84:15 92:7 98:24 103:7,7 107:11 116:14 120:4 123:17 146:3 147:24	<b>low</b> 125:14,15	<b>maps</b> 57:23,25 58:15	
<b>learning</b> 124:14 125:8	<b>list</b> 41:12 45:15 55:16	<b>lower</b> 97:14 121:9 121:13,17 124:9 124:10 137:10	<b>Maritimes</b> 99:18 101:10	
<b>least</b> 35:3 38:12 39:17 40:7,11 46:18,20 49:4 50:17 68:13 69:9 75:22,23 90:13 92:20 100:13 102:2,21 122:2 149:16	<b>literally</b> 73:23	<b>lunch</b> 87:25 119:16 119:20	<b>mark</b> 34:23 35:6 72:20	
<b>leave</b> 114:13 145:5	<b>LNG</b> 101:23	<b>Légère</b> 33:10	<b>marked</b> 34:25 35:3 35:8,14 59:23 120:6	
<b>leaves</b> 52:5 142:4	<b>load</b> 73:15 74:14 77:7		<b>marked-based</b>	
<b>left</b> 49:8 50:20 97:2	<b>local</b> 93:8,25 94:4	<b>M</b>		
<b>legal</b> 39:9		<b>made</b> 40:25 42:23 58:12 60:22,25		
<b>legislated</b> 65:9 68:2				
<b>legislation</b> 101:13 112:12,16				
<b>Len</b> 33:19				
<b>length</b> 57:22 74:23 140:18				
<b>lengthy</b> 115:8				
<b>less</b> 76:8,10,15				
<b>let</b> 53:16 111:12 128:15 148:3				
<b>letter</b> 35:13 36:6 45:18 46:11,17				



119:11 138:22  
147:20  
**meaning** 99:14  
**meaningless** 74:3  
77:5  
**means** 47:21 68:24  
95:19 97:23  
101:17  
**meant** 63:18 87:10  
**measure** 116:25  
145:3  
**meet** 93:12 94:18  
96:13 105:8  
**meeting** 94:17  
**meets** 94:10  
**Member** 33:6,7  
44:17  
**members** 34:7 69:15  
95:4 118:10  
**membership** 98:10  
**memory** 78:19  
123:25  
**mentioned** 35:23  
63:7 137:9,22  
**mere** 107:22  
**met** 105:9  
**meter** 84:12  
**method** 47:24 86:8  
104:13  
**microphone** 33:25  
67:17 94:24  
**middle** 73:18 74:8  
**might** 34:22 37:5,6  
39:15 41:6 42:20  
43:20 47:12 60:14  
73:21 75:16 77:17  
77:22 80:17 90:14  
113:19 116:23  
119:14 120:4  
121:17 123:9,9  
130:21 138:20  
146:7,15,15  
**miles** 47:3  
**million** 99:20,21  
102:18 122:13,20  
122:24 123:6,10  
134:8 136:8  
**mind** 40:2 70:19  
89:2 104:18  
112:23 130:7  
132:6 141:22  
142:3  
**mine** 102:15  
**minimum** 64:23  
71:5 99:23 101:18  
**minor** 90:14  
**minute** 91:14  
103:18  
**minutes** 63:8 118:23  
119:15  
**misquoting** 79:15

**missing** 79:10  
**misunderstood**  
82:23  
**mix** 103:5  
**MN&P** 85:14  
**model** 72:6 74:23  
109:12,23 110:7  
140:2  
**moment** 50:3 127:2  
139:19 143:4  
**Monday** 143:9,14  
**money** 97:9 110:8  
124:4 132:17  
**monopoly** 101:19  
109:14,16  
**month** 83:17  
**months** 85:16  
136:21  
**more** 38:8 42:21  
44:9,19 64:22  
69:14,18 73:7  
78:24 79:18,20,22  
80:11,23 86:3  
87:2 92:8,14,25  
95:20 98:17 99:12  
103:6,7 104:11,21  
107:7 112:5  
116:13,18 123:22  
124:17,24 126:18  
126:21 127:9  
129:5,7 135:16  
138:12 140:10  
**morning** 33:14 34:7  
37:21 91:20  
125:22 127:25  
133:18  
**most** 52:15,23 72:10  
103:3 109:12  
**motion** 35:5,20 38:3  
38:4 45:4,8,11  
51:20 52:14 57:12  
58:19 63:24,24  
64:22,22 65:6  
66:8 67:21 68:19  
69:19 70:3 81:12  
87:21 88:3,8,11  
98:6 110:23  
130:17 134:15  
141:3,25 143:22  
145:4 146:10  
147:4 149:12  
**motions** 33:14 34:20  
34:22 35:22 37:17  
37:20,23 56:14  
142:25  
**move** 137:16  
**moved** 96:2  
**much** 46:22 48:22  
50:23 53:25 57:11  
76:10,16 86:3,24  
91:12 117:7

122:17 141:2  
145:21  
**multi-customer**  
73:5  
**municipalities** 99:9  
106:12  
**must** 66:20 91:24  
99:23,25 108:20  
125:6 130:14  
**myself** 140:21

---

**N**

---

**name** 41:22 42:4  
47:18,21,23 73:14  
74:2,7,14  
**names** 46:11 47:7  
47:13 49:6 73:21  
85:4 86:14  
**name's** 39:13,20  
41:3 45:22 46:3  
46:25  
**naming** 48:9  
**napkin** 65:3 102:21  
130:10  
**natural** 53:2 89:22  
90:6,24 91:4  
93:10 94:7,12  
96:15 97:11,16,18  
98:18,19 99:7,14  
99:22 100:7,23  
101:24 126:3,6  
132:5,16 133:23  
133:24 134:13  
135:5  
**nature** 56:15 58:23  
78:20 81:8 106:18  
**nay** 88:12  
**NB** 33:8 34:3,10  
**near** 127:22 138:4,9  
140:24  
**nearby** 79:6 138:22  
**nearer** 141:14  
**necessarily** 113:15  
**necessary** 41:22  
47:8,22 48:11  
52:12 89:15 92:18  
99:7 114:10 115:7  
120:4 139:16  
143:19 144:13  
146:22  
**need** 47:5,10,13  
59:10 60:9 68:13  
72:18 76:4 84:9  
84:22 103:12  
107:5 116:8 120:6  
136:20 141:19  
142:8 147:3 150:9  
**needed** 69:10  
144:11  
**needs** 65:22,25 69:7  
88:23 108:2

110:19 114:16  
121:11 128:7  
136:16 144:5  
**net** 95:25 96:10 97:3  
**network** 106:20  
**never** 92:5 97:17  
147:9  
**new** 33:1,2,4,15,19  
53:10,24,24 70:8  
70:21 73:8 91:21  
93:16,18 97:4,6,7  
97:11,14 98:3,22  
99:5,7,14,15,21  
100:5,6,18,20  
105:5,14,17 109:9  
109:25 110:8  
115:12 126:9  
133:10,12,25  
134:4,13,22  
**newspaper** 105:13  
**next** 35:11 45:13  
47:2 49:9 50:25  
51:13 61:14 70:4  
70:5 71:24 75:10  
78:5,7 81:4 91:5  
93:23 94:13 96:11  
99:11 102:17  
106:12 137:14  
141:4 143:5  
144:21 145:9  
146:18  
**nine** 99:9,16,17  
**nobody** 125:4,5  
**nod** 92:8  
**non** 123:4  
**none** 45:5 64:18  
71:13 90:5 134:19  
**normal** 78:19 79:16  
**normally** 44:10  
**Northeast** 99:18  
101:10  
**note** 59:24  
**noted** 118:8  
**notes** 72:2 117:20  
**nothing** 37:19 53:19  
53:20 71:24 73:23  
**notice** 55:12  
**noting** 134:11  
**notion** 98:22  
**Nova** 79:5 105:21  
**November** 35:8  
36:6 51:22  
**number** 41:24 42:8  
47:2 48:14 53:23  
60:22,25 72:21  
74:8,13 100:17  
101:4 107:10  
108:7 109:13  
115:20 117:21  
123:15 126:12,13  
128:20 133:22

