

New Brunswick Board of Commissioners of Public Utilities

Pre-Hearing Conference

In the Matter of an application by New Brunswick Power Corporation dated June 21, 2002 in connection with an Open Access Transmission Tariff

Hilton Hotel, Saint John, N.B.
August 12th 2002, 10:00 a.m.

CHAIRMAN: David C. Nicholson, Q.C.

COMMISSIONERS: J. Cowan-McGuigan
Ken F. Sollows
Robert Richardson
Leon C. Bremner

BOARD COUNSEL: Peter MacNutt, Q.C.

BOARD SECRETARY: Lorraine Légère

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CHAIRMAN: Good morning. This is the matter of an application by the New Brunswick Power Corporation for the approval of an open access transmission tariff, among other matters.

And the way the Board came in this morning is the last thing of total chaos that we will do, because we couldn't figure out where our seats were, et cetera.

However, what my plan this morning will be is to go around the room and ask for appearances. And at the time you give your appearance, I would also ask that you

indicate to the Board the status that you are requesting, whether or not you wish to be a formal intervenor or an informal intervenor. And then give an indication to the Board why you have an interest that justifies your status if you are asking to be a formal intervenor.

And identify yourself, i.e., the spokesman for the intervenor, but also any other individuals who may be there. Your choice of language for the hearing. And the method of service and delivery of documents that you are - - that your party can receive, i.e., are you restricted or are you able to receive documentation by e-mail, fax, ordinary letter, et cetera.

After that has been concluded, the Board will retire and make a ruling as to whether or not intervenor status will be granted to all of those of you who have applied. And we shall return to the room and announce our decisions in reference to intervenor status.

Then the Board received a copy of correspondence from Saint John Energy, and I don't blame Saint John Energy except perhaps for not having copied the applicant. But they couldn't know who the intervenors were at that time.

But outside on the table are copies of that particular piece of correspondence. Because to me, the lawyer in me says that's a motion that has to be dealt with.

So what we will do is after we discuss intervenor status' is we will come back into the room and then ask for motions. And I will turn first to Saint John Energy and see if they want to put that letter in on the record in the form of a motion.

So without anything further, the applicant NB Power Corporation.

MR. HASHEY: Thank you, Mr. Chairman. David Hashey. To my left, Terry Morrison and to his left Doug Bartlett.

Behind me we have Margaret Tracy and Brent Lockhart.

CHAIRMAN: I guess you don't have to tell me why you are here, Mr. Hashey, or what status you want.

Okay. Bayside Power LP.

You have to push the button on it. And for the sake of the chap who is running the sound equipment in the back of the room, perhaps the best thing to do would be just before you speak, put your hand up, and then he will be able to identify the microphone. So okay.

MR. DIMOU: My name is Stacy Dimou, D-i-m-o-u. Here for Bayside Power which is, I think, the only merchant facility up here. And e-mail is fine for me.

CHAIRMAN: And you, just the one other thing I wanted to deal with, Mr. Dimou, is why you believe you -- formal intervenor status would be due to your -- your firm. And

that's because you are, in fact, a merchant power producer now in the province of New Brunswick, is that correct?

MR. DIMOU: That is, sir.

CHAIRMAN: Good. Okay. City of Summerside? Nobody representing them here. We have the names of Terry Murphy, Don Forbes, Greg Gaudet, or as they say on the Island, Goody. Anybody heard from those folks? No, okay. Emera Energy Inc.?

MR. ZED: Yes, Mr. Chair, Peter Zed here on behalf of Emera Energy Inc. And I'm joined by Cindy Hovey of Emera Energy. Emera Energy is seeking formal intervenor status. Emera is a non-regulated wholly owned subsidiary of Emera Inc. Emera Inc. is a diversified Nova Scotia Energy Company with \$4 billion Canadian in assets.

CHAIRMAN: That's far enough, Mr. Zed, we don't need the whole spiel. But my question to you, does Emera Energy Inc. own Nova Scotia Power?

