

New Brunswick Board of Commissioners of Public Utilities

Pre-hearing Conference September 14th 2001
Delta Hotel, Saint John, N.B.

IN THE MATTER OF an application by New Brunswick Power Corporation dated July 12th 2001 in connection with a proposal to refurbish its generating facility at Coleson Cove

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IN THE MATTER OF an application by New Brunswick Power Corporation dated July 12th 2001 in connection with a proposal to refurbish its generating facility at Coleson Cove

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BOARD SECRETARY: Lorraine Légère

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CHAIRMAN: Good morning, ladies and gentlemen. I think everybody has seen the piles of correspondence and what not in the back and had an opportunity to get them. If there is anybody who hasn't why please go over and we WILL wait until you have picked up a copy.

MR. MACNUTT: Mr. Chairman, I might just point out, people may have looked at the back of the room. But just about three minutes ago I placed, for the benefit of all, the tentative schedule for pipeline construction hearing and the tentative schedule for Point Lepreau provided by NB Power. So you people, participants may not have seen

those, if they looked more than five minutes ago.

CHAIRMAN: Thank you, Mr. MacNutt.

My intention this morning -- I have put out this tentative agenda. If anybody -- as soon as I take appearances, if anybody finds something that should be stuck in ahead of anything that we have tentatively put there, let me know.

Otherwise we will try and go through and handle all the matters with that. And then at the end you will see number 9 or any other motions or matters of business.

But if there is something that any of the parties believe should be handled before something on the agenda, we will slot that in for you.

My intention today is I think just go through the parties who are registered as Intervenors in the generic hearing in reference to generating refurbishment. And if you are present here today then answer when I hit you on the list. And if you are not there or you are not on the list, why I will call for any other Intervenors who might be here today.

I would also ask when you do enter your appearance that you indicate the type of intervention that you wish to have and also your choice of language for the hearing.

I should note that if we in fact do adopt the revised schedule, that Intervenors will have until November the

19th to file their interventions. So therefore the language of the hearing cannot be set until after deadline for Intervenors has passed.

And in any letter or document that is filed by an Intervenor at that time, the language of hearing should be indicated.

All right. For the applicant, New Brunswick Power Corporation?

MR. HASHEY: For the applicant this morning, Mr. Chairman, members, David Hashey, Ken Little, Marg Tracy and Linda Pine sitting behind me. Thank you.

CHAIRMAN: Thank you, Mr. Hashey.

Is the Canadian Manufacturers and Exporters represented here today?

Conservation Council of New Brunswick?

MR. COON: Yes, Mr. Chairman. David Coon for the Conservation Council.

CHAIRMAN: Thank you, Mr. Coon.

City of Saint John?

MR. CAMPBELL: Craig Campbell, City of Saint John.

CHAIRMAN: Emera Incorporated? Enbridge Gas New Brunswick?

Rodney J. Gillis? Irving Oil Limited?

MR. STEWART: Christopher Stewart representing Irving Oil Limited. And I'm joined today with Christopher Clinton of Irving Oil Limited.

CHAIRMAN: Thank you, Mr. Stewart.

J. D. Irving Limited? Nova Scotia Power Incorporated?
Province of New Brunswick as represented by the
Department of Natural Resources and Energy?

MR. HYSLOP: Peter Hyslop, Mr. Chairman, for the Department
of Natural Resources and Energy.

CHAIRMAN: Mr. Hyslop, we have received correspondence or
indication from the Department of Natural Resources and
Energy that in fact they will represent the Province of
New Brunswick and that the Department of Environment and
local government is acutely interested in this matter.

And that although they won't have separate Intervenor
status they want to be served by -- with all of the
documentation simultaneously with Department of Natural
Resources and Energy, is that correct?

MR. HYSLOP: Mr. Chairman, I have not received specific
instructions to that effect. I will have to obtain them.

And I would let the Board know by Monday at 10:00
o'clock.

CHAIRMAN: All right. I will ask the Board Secretary. Yes.

We have already. So I guess maybe we will -- Mr. Hyslop,
WE will put you at ease and only get back to us if in fact
our understanding is incorrect, okay?

MR. HYSLOP: That would be fine, Mr. Chairman.

CHAIRMAN: Saint John Citizens Coalition for Clean Air?

