

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

IN THE MATTER OF

An Application by Irving Oil Limited for a permit to construct a pipe line extending from Mispic Point to Courtenay Bay in Saint John; and,

An Application by Irving Oil Limited to amend the licence for the use of an existing pipe line extending from Courtenay Bay to the NB Power Generation facility at Coleson Cove.

ORDER

WHEREAS Irving Oil Limited (“Irving”) is proposing to construct a pipe line extending from the Irving Canaport facility at Mispic Point to the Irving Canaport facility at Courtenay Bay in Saint John, (“Courtenay Bay Pipe Line”); and to change the use of an existing pipe line extending from the Irving Canaport facility at Courtenay Bay to the NB Power Generation facility at Coleson Cove, (“Lorneville Pipe Line”) so as to be able to transmit Orimulsion® Bunker C and like petroleum products therein;

AND WHEREAS Irving is required, pursuant to section 7 of the *Pipe Line Act*, S.N.B 1976, c. P-8.1 (“Act”) to make application to the Board for a permit to construct the Courtenay Bay Pipe Line and the Board is required to hold a public hearing to review such application;

AND WHEREAS Irving has applied, pursuant to section 17 of the Act, to the Minister of Natural Resources, (“Minister”), to amend the licence for the Lorneville Pipe Line to include the transmission of a substance or substances, (Orimulsion® and like petroleum products), in addition to the substance currently authorized, (Bunker C);

AND WHEREAS the Minister has referred Irving’s application for the change of use of its Lorneville Pipe Line to the Board for review and recommendation;

NOW THEREFORE IT IS ORDERED THAT:

1. The Board shall hold a PUBLIC HEARING to review the applications.
2. A PRE-HEARING CONFERENCE with respect to the said Applications be held at the Delta Brunswick Hotel in Ballroom C, Saint John, New Brunswick on Thursday the

12th day of February, 2004 commencing at 10:00 a.m. when and where Irving and intervenors should attend and make representations as to the date of the public hearing and the procedure to be followed prior to and at the public hearing and as to any other relevant matters.

3. Notice of such Pre-Hearing Conference, as set out in Schedule "A" attached hereto, shall be published in the Saint John Telegraph-Journal in both official languages on the following dates:

Thursday, January 22, 2004

Thursday, January 29, 2004

Thursday, February 5, 2004

4. Notice of such PRE-HEARING CONFERENCE be served prior to the 1st day of February, 2004 on the following:

Minister of Natural Resources

Minister of Energy

Minister of Environment and Local Government

Minister of Agriculture, Fisheries and Aquaculture

Minister of Transportation

The City of Saint John

The Adjoining Landowners to the proposed Courtenay Bay Pipe Line.

5. The Applications together with detailed route maps of both the Courtenay Bay Pipe Line and the Lorneville Pipe Line will be placed on file, by January 22, 2004, for examination by interested parties during normal business hours, at both the offices of the Board and Irving as noted below. Parties who wish to be served with a copy of the Order and Applications, should contact Irving as follows:

Attention: Michael Hanrahan

Irving Oil Limited

10 Sydney Street

Saint John, NB

E2L 4K1

Telephone: (506) 632-2000

Telecopier: (506) 202-6487

Email: michael.hanrahan@irvingoil.com

DATED AT Saint John, New Brunswick, this 21st day of January, 2004.

BY THE BOARD

Lorraine Légère
Secretary

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