MR. ZED: Yes. Sorry, Emera Energy, Emera Inc. --

CHAIRMAN: They are related companies, shall we say?

MR. ZED: They are related companies, yes.

CHAIRMAN: Then why should the subscribers of New Brunswick Power Corporation pay for distributing duplicate documents to both of those companies? Is there any good reason?

MR. ZED: They are separate companies. They operate in

separate -- in different markets. And they really, other than Mr. Connors, who is the sort of common link between the two, there are two completely hierarchies dealing with different issues.

CHAIRMAN: So then you are going to ask the Board formal status for both?

MR. ZED: Yes.

CHAIRMAN: Mr. Connors was with Sempra before, was he not?

MR. ZED: One and the same, sir.

CHAIRMAN: Yes. Okay. All right. And, again, Mr. Zed, why do you believe that Emera should be granted formal intervenor status?

MR. ZED: Well, Emera currently operates the only energy trading organization in Atlantic Canada. And they are right now continuing to contribute to the development of a viable energy industry across the region, thus the company has an interest in intervening in this process.

CHAIRMAN: Mmmm. Choice of language for hearing?

MR. ZED: English.

CHAIRMAN: And method of service and delivery of documents?

MR. ZED: We would prefer electronic, but we are not limited by any restriction.

CHAIRMAN: Energie Edmundston?

MR. GUERETTE: Hi, my name is Robert Guérette. I work for

Energy Edmundston. And we are requesting the status of formal intervenor. The reason for our request is we have our own utility and we have a contract with NB Power for buying energy. And also we generate part of our energy. So we are requesting the formal status.

CHAIRMAN: Thank you. And your choice of language for the hearing?

MR. GUERETTE: English.

CHAIRMAN: Okay. Method of service and delivery of documents, e-mail all right?

MR. GUERETTE: E-mail is all right.

CHAIRMAN: Okay. And fax, I presume?

MR. GUERETTE: No problem.

CHAIRMAN: Yes. Okay.

MR. GUERETTE: Thank you.

CHAIRMAN: Thank you. Mr. Gillis?

MR. GILLIS: Mr. Chairman, I would request formal intervenor status. Choice of service by e-mail and I have already had a discussion with Marg Tracy. Language, English.

Reason why, I'm a ratepayer, a resident of the Province and consequently affected by NB Power. I have intervened on behalf of various clients with respect to all rate hearings concerning NB Power, as well as most hearings in the last, I would say, 12 years before this

Board and would have a substantial knowledge and data base with respect to the operation of NB Power. I feel my contribution by way of examination and cross examination would probably be of substantial benefit to the Board and perhaps others.

CHAIRMAN: Thanks, Mr. Gillis. JD Irving Limited?

MR. DEVER: Thank you, Mr. Chairman. My name is Bill Dever.

CHAIRMAN: Hand up. There we are. Okay.

MR. DEVER: My name is Bill Dever. I am here with Mark Mosher. JDI is requesting formal intervenor status. Our choice of service is e-mail, but we have no limitations. JD Irving Limited is a major industrial user of power purchased directly off the grid in the province. And power costs represent a significant component of our production costs.

In addition, we are currently reviewing potential generation projects, and the outcome of these hearings will have a direct impact on the economics of such projects.

CHAIRMAN: Thank you, Mr. Dever. Maine Public Service Company? We have the name of William Cyr. Anyone been in contact with Mr. Cyr? Okay.

Maritime Electric?

MR. LEA: Good morning, Mr. Chairman. My name is William

Lea. Maritime Electric is requesting formal intervenor status. The reason or the interest it has in the proceedings is as follows. Maritime is a customer generally of NB Power. And in the future expects to be a customer for transmission capacity on the NB Power system.

So that it has a direct interest in the decision in this proceeding, an interest in its pocket book.

Maritime Electric is also separated from all other markets, that is markets other than NB Power by the NB Power system. So, again, for that reason there is a real interest that Maritime Electric claims in the proceeding.

