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New Brunswick Energy and Utilities Board
IN THE MATTER OF an application by Trius Inc., for an Order
allowing Trius to increase its rates on the Chipman-Minto-
Fredericton Commuter Bus Run

held at the Lakeview Inn & Suites, Fredericton, New Brunswick
on December 16th 2008.

Henneberry Reporting Service

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2 allowing Trius to increase its rates on the Chipman-Minto-
Fredericton Commuter Bus Run

3
4 held at the Lakeview Inn & Suites, Fredericton, New Brunswick
on December 16th 2008.

5 BEFORE: Cyril Johnston - Vice-Chairman
Connie Morrison - Member
6 Donald Barnett - Member

7 NB Energy and Utilities Board -
Board Counsel - Ms. Ellen Desmond
8 Board Staff - David Keenan

9
10 Board Secretary - Ms. Lorraine Légère

11

12 VICE-CHAIRMAN: Good morning, everyone. This is a hearing
13 of the New Brunswick Energy and Utilities Board. IN THE
14 MATTER of an application by Trius Inc., for an Order
15 allowing Trius to increase its rates on the Chipman-Minto-
16 Fredericton Commuter Bus Run.

17 The Panel this morning is Don Barnett, Connie Morrison
18 and I am Cyril Johnston, Vice-Chairman of the Board and I
19 will be chairing today's Panel.

20 Could we have appearances, please, on behalf of the
21 Applicant?

22 MR. HARRISON: My name is Robert Harrison.

23 VICE-CHAIRMAN: And who else from the company do you have
24 with you hear today, Mr. Harrison?

25 MR. HARRISON: Dave Lockhart.

1
2 VICE-CHAIRMAN: Dave Lockhart.

3 MR. HARRISON: And Cecilia White.

4 VICE-CHAIRMAN: Thank you, very much. Now I guess I know
5 who everyone else is. But we have just for the record,
6 can you identify yourself?

7 MS. PARADIS: Tammy Paradis from the Department of
8 Transportation, Policy Branch, Province of New Brunswick.

9 VICE-CHAIRMAN: Thank you, Ms. Paradis. And from Board
10 Staff?

11 MS. DESMOND: Ellen Desmond. And from Board Staff, David
12 Keenan.

13 VICE-CHAIRMAN: And I would note for the record that the
14 Board received no notices of intervention with respect to
15 this matter. And that there is no one present at the
16 hearing apart from the parties that have been identified
17 on the record, the court reporter and the Board Secretary.

18 I want to speak a little bit about the process that we
19 are going to go through today. And if you have any
20 questions at any time, please don't hesitate to speak up.

21 The first thing we are going to do is we are going to
22 mark the different exhibits that have been filed, the
23 application, the letter that was sent on Friday, and as
24 well as the affidavits with respect to notice, and any
25 other documents that you wish to have marked as exhibits,

1
2 we will mark those first.

3 After that you will have a chance to have one or all
4 of you sworn in as witnesses and have a chance on your own
5 to go through the presentation with respect to the
6 increase and the rationale behind it and the necessity for
7 it.

8 When you said what you would like to say, as much or
9 as little as that may be, Ms. Desmond, the Board Counsel
10 will have some questions to address. And following Ms.
11 Desmond's questions, the Panel may have some questions to
12 ask as well.

13 So that's the process that we will be going through
14 this morning. So we will start with the exhibits. Then
15 you will have a chance to speak to us, followed by
16 questions by Ms. Desmond and by the Panel. But again if
17 you have questions at any time about what we are doing
18 procedurally or whether we are going to get to something
19 later, please don't hesitate, just speak up.

20 Now Madam Secretary do we have -- what do we have in
21 terms of the documentation. We do have a list of
22 exhibits. Have you --

23 MS. LEGERE: We have the petition and the affidavit dated
24 October 21, you are looking for --

25 VICE-CHAIRMAN: Okay. So we have -- the first document we

1
2 are going to mark is exhibit 1, is the petition and
3 affidavit dated October 21st 2008 and the Board Secretary
4 has that.