134:15,20,24  
139:4 142:5  
**numbers** 61:2,6,7,9  
61:10 64:13 68:3  
77:8 94:15 103:6  
103:8 108:23  
110:12 116:2  
117:18 132:20  
**N.B** 33:4

---

**O**

---

**objected** 125:5  
**objection** 35:10  
54:4 76:24 80:18  
**objective** 93:8,13  
94:5,11,17 96:13  
96:17 97:25 105:8  
125:25 133:24  
150:3  
**objectives** 125:24  
147:13  
**obligation** 39:6 65:9  
68:2,5 104:9  
110:6,11 130:18  
**obligations** 82:7  
**obstruct** 52:17,22  
**obtain** 56:11  
**obtained** 98:2  
**obtaining** 49:21  
**obvious** 48:17 55:9  
61:2 88:11 89:17  
**obviously** 35:17,19  
36:15 45:5 49:3  
55:8 59:9 62:13  
73:14 82:12 85:3  
122:24 123:12  
138:23 144:9,25  
148:10  
**occurring** 103:19  
**October** 40:20  
62:17 63:11 70:13  
**odd** 75:7 147:24  
**off** 48:21 66:3 89:21  
90:19 94:23 99:23  
101:10 106:4  
119:17 143:22  
**office** 103:11  
**offices** 81:11  
**often** 73:7  
**oh** 74:12 91:5 109:8  
116:12  
**oil** 88:7 89:22 90:6  
90:24 91:4,20  
92:14 97:17,17  
98:9 100:10 126:8  
131:23 132:5,15  
136:15  
**okay** 49:8 50:24  
51:12 84:17 118:2  
118:3,24  
**old** 91:16

- once** 98:2 104:3  
 114:11 116:21  
**ones** 38:22,25 40:9  
 40:11 45:12 50:20  
 76:19 78:6 80:2  
 147:11  
**one-day** 145:16  
**only** 36:18 40:15  
 41:5 47:8 49:5  
 50:22 53:5,13  
 54:25 57:2,24  
 59:23 71:5 83:21  
 85:6 101:13  
 104:10 105:7  
 109:17 110:5  
 112:13 114:10  
 116:17 121:5  
 123:14,16 124:14  
 139:2 140:4  
 142:10,19 148:8  
 148:25  
**onus** 110:14 111:10  
 111:19,22 112:12  
**open** 48:23 127:17  
**opening** 64:2  
**operate** 48:18  
**operates** 61:25  
 105:22  
**operating** 61:16  
 62:4  
**opportunity** 69:23  
 109:4 115:10  
 149:17  
**opposed** 43:7 53:10  
 70:17 112:7 141:3  
**options** 113:23  
**oral** 145:22  
**order** 37:25 39:11  
 40:2 43:2,16  
 45:23 47:3,11,21  
 56:13 58:12,15,20  
 58:21 68:14 89:13  
 92:17 95:6 104:6  
 120:21 143:3  
 150:13  
**orders** 59:5  
**original** 76:9 86:4  
 89:24 137:24  
 141:8  
**originally** 92:12  
**others** 38:22 50:22  
 69:24 83:7 129:6  
 129:25 137:13  
 147:10  
**otherwise** 38:8,19  
 39:9 121:17  
**ought** 82:8  
**out** 42:14 45:8 50:4  
 50:11 54:8,23  
 68:4 75:8,20 79:8  
 84:21 89:18 92:4  
 93:2 94:14 103:6  
 103:22 105:19  
 107:13,19 109:21  
 109:24 114:20  
 116:23 120:20  
 123:24 126:18  
 130:18 141:8  
 143:10,15 144:17  
 145:20 147:13  
**outcome** 147:4  
**outline** 46:17 61:18  
**outlined** 46:11  
**outset** 92:15  
**outside** 126:24  
**outstanding** 78:4  
**over** 52:22 72:8  
 74:25 90:24 91:17  
 94:13 99:9,13,22  
 101:19 128:4,7  
 136:18  
**overall** 68:16 113:6  
 114:5 137:11  
**overcharged** 127:9  
**overhead** 123:12,15  
**overlooked** 78:12  
**overstated** 80:15  
**own** 50:14 96:15  
 101:4 115:23  
 136:2,25  
**o'clock** 87:23
- 
- P**
- pace** 69:2  
**package** 48:15  
**page** 92:24,24 93:23  
 95:2,21 96:6 98:6  
 99:2,4 121:5,5,7  
 125:10,11 126:13  
 127:15,18 129:16  
 139:23  
**pages** 54:22  
**paid** 109:25  
**panel** 133:3 140:16  
**paper** 98:24  
**paragraph** 74:19  
 99:11 106:9 121:7  
 125:12 127:17  
 134:24 137:14  
 139:23  
**parameter** 109:17  
**parameters** 43:25  
 109:13 116:23  
 141:11 142:4  
**part** 49:12 55:3 57:6  
 60:15 62:10 63:23  
 64:21 66:5 69:5  
 78:9 90:10 101:2  
 108:2 115:11  
 142:12  
**participant** 89:23  
**participate** 36:21  
 150:5,14  
**participated** 124:20  
**particular** 37:11,24  
 38:4,9 42:10,25  
 45:11 46:10 47:7  
 53:15 55:22,23  
 66:16 67:10 72:7  
 73:25 74:25 76:19  
 76:21 78:22 82:21  
 86:9 87:3 90:3  
 112:7,9 113:16  
 114:5,15,24 121:8  
 134:2 135:16  
 136:22 138:3  
 139:12 140:11,13  
 141:25 144:19  
 148:20 149:8,10  
**particularly** 41:17  
 41:22 53:23 54:23  
 79:12 84:23 92:23  
 92:25 97:24  
 139:13,17  
**parties** 35:12 36:17  
 38:7,12 40:5  
 41:13 42:25 45:6  
 49:4 50:13 58:15  
 58:22 59:6 77:11  
 82:9 86:12 87:25  
 90:5 111:2 115:10  
 145:23  
**parts** 74:6  
**party** 35:18 36:20  
 62:18  
**past** 54:14 59:8,16  
 60:8 81:23 82:15  
 112:15 116:22  
 137:2  
**pause** 99:24 103:17  
**pay** 92:14 105:21  
 106:21 107:7,8  
 109:5 110:6 116:4  
 128:15 129:10  
**payback** 72:3  
**paying** 69:16 97:16  
 118:11 128:16,16  
**pending** 105:12  
**people** 40:7 113:4  
 124:6,7 126:6  
**per** 107:15,17  
**percent** 68:14 91:6  
 91:7 98:17 99:25  
 122:23 127:3  
 132:4,5,6,8,10,11  
 132:11,15,18,18  
 132:20,21 139:2  
**percentage** 89:21  
 90:19 103:10  
**perfectly** 54:17  
 84:20 110:25  
**performed** 108:12  
**perhaps** 34:21 36:9  
 38:7,11,20,21  
 40:7 41:6 42:21  
 47:18 48:6 50:4  
 65:18 72:16 75:15  
 76:4 77:16 78:23  
 79:20 95:5 120:9  
 126:15,16 139:18  
 149:19  
**period** 62:23 66:19  
 72:8,25 74:25  
 82:18 111:17,18  
 111:25 112:4  
 114:2 120:25  
 125:2,9,13,19  
 127:5,6,7,22  
 128:2 131:8,14  
 132:3 133:17,19  
 136:7,18 137:8  
 138:5,10 140:5,19  
 140:25 141:10,12  
 141:15,20 142:4,9  
**permission** 101:9  
**permit** 103:22  
**permitted** 101:13  
**perspective** 75:11  
**philosophy** 134:3  
**phrase** 102:21  
**physical** 122:15  
**pick** 79:7 80:6  
**picked** 78:17  
**piece** 43:22 74:7  
 79:13 98:23 141:7  
 141:13  
**pieces** 52:7 55:13  
**pipe** 58:3 73:9 75:25  
 107:3,4 123:20  
**pipeline** 57:22 72:8  
 74:23,25 75:9,21  
 75:24 99:18  
 101:10 106:13  
 126:19  
**pipelines** 70:8 72:5  
**pipes** 76:2  
**place** 91:24 97:13  
 111:15 115:9  
 121:23 127:15  
 131:15 132:3  
 141:2,7,14 142:8  
 142:16  
**placed** 43:19  
**places** 108:5  
**plan** 94:25 95:3,5  
 95:10,15 96:7  
 97:10 99:3 101:2  
**planning** 147:3  
**plans** 106:3,6,10,23  
**plant** 101:23 129:15  
**plante** 34:4,4,5 44:6  
 44:23,24 69:11,13  
 118:6,8,19  
**play** 101:22  
**please** 93:6 95:14  
**plug** 64:13 68:3  
 94:14 107:18  
 110:12  
**pointed** 54:8,12  
**points** 53:22 89:12  
 89:18 98:5 105:10  
 133:6 134:10,20  
 138:11  
**policy** 35:18,24 36:2  
 36:5,7,9,15,19,23  
 37:2,4,9 39:21,25  
 41:4 42:17,20  
 45:19 58:7,11  
**portion** 100:25  
**portions** 106:6  
**pose** 80:10  
**posed** 39:4 40:15  
 49:25 67:20  
 107:10,12 147:21  
**position** 39:23  
 46:16 48:2 50:10  
 63:19 66:2 67:25  
 70:10 80:12  
 107:13,21 114:24  
 115:23 117:5  
 137:20 143:14  
 146:18 150:4  
**possibilities** 124:22  
**possibility** 146:7  
**possible** 147:17  
 149:22  
**posted** 37:3  
**potential** 47:12  
 73:15,18 74:7,9  
 93:9 94:5 96:14  
 97:14 101:24  
 113:21 126:2,14  
 127:4 138:12,16  
**potentially** 55:4  
 102:2  
**Power** 129:15  
**practical** 52:12,21  
 75:22  
**practically** 74:3  
**practice** 44:10 59:8  
**precisely** 113:14  
**precluding** 113:15  
**predecessor** 82:2  
 120:23  
**predicated** 93:8  
**prefer** 87:25  
**preference** 39:19  
**preliminary** 35:21  
 37:14,17,18 39:2  
 106:15,18 142:10  
**premature** 144:2,4  
**premised** 133:13  
**premises** 33:4  
**prepared** 38:18,22  
 39:12 40:9 46:13