We would like to hear it in English. And electric documents -- or electronic documents will be satisfactory.

CHAIRMAN: Mmmm. And with you today is there another representative of Maritime?

MR. LEA: Yes, I'm sorry. I should have introduced Ron LeBlanc.

CHAIRMAN: Okay.

MR. HASHEY: Mr. Chairman, just to speak -- it was just pointed out to us by Mr. Bartlett that Maine Public Service Company had contacted him and indicated to him that they could not be here today, but they are looking for formal status. We obviously have no objection to that.

CHAIRMAN: Again it's a similar situation with Maine Public Service, is it not, as with Maritime Electric in that Maine Public Service has served over the transmission network of NB Power. Yes.

Do you have any idea, Mr. Hashey, as to whether or not what their choice of language might be and their method of service and delivery of documents?

MR. HASHEY: English and e-mail.

CHAIRMAN: Thank you. And thank you, Mr. Lea. Northern Maine Independent System Administrator.

MR. BELCHER: Hi, my name is Ken Belcher from the Northern Maine ISA. We are seeking formal status as intervenors. We prefer e-mail in English.

We are asking for formal intervenor status because we administer the Northern Maine market, which relies heavily on the products and services agreement with New Brunswick Power.

We purchase approximately \$1 million US from different transmission services from NB Power. And the products and service agreement and New Brunswick's Powers transmission tariff is critical in the smooth operation of our market.

We have been deregulated since March 1st 2000.

CHAIRMAN: Thank you, Mr. Belcher. That's reregulated, by the way.

MR. BELCHER: Yes, reregulated.

CHAIRMAN: Thanks very much. Nova Scotia Power Inc.?

MR. ZED: Mr. Chairman, currently Nova Scotia Power buys its transmission services in New Brunswick for the purpose of importing and exporting electric power, and thus has an interest. We would propose the electronic transmission of documentation and proceedings be held in English.

CHAIRMAN: Good. Thank, Mr. Zed. Perth Andover Electric Light Commission?

MR. DIONNE: Dan Dionne of Perth Andover Electric Light Commission. We are requesting formal intervenor status. We are one of three electric municipalities in New Brunswick and currently do our beneficial partnership WPS, home of the best power rates in the province. We feel that the transmission tariff for the future could greatly affect our citizens of Perth Andover. And correspondence in any form is great.

CHAIRMAN: All right. So as service it would be ordinary written correspondence or are you able to receive e-mail?

MR. DIONNE: Yes, we can.

CHAIRMAN: You can -- e-mail and fax too as well?

MR. DIONNE: E-mail, fax. Anything is fine.

CHAIRMAN: Good. And as you are aware, Mr. Dionne, this Board regulates the rates from WPS to the Commissioners of

Perth Andover, that's why you have such good rates.

Thanks. The Province of New Brunswick Department of Natural Resources and Energy?

MR. BARNETT: Good morning, Mr. Chairman, my name is Don Barnett and I'm joined here by Jim Knight, now with the Natural Resources and Energy Department. The reason we request formal intervenor status, we are in the process, as you are aware, that the Province announced a restructuring of the electricity market. The open access transmission tariff is a fundamental aspect to developing a competitive market in the Province, we believe, as contemplated in the Energy policy. Therefore, we have an acute interest in this hearing.

We would request service in English but will take service in both official languages of our Province. And service by e-mail is -- we will take it in any way, but service by e-mail is our preferred option.

CHAIRMAN: Good. Thanks, Mr. Barnett. The Province of Nova Scotia, Department of Energy? Anyone heard from Mr. Crandlemire, or Mr. McCoombs or Ms. Lagassé?

MR. MORRISON: Mr. Chairman, I believe we have had some contact from the Province of Nova Scotia, and it is English and e-mail. And formal intervenor status.

CHAIRMAN: Do you object?

MR. MORRISON: We would have no objection.

CHAIRMAN: Okay. Saint John Energy. Mr. Young?

MR. YOUNG: Good morning, Mr. Chairman.