MR. DALZELL: Yes, Mr. Chairman, Gordon Dalzell, President.

CHAIRMAN: Thank you, Mr. Dalzell. Saint John Energy?

Union of New Brunswick Indians?

MR. PERLEY: Ron Perley and Norval Getty from the Union of New Brunswick Indians.

CHAIRMAN: Thank you, Mr. Perley.

West Coast Power Inc.? All right. That was the list from the generic hearing. Are there any other Intervenors here today or people who are parties who intend to be Intervenors that haven't entered their appearance at this time? Okay.

I think the easiest way to handle this is that the Board -- I will presume right now that each of you wish to be at full Intervenor status. Would you indicate to the Board if in fact you don't wish to have full Intervenor status but that you wish to have informal Intervenor status?

Is there anybody here who wants to have informal Intervenor status? No. All right. So all of these parties will be on, as the Board Secretary calls it, her sheet of coordinates and will be served with all the documentation.

Now is there -- of the Intervenors who have registered today is there any Intervenor who wishes to proceed with simultaneous translation for the French language? If not then we will note that the language of choice of the

parties that have intervened to this time is to proceed in English.

If -- I think what -- I will open this up to counsel and parties as to how they want to proceed. But if you remember, during the generic hearing we found that there were a number of parties that had second individuals.

And I think for instance Mr. Thompson of the Conservation Council who wanted to receive documentation and that sort of thing. But what we came down with is that he would be served I think by ordinary mail whereas Mr. Coon would have to be served on the dates specifically set out in the schedule.

Now are there any situations like that with any of the Intervenors here today, where they are spread across the province and they need to have two people served? Or will just one party be sufficient? That is who is entered in the intervention? Mr. Coon?

MR. COON: Yes, Mr. Chairman. We would like to recommence that same procedure for the Conservation Council's intervention, with that practice that myself being officially served for the Conservation Council and mail copies going to David Thompson.

CHAIRMAN: Okay. Well, you will -- I would ask that each of you, after this is over, that you check with the Board Secretary, Mrs. Legere, and give her your up-to-date

coordinates.

And the other thing is that if you are prepared to accept service by E-mail or fax or anything other than hard copy, and including whether it is only hard copy, would you let her know so that she can make a list of that?

And do any of the parties have any comments to make on that? Sound all right, Mr. Hashey? Is that okay?

All right. You will see under number 2 on the agenda is load forecast, Point Lepreau hearing. I simply -- the Board simply wanted to have everybody, even though it doesn't involve this hearing we are in now, just wanted everybody to have a heads-up on what had happened.

And if you will recollect -- I'm just looking for the dates and the correspondence. And they were handed out in the back.

Mr. Hashey faxed me on the 1st of August concerning part of the decision in the generic hearing concerning when the load forecast would be filed. And I responded to that on the 8th of August. And both pieces of correspondence are there.

And I think if you read that you will find that, as I indicated, the Board's whole intention was to -- by putting what we did in our decision in July, to attempt to assure the applicant that we did not wish to hold up the

Point Lepreau specific hearing.

So they asked that we give them until the same date that they are going to file their documentation in reference to the Point Lepreau specific hearing, that they could file the load forecast at the same time.

And you have just picked up at the back of the room NB Power's best cut at when they will proceed with the tentative -- or the tentative schedule for the Point Lepreau hearing and load forecast combined in the one-hearing process.

And also, as far as the pipeline construction application to this Board for the Coleson Cove matter, that that tentative schedule is also at the back of the room.

Anyway, I just wanted everyone here to have a copy of that correspondence for their records.

Now Mr. Hashey, if you would -- now let me see. You are all aware that -- and I don't have in front of me the copy of the letter that went out to all of the Intervenors from Mr. Little of the applicant, stating that they were having difficulty and why, in adhering to the tentative schedule for this hearing -- I don't think we need it up here at all. Ms. Tracy is bringing it over.

Anyway, and as a result of that, that went out to all of the parties. We said look, the schedule is up in the

air. And we have to take a look at it and see if we can come up with another schedule that will fit. As a result of that, NB Power when it sent out that letter to all of the Intervenors, sent out a tentative schedule.