5 The item that is listed as item 2 is an affidavit with
6 respect to proof of service to the Mayors of the
7 communities of Chipman and Minto. Do you have that with
8 you?

9 MR. HARRISON: Yes, we do.

10 VICE-CHAIRMAN: If you could provide that to the Board
11 Secretary, please. And so mark that as exhibit 2. The
12 proposed item, exhibit 3, is the affidavit of the posting
13 of the notice on the bus and on the Trius website. And do
14 you have a document to that effect? Those are altogether?

15 MR. HARRISON: Gave it all to you, yes.

16 VICE-CHAIRMAN: Are they separate documents?

17 MS. WHITE: Yes.

18 MR. HARRISON: Yes.

19 MS. LEGERE: They are separate documents.

20 VICE-CHAIRMAN: So they are separate documents. So we will
21 have as exhibit 3, the affidavit of the posting of the
22 notice on the bus and the Trius website.

23 I would point out, I believe that you have been
24 informed that a Panel of the Board did meet last Monday
25 and under the circumstances of the difficulties that you

1
2 had with the Grand Lake Mirror, we varied our previous
3 Order and pursuant to Section 62, we made the hearing go
4 ahead without the publication in the newspaper, because
5 just to simply restate the facts for the record what had
6 occurred is -- you had originally as Applicant been
7 directed to publish in the Grand Lake Mirror, and through
8 an error on the Mirror's behalf, it did make it in the
9 newspaper in time. But the other forms of publication,
10 posting on the bus, on the website and service on the
11 Mayors had taken place.

12 So a Panel of the Board met and decided that pursuant
13 to our authority under Section 62 of the EUB Act, that we
14 would amend that Order and permit the hearing to go ahead.

15 The next item that I would propose to mark for
16 identification would be the letter with attachments dated
17 December 12th. Do you have the original of that? So
18 that is a letter dated December 12th from Trius to the
19 Board with two pages of attachments.

20 MR. HARRISON: Correct.

21 VICE-CHAIRMAN: Are there any other documents that you
22 intend to rely on at the hearing or that we should be
23 considering as entering them for exhibits?

24 MR. HARRISON: No, not at this time.

25 VICE-CHAIRMAN: Madame Secretary are there any other

1
2 exhibits, documents that you are aware of that we might
3 wish to --

4 MS. LEGERE: None.

5 VICE-CHAIRMAN: Mr. Harrison, who is -- are all three of you
6 going to speak today or just one of you or do you have a
7 plan who intends to give evidence on behalf of the
8 company?

9 MR. HARRISON: Well I intend to give most of the evidence.
10 Depending on the nature of the question if it relates to
11 operations, personnel, Mr. Lockhart can respond to those.
12 Cecilia White can deal with any of the administrative
13 issues related to the -- getting the information together
14 for the Board.

15 VICE-CHAIRMAN: Well what I am going to propose, if it is
16 acceptable to you, is that we often hear panels of
17 witnesses here at the Board. So I would propose to swear
18 in all three of you.

19 MR. HARRISON: Sure.

20 VICE-CHAIRMAN: And then you can give your presentation,
21 which will be testimony under oath and then if your
22 colleagues have things they want to add, and then Ms.
23 Desmond will ask questions, and whichever of you is the
24 most appropriate can respond. Would that work all right?

25 MR. HARRISON: Yes.

1
2 VICE-CHAIRMAN: So, Ms. Desmond, if you could swear in each
3 of the panellists, please -- or swear in the Panel.

4 (Robert Harrison, David Lockhart, Cecilia White - sworn)

5 VICE-CHAIRMAN: Mr. Harrison, if you -- I don't know if you
6 have something planned or if you have some comments that
7 you would like to make to the Board -- I will say at the
8 end of the day, you will have a chance to make some
9 submissions as well, but this will be your chance to sort
10 of testify and, you know, give us any facts that you think
11 we need to know to make our decision.