CHAIRMAN: Good morning.

MR. YOUNG: My name is Dana Young, representing Saint John Energy. We request formal intervenor status, as we represent 36,000 customers in Saint John. The proposed open access transmission tariff will affect our current contract. Our current transmission service is through NB Power transmission.

We would like our correspondence in English please.

And documentation through electronic means preferred.

CHAIRMAN: Thanks, Mr. Young. Union of New Brunswick Indians? Anybody been speaking with either Mr. Getty or Mr. Perley? Okay. WPS Energy Services Inc.?

MR. HOWARD: Yes. Good morning, Mr. Chairman. My name is Ed Howard. I'm here this morning representing, without the assistance of legal counsel at this point in time, both WPS Energy Services Inc. and WPS Canada Generation Inc. We would prefer to receive our correspondence by e-mail in the English language, and we are requesting formal intervention in this tariff filing as a result of both the fact that we currently use and utilize NB Power's transmission system for delivery of energy as a electric

marketer and we interface with their electric transmission system at WPS Canada Generation Inc. with our own transmission network. Thank you.

CHAIRMAN: Mr. Howard, I may have missed it. E-mail is all right with you?

MR. HOWARD: Yes. E-mail will be fine.

CHAIRMAN: Okay. And you mentioned a second, I presume, related company that you are representing. You are asking for instance -- as far as I'm aware, the Board documentation that we have received is that you simply wish to have WPS Energy Services Inc. as a formal intervenor. Are you asking that the Board have a second related company as an intervenor as well?

MR. HOWARD: No, I'm not. We will use and utilize WPS Energy Services as the formal intervention method.

CHAIRMAN: Good. Thank you. And of course Mr. MacNutt is here today as Board counsel and he can just raise his hand. He need do nothing else. We know all your desired things, Mr. MacNutt.

Requested intervenor status informal, Canadian Manufacturers and Exporters, New Brunswick Division. They are not represented today but Mr. Plant has been with us before.

Our normal procedure is that sometime towards the

latter part of the hearing, when it appears convenient to all, we set aside two or three hours in an afternoon or something like that for the informal intervenors to be able to make their presentations to the Board.

So HQ Energy Marketing Inc.? Irving Oil Limited? KnAp Energy Services Inc.? TransEnergie? The informal intervenors don't want to appear.

All right. The Board will take a brief recess and discuss this and come back in. And again I will be calling for motions.

MR. HASHEY: Mr. Chairman --

CHAIRMAN: Yes.

MR. HASHEY: -- just before you do. We have an affidavit of publication. Maybe you would like to receive that or would you like to do that later?

CHAIRMAN: I have got my chair out, Mr. Hashey.

MR. HASHEY: Okay.

CHAIRMAN: I'm just about to leave.

MR. HASHEY: We will do that --

CHAIRMAN: I will do that when we come back.

MR. HASHEY: Okay. Thank you.

(Short recess)

CHAIRMAN: The Board adjourned to review the requested intervenor status and Bayside Power LP will be a formal

intervenor.

The City of Summerside, certainly the Board can understand why they would have an interest in this hearing and we will grant them formal intervenor status as well.

Emera Energy Inc. will be granted formal intervenor status, as will Nova Scotia Power Inc. But I put you on record Mr. Zed, I am going to watch on the cross examination. Because it is not -- your interests are not dissimilar, let's say.

So if Mr. Connors appears and wants to cross a certain subject matter of something that is different from you. I just don't want somebody, because they have two companies that are intervenors, that they are going to be able to take a second kick at the cat.

MR. ZED: That is fair, Mr. Chairman, thank you.

CHAIRMAN: Okay. And of course Energy Edmundston will be a formal intervenor as well as Mr. Gillis, JD Irving Limited, Maine Public Service Company, we can understand certainly why they have a very vital interest in this particular proceeding. And Maritime Electric, Northern Maine Independent System Operator, all of those will have formal intervenor status. Nova Scotia Power, as I mentioned. Perth-Andover Electric Light Commission. The Province of New Brunswick, the Province of Nova Scotia,

Saint John Energy and WPS Energy Services Inc.

