

**BOARD OF COMMISSIONERS OF
PUBLIC UTILITIES OF NEW BRUNSWICK**

IN THE MATTER of the *Gas Distribution Act, 1999*, c. G-2.11 (the “*Act*”) and the regulations thereunder;

AND IN THE MATTER of an Application by TransCanada Energy Ltd. for a Single End Use Franchise pursuant to Part 1 of the *Act*.

ORDER

WHEREAS the Board of Commissioners of Public Utilities of New Brunswick (the “Board”) has received an application dated November 17, 2003 from TransCanada Energy Ltd. (“TransCanada”) for a single end use franchise pursuant to Part 1 of the *Act*;

AND WHEREAS TransCanada seeks this franchise in order to receive gas directly from Maritimes and Northeast Pipeline at TransCanada’s cogeneration facility to be located on the site of the Irving Oil Limited refinery in Saint John, New Brunswick;

NOW THEREFORE IT IS ORDERED THAT:

1. A Pre-Hearing Conference shall be held at the Board’s offices, 15 Market Square, Suite 1400, Saint John, New Brunswick, on Tuesday, the 6th day of January, 2004 commencing at 2:00 o’clock in the afternoon, when and where interested parties may attend and make representations as to the need for a full hearing, and if a full hearing is ordered, the date of the full hearing, the procedure to be followed prior to and at the public hearing and as to any other relevant matters.
2. Notice of the holding of the Pre-Hearing Conference to establish the procedure the Board intends to follow to facilitate the participation of interested parties, shall be published in the form or substantially in the form attached hereto marked “A” in the English language once in The Telegraph Journal. The date of publication shall be on or before the 28th day of November 2003.
3. A copy of the Application and this Order will be placed on file for examination by interested parties during normal business hours at the offices of the Board and the offices of TransCanada’s solicitors at Eddy & Downs, Suite 210, 65 Regent Street, Fredericton, New Brunswick.

4. Persons wishing to participate as intervenors must so indicate in writing, no later than December 15th, 2003, by notifying the Board at the address below and TransCanada, Attention: R. Bruce Eddy, Q.C., Eddy & Downs, Suite 210 65 Regent Street, Fredericton, New Brunswick, E3B 7H8; Tel: (506) 443-9700; e-mail: bruce.eddy@eddydowns.com and such persons shall:
 - (a) set out the name of the person and any authorized representative of the person and the mailing address, civic address, telephone number, and any other telecommunications numbers of the person or the person's authorized representative;
 - (b) state the official language in which the person wishes to be heard;
 - (c) state the preference for the type of proceeding (written or oral), along with reasons; and
 - (d) establish that the person's interest justifies the status as an intervenor in the proceeding.
5. Persons who do not wish to formally intervene but who wish to make comments to the Board regarding the proceeding must notify the Board and TransCanada, in writing, on or before December 15, 2003 of their intent to file a letter of comment.

DATED at the City of Saint John, New Brunswick, this 25st day of November 2003.

BY THE BOARD

Lorraine R. Légère
Secretary of the Board

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of New Brunswick
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