- 49:19 50:3 53:6  
80:22 85:17  
110:25  
**preparing** 145:23  
**present** 34:14  
**press** 105:10 123:24  
**pressures** 58:3  
**presumably** 129:23  
**presume** 85:25  
**presumes** 93:18  
**presuming** 59:18  
60:4  
**presumption** 121:11  
**pretty** 48:16 57:11  
79:8 139:9 144:23  
**previous** 82:24 83:2  
95:6 111:14  
113:24 114:2  
120:12 122:20  
126:24 130:24  
**previously** 93:5  
118:9  
**pre-hearing** 34:24  
54:9  
**price** 40:18 49:15  
89:20 97:15  
100:10 116:4  
131:23 132:15  
137:2  
**prices** 89:22 90:6,17  
90:24 91:4,10,11  
91:17,19  
**pricing** 98:13  
134:17  
**principle** 121:15  
129:11  
**principles** 129:9,10  
**prior** 35:21 37:17  
52:7 53:9 54:23  
55:8,13 56:4,5  
66:24 76:6 83:4  
137:6 138:19  
141:19  
**privately-held**  
109:10  
**privy** 71:14  
**probably** 56:12  
87:24,24 118:23  
124:9 149:13  
**problem** 46:24 77:4  
124:22 126:8  
148:3,4 149:19  
150:10  
**proceed** 38:13 88:9  
88:24 106:24  
118:21 119:4,24  
120:18 145:7,10  
146:11  
**proceeding** 35:25  
37:7,8,11 53:3,16  
55:2 56:6 60:16  
62:10,16 68:15  
69:5 81:21 88:21  
90:19 106:25  
107:8 114:14  
118:24 133:15  
136:4,22 141:24  
143:13 144:20  
**proceedings** 53:9  
55:22 56:3 82:24  
83:5 110:25  
150:20  
**process** 43:4 66:22  
66:25 76:17 111:2  
113:6 115:5,8  
124:15 136:20  
142:7 143:11  
150:3,14  
**produce** 117:16  
**product** 125:14  
**profit** 109:10,19  
**progress** 99:6  
**project** 72:22 73:5,6  
97:8 99:19  
**projected** 51:7  
74:14 77:7 95:18  
95:22,25  
**projecting** 95:15,20  
95:22 96:7,11  
102:8  
**projection** 96:16  
**projections** 95:8  
**projects** 100:5  
134:22  
**promise** 45:10  
**proof** 98:10 104:25  
**proper** 62:5 67:14  
**properly** 62:7  
**proponent** 111:20  
**proponents** 97:8  
**proposal** 42:2,5  
44:24 46:3  
**proposals** 133:9  
**propose** 99:12  
105:6 110:18  
**proposed** 45:2,5  
95:24 99:3 106:18  
118:9 130:5  
**proposing** 132:13  
**proposition** 130:16  
**propriety** 108:13  
**prospective** 134:25  
**prove** 110:14  
**provide** 38:18,23  
39:10,13 40:22  
41:2 45:21 49:19  
51:8,25 52:7,12  
53:6 56:18 58:7  
60:8,25 61:18  
62:19 71:15 72:12  
75:22 78:14,25  
79:4,9,12 80:11  
81:12,14,17 83:7  
86:7 94:5,24  
96:13 98:20 100:9  
129:20,25 130:20  
133:8 143:8,9,15  
148:25  
**provided** 41:9,23  
42:7,19 43:17,18  
50:5 52:25 54:25  
55:24 59:20 60:24  
61:17 64:23 65:19  
67:11,22 72:11  
76:13,21,22 77:24  
78:8,11,25 79:5  
80:14 83:23 85:17  
85:21 93:3 96:25  
96:25 117:25  
126:12 128:3  
130:24 132:16  
146:2 147:15  
148:21  
**provides** 76:6 146:4  
**providing** 44:12  
46:24 49:16,22  
58:10 64:8 65:15  
70:17 76:25 78:13  
83:6 93:9 94:18  
126:2  
**province** 101:20  
109:25 118:16  
133:12 134:3  
**Province's** 133:9  
**province-wide**  
109:14,16  
**provision** 42:20  
**proximity** 126:19  
**pseudonyms** 47:10  
**PUB** 120:23 124:19  
**public** 46:12 47:7  
52:11 55:15 56:10  
57:4 58:4 81:11  
133:15  
**publication** 34:25  
**pudding** 98:10  
**pulled** 117:19  
**purchase** 49:14,20  
**purpose** 47:8 55:6  
64:4,5 65:2 84:21  
93:4,7,12  
**purposes** 42:22 47:4  
50:16 58:4 78:23  
82:5  
**pursuant** 39:20 40:3  
42:17 43:18  
**put** 47:6 49:23 50:3  
53:17 72:25 75:9  
81:18 89:14 106:5  
107:4 111:10,15  
111:19 115:22,23  
117:4 119:17  
123:24 132:3  
**putting** 44:15 53:8  
55:7 71:9 107:3  
111:21  
**p.m** 119:23,23  
150:19
- 
- Q**
- question** 40:16 61:5  
61:24 63:10 64:10  
67:19,21 70:9  
78:9,9 80:8,15  
81:2 84:4,19  
86:21 87:2 93:5  
93:14,17,20 94:16  
96:23 97:18  
107:11,12 111:9  
117:10,11 119:7  
122:4 131:19  
141:21 142:19  
148:9,10,20  
149:12  
**questioning** 121:2  
**questions** 62:13,15  
63:10 92:23,25  
94:13 111:5,8  
113:11 117:8  
118:4,5,19 132:25  
133:2 140:15  
142:21  
**quickly** 42:18 45:9  
72:4 88:2 139:7  
144:24 147:17  
150:18  
**quite** 42:18 48:3  
54:5,24 94:2 97:3  
99:15 107:11  
109:22 111:10  
113:16 115:17  
134:20 144:12,16  
**quoted** 105:13  
**Q.C** 33:5
- 
- R**
- raise** 141:17 142:20  
**raised** 60:3 63:23  
111:13 148:23  
149:9  
**raising** 144:3  
**random** 78:24 79:8  
80:5  
**randomly** 79:20,24  
120:21  
**ratemaking** 38:2  
88:5 101:21 112:8  
118:18  
**ratepayers** 68:6  
91:25 105:2  
108:17,18 109:8  
110:4,5 115:16  
**rate-making** 96:21  
**rather** 64:2 85:24  
97:2 111:21 139:7  
**rationale** 140:12  
**rattling** 99:23  
**Raymond** 33:5  
**re** 45:23  
**reach** 92:18  
**reaches** 137:16  
**read** 61:23 125:3  
126:13 139:17,22  
**reading** 131:9  
**reads** 93:5 99:5  
106:10 121:8  
**ready** 119:24  
**real** 69:16 105:7  
110:17 118:10  
**realize** 72:24 73:13  
**really** 48:10 53:17  
55:16 56:10 59:5  
63:19 80:12 86:8  
98:16 112:4,8  
116:12 119:17  
125:16 130:19  
139:20 141:3  
144:4  
**reaping** 129:3  
**reason** 46:9 58:18  
60:12 92:15 108:2  
121:16 124:14  
143:24  
**reasonable** 64:9,12  
64:14 65:10,14,16  
65:18 66:14 68:3  
68:5,16 89:8  
90:14 92:18 97:20  
98:15 103:24  
104:7,10,12  
107:17,20 108:19  
108:22 109:18  
110:6,10,12  
112:14 115:14  
129:8  
**reasonableness** 69:9  
**reasonably** 70:7  
115:8 128:4  
**reasons** 89:11 136:4  
**rebut** 69:23  
**rebuttal** 142:22  
**recall** 91:18 116:25  
144:21  
**receive** 35:15  
**received** 35:11  
38:14 133:18  
**recent** 62:17 90:23  
**Recess** 87:20 119:23  
**recognize** 128:6  
142:15,17  
**recognized** 92:17  
**recognizing** 39:14  
84:22  
**recommending**  
129:21