At the conclusion of the Point Lepreau application, I had an opportunity to speak with I believe it was Mr. Perley, if not it was Mr. Getty, in the presence of Board Counsel, Mr. MacNutt, concerning the Union of New Brunswick Indians. And it is the Board's opinion that what they have wanted to achieve over the last number of hearings is simply that they would be able to be on the record and to put forth their position on the record, but not really to play an active part in the hearing process.

I indicated to Mr. Getty at that time that I believed he could do that quite efficiently as an informal intervenor and I would have told him that if he had come today.

They are not represented. What the Board is going to do is give them informal intervenor status and they of course will be able to address the Board and put their remarks on the record of this proceeding. And if in fact they, for some reason, wish to become a formal intervenor, they can make a motion at a later date to have the Board revisit their status.

And of course the Board will grant informal intervenor status to the five different companies and organizations that are mentioned on your coordinates. That is Canadian

Manufacturers & Exporters, New Brunswick Division, HQ Energy Marketing Inc., Irving Oil Limited, KnAp Energy Services Inc. and TransEnergie.

One of my fellow Commissioners thought I missed Mr. Gillis. If I did, I'm sorry, but he is granted formal intervenor status as well.

So the Board's intention now would be to go around the room and see if we have any motions that any of the -- either the applicant or any of the parties wish to make.

First motion is for me to accept the affidavit of publication, isn't it, Mr. Hashey?

MR. HASHEY: It is, Mr. Chairman, thank you. I have an affidavit of publication here that discloses where the notice has been published. And we have the press clippings, which I assume you probably don't want. The affidavit is probably adequate.

CHAIRMAN: That is sufficient, Mr. Hashey. I will simply mark this and it will become part of the record. Mr. Hashey, it doesn't appear to have a B attachment, which is the French language copy of the notice.

MR. HASHEY: I'm sorry. I have a French language affidavit as well, Mr. Chairman. I apologize.

CHAIRMAN: No, no, but -- oh I see. Okay.

MR. HASHEY: An affidavit in French.

CHAIRMAN: Yes, all right. We will sort that out after.

And particularly, Mr. Hashey, the notices were inserted in the press of New Brunswick in accordance with the Board's order?

MR. HASHEY: Yes. And there were additional press in the other areas, like Quebec, Maine, et cetera, where we thought there would be some interest.

CHAIRMAN: Okay.

MR. HASHEY: As you can see from that notice, so it is a broader publication than was ordered.

CHAIRMAN: Thank you.

MR. MACNUTT: Mr. Chairman, you are marking that as exhibit A-1?

CHAIRMAN: No. I am just marking it and accepting it into the record. Not giving it an exhibit number.

MR. MACNUTT: Okay.

CHAIRMAN: Mr. Hashey, does the applicant have any other matters that they wish to bring to the Board's attention at this time?

MR. HASHEY: Mr. Chairman, I think at some point we probably should talk about the sitting schedule, but I think that could come later.

CHAIRMAN: Yes. Frankly in Saint John Energy's correspondence, there are things that would implicate all

of the scheduling, et cetera. So I think we should probably go and address that first.

MR. HASHEY: Thank you.

CHAIRMAN: Does Bayside Power LP have any matters they want to bring before the Board by way of a motion at this time?

MR. DIMOU: Not at this time.

CHAIRMAN: Put your hand up, Mr. Dimou. Not at this time?

MR. DIMOU: Right.

CHAIRMAN: Okay. Thank you. And Summerside of course is not here. Mr. Zed, do you have any matters?

MR. ZED: Yes, Mr. Chair. Really I am not sure if a motion is required. I will leave that to you to decide. But it is really more in the way of a question. And I note in the tentative schedule there are two sets of IRs to NB Power, one which is due this upcoming Monday and the following set of IRs due Thursday, September 19th. And by way of a question, I would ask the Board to confirm that there is -- what there is by way of restriction, if any, on the intervenors in the second set of IRs.