12 MR. HARRISON: I do not have anything planned. Again I am
13 not familiar with the process.

14 VICE-CHAIRMAN: No, that's fine. We do -- I will say this
15 to all of you is we very much understand that this is a
16 learning curve for everyone. And this is why we are very
17 open to any questions you have at any time. And we are
18 going to try and proceed as informally as is appropriate.
19 And we hope that this will be a good learning experience
20 for everyone.

21 MR. HARRISON: Well as we have outlined in our petition, we
22 have experienced some cost increases in this bus run. We
23 have outlined the increase in the fuel, which I think we
24 are all quite familiar with. Of course, the fuel increase
25 that we have experienced in the last year has somewhat

1
2 gone the other way. And so we do have some questions
3 concerning that. Of course, our application is based on -
4 - one of the areas is the fuel. And our concern of course
5 now is the fuel has gone down. And how we properly react
6 to the increases and decreases in fuel -- our concern, of
7 course, is with the fuel being down now that our
8 individuals that are taking this commuter run, once the
9 winter season is gone and the driving issues have left us,
10 if fuel continues to be down, they may decide to use their
11 own vehicles. It becomes a little bit and whatnot.

12 So although, you know, we are dealing with some past
13 issue with the increase in fuel, we would be curious as to
14 whether they are any mechanisms to deal with the
15 fluctuations in fuel. Whether it is for a fuel surcharge,
16 as opposed to the base rate, and that kind of thing. And,
17 of course, if the fuel continues to go down, you know,
18 maybe our justification for an increase in the rate is no
19 longer applicable and cannot be deferred when the fuel
20 goes back up.

21 So that's some comments on one of our areas. Of
22 course, the other area is insurance rates. I mean
23 insurance rates have gone up within the past number of
24 years. As you can see in the financial information that I
25 have provided, they have somewhat stabilized. Our

1
2 insurance runs from November 30th to November 30th policy
3 year. We already know what our rates are going to be for
4 2009. There is not a significant increase expected in
5 2009 over 2008. But, of course, it has gone up in the
6 prior years.

7 And the other area that we were dealing with was the
8 actual bus that we are using for this particular run. We
9 replaced the bus in September 2007 with a brand new bus.
10 We expect that bus to last somewhere in the vicinity of
11 eight to 10 years. But, of course, the cost related to
12 that bus with principal payments and financing costs are
13 certainly much higher than they were with the unit that we
14 have replaced it with when it reached the end of its
15 useful life. So, of course, that becomes a non -- knowing
16 issue at this point in time.

17 That I guess concludes some of the -- the three major
18 areas that we are concerned about on this run. I guess I
19 am open to questions.

20 VICE-CHAIRMAN: All right. So the Board Counsel will ask
21 you some questions now. And then may have some questions
22 from the Panel later on. But one point I would stress is
23 that if you think of something later on that you would
24 like to mention and nobody asks a question about it, don't
25 hesitate. I mean we are here to hear as much as we can.

1
2 MR. HARRISON: Thank you.

3 BY MS. DESMOND:

4 Q.1 - Perhaps, can I ask you to just identify what your roles
5 are at Trius or with Trius Inc.?

6 MR. HARRISON: I am the Comptroller of the company.

7 MR. LOCKHART: And I am the General Manager for Bus
8 Division, mostly charters and the school bus charter
9 operations.

10 MS. WHITE: And I am executive assistant to Gordon Wheaton,
11 who is the owner of the company.

12 Q.2 - Thank you. I am just interested in what your operations
13 are generally about. I know that this is -- I think from
14 the information you have filed is a very small piece of
15 what Trius does overall?

