

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

PROVINCE OF NEW BRUNSWICK

IN THE MATTER OF an application by SAINT JOHN TRANSIT COMMISSION for an Order approving an amendment to its existing Motor Carrier license for scheduled (regular) service between the City of Saint John and the Town of Hampton; the City of Saint John and the Towns of Quispamsis and Rothesay; and the City of Saint John and the Town of Grand Bay-Westfield; as well as, approval of the proposed service and tariffs.

ORDER

WHEREAS the New Brunswick Energy and Utilities Board (the "Board") has received an application from Saint John Transit Commission (the "Applicant") for an order approving an amendment to its existing Motor Carrier license number 4168 which reads:

For the carriage of passengers and their baggage as a charter operation only, originating in the City of Saint John, over all roads and highways in the Province of New Brunswick and return. Movements authorized by this license are for the use of urban transit type buses only with a capacity of up to 52 passengers

For approval of additional authority as follows:

For the carriage of passengers and their baggage as a scheduled operation, with the right to pick up and drop off passengers and their baggage within the municipalities of Hampton, Quispamsis, Rothesay and Grand Bay-Westfield using urban transit type buses.

Proposed Schedule and Tariffs:

1. three (3) morning and three (3) afternoon/evening scheduled runs between the City of Saint John and the Town of Hampton;
2. six (6) morning and six (6) afternoon/evening scheduled runs between the City of Saint John and the Towns of Quispamsis and Rothesay; and
3. three (3) morning and three (3) afternoon/evening scheduled runs between the City of Saint John and the Town of Grand Bay-Westfield;

at the following fares:

1. cash fares of \$3.00 per trip;
2. transcard for 10 rides at \$27.00
3. transcard for 20 rides at \$49.00; or
4. monthly pass at \$89.00.

NOW THEREFORE IT IS ORDERED THAT:

- 1) The Board shall consider the application in two phases.
- 2) The Board shall meet on Tuesday, the 7th day of August, 2007 to consider phase one of the application for an amendment to the applicant's license, to permit operations as a regular service over specified routes and shall follow the process as set out in *section 4 of the Motor Carrier Act* as follows:
 - a) any person who wishes to oppose the application shall file with the Board a notice of objection to the application on or before Monday, July 30th, 2007; and
 - b) serve the applicant with a copy of the notice of objection filed with the Board
 - i. by personal service on or before Monday, July 30th, 2007; or
 - ii. by prepaid registered mail, at the address shown on the application, on or before Friday, July 27th, 2007; and
 - c) file with the Board a written statement of objection setting out in full the reasons why the application should be denied, together with any relevant documentary evidence, on or before Friday, the 3rd day of August, 2007.
- 3) The Board shall hold a Public Hearing to consider phase two of the application on *Tuesday the 21st day of August, 2007*, at 9:30 o'clock in the morning at 15 Market Square, Suite 1400, Saint John, New Brunswick, whereby;
 - a) If the Board has not granted the amendment to the applicant's license referred to in paragraph 2 above at its meeting, it shall hear evidence and submissions regarding the application to amend the license; and/or
 - b) It shall consider the appropriateness of the specific public motor bus service and tariffs proposed;
- 4) Any person who wishes to intervene in the public hearing on August 21, 2007, must file a Notice of Intervention in writing on or before noon, *Monday the 30th day of July, 2007*, with both the Board at the address below and the Applicant, to the attention of John M. McNair, Esq., Gorman Nason Barristers & Solicitors, 121 Germain Street, PO Box 7286, Station A, Saint John, N.B. E2L 4S6, Tel: (506) 634-8600, Fax: (506) 634-8685, Email: john.mcnair@gormannason.com., as follows:
 - a) Setting out the name of the person and any authorized representative of the person and the mailing address, civic address, email address, telephone

number, and any other telecommunications numbers of the person or the person's authorized representative;

- b) Indicating their choice of official language for the hearing; and
 - c) provide the reasons why the Application shall be denied together with any relevant documentary evidence in support thereof;
- 5) A Copy of the documents filed in respect of this matter may be obtained by contacting the Applicant as noted in paragraph 4 above.
- 6) A Notice in substantially the form attached hereto marked "A" be published, in the English and French language, once in each of the following newspapers:

Telegraph Journal	-	Saint John
Kings County Record	-	Sussex
L'Acadie Nouvelle	-	Caraquet
Royal Gazette	-	Government publication

on or before the 11th day of July, 2007.

DATED at the City of Saint John, New Brunswick, this 15th day of June, 2007.

BY THE BOARD

Lorraine R. Légère
Secretary
New Brunswick Energy and Utilities Board
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