And then my understanding, Mr. Hashey, is that the new one that was produced or sent to Board counsel yesterday morning -- and you have provided here today, and we have left copies down at the back of the room. And it is headed "Coleson Cove Refurbishment Schedule." There are some dates that have changed slightly from the one that was originally sent out. Or perhaps better said, there are some additions to it.

Is that fair, Mr. Hashey? And I'm looking for instance, there is now in this updated one, there are preliminary documents placed in NB Power business offices which was not on the one that was sent out with Mr. Little's letter.

MR. HASHEY: Yes. I'm just looking at that, Mr. Chairman.

I don't believe there are very many significant changes at all in that over what was sent out.

And if you track it down through, I think that is probably the only addition or change that is mentioned there.

CHAIRMAN: I think that is correct. The other one that Mr. MacNutt pointed out to me, Mr. Hashey, is the dates

for the Public Utilities Board order to NB Power and PUB notice to NB Power have been changed from July 12, 2001 to July 19, 2001. Those are -- those are different, I understand?

MR. HASHEY: I believe that is right.

CHAIRMAN: Yes. But there is no -- nothing really of substance. I think I will cover that first. Because I will ask, after we have a discussion on these dates, that Mr. Hashey make a motion so that the Board can rule on it that the dates previously set or tentatively set be changed to the ones that are set forth on this sheet of paper or whenever it is that we are -- excuse me, with whatever dates that we end up deciding are good as a result of this discussion.

The Board has just one difficulty with this. And that is we are trying not to have interrogatories delivered on a Friday or a Monday.

I will tell you why. Just a practical thing is that if we set noon on Friday, some of them will be coming in at 5:15. That is just human nature. And if that is the case then Board staff has to stay over the weekend and try and get things set up for the Commissioners or whomever.

What I would like to suggest, Mr. Hashey, and see if that is okay with you, is that if we make the responses to the second set of interrogatories supplemental, back that

up from Friday, December 14th to Thursday, December 13.

Now does that sound all right?

MR. HASHEY: That is quite agreeable.

CHAIRMAN: Okay. Does it -- okay. Any other parties have any difficulty with any of the dates that are set forth on that revised schedule?

MR. HASHEY: Mr. Chairman, I note that there is one other. On Monday -- the first set of interrogatories was to be delivered on Monday, November 19th. I think that is the only other significant Monday.

CHAIRMAN: Yes. Would we be squeezing NB Power if we move that to Tuesday, November 20 at 12:00 noon? I don't want -- I want to have time to --

MR. HASHEY: No. That is okay, I think.

CHAIRMAN: All right. 12:00 noon.

MR. MACNUTT: Could you just review that again,

Mr. Chairman?

CHAIRMAN: All right. The changes that are proposed now, Mr. MacNutt, is the first set of interrogatories will be made by Tuesday, November the 20th by 12:00 noon. And the responses to the second set of interrogatories will be Thursday, December 13.

Now you will see that there was a calendar that was handed or left at the back of the room too. And that shows you the Board has been able to reserve two and a

half weeks in a ballroom in this hotel for the hearing itself.

We have our premises on the 14th floor of the City Hall building. I would suggest that probably, if we find that we use up all of the time here and have summation left to go, that we probably could do it in our boardroom without having to wait until this room is available again.

Go ahead, Mr. Hashey.

MR. HASHEY: I'm sorry, Mr. Chairman. Looking back at the schedule, we are just concentrating on the changes. It will make things a little tight I think on the responses to interrogatories.

Could I request that the one additional day be added to the responses as well? Just to the first set. So that it would be Thursday, November 29th instead of Wednesday the 28th for the responses.

CHAIRMAN: Yes.

MR. HASHEY: It is quite a big job, those responses, you know, and that is --

CHAIRMAN: Oh, no. I know.

MR. HASHEY: -- pretty tight.

CHAIRMAN: No. I agree. Anybody have any problem if we do that?

MR. MACNUTT: Just review what dates you are changing?

CHAIRMAN: Well, the applicant is suggesting, Mr. MacNutt,

the responses to the first set of interrogatories would be Thursday, November 29th.

Anyone any problem with that change?

MR. HYSLOP: Mr. Chairman, Peter Hyslop. I have no problem with the change. But if that is going to be pushed back a day, might I suggest the time for submitting the second set of interrogatories also be pushed back one day, which would make it Thursday, December 6th.