16 MR. HARRISON: Yes.

17 Q.3 - Can you speak just generally to what the operations of
18 Trius are?

19 MR. HARRISON: Certainly. Trius is in a nutshell deemed to
20 be a transportation company. It has a number of
21 divisions. One of the divisions is S.A. Deliveries, a
22 local courier company. Second division is the Bus Charter
23 Division, which has a number of charter buses and a number
24 of school bus conveyance (inaudible).

25 We deem the Chipman run to be another division. We

1
2 have a garage that repairs not only our fleet of buses and
3 S.A. Delivery vehicles, but it will also prepare third
4 party vehicles, fleets and individuals.

5 We have a fuel division which sells gasoline and
6 diesel. Again not only to our own internal fleets and
7 affiliated fleets, but to third parties. And the other
8 division becomes what we deemed to be our administrative
9 division which the accounting staff, the administrative
10 staff, the president of the company are all paid through
11 Trius Inc., but we will do work for our internal divisions
12 that we have just discussed, but we also have a number of
13 affiliated companies, one of which is Trius Disposal,
14 which is a garbage disposal business. It does not have
15 any administrative staff, accounting staff, that kind of
16 thing. We do it through administrative services.

17 We also have a company called Trius Leasing, which is
18 another separate company. The same situation there. We
19 do administrative work for them, accounting and payroll,
20 et cetera, et cetera. And I believe that's everything. I
21 sometimes --

22 Q.4 - And I believe your evidence suggests that this
23 particular line run is a very small piece of that overall
24 operation?

25 MR. HARRISON: Correct. Yes.

1
2 Q.5 - Just 1 -- approximately 1 percent --

3 MR. HARRISON: Approximately 1 percent of gross revenues,
4 that's correct.

5 Q.6 - How long has Trius Inc. actually been in operation?

6 MR. HARRISON: 35 years.

7 Q.7 - And how long has this particular line run service been
8 offered?

9 MR. HARRISON: I would have to get back to you on that. I
10 am not entirely sure how long.

11 Q.8 - I don't think it is critical, but I -- when I looked at
12 the file, I think it has been quite awhile that this --

13 MR. HARRISON: I have been with the company eight years and
14 it was -- it was there when I started so at least eight.

15 Q.9 - For a number of years?

16 MR. HARRISON: Yes.

17 Q.10 - Can you provide this service in some level of detail
18 for the Panel in terms of the runs that operate and from
19 where they are dispatched and how the vehicle is used?

20 MR. HARRISON: This particular run?

21 Q.11 - Yes.

22 MR. HARRISON: Yes. Well the run originates in the morning
23 in Chipman. The driver of the bus resides in Chipman and
24 the bus stays there overnight. He picks up passengers in
25 Chipman, will pick up passengers in Minto, and picks up

1
2 one passenger in Noonan, and drives the bus into -- I
3 believe there is a stop-off at Centennial Building. There
4 is a drop-off at the Forestry Complex. He then brings the
5 bus to the Trius location on 70 Trius Drive. And he then
6 basically repeats in the evening, picks up the bus and
7 drives it back to the Forestry Complex, Centennial
8 Building and basically back to Chipman where he leaves the
9 bus overnight to begin the run the next day.

10 Q.12 - Is it always the same vehicle that is used?

11 MR. HARRISON: Generally it is always the same vehicle that
12 is used unless the bus is down for maintenance that can't
13 be completed during the day, we will use one of our
14 additional units. That is I guess a rare occurrence.

15 Q.13 - What happens during the day to that particular vehicle,
16 does it just rest at the depot or is it used for other
17 activities?

18 MR. HARRISON: Generally, but Dave, you might be able to
19 comment on that.

20 MR. LOCKHART: Generally, I would say 95 percent of the time
21 at least it would remain at the facility unless it is in
22 for maintenance. It may occasionally be used for a school
23 charter or something like that, too, if we are short a
24 bus, but generally it is applied just to that run.

25 Q.14 - And did I understand you to say that this was a newly

1
2 purchased vehicle or it is leased?