I guess what I am concerned about is because of the nature of the proceeding, there may be some questions that although they are very good questions, we miss asking them the first time around for one reason or another, and I would like the Board's indulgence to allow us to ask those

questions at a later date so long as such use of the IRs does not become abused.

In other words, if it is a good question, presumably it will expedite the process and I would like the Board's confirmation that that will be allowed.

CHAIRMAN: Mr. Zed, in the past, certainly my approach has been is that we attempt to ask all the questions in the first set of interrogatories. And then, however, if you wake up at midnight and have thought of something that you have missed and you really want to ask it and it will benefit the hearing process, then you put that in the second set of interrogatories.

I will ask if any of the parties have any comments on that. I mean, this timetable is very restricted and there is an awful pile of evidence that we have to go through and get through by what is it, next Monday. So that I don't think personally I would like to see us restricted, but I think everybody should make an attempt to get it in the first set of interrogatories. At least the subject matter, if they possibly can. Any of the other parties have comments on that at all? Mr. Gillis?

MR. GILLIS: On the second set of interrogatories though, that is not restricted, we are able to ask anything that comes out of the answers to the first set?

CHAIRMAN: Of course, yes. And even something that if you had been a little brighter when you did the first set, you would have thought of. I mean, that can go too.

In other words, the whole purpose of interrogatories is to narrow down the issues so that our hearing time is less voluminous.

Okay. Energy Edmundston?

MR. GUERETTE: Nothing.

CHAIRMAN: Nothing. Mr. Gillis, do you have any matters?

MR. GILLIS: No.

CHAIRMAN: Okay. JD Irving Limited?

MR. DEVER: Nothing.

CHAIRMAN: Thank, Mr. Dever. Maine Public Service is not here. Maritime Electric, Mr. Lea?

MR. LEA: No, Mr. Chairman.

CHAIRMAN: Northern Maine System Administrator, Mr. Belcher?

MR. BELCHER: Not at this time.

CHAIRMAN: Thank you. Wearing your other hat, Mr. Zed?

MR. ZED: No further issues, Mr. Chairman.

CHAIRMAN: Perth-Andover, Mr. Dionne?

MR. DIONNE: No issues.

CHAIRMAN: Mr. Barnett?

MR. BARNETT: No issues at this time, Mr. Chairman.

CHAIRMAN: Mr. Young?

MR. YOUNG: Mr. Chairman, I hadn't originally planned on having this come forward as a motion, just a letter of concern. Would you like me to go ahead and just summarize this or would you like it entered as a motion?

CHAIRMAN: Well I am not going to be too formal on this, but you could indicate to us what your concerns are and we will deal with it by going around the room and seeing what everybody has to feel about it.

MR. YOUNG: I appreciate that. I think Saint John Energy's concern is detailed. There is three points here and a little bit of a summary. Just to summarize this, it says at number 1, this tariff covers four distinct areas of provincial energy policy. The corporatization of NB Power, introduction of an open access transmission tariff, introduction of incentive-based regulations and transmission system expansion plan. A lot of detail. A lot of information.

Item number 2 was much of the application makes a lot of presumptions about government policy, which has yet to be announced and legislation which has yet to be introduced.

Item number 3, there is no clarity on how transmission facilities not owned by NB Power will be treated.

I expanded on those three major topics and at the end

of it, I ask for the preference that -- we would like to see the application split into the various components, or at least establish the sequence in which each of these components will be considered and defer consideration of any component which rests on unannounced policy and non-existent legislation until such authorities exist recognizing the target implementation timetable for an open access transmission tariff. We appreciate that this might not be practical, in which case measures such as conditional or interim approval may be appropriate. And that --

CHAIRMAN: That's your position.

MR. YOUNG: Yes.