CHAIRMAN: My inclination is to say no. And I will tell you why, Mr. Hyslop, is that things spring from that, including the Motions Day. And if -- you know, and this is -- if the first set of interrogatories are responded to in as open a fashion and as thoroughly as possible, then the need for that second set is probably -- there will be very few questions asked. It is as simple as that. You know, if it turns out that, you know, that we have to do something like that, in other words, it is too short a period of time -- I would suggest that with the expertise that I know will be brought to bear, once the second set of interrogatories goes out, why it is going to be cut and dried, the responses, you know. In other words, we misunderstood your question, so here is a better answer, or I'm sorry, that is a confidential matter or whatever, we are not going to answer it.

So I guess I'm sorry, Mr. Hyslop. I'm going to stick

with the answers on the Thursday the 13th.

Now of need for Motions Day, that will stay the same -
- I'm going to suggest that what we do, you know, is we
will say Motions Day will be Wednesday, December 19,
period. If it is not necessary then we will cancel it.

MR. HYSLOP: Mr. Chairman, Peter Hyslop. I think perhaps
there was some misunderstanding in the request that I
made. It wasn't with regard to the responses to the
second set of interrogatories being pushed to Friday. It
was the date for asking the second date of second set of
interrogatories, which was Wednesday, December 5th.

And my suggestion, which may or may not have been
misunderstood, was to move that back one day. So you
would have Thursday the 29th, Thursday, December 6th and
then Thursday, December 13th.

CHAIRMAN: All right. Mr. Hashey, does the applicant have
any difficulty? It is squeezing things. And I know it.

MR. HASHEY: I think really what it is doing, we have
already moved from the 14th back to the 13th which has put
a bit of a squeeze on as well.

And I adopt your comments, Mr. Chairman, that the
second set wouldn't possibly be quite as significant. But
we never quite know. And I would prefer to leave the 5th
date as it is if we could.

CHAIRMAN: Mr. Hyslop, it is just that I know that the

applicant is being squeezed up by us in reference to the first set. And I would like to give them the number of days that are there from the 5th to the 13th.

So that if in fact they have not responded to an interrogatory on the first set, that was due to a misunderstanding of the question, that they will have enough time to thoroughly answer it the second time around. Sorry.

Any other dates that anybody would like to comment on?

MR. STEWART: Mr. Chairman, Chris Stewart. Just one question of clarification about the Motions Day. I just drew a line through the parenthetical comment if required.

You indicated that it would be sort of, we will flip it over, and we will have one unless somebody decides we don't need one. The item on the schedule before that is to inform the Board of the need.

Are the Intervenors still required to do that?

CHAIRMAN: Yes.

MR. STEWART: Okay.

CHAIRMAN: In other words -- and we should probably talk about that in a little greater detail after we have gone through this exercise that we are doing now, how it ought to be done.

If you will remember, in the generic hearing we had that. But the only people who need have been served, as I

recollect, was the applicant.

And the applicant -- and in the case, it was Conservation Council and I believe Saint John Air Coalition that precipitated that Motions Day for the Board having to rule.

And the other parties could attend but need not attend. They were simply informed that there would be a Motions Day. And I think, subject to what the parties have to say now, I think that keeps things a little simpler.

In other words if -- let's say the same parties. Let's say the Conservation Council believes that NB Power should answer an interrog' which NB Power says that it won't or -- and let's say it won't, on the basis of confidentiality. Then the Conservation Council should inform the Board and the applicant that they will be requiring the Board to rule as to whether or not interrogatory number 62 should be answered and that there is no confidentiality.

But the notice will go out to all parties that you are going to question that. But the detail on it will only flow from yourself to Mr. Hashey and to the Board.

If any other party wants to know what is going on they should get directly in touch with either the Board or alternatively Conservation Council to get the details on

that.

Does that sound like a good way to proceed?

MR. STEWART: It is certainly acceptable to us.

CHAIRMAN: Pardon?

MR. STEWART: I'm sorry. I just said that is acceptable to us.

CHAIRMAN: Okay. All right. I just point out on the January 2002 calendar in front of you, the 17th -- I'm sorry. I hate this calendar.

Yes. That is the 17th the Delta is not available. And the next day it is available to 4:00 in the afternoon because they have got an evening function going on, which is the same the following.