3 MR. HARRISON: No, it is purchased.

4 Q.15 - And how large a vehicle is it? How many seats would
5 you have?

6 MR. LOCKHART: 46.

7 MR. HARRISON: 46.

8 Q.16 - 46. Okay. And the cost of the new vehicle?

9 MR. HARRISON: The cost of the vehicle was approximately
10 \$126,873, approximately. I will omit the pennies.

11 Q.17 - And your estimated impact monthly on your operations,
12 the increase in costs?

13 MR. HARRISON: On this particular unit?

14 Q.18 - Yes. As a result of the new vehicle?

15 MR. HARRISON: Well the principal and interest payments on
16 the unit amounts to \$2,254 a month.

17 VICE-CHAIRMAN: Mr. Harrison, we are having a little bit of
18 interference over our coffee machine here. If you could
19 just repeat that?

20 MR. HARRISON: Yes. The principal and interest cost on this
21 unit on a monthly basis is \$2,254 per month.

22 Q.19 - And what would it have been using the old vehicle? I
23 guess just wondering what the difference is --

24 MR. HARRISON: The old vehicle would have been fully paid
25 for in the latter two to three years of its life. So

1
2 prior to September of 2007 when they purchased this unit,
3 the cost would have been -- out-of-pocket costs would have
4 been nil, other than ongoing maintenance, of course.

5 Q.20 - Just by way of interest are all of your vehicles owned
6 or do you lease some other vehicles?

7 MR. HARRISON: Most of our vehicles -- all of our vehicles
8 are owned, yes.

9 Q.21 - What would the daily ridership be on this particular
10 run?

11 MR. HARRISON: The ridership will fluctuate a little bit.
12 In the winter months it is certainly higher. For the
13 month of -- let me check my notes here. In December of
14 2008 this year -- sorry, November of 2008, the ridership
15 was 45 individuals. In the summertime, it was -- it will
16 reduce because of individuals taking holidays or taking
17 their own vehicle, but it will go down to into that forty
18 range approximately.

19 Q.22 - And do you have a fairly -- sort of set clientele?
20 Does that change very often?

21 MR. HARRISON: It is fairly set, yes.

22 Q.23 - And can you give a breakdown in terms of where
23 passengers are getting on the vehicle?

24 MR. HARRISON: Certainly. As of November 2008, 17 were
25 coming from Chipman. 27 from Minto. And one from Noonan.

1
2 For a total of 45.

3 Q.24 - Now in your affidavit, your original petition, you give
4 I think at paragraph 4 the reasons for your expected
5 increase in costs?

6 MR. HARRISON: Yes.

7 Q.25 - Maybe we could just identify or talk about each of
8 those. The first being, of course, the increased cost to
9 your fuel. And I think you did identify this as a
10 concern. What would the fuel costs have been at the time
11 you made your application perhaps on a monthly basis? So
12 this was back in October when the application was filed.
13 So do you have a sense of what your monthly fuel cost
14 would have been at that time?

15 MR. HARRISON: The monthly cost in October would have been
16 approximately a thousand dollars per month.

17 Q.26 - And what would it have been now perhaps in the last
18 month?

19 MR. HARRISON: It has dropped to probably somewhere in the
20 vicinity of 800 to \$850 per month.

21 Q.27 - And can I ask what type of fuel is actually used for
22 this vehicle?

23 MR. HARRISON: Diesel.

24 Q.28 - Diesel. Okay. And how much fuel would it -- would you
25 use I guess maybe per year? How many liters would you

1
2 consume?

3 MR. HARRISON: Approximately 11,000 liters per year.

4 Q.29 - Now when you did your projected costs for '09, what
5 figure were you using in terms of prospected costs going
6 forward?

