

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

IN THE MATTER of the *Gas Distribution Act, 1999*, S.N.B. 1999, c. G-2.11 (the "*Act*") and the regulations thereunder;

AND IN THE MATTER of an Application by Atlantic Wallboard Limited for a Single End Use Franchise pursuant to Part I of the *Act*.

ORDER

WHEREAS the Board of Commissioners of Public Utilities of New Brunswick (the "Board") has received an application dated the 31st day of January, 2006 from Atlantic Wallboard Limited ("Atlantic Wallboard") for a single end use franchise pursuant to Part I of the *Act*;

AND WHEREAS Atlantic Wallboard seeks this franchise in order to receive gas directly from Maritimes and Northeast Pipeline at Atlantic Wallboard's gypsum wallboard manufacturing plant on the former Saint John Shipbuilding property at 430 Bayside Drive, 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 the 4th day of April, 2006 commencing at 10:00 o'clock in the forenoon, when and where interested parties may attend and make representations as to the need for an oral hearing, and if an oral hearing is ordered, the date of the oral hearing, the procedure to be followed prior to and at the oral 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 as Appendix "A" in the English language twice in the Telegraph Journal and once each in the Moncton Times &

Transcript and the Fredericton Daily Gleaner and in the form or substantially in the form attached hereto and marked as Schedule "B" in the French language once in L'Acadie Nouvelle. The dates of publication shall be on or before the 3rd day of March, 2006.

3. A copy of the Application and this Order shall be placed on file for examination by interested parties during normal business hours at the offices of the Board and the offices of Atlantic Wallboard's solicitors, Stewart McKelvey Stirling Scales, at 644 Main Street, Suite 601, Moncton, New Brunswick and at 44 Chipman Hill, Suite 900, Saint John, New Brunswick.
4. Persons wishing to participate as intervenors must so indicate in writing, no later than 27th day of March, 2006, by notifying the Board at the address below and Atlantic Wallboard through its solicitors at the following address:

Stewart McKelvey Stirling Scales
Attention: Christopher J. Stewart
644 Main Street, Suite 601
Moncton, NB E1C 1E2
Telephone: (506) 853-1970
Facsimile: (506) 858-8454
E-mail: cstewart@smss.com

and such persons shall:

- (a) set out the name of the person and any authorized representative of the person, 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 Atlantic Wallboard, in writing, on or before the 27th day of March, 2006 of their intent to file a letter of comment.

DATED at the City of Saint John, New Brunswick, this 17th day of February, 2006.

BY THE BOARD

Lorraine R. Légère
Secretary of the Board

Board of Commissioners of Public
Utilities of New Brunswick
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