- reconsider** 63:5  
**reconvene** 87:18  
 146:23  
**record** 34:19 46:12  
 47:7 52:11 53:18  
 54:21,21 55:4,7  
 55:15 56:10 61:24  
 81:18 89:25 90:9  
 91:18 105:15  
 120:14 126:22,23  
**recorded** 137:18  
 150:21  
**recouping** 102:23  
**recover** 72:4 121:18  
 137:17  
**recovered** 68:21  
 112:6 136:19  
 140:6  
**recovering** 135:12  
 137:21  
**recovery** 130:5  
**redacted** 72:13  
 73:25 74:2  
**redacting** 76:16  
 77:2  
**reek** 50:10  
**refer** 63:11 70:12  
 72:19 92:21 94:21  
 98:25 111:16  
 120:17,20 121:4  
 127:16 137:14  
 140:13  
**reference** 42:23  
 51:15 52:15 78:12  
 85:22 87:12  
 112:21 115:14  
 120:10 128:19  
 138:16  
**referenced** 51:25  
 74:4 84:12  
**references** 49:12  
 84:4  
**referred** 106:2  
 121:2 129:15  
 137:6,7,9,23  
 138:2 140:18,20  
**referring** 36:13  
 72:18 82:11,24  
**refers** 62:16 128:21  
**reflect** 61:8,8 73:6  
 73:18 92:2 99:24  
 103:17 130:19  
**reflection** 128:7  
 149:5  
**reflective** 61:9  
 128:8  
**reflects** 129:8  
**regard** 33:15 47:15  
 48:3 58:18 61:4  
 68:13  
**regarding** 62:3  
 104:24 134:25  
**regardless** 66:25  
 82:22 126:21  
 138:17  
**regards** 146:22  
**regulates** 81:18  
**regulating** 67:12  
**regulation** 104:15  
**regulatory** 81:8,9  
 81:15,19,22 82:5  
 82:5,12,16,20,22  
 83:7 129:9 134:5  
**reject** 65:6  
**related** 56:5 71:25  
 72:7 74:24 75:16  
 78:8  
**relates** 40:16 114:10  
 114:14  
**relation** 108:9  
 117:13  
**relationship** 98:8  
**relative** 131:23  
 137:3  
**relatively** 131:8  
**release** 105:11  
 123:24  
**relevance** 54:4  
 62:15 65:5 86:18  
**relevancy** 53:11  
**relevant** 46:18 47:4  
 53:16 54:5,15,19  
 54:23,24 60:14  
 62:9,19,20 63:3  
 66:16,22 67:2,4  
 69:3 81:21 86:17  
 87:3,5 89:6 92:9  
 98:9 100:3,11  
 107:6  
**reliance** 136:8  
**rely** 36:24  
**remain** 35:19 113:2  
 135:17  
**remaining** 38:25  
 113:5  
**remains** 49:5 88:15  
 98:22 104:2,18,22  
**remarked** 138:12  
**remarks** 112:21  
 119:14 120:9  
 137:4 138:11  
**remedy** 33:24  
**remember** 96:3  
 100:19  
**remind** 40:7 78:3  
 104:4 147:8  
**render** 145:17  
 146:14,18 150:18  
**rendered** 144:9  
 145:2  
**rent** 103:11  
**rep** 73:3  
**repaid** 69:4  
**repeat** 36:9 106:22  
**reply** 126:11 128:19  
 128:20  
**Reporter** 150:22  
**repository** 70:20  
**represent** 61:6  
 114:25  
**represented** 41:12  
 82:17 149:21  
**request** 55:12 58:9  
 58:11 59:14 60:21  
 63:18 69:13,18  
 70:6,8 71:25  
 72:12,23 76:8,9  
 78:10 81:5 83:21  
 89:9 117:19,21  
 124:12 129:17  
 133:9  
**requested** 41:2  
 45:21 49:17 51:9  
 52:2 59:18 62:5  
 62:14 63:17 65:18  
 68:15 78:14 80:11  
 81:13,14 83:2  
 84:16,18 88:12  
 123:7 129:20  
**requesting** 51:3,4  
 113:22 149:12  
**requests** 37:24 67:8  
**require** 63:12 70:14  
 82:3 104:20  
 127:18  
**required** 62:19  
 71:18 82:19 95:6  
 146:17  
**requires** 62:5,24  
**rescinded** 111:21  
**residential** 75:16,17  
 75:22 85:2  
**Residentials** 92:14  
**residents** 99:8  
**resolution** 45:6  
 147:17 149:15  
**resolvable** 77:19  
**resolve** 50:14 149:2  
**resolved** 50:17  
**resolving** 149:3  
**respect** 36:25 41:17  
 41:19 44:17 53:5  
 63:18,25 65:21  
 90:24 92:22 97:23  
 98:16 104:25  
 105:11,24 110:21  
 114:17 120:24  
 123:18,23 139:4  
 145:4 147:20  
**respective** 114:8  
**respond** 67:19 76:7  
 86:22  
**responding** 133:9  
**responses** 35:12  
 37:23 39:20 46:15  
 85:8 96:25 99:16  
 102:6 117:22  
 133:22 139:4,6,11  
**responsibility** 110:4  
**responsive** 39:3  
 52:20 62:12  
**rest** 45:9  
**result** 68:8,9 71:9  
 74:20 89:7 95:5  
 96:12 98:14 102:2  
 102:3 106:14  
 108:21 121:9  
 130:8 132:23  
 134:18 137:11  
**resulted** 83:11  
**results** 91:16,24  
 92:3 98:14 103:15  
 113:13,21  
**return** 72:22 75:13  
**returned** 60:16  
**Returning** 63:9  
**reveal** 91:18  
**revealed** 108:5  
**revenue** 46:23  
 61:10 70:6 71:9  
 71:12 74:10,24  
 75:21 98:20 99:21  
 102:9,24 103:20  
 107:2 121:10  
 122:18,19,22  
 123:2,4,4,5,7,22  
 124:9 128:8 129:6  
 130:14  
**revenues** 72:7  
 100:24 125:16  
 128:3  
**review** 47:5 52:18  
 54:20 57:5 58:25  
 59:9 66:23 82:8  
 89:10,16 90:4  
 104:21 108:4  
 110:20 112:17  
 113:24 118:18  
**reviewed** 72:3 98:4  
**reviewing** 59:17  
 108:21  
**reviews** 90:8  
**revisit** 127:21 138:4  
**right** 37:20 41:10  
 43:22 45:3 50:12  
 53:21 57:7,9,10  
 57:13 60:19 75:13  
 83:14 86:20 87:13  
 87:16 92:15 93:11  
 110:5 119:22  
 120:15,18 129:7  
 142:12,24 145:24  
 147:16 148:12,15  
 150:16  
**road** 75:10  
**roberts** 34:16,16,18  
**roll** 94:14  
**rolled** 105:19  
**roof** 116:9  
**room** 44:4  
**rough** 102:12  
**rounds** 146:20  
**routes** 106:14,18  
**row** 96:16 98:12  
**rule** 50:13 143:21  
 145:9,25 146:2  
**ruled** 101:15 117:2  
 145:13  
**rules** 58:22 100:14  
**ruling** 83:11 129:14  
 145:4,7  
**run** 148:23  
**running** 109:22
- 
- S**
- s** 33:25 95:18  
**safely** 123:14  
**safety** 58:4  
**Saint** 33:4  
**sake** 150:8  
**sale** 73:4  
**sales** 73:3  
**same** 46:6 76:17  
 83:6 84:10,10  
 85:9 89:13 91:10  
 94:8,24 106:8  
 116:9 125:12  
 137:15  
**sample** 72:16  
**sampling** 79:19  
**satisfactory** 45:7  
 51:10 52:3 60:17  
 78:15  
**satisfied** 45:4 59:11  
**satisfies** 59:13  
**satisfy** 79:23 80:25  
 103:25 149:9  
**save** 97:9  
**saving** 136:14  
**savings** 132:4 135:4  
 137:2  
**Savoie** 33:10  
**saw** 39:22 48:22  
 135:4  
**saying** 46:6 64:21  
 66:25 77:2 79:22  
 80:7 105:14  
**says** 74:20 84:5  
 85:15 89:19 91:3  
 91:5 93:11 95:16  
 102:21 104:5,6,11  
 104:23 109:3  
 112:3 127:18,21  
 128:2 134:16  
 139:24