CHAIRMAN: Thank you, Mr. Young. The thing -- since I read this, and I just came off of vacation today, but since I have read this, that it struck me is that if we all remember the Point Lepreau Refurbishment Hearing the government announced its intentions in reference to NB Power and splitting it up into, I guess it's five corporations, that our approach was at that time is that we have to deal with today's reality. In other words, government announcement of policy is not reality today.

We all anticipate that it will be sometime in the future, but then again, if there is -- it's only in the

Legislative Assembly in its wisdom that can pass the legislation that will require it or bring it to pass.

But anyhow with that whole thing in the background, why Mr. Hashey do you want to lead on discussion of this?

MR. HASHEY: Thank you, Mr. Chairman. Unfortunately, this letter was only seen by us this morning after we had arrived and actually at the time that this hearing had started. I can't get the necessary instructions possibly if there is any desire, and I would ask for some time to be able to do that. Clearly it's unfortunate that this wasn't sent off to us and we would have probably been in a better position to respond. But I do agree with your comments we are trying to deal with the way things are now and the transmission system here has been treated fairly separately. However, there are some points and presumptions here that things might be different in some respects and if there is an interest in dealing with that, I would ask for an adjournment for a short time. I mean, like a week or something of that nature, not a great time.

CHAIRMAN: They are major issues. I don't think there is any question about that. You have all heard what Mr. Hashey had to say. I will go through. Bayside Power any comment?

MR. DIMOU: I do --

CHAIRMAN: Just put up your hand. There we are. Great.

MR. DIMOU: I do not have any problem with NB Power's response.

CHAIRMAN: Mr. Zed?

MR. ZED: Mr. Chair, like Mr. Hashey, we saw this for the first time today, so we will just echo his comments.

CHAIRMAN: Energie Edmundston?

MR. GUERETTE: I don't have any problem with that.

CHAIRMAN: Mr. Gillis?

MR. GILLIS: Mr. Chairman, I do believe that this may require a recasting somewhat of the evidence to put it in sequence to deal with each of these in some sort of structured fashion. Failing that, it will be all at once and Saint John Energy is probably correct, some of it will get lost between the cracks in the floorboard.

Mr. Hashey's request for a week may not be inappropriate if they would think of restructuring some of the evidence or reallocating the panels to deal with it in this type of format. It might play out in the long run to be of some advantage, and all we could do is push back the interrogatories for another week. It will give Mr. Zed an opportunity to think up that question that he hasn't thought up yet.

CHAIRMAN: Thanks, Mr. Gillis. Mr. Dever?

MR. DEVER: Mr. Chairman, we looked over the letter quickly this morning and it obviously raises serious issues and some time to deal with them are required. And I guess we don't have any other observation to make this morning.

CHAIRMAN: Good. Thank you. Mr. Lea?

MR. LEA: I have no comment, Mr. Chairman.

CHAIRMAN: And Mr. Belcher, Northern Maine Independent System Administrator?

MR. BELCHER: No comment, Mr. Chairman.

CHAIRMAN: I presume, Mr. Zed, your comments from before stand for this?

MR. ZED: Exactly the same, Mr. Chairman.

CHAIRMAN: All right. Thanks. Perth-Andover?

MR. DIONNE: Yes, we support taking the week to get information.

CHAIRMAN: Mr. Barnett?

MR. BARNETT: We support NB Power's position of taking a week. We have just seen the letter this morning. The only point I would ask is also consider that week in the context of the IR process and timetable we have with that.

CHAIRMAN: And WPS?

MR. HOWARD: Yes. WPS would certainly support additional time to review the issues. As we are identified in this particular document, we have some concern with a number of

the issues that have been raised. So we would echo at least additional time, whether a week is sufficient, we are not sure.

CHAIRMAN: Look we are going to take a brief recess as much to -- I mean, it's pretty obvious what every one of you would believe should be done. But we have got to talk about facilities and translation and all of that good stuff as well.

So we will take -- it's now 11:00, let's take -- it will probably be 15 to 20 minutes and we will come back here then at that time. Hopefully by then we will have some idea about facilities, et cetera.