So we probably will have -- we will take that day off. And I just wanted you all to be aware of that. Okay.

Now Mr. Hashey, would you like to address the Board in reference to the Evening Times-Globe matter? And then I think a motion would be in order in reference to the dates we have all discussed now.

MR. HASHEY: Thank you, Mr. Chairman. I would probably like to present to you, first of all, maybe reversing it a little bit, the proof of service.

We have affidavits in both English and the French language on the proof of the service in the daily newspapers. If I could present those to you initially.

CHAIRMAN: By all means.

MR. HASHEY: I also have copies of those if you would wish them. I assume probably the affidavit is adequate.

CHAIRMAN: Copies of what, Mr. Hashey?

MR. HASHEY: Of the actual ads, tear sheets.

CHAIRMAN: I don't think that is necessary. Just the affidavits would be sufficient. If you want to give them to me. And I will mark those as exhibit 1.

I'm not going to take the time at the hearing to go through them, Mr. Hashey. I will look at them later. But I presume that what was in the Board's order has been complied with, with that one exception.

MR. HASHEY: With one exception, Mr. Chairman, only.

CHAIRMAN: Would you like to tell me what that is?

MR. HASHEY: The one exception to this, Mr. Chairman, is that you will note in that that there have been publication. The order was in the daily newspapers twice.

The Evening Times-Globe and The Telegraph Journal publish simultaneously on one day, being a Saturday. And you will note that there was an ad published in that simultaneous publication on that day.

Somehow there was omission of one day in The Evening Times-Globe. In fact therefore there was only that one publication instead of two. But it did appear in The Telegraph Journal, the daily paper in Saint John.

And I would significantly request and move that the publication that has been presented by way of affidavit be deemed adequate for this purpose. If anything further is required, Mr. Chairman, we are obviously prepared to republish it or do whatever you require.

CHAIRMAN: Any of the other parties have any comments to make on that? Well, the Board has already -- prior was made aware of this. And we will grant the motion, Mr. Hashey. I don't see any prejudice resulting from that. What at law I guess would be covered by the slip rule. Anyway, so that motion is granted. All right on the dates.

I will entertain a motion now that any of the dates that were set forth in the original Board order and on the tentative schedule sheet that was handed out back at the conclusion of the -- as I recollect it, at the conclusion of the generic hearing that we held, be amended to reflect what is now on the Coleson Cove refurbishment schedule which we have been discussing here this morning and which I have marked up.

And I will have that as exhibit number 2. Does anybody want to move that?

MR. HASHEY: Thank you, Mr. Chairman. David Hashey. I would like to so move.

CHAIRMAN: Okay. Any parties have any comments on that?

All right. That motion as well is granted. And that will be exhibit number 2. Okay.

I'm going to skip to number 8 on the tentative agenda.

And we have put at the back of the room a letter to all the participants in the refurbishment hearings from the Board dated May 16, 2001. And it has to do with the marking of the exhibits, et cetera.

The Board would propose that we adopt the same kind of method of marking exhibits, et cetera unless the parties found it too cumbersome or have some suggestions to make.

And that is why I have handed that sheet out.

Any of the parties have any problems with the way we were marking exhibits there?

MR. HASHEY: David Hashey for NB Power. That is fine, Mr. Chairman. It seems to work.

CHAIRMAN: All right. I don't see any other Intervenor making any -- so we will adapt the markings. And of course the applicants -- excuse me, the Intervenors who are here and represented today were all represented in that generic hearing.

So we will just delete those who were -- the letter identifiers will be deleted for those parties who don't intervene in this one. And we will proceed using that same kind of setup.

The number 7 on the tentative agenda has to do with

confidentiality. And we are just anticipating things here. Because frankly it occurred in the generic hearing. And it may well occur in reference to this hearing.

There are two ways of proceeding. One is to argue points in advance and have the Board give a ruling in advance or attempt to in advance.

Or the second way is simply to go ahead, ask your questions and the applicant respond to them. And if it believes it deems it necessary to subject an answer to confidentiality restrictions, then we do have Motions Day.

And we can be very specific at that time and just argue on those points that arise at that time.

Frankly, my personal -- and I haven't talked to my fellow Commissioners about it -- my preference at this stage, but I'm open, is that we save the discussion of confidentiality to the specific question which the applicant -- or it could possibly be an Intervenor refuses to answer on the basis of confidentiality, and we deal with the arguments on Motions Day.