- scale** 128:22,25,25  
**schedule** 36:19,22  
 37:8 84:25 143:2  
 143:4,18,20,24  
 144:13 145:6,15  
 146:7,17 147:3  
**scheduled** 136:5  
 146:9  
**schedules** 83:20  
 84:5  
**scope** 52:10 53:13  
 53:14 69:7  
**Scotia** 79:6 105:22  
**seasonal** 90:15  
**sec** 106:3  
**second** 57:12 63:23  
 64:22 65:6 66:8  
 67:21 68:19 69:19  
 74:21 87:21 96:16  
 98:11 101:24  
 106:9 116:6 121:7  
 127:20 134:24  
 137:15,23  
**Secretary** 33:10,10  
**section** 40:3 42:18  
 42:20 43:3,13,16  
 43:18 44:15 73:17  
 104:4,11,23  
 112:12 126:13  
**see** 38:10 43:3 45:6  
 48:13 54:20 57:15  
 59:7 67:17 72:22  
 75:23 95:16,22  
 103:15 105:25  
 112:2 114:22  
 117:15 139:24  
 140:7 142:2,7  
 146:6,9,12 147:13  
 148:15 150:2  
**seeing** 77:21  
**seek** 45:23 91:10  
**seeking** 55:6 58:21  
**seem** 45:3 96:20  
 112:8 115:6  
 145:10  
**seemed** 53:15 85:19  
 113:25  
**seems** 53:17 54:14  
 56:19 61:5 75:7  
 77:15 103:22  
 117:13 141:2,18  
 147:24  
**seen** 73:12  
**sees** 114:18,21  
 146:6  
**select** 78:24 80:9  
**selected** 79:20,25  
 120:21  
**selection** 80:5  
**selective** 139:8  
**sell** 100:18,22,23
- selling** 100:24  
**semblance** 69:9  
**sense** 46:21,22  
 50:21 64:24,24,25  
 65:22 71:12 74:5  
 124:7 130:13  
 143:22 148:4  
 149:3,13  
**sentence** 74:21  
 121:8 125:11  
 127:21 137:15  
 138:3  
**separate** 133:20  
**September** 36:3,10  
 37:3,8  
**series** 35:11  
**seriously** 39:7 90:5  
 101:18  
**serve** 68:12 102:15  
 102:24 103:4  
 122:11 128:5  
 129:4  
**served** 45:15 73:10  
 114:19 127:2  
**serves** 78:19 122:8  
 124:2  
**serviced** 101:14  
**services** 97:17 100:8  
 100:10 101:20  
**servicing** 47:12  
 65:15 92:20 97:21  
 102:10,11,25  
 116:8  
**serving** 99:9  
**set** 43:25 65:9 68:2  
 82:21 88:18 92:3  
 93:2 94:4 96:22  
 97:10 98:19  
 107:23 108:18  
 112:13 116:23  
 121:17 141:8  
 143:4 147:13  
**sets** 65:13  
**setting** 65:21 93:15  
 112:18  
**several** 89:11 94:13  
**share** 125:14  
**sheets** 75:3  
**shop** 79:25 97:11  
 98:19  
**short** 87:16 131:8  
 141:24  
**shortfall** 121:10,18  
 137:11  
**show** 100:24  
**showed** 40:21  
**showing** 57:21  
**shown** 138:20  
**shows** 105:9 126:22  
 126:23 131:22  
**shred** 116:16
- shuffle** 98:24  
**side** 58:10 124:4  
**sign** 44:10 59:10  
**signed** 36:20 106:23  
 107:3 136:11  
**significant** 99:6  
 100:25 101:2  
 135:5 136:14,25  
**significantly** 39:15  
 100:14 122:24  
**signing** 43:8 59:12  
**signings** 70:6  
**similar** 63:14 79:7  
 83:16,21 85:16  
 86:23  
**similarly** 60:6  
**simple** 91:13 110:21  
**simplistic** 103:14  
**simply** 37:9 55:4,24  
 88:20 93:22  
 108:22 134:11  
 136:23  
**since** 69:24 72:6,19  
 74:21,21 100:12  
 100:14 101:21  
 105:24 106:3,20  
 114:24 134:5  
**single** 101:7,8,8  
 123:16 124:20  
**site** 86:3  
**situation** 33:25 53:4  
 63:14 86:15 117:4  
**size** 58:3  
**sizeable** 102:13  
**slow** 150:7  
**small** 48:14  
**smaller** 76:2  
**SMT** 82:18  
**snarky** 55:20 56:18  
**solid** 88:13  
**solution** 50:4 148:5  
**somebody** 47:20  
 55:9 60:13 71:11  
 78:3 108:16  
 111:13 138:7  
 147:8  
**somehow** 53:16  
**something** 35:24  
 48:19 56:11 64:19  
 66:2 67:18 70:17  
 71:15,18 75:13  
 76:5,8 78:20  
 79:15 86:13 90:16  
 115:15 141:25  
 143:3 144:9  
 146:19  
**sometime** 66:10,19  
 140:24 141:4  
 142:9  
**sometimes** 146:21  
**somewhat** 71:25
- 86:10  
**somewhere** 55:15  
 120:14  
**sooner** 146:4  
**sorry** 44:8 82:23,25  
 86:22 98:23  
 117:19 122:18  
 125:10 126:5  
**sort** 47:17,22 75:12  
 75:24,25 85:22  
 89:12 91:21  
 108:13 112:7  
 120:13 125:8  
 126:24 142:5,13  
 143:10 146:12  
 150:4  
**sorted** 143:15  
**sorts** 103:12  
**sought** 50:9 69:8  
 110:23 121:22  
 122:23 123:10  
 124:9  
**sought-after** 116:15  
**sound** 104:2  
**sounded** 85:20  
**sounds** 76:7,14 84:6  
**source** 101:24  
**sources** 137:3  
**so-called** 92:16  
**speak** 69:19 88:2  
 130:3 147:12  
**speaking** 60:11  
**special** 101:9  
**specific** 37:7 40:6  
 49:6 51:19 53:14  
 55:23 56:15 63:9  
 63:16 74:22  
 136:10  
**specifically** 37:11  
 48:9 79:23 83:4  
 111:16 121:4  
 134:16 137:6  
**speculate** 70:23  
**speculation** 73:20  
**spent** 98:3 99:20  
 136:8  
**spike** 90:16  
**spoke** 143:12  
**spread** 68:22 129:5  
 129:6 132:4,9,12  
 132:14,15,18,19  
**square** 54:6  
**St** 85:15,16 122:9  
 122:12,17 130:11  
 138:21  
**staff** 33:8 34:13  
 41:5,8 44:10,16  
 45:4 69:22 141:9  
 142:4,11 146:21  
**stage** 66:4,6,9 79:7  
 116:3 123:13
- stakeholders** 106:17  
**stand** 42:14 79:15  
 126:22  
**start** 38:13 40:13,14  
 66:22 111:9 114:4  
 134:2 148:3,3  
**started** 121:11  
**starting** 142:9  
**starts** 74:8  
**state** 134:12  
**stated** 93:5  
**statements** 56:5  
 81:5,7,9,13,15,19  
 81:19,22 82:4,5,7  
 82:11,13,14,16,20  
 82:21 83:5,7  
 111:11  
**station** 85:18,24  
**stations** 85:14 99:17  
**statistics** 99:23  
**status** 51:7  
**statutory** 110:11  
**step** 89:15 91:14,25  
 99:25 104:20  
**Stephen** 85:15,16  
 122:9,12,17  
 130:11 138:21  
**Steve** 33:7 34:16  
**Stewart's** 45:17  
 87:21 130:17  
 134:11 138:11  
**stick** 144:13  
**still** 39:15 66:9 69:6  
 91:3,9,15 92:2,12  
 93:4,21 96:24  
 100:3 107:16  
 111:23 135:4,11  
 144:21  
**stole** 104:3  
**strategy** 74:22  
**stream** 123:22  
**street** 73:8,19 74:2  
 74:14 76:3,3,5  
**strengthened**  
 101:21  
**strictest** 149:13  
**strikes** 86:9 145:21  
**strokes** 92:20  
 102:12  
**stronger** 109:15  
**structure** 125:19  
**studies** 68:24  
 115:25 127:19,23  
**study** 64:17 65:25  
 67:12,14 108:9,11  
 108:12 114:12  
 115:7 127:16  
 130:8  
**subject** 35:9,17  
 40:25 43:19,20  
 44:13,17 46:14