(Recess)

CHAIRMAN: For the sake of the record and urging from Board counsel, the Board is going to be treating Saint John Energy's letter as a motion which will be thoroughly canvassed when we reconvene this pre-hearing conference. Now our intention at this time, subject to what the parties have to say, is that we reconvene next Tuesday, that is not tomorrow but a week Tuesday, which is the 20th of August is my understanding at the Board's premises. Some of you should shed some of your people. In other words, our premises are rather small and if there is somebody who is just along because they are curious of how

the proceeding goes, we will ask them to stay at home. So try and cut down on the number of people coming along.

We are working -- we have facilities now at the Board's premises for translation services. Unfortunately, we don't know yet whether or not we can get simultaneous translators available for that date. It is pretty short notice. Subject to what any of the parties have to say because of the tightness of our program -- or sorry tightness of our agenda that if we have to we will go ahead on Tuesday of next week without simultaneous translation on this one occasion as none of the parties have chosen French as being their language of choice for the hearing. For the rest of the hearing we will have it because we want to make absolutely certain it will be available for any New Brunswicker who comes in and wants to hear it in whichever of our official languages.

NB Power -- the Board staff has been in and chatted with NB power my suggestion again subject to what the parties have to say is that the date for the final -- the first set of interrogatories to NB Power would be moved ahead to Wednesday the 21st of August at 12:00 noon prior to that time. And then NB Power's responses would come on Wednesday the 11th of September.

Now we are all aware and have been aware that the

interrogatories were due this coming Monday. My suggestion is that in order to give NB Power as much time as you can, there are going to be some interrogatories regardless of how we treat Saint John Energy's motion that we know we are going to ask. So get those in to NB Power as soon as you can. If you can do it tomorrow fine, or by Monday at the latest if you can. And then hold open for a couple of days to see what happens. And if you have got some new questions to ask as a result of our rulings then put them in by that Wednesday. So that shouldn't hold the process up and let NB Power get to work at them. I know that for instance Saint John Energy's are already in there. And the Board has undertaken to ask all of the ones that they can think of now by Monday. So if the rest of the parties can do that, I don't this really interfering with what we had set out in our schedule, because as of the second set of interrogatories they will stick with the Thursday, September the 19th at noon. And so we have just lost a couple of days to NB Power dealing with them, but if we all cooperate we can do that.

So we will adjourn over until 10:00 a.m. on Tuesday. But before I -- I'm sorry, I want to have participation from the parties on that. If anybody has got a problem with it maybe we haven't spoken with you during the break.

Anybody have any difficulty with those dates that I have just set out for you? No. Okay.

Now let's see if there is any other matters we can deal with here today. Mr. Barnett, you had your hand up?

MR. BARNETT: It was just reference to the time, Mr.

Chairman, and you did announce 10:00 a.m., so I have no question.

CHAIRMAN: Any other matters that any of the parties would like to bring up now that we might be able to handle today and not save it for next Tuesday? Okay. Well we will -- again I hope will met a leaner crew at -- yes?

MR. HOWARD: Just for clarification. Is next Tuesday's meeting relative to just the concerns of Saint John Energy or is it --

CHAIRMAN: Anything that flows from that. So for instance the finalization of the agenda --

MR. HOWARD: Okay.

CHAIRMAN: -- we can't really be absolutely certain depending upon the results of that motion exactly what's going to happen. But we are all being guided by this tentative schedule as of June the 20th as I just amended it. And there may be other things that flow from it. And there may be -- you know, we are not limiting anything that will occur next Tuesday. All I'm trying to do, sir,

is to get out on the table any concerns anyone might have that we could deal with today since we are all here. But if it's going to be implicated by the motion of Saint John Energy then it should wait till next Tuesday.

All right. We will see you at 10:00 a.m. next Tuesday at the Board's premises. And if you have any difficulty with directions or whatnot why speak to the Board secretary. Thank you.

(Adjourned)

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

Reporter