However I'm open to any of the parties having another preference. So if you do, let me know.

Mr. Hashey?

MR. HASHEY: Yes. Thank you, Mr. Chairman. I believe that would be the best way to deal with it. I think the parties through the preliminary and the generic hearing

process would be aware of the problems that could exist there.

And hopefully the interrogatories could avoid the items that they know that are a problem vis-a-vis confidentiality, and try to present their interrogatories, so we wouldn't have to get into that.

I think we understood, and I think you made some preliminary rulings last time. And I would expect we would sort of try to follow the same process.

But I agree. Let's wait and see if there is a problem. And then we can deal with it on Motions Day.

CHAIRMAN: Any other party have any -- all right. Then that is the way we will deal with confidentiality matters.

All right. We are now at 9. Any other matters -- have I forgotten anything, Mr. MacNutt?

MR. MACNUTT: Yes. One item, Mr. Chairman. On the Coleson Cove Refurbishment Schedule, we identified that there was an item added. And it was called "Preliminary documents placed in NB Power business offices" --

CHAIRMAN: Right.

MR. MACNUTT: -- "Tuesday, September 4th."

It was my understanding you were going to inquire exactly what those documents were?

CHAIRMAN: Thank you, Mr. MacNutt.

Mr. Hashey, you have heard what Mr. MacNutt has had to

say. Could you indicate to the hearing what those documents were that were filed? Are they just copies of the Board's order, et cetera? Is that all?

MR. HASHEY: They are the top four items, Mr. Chairman, in the schedule, application filed with PUB, filing memorandum filed with PUB, PUB order to NB Power, PUB notice to NB Power.

CHAIRMAN: Okay.

MR. HASHEY: It is those documents. That is all.

CHAIRMAN: All right. I see no need -- they are what launched the proceeding. We don't need to have those as exhibits.

If there are any of the Intervenors who don't have that or want to see them, why the Board of course has copies of it and the originals. And they can review them if they wish.

Okay. Any other matter that any Intervenors wish to bring? Mr. Stewart?

MR. STEWART: It is much as a request as anything, Mr. Chairman --

CHAIRMAN: I'm sorry. Would you pull the mike over there? Great.

MR. STEWART: I'm sorry. As much a request as anything. We have an unusual circumstance a little bit, where we have the deadline to intervene well after, you know, the

prehearing conference such as we have.

And normally one of the things we would do today would be to sort of crystallize the list of who is an Intervenor and who is not.

And I guess all I would just maybe request is that the Board circulate a list of all of the parties, formal parties or informal parties to the proceeding after that deadline expires, whenever it is now, on -- I guess it is the 19th of November.

CHAIRMAN: All right. We certainly will do that. And I just want to go on the record right now saying it is unusual. But we are adapting to the circumstances, et cetera.

And I want everyone to know that we will not look kindly on late interventions. And we will not extend the time if you are late in your intervention or you are on the last day of sending out your first set of interrogs.

In other words, the dates from there on in, that would be on Tuesday the 20th. And the last day for Intervenor registration is Monday the 19th. And I would also suggest that we have it Monday, November 19th at 12:00 noon.

And I will tell you why, is that Mrs. Legere has made a tentative booking for simultaneous translation for the hearing. If in fact somebody slips and doesn't put in their preference of language for the hearing when they

file that intervention, then Mrs. Legere is going to have to try to get in touch with them by telephone and ascertain that desire and then get back to the translators by the -- at the latest on the 21st. So we are in tight time right there.

So if somebody holds back until noon on the 19th, at 12:00 noon Monday to put in their Intervenor documentation, don't expect to get any more time in reference to when you put in your first set of interrogs.

I guess that's what I'm trying to say.

And Mrs. Legere will, Mr. Stewart, send around the coordinates as quickly as she can on the 20th.

Okay. Any other matters? Mr. Hyslop?

MR. HYSLOP: Yes. Thank you, Mr. Chairman. I wish only to bring to the Board's attention something that has come available since the generic hearings.

And this is a recent communique from the New Brunswick -- or three Canadian Premiers and the New England Governors, which is a Climate Change Action Plan.