- 50:2 52:10 54:2  
58:15,20,22 59:17  
75:7 82:9  
**submission** 88:20  
88:24 89:7 103:16  
112:17 114:15  
115:2,3,11  
**submissions** 111:4  
**submit** 71:16,17  
82:6,7 88:22 90:8  
91:8,13 94:19  
97:5,22,22 98:14  
101:6,17 103:3  
104:17,19 105:8  
107:21 109:8  
110:16 112:11  
115:21 121:14  
123:22 124:18,23  
127:24 128:24  
132:22 135:25  
136:23 138:9  
**submitted** 58:6 89:4  
**submitting** 113:21  
**subsection** 43:17  
**subsequently** 36:5  
**subsiding** 118:13  
118:14  
**substantial** 124:3  
137:2 141:18  
**substantially** 96:4  
97:14 123:22  
124:8,8,10  
**sub(6)** 60:20  
**successful** 133:8  
146:10  
**sudden** 149:6  
**suffer** 116:10,17,18  
**sufficient** 38:24  
89:5 94:6 96:14  
106:15,23 110:17  
110:22 148:14,16  
**suggest** 47:24 48:21  
111:12 128:12  
138:19 140:7  
146:15 150:8  
**suggested** 41:7  
45:21 63:6 68:8  
133:5 135:8 138:7  
**suggesting** 36:23  
39:25 77:14 108:3  
108:4 144:11  
145:17  
**suggestion** 52:21,23  
86:22 114:9  
139:14,14 143:8  
**suggestions** 48:7,23  
**suggests** 66:18  
124:7 127:11  
**suits** 93:16  
**summary** 36:14,17  
99:4 106:9
- supplier** 49:22,23  
**suppliers** 78:22  
**supply** 49:15,18,21  
49:22  
**support** 69:13,17  
98:6 125:15 134:8  
**supported** 134:7  
**supporting** 35:7  
**supports** 94:5  
**suppose** 45:9 103:9  
143:22  
**supposed** 144:21  
**sure** 35:25 36:7,25  
46:4,5 48:11 49:2  
55:5 57:14 59:8  
69:8 77:9,16,20  
80:13 83:12 84:2  
85:7 94:2 99:25  
119:11 150:8  
**surprised** 107:11  
**surrounding** 104:19  
134:7  
**suspect** 97:2 144:23  
**suspicious** 88:14,16  
**suspicious** 122:2  
**switch** 128:13  
**switching** 136:15  
**system** 58:2 62:2  
67:12 70:21 75:7  
82:18 83:19,24  
85:23 86:19 97:12  
100:4 101:25  
103:11 105:21  
111:15,20 112:22  
112:24 113:2,3,5  
127:10 128:23  
133:10,25  
**systems** 100:5
- 
- T**
- 
- table** 54:6 95:14,16  
**take** 33:18 39:5  
50:23 72:24 77:6  
77:23 78:4 80:18  
87:16 95:14  
101:10 109:4  
118:18 119:16  
124:18 126:10,11  
131:10 139:10,21  
141:7 142:8 146:5  
146:13 147:2  
148:22 150:4  
**taken** 81:23 86:19  
136:21  
**takeoff** 131:7  
**takes** 72:6 74:24  
**taking** 83:20 84:6  
89:20 141:2,14  
**talk** 38:21 39:4  
50:11 55:7 77:20  
94:23 143:17
- talked** 63:7 86:23  
125:23  
**talking** 38:12 44:19  
55:14 60:5 77:2  
84:10 91:19 111:9  
112:24 113:4  
123:6  
**talks** 42:24 125:12  
134:21  
**tapped** 126:18  
**taps** 99:17  
**tariffs** 104:7,12,24  
**technique** 104:13  
**telephone** 146:19  
**tell** 40:9 93:2 99:11  
105:2 107:5  
124:14 131:16,21  
**tells** 102:10  
**template** 37:9  
**tempting** 135:15  
**tenable** 107:21  
**tend** 74:6 149:4  
**tentatively** 106:10  
**term** 49:15 102:20  
140:3  
**terms** 36:19 40:6  
41:24 43:19 44:19  
46:16 48:14 50:20  
59:5 60:6 67:7,10  
73:16 74:5 76:11  
78:12 79:5 84:15  
85:10 86:11,13,24  
109:12 128:7  
138:12 139:8  
140:11 141:25  
142:3 144:7 145:5  
145:14,22 147:14  
**tested** 134:19  
**testified** 54:14  
55:17,22  
**testimony** 52:8,10  
52:13,16,19,24,25  
53:13,14 54:18,24  
55:13,15  
**text** 106:8  
**thank** 33:21 34:2,5  
34:10,18 44:6,22  
52:4 56:25 59:21  
59:22 61:11 63:21  
67:6 69:11 74:17  
88:10 111:5 117:7  
117:9 118:3,4,5  
118:19,20 120:19  
131:4 133:2,4  
140:15 141:16  
142:19 147:8  
150:18  
**their** 47:6,7,13  
49:20 50:14 57:6  
59:6 68:19 69:17  
73:21 75:13 87:7
- 87:7 94:25 96:7  
96:15,17 97:10  
100:7,7,25 101:2  
101:2,11 106:22  
115:23 116:4,15  
116:18 123:14  
126:19,21 132:14  
132:16,17 135:2  
136:2,25 137:3  
145:23  
**theirs** 122:24  
**theme** 108:6  
**themselves** 115:22  
**thing** 46:6 66:15  
84:2,10,11 86:17  
119:17 138:12  
139:22 143:10  
**things** 57:2 58:24  
59:16 60:7 67:7  
74:6 89:12 100:13  
103:12 113:18  
120:2 130:7 131:9  
131:10,16 142:14  
**thinking** 79:19  
117:16  
**thinks** 87:5  
**third** 98:5,7 101:23  
**though** 39:2 63:6  
84:21 85:19 86:16  
92:11,16 129:4  
143:10 145:24  
**thought** 75:11 78:6  
80:16 82:23 84:9  
87:23 110:8  
143:16 144:11  
**thousand** 54:22  
**threat** 58:4  
**three** 34:20 37:20  
94:25 100:13  
138:6,8 141:4  
147:11  
**three-way** 149:4  
150:11  
**through** 38:19  
39:22 45:12 56:14  
77:23 89:11  
109:22 116:9  
121:19 124:17  
129:12 132:9  
135:15 139:7,21  
139:24 142:5,6,13  
**throw** 145:20  
**thunder** 104:3  
**Thursday** 146:19  
**ti** 148:2  
**till** 70:3 119:22  
146:18  
**time** 33:18 43:12  
50:17,23 51:23  
53:11 56:16 64:18  
65:25 66:10 72:8
- 72:25 74:21,25  
77:12,22 82:18  
87:22 88:23 90:5  
90:12 94:24 98:4  
104:16 112:18,20  
114:6 115:17  
124:17 126:16  
127:19 128:4,7,14  
131:23,25 132:2  
135:13 137:19  
139:20 140:18  
141:7 142:17  
143:20 146:6  
**timely** 118:17  
**times** 102:24,24  
103:13 117:15  
132:13,14  
**timetable** 111:2  
**timing** 141:3 143:23  
147:4  
**tinkered** 144:5  
**tip** 89:20  
**today** 34:15,20  
39:17 41:12,13  
66:17 67:2 77:12  
88:12,20 93:22  
107:25 121:3  
140:22 142:25  
145:4 148:5,18  
149:16  
**together** 72:25  
115:9 141:9  
**told** 55:20 123:12  
131:11,18  
**tomorrow** 145:13  
145:18  
**toner** 33:7 117:9,11  
117:12,13,18,23  
118:2,3  
**top** 48:21 52:22  
73:15 93:23 99:4  
139:23  
**topics** 55:23 56:3,4  
**total** 95:19 126:14  
**totally** 100:21 134:2  
**touches** 110:19  
**toward** 92:24  
**towards** 142:2,12  
**track** 90:17,18 91:4  
**tracked** 89:22 90:7  
**tracking** 91:17  
**transcript** 150:20  
**transfer** 99:17  
**transparent** 52:17  
52:21 86:11  
**treated** 60:6 83:8  
112:6  
**true** 90:20 96:10  
150:20  
**truism** 90:22  
**truly** 132:23