7 MR. HARRISON: I was using a \$1.07 per liter cost.

8 Q.30 - And how did you come to that figure?

9 MR. HARRISON: It was the same as 2008.

10 Q.31 - Was that an average?

11 MR. HARRISON: It's an average, yes, of the highest and
12 lowest.

13 Q.32 - And when you say for 2008, of course, we are now -- is
14 that for November to November?

15 MR. HARRISON: January to November.

16 Q.33 - And that was the average for that particular 11 month
17 period?

18 MR. HARRISON: Correct.

19 Q.34 - Can you indicate where Trius gets its fuel to run its
20 fleet? And in particular do you buy it at a rack price

21 MR. HARRISON: Yes. We purchase fuel -- as I mentioned
22 earlier, we have a division, which is a fuel division
23 where we purchase fuel from either Irving and/or Esso that
24 we sell to the general public. Our price generally is two
25 to three cents lower than what's deemed to be the street

price I guess.

Q.35 - Wholesale price or retail?

MR. HARRISON: Well it's a retail price that should anyone wish to purchase fuel in this room could get. It's a no - it's a no frills operation I guess is what I am trying to say. If it's raining out, you are going to get wet I am afraid when you are pumping your fuel.

Q.36 - When you are buying it from the rack I guess what would your average cost be per liter? And how does that vary from perhaps the wholesale price?

MR. HARRISON: That's a good question. I am not sure what the differences between the rack and the wholesale price. I know that -- I mean our price -- I believe our price is a wholesale price and then we mark it up accordingly. And we still manage to make a little bit of money by selling it a couple of cents less than the street price.

Q.37 - In your view is the cost of fuel still a relevant consideration?

MR. HARRISON: Yes. Although fuel is down today, I mean it went up quite dramatically over the last number of years. It has come down fairly dramatically in the last month or so. But it is just -- it is an unknown.

Q.38 - I meant to ask you earlier, in terms of the use of the vehicle, is it used on weekends by chance?

1 MR. HARRISON: Dave --

2 MR. LOCKHART: Occasional, yes. Again, yes, occasionally if
3 we are short buses, if it is extremely busy, we may have a
4 charter that may go to Moncton or Halifax.
5

6 Q.39 - Okay. The other item I think that you have identified
7 in your affidavit is the increased costs in insurance?

8 MR. HARRISON: Correct.

9 Q.40 - And in paragraph 4 of your application, you talk about
10 a monthly increase of \$55 I guess per month?

11 MR. HARRISON: Mmmm.

12 Q.41 - But yet in the newest material that was filed, there is
13 a significant jump between 2007 and 2008, about a thousand
14 dollar increase in insurance. Can you speak to those
15 different calculations, why one would show approximately a
16 hundred dollars a month versus the 55 that you have
17 identified in your affidavit?

18 MR. HARRISON: The insurance component of this particular
19 division, of course, the insurance for the individual unit
20 is a fixed amount from our insurance company. All our
21 buses are rated. And we end up with a unit by unit
22 premium per bus. So that is one component of the
23 insurance.

24 The second component of the insurance relates to
25 excess liability, increasing the insurance coverage to \$8

1
2 million. That is a flat rated amount. In 2000' -- the
3 policy year ending, November of 2008 -- November 30th
4 2008, the premium was \$19,000. And for 2009, the premium
5 was \$20,000. What we have done is taken the number of
6 units we have in our fleet and divided the annual premium
7 of 20,000 and \$19,000 divided by the number of units. So
8 when these numbers were prepared, there was an adjustment
9 made I guess in that -- when we did a recount of the units
10 we ended up with I believe 17 units divided by the premium
11 amount, so it adjusted the amount of the insurance, the
12 interest, the amount of the insurance.

13 Q.42 - Just in terms of the times that are shown on your
14 latest document, which I think is marked as number 4 for
15 identification, you have got a number of entries under
16 expenses?

17 MR. HARRISON: Yes.

18 Q.43 - Can you confirm that these expenses relate exclusively
19 to the Chipman line run?

20 MR. HARRISON: Yes.

21 Q.44 - So salaries, benefits --

22 