This particular document sets goals for greenhouse gas emissions, two of which, one by 2010, reduces emissions to the 1990 level and one which by 2025 reduces greenhouse gas emissions 25 percent.

We wish only to ask the Board to take note of this. And perhaps in reflection on the decision in the generic

hearings, I would like to ensure that New Brunswick Power is aware of this document and that their evidence at the specific hearing on Coleson Cove has some comment in evidence dealing with this particular communique.

Thank you.

CHAIRMAN: All right. Mr. Hyslop, NB Power has certainly heard that. And I'm sure they are aware of it.

Go ahead, Mr. Hashey.

MR. HASHEY: I just would say that we would take that under consideration. I couldn't make any commitment. I personally haven't seen the document. I'm sure Mr. Little has.

MR. LITTLE: We are certainly aware of it, yes.

CHAIRMAN: Yes. Okay. Thank you. Any other matters?

MR. DALZELL: Mr. Chairman, it is Gordon Dalzell --

CHAIRMAN: Yes, Mr. Dalzell.

MR. DALZELL: -- Citizens Coalition for Clean Air.

These deliberations and processes for many public interest groups are new and not all that familiar with, you know, with the process and the formal nature of these important hearings.

And I'm just wondering if the Board might entertain some type of information session or learning inservice training session prior to these hearings to assist a public interest group to be more familiar with the process

and to use the process effectively, recognizing that it is a formal type of public process.

I'm thinking of the National Energy Board for example have communicated to us that they plan to come down to Saint John, for example, and have a inservice or workshop or information evening in respect to the international power line prior to the comprehensive study hearings later on.

And I'm just wondering if the Board, at the very minimum, might make available through itself or one of its staff, some people just to assist and to help, you know, a public interest group like ourselves, and perhaps there are others, to be able to participate and to enhance and support public participation in an effective manner.

CHAIRMAN: Mr. Dalzell, that as far as I'm concerned is an excellent idea. And you will notice that the Board staff that is normally at these hearings is not here today. That is because they are in Fredericton on the Market Design Committee.

But I will certainly speak with them when they come back and with Mr. MacNutt. I would count you in and perhaps Conservation Council. Would there be any other Intervenors who are present today that would like to see something like that, just so the Secretary can have the names? Union of New Brunswick Indians, Mr. Perley?

MR. CAMPBELL: City of Saint John.

CHAIRMAN: City of Saint John. I would be very pleased to do it for the City. Okay. We will be in touch with you all about that.

One logistical problem here is that we won't know who all the Intervenors are until the 19th of November. And that is really -- we would have to do this well in advance of that, or you would be finding out how to play the game halfway through it.

So we will be in touch. And I appreciate your comment and sharing that idea with us.

Any other matters? All right. Then --

MR. DALZELL: Excuse me, Mr. Chairman. Again --

CHAIRMAN: Yes, Mr. Dalzell?

MR. DALZELL: -- just another matter, just for the record.

I know we did raise this issue before. And of course it is a different process today.

But we for the record accept that it is difficult for us, for example, to bring witnesses or expertise to the process because of the lack of resources of course of a voluntary community-based group like ourselves.

And I'm just wondering if there is any changes or any initiatives or plans to assist community-based public interest groups in terms of Intervenor funding to assist in experts, et cetera being brought forward.

I'm thinking of course of the Canadian Environmental Assessment Act, which under certain conditions allows Intervenor funding. Is there anything new in that area that the Board would like to report?

CHAIRMAN: Mr. Dalzell, nothing has changed to the Board's knowledge. I know that there are amendments that will be made to the Public Utilities Act in probably the next session of the House, either in the fall or the spring.

But whether those amendments will include the Board's ability to award costs or not, I'm not privy to that. Maybe -- and this is unfair to Mr. Hyslop, and I'm sure. But I will ask him. Because he is here representing the Province.

Heard of anything, Mr. Hyslop?

MR. HYSLOP: I have not heard anything. But I have not made inquiries either, Mr. Chairman. So I don't know anything that would be of assistance.

CHAIRMAN: Okay. If we hear of anything, Mr. Dalzell, we will let you know. Okay.

Any other matters? If not we will stand adjourned to I guess Wednesday, December the 19th, unless there becomes a necessity to have a preliminary hearing or part of a hearing prior to that date.

Thank you very much.

(Adjourned)

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

Reporter