- truncate** 89:2  
**truth** 55:20  
**try** 46:19,21 50:21  
 80:20 89:11  
 107:13 150:3  
**trying** 47:4 48:14  
 86:24 96:18  
 113:17 134:3  
 135:25 136:23  
 137:11 149:2,8,9  
 149:24 150:8  
**turn** 40:7 45:13  
 49:10 54:23 57:13  
 67:23 95:21 103:5  
 104:17 134:23  
 138:15 139:19  
**turned** 138:23  
 141:22  
**turning** 45:10 89:2  
 134:10 142:2  
**turns** 109:21  
**tweaking** 146:16  
**two** 37:23 38:20  
 40:21 42:9,13  
 50:4,21 66:19  
 79:17,19,23 90:15  
 90:17,25 91:7  
 94:25 95:18,20  
 98:11 100:13  
 102:22 105:10  
 109:13 124:6,16  
 124:22,24 130:11  
 136:21 138:7  
 142:5,13  
**twofold** 115:20  
**type** 52:25 62:14  
 82:13
- 
- U**
- ultimate** 55:6 64:10  
**ultimately** 43:9  
 109:9  
**unable** 86:6 87:9  
 127:11  
**unbundled** 100:21  
**under** 42:20 43:3,13  
 43:17,17 45:16,19  
 62:2 95:17 101:13  
 112:17  
**underpinning**  
 125:18 128:10  
**understand** 36:3  
 47:16 48:24 55:5  
 59:19 60:23 64:18  
 74:19 75:25  
 106:17 116:7  
 148:17 149:24  
**understanding** 42:2  
 62:6  
**understood** 36:18  
**undertake** 54:20
- undertaken** 67:2  
**undertaking** 36:4  
 36:20 37:4 40:4  
 43:8,21 44:11,13  
 59:7 60:9,15  
 67:15 143:13  
**undertakings** 59:10  
 143:15  
**unduly** 110:24  
 115:4  
**uneconomic** 101:15  
**unintentionally**  
 78:12  
**unique** 53:4 90:11  
**unless** 38:7 39:11  
 60:11 90:20 119:4  
 119:5 120:6  
 132:25 146:10  
**unnecessary** 56:20  
 140:3  
**unrelated** 53:2  
**until** 103:25 106:15  
 106:23 107:2,3  
 111:17 115:12  
 137:20 140:19  
 145:7 146:2  
**update** 36:23  
**updated** 36:5  
**usage** 40:18,20  
 46:25  
**use** 55:4 59:5 73:16  
 76:16 77:9 86:12  
 93:9,10,13 94:6,7  
 94:10,11 96:14,22  
 101:7,8,9 102:20  
 108:9,14 122:3  
 126:2,3 134:21  
**used** 37:6 39:25  
 40:2,18 42:21  
 47:9 49:11 58:3  
 72:6 73:2 86:24  
 86:25 100:2 105:4  
 112:15 113:20  
 125:13 146:10  
**useful** 47:8 77:13,25  
**using** 36:2,8 92:16  
 135:5  
**Usually** 73:7  
**utilities** 33:1,4,8  
 34:10 38:5 79:8  
**utility** 52:8 68:11  
 100:21 109:21  
 135:13 137:16  
**utilization** 74:23  
**utilized** 88:5 106:19
- 
- V**
- value** 53:3  
**variant** 113:12  
**varied** 91:12 111:21  
**various** 67:9 68:22
- 85:12,13  
**vary** 108:6  
**varying** 75:25  
**vault** 60:7 110:3  
**version** 36:2,4,6  
**versus** 78:25 85:2  
**very** 37:10 39:6  
 42:9 48:2 53:14  
 53:25 55:23 64:4  
 66:21 70:22 79:19  
 86:10 92:13  
 113:10,22 115:23  
 117:7 118:17  
 121:14 124:3  
 135:9 145:10  
 146:22  
**viability** 101:25  
 140:3  
**vice** 111:7,8 112:21  
 113:24 115:3  
 117:7 121:2  
 140:17,18 141:16  
 142:7,19  
**Vice-Chairman**  
 33:6  
**vicinity** 74:15  
**view** 71:10 86:16  
 103:15 114:16  
 141:23  
**views** 149:21  
**Virginia** 97:12  
**virtually** 70:20  
**virtue** 124:2  
**volume** 52:12,24  
 74:5 76:14  
**volumes** 83:18,22
- 
- W**
- wait** 70:3 91:14  
 103:17 117:5  
**waiting** 70:2  
**waking** 124:11  
**walk** 94:23 142:15  
**Wallboard** 33:22  
 38:15 45:14,14  
 49:9 50:21 51:2  
 51:13 52:14 57:11  
 65:7 88:3 102:11  
 102:16 123:19,21  
 123:24 130:12  
 135:24 139:18  
**Wallboard's** 45:11  
 50:25 51:20 52:6  
 117:14 133:5  
**Wallboard/J.D.**  
 37:22  
**want** 34:19 40:9  
 43:22 44:9 46:2  
 47:6,9 48:5,12  
 50:10,13 53:19  
 54:21 55:17,18
- 56:7 57:2 67:16  
 69:11 71:22 79:25  
 81:16 83:13 86:4  
 92:8 94:18 108:25  
 119:9,11,17 133:6  
 136:25 137:4  
 150:6  
**wanted** 35:25 36:7  
 47:9 49:9 61:23  
 69:25 80:16,19  
 107:12 142:20  
**wants** 48:12 85:7  
 119:4 148:22  
 150:13  
**warranted** 51:17  
**wasn't** 58:9 83:2  
 117:20 138:22  
 144:11 148:10  
**way** 45:8 46:19  
 48:15 56:24 59:5  
 71:15 76:22 82:12  
 83:8 84:3 88:17  
 91:9 92:3,5 98:19  
 109:22 110:19  
 112:9 122:3 123:9  
 123:14 130:13  
 143:4 144:6 148:8  
 149:22  
**website** 36:15,18  
 37:3,5  
**Wednesday** 145:9  
**week** 143:5  
**Welcome** 33:14  
**went** 60:24 62:19  
 131:8 138:14,17  
**whack** 103:6,22  
**while** 68:7 90:14  
 103:14 112:3  
 135:15  
**whole** 56:23 64:2  
 67:12 73:6 97:10  
 98:21 129:5  
 130:16 133:23  
 135:24 139:22  
 142:7  
**wholeheartedly**  
 133:4  
**wide** 127:10  
**widened** 116:13  
**wish** 91:22 118:6  
 120:7  
**wished** 45:18  
**wondering** 77:17  
**word** 87:9  
**words** 53:11 91:2  
 144:2  
**work** 39:22 47:24  
 50:4,11 75:19  
 86:13 90:20  
 106:16 109:24  
 114:4 115:21
- 119:21 140:24  
 141:9,19  
**worked** 103:12  
 142:6  
**working** 43:4  
**works** 136:12  
 140:11 143:13  
**world** 91:21  
**worse** 103:6  
**worth** 123:4  
**wouldn't** 60:12,13  
 70:14 76:15 82:13  
 119:12,12 137:20  
 145:21  
**wow** 74:12  
**written** 52:8,13  
 55:13 150:17  
**wrong** 52:24 131:6  
 131:8,12,16  
 134:20  
**wrote** 84:19 98:6
- 
- Y**
- year** 45:17 66:18  
 75:15 83:22 95:7  
 95:9 96:11,16  
 98:11 102:17  
 106:7,7,12 142:10  
**years** 66:19 90:12  
 90:25 91:7 94:25  
 98:23 99:5 108:24  
 138:6,7,8 141:4  
 142:5,13  
**yesterday** 98:7  
**Young** 33:9 34:13
- 
- Z**
- zero** 46:16 68:23,25  
 95:23 96:9,10,10  
 96:11,16 98:12  
 115:25,25 116:2
- 
- \$**
- \$1.4** 122:20  
**\$17,000** 102:17  
**\$19,000** 117:15  
**\$19,500** 102:16  
 123:21  
**\$2** 122:24 123:6,10  
**\$2.25** 49:12  
**\$20** 107:17  
**\$250,000** 122:12  
 123:10  
**\$269,500** 102:12,13  
**\$3.2** 122:13  
**\$300** 99:20 134:8  
 136:8  
**\$36** 91:19  
**\$4** 102:18 107:15  
**\$400,000** 123:3  
**\$51.7** 99:21

**\$6,314,000** 102:9  
**\$850,000** 123:25  
**\$95** 91:20

---

#

#1 42:3  
#2 42:3

---

0

06 83:17  
07 83:17  
08 40:20

---

1

1 39:14 43:17 72:21  
92:24 95:14,16,25  
100:17 124:22  
125:10 132:6,8,15  
132:19,21 147:11  
1st 142:16  
1/2 102:24,24  
103:13 123:6,10  
1:00 119:19  
1:30 119:20,22,23  
10 132:11  
10(a) 51:14  
10,500 99:19  
100 100:1 127:3  
101 101:1  
102 102:1  
103 103:1  
104 104:1  
105 105:1  
106 106:1  
107 107:1  
108 108:1  
109 109:1  
11 92:24 117:21  
128:21  
11th 35:13  
11:30 87:18,20  
11:45 87:19,20  
110 110:1  
111 111:1  
112 112:1  
113 113:1  
114 114:1  
115 115:1  
116 116:1  
117 117:1  
118 118:1  
119 119:1  
12:00 87:23  
12:40 119:23  
120 120:1  
121 121:1  
122 122:1  
123 123:1  
124 124:1  
125 125:1  
126 126:1

127 127:1  
128 128:1  
129 129:1  
13 81:4,4  
130 130:1  
131 131:1  
132 132:1  
133 133:1  
134 134:1  
135 135:1  
136 136:1  
137 137:1  
138 138:1  
139 139:1  
14 57:19,20 127:15  
127:16  
140 140:1  
141 141:1  
142 142:1  
143 143:1  
144 144:1  
145 145:1  
146 146:1  
147 147:1  
148 148:1  
149 149:1  
15 54:22 83:17  
118:23 119:15  
132:4,10,18  
147:11  
150 150:1  
16 83:21 85:17  
132:5,18  
16(a) 56:8  
16(b) 52:6 83:15  
17 103:2  
17th 33:4  
18 95:20 96:2 98:2  
18th 36:3,11 37:3,9  
19 96:2 98:2 102:22  
116:9 126:15  
19th 51:18  
19,500 102:12  
1999 133:10

---

2

2 39:14 42:8,20 43:3  
43:13 47:2 78:10  
95:2 99:2 101:4  
124:23 126:12,13  
126:13,13 138:16  
139:23  
2nd 62:17 63:11  
70:13  
2(3) 43:16,17  
2:25 150:19  
20 95:19 118:23  
119:15,19 126:16  
126:17 139:2  
2000 81:9 89:24,25  
90:22 91:18 92:5

92:12 100:12,15  
127:14 129:13  
131:5 133:15  
136:6 137:24  
2003 100:17  
2004 72:6 105:24  
106:20  
2005 95:10,15,19  
111:16,18 120:23  
122:18,19 123:3  
124:12,16,18  
125:20 131:5  
133:18 137:8  
140:20  
2006 81:9 95:3,11  
95:11,15,16,17,24  
96:5 101:5  
2007 36:3,11 40:20  
62:17 95:3,12,22  
95:23 96:9,9  
99:10,21  
2008 33:4 35:13  
95:3,13 96:7 99:3  
99:12,18 102:8  
106:13 122:22,25  
142:2,12  
2010 66:19,23  
111:17,19 133:19  
136:7 138:8  
142:16  
21 96:9  
21st 120:23  
23 102:24,24 103:13  
117:15  
23rd 127:14  
25 139:2  
25th 143:19  
250,000 102:12  
27 132:13,13,20  
27,000 99:13

---

3

3 42:19 92:23 93:5  
104:6 108:7 121:5  
125:11  
3(a) 61:14 63:20  
3(b) 63:18,20  
3(6) 40:3 42:17,23  
43:4,6  
31st 138:8  
31,200 40:22  
34 34:1 43:18 44:16  
35 35:1  
36 36:1  
37 37:1  
38 38:1  
39 39:1

---

4

4 92:23 93:2 110:22  
134:15 147:11

4(c) 70:5  
4(d) 71:25 73:3  
40 40:1 47:3  
41 41:1  
42 42:1  
43 43:1  
44 44:1  
45 45:1 129:16  
46 46:1  
47 47:1  
48 48:1  
49 49:1  
490 75:15

---

5

5 104:11 112:17,19  
5th 35:8 51:22  
5(2) 78:7,7  
50 50:1  
500 73:12 75:14  
76:18  
51 51:1  
52 52:1 104:4,6,11  
112:17,19  
53 53:1  
54 54:1 104:23  
112:12  
55 55:1  
56 56:1  
57 57:1  
58 58:1  
59 59:1

---

6

6 98:6 132:11  
60 60:1 99:12  
61 61:1  
62 62:1  
63 63:1  
64 64:1  
65 65:1  
657 99:9  
66 66:1  
67 67:1  
68 68:1  
69 69:1

---

7

7 134:20,24  
7th 36:6  
70 70:1  
71 71:1  
72 72:1  
73 73:1  
74 74:1  
75 75:1  
76 76:1  
77 77:1  
78 78:1  
79 79:1

---

8

8(f) 46:8  
80 80:1  
81 81:1  
82 82:1  
83 83:1  
84 84:1  
85 85:1  
86 86:1  
87 87:1  
88 88:1  
89 89:1

---

9

9 107:10 139:18  
90 68:14 90:1 91:6  
98:17 99:25  
122:23  
91 91:1  
92 92:1  
93 93:1  
94 94:1  
95 95:1  
96 96:1  
97 97:1  
98 98:1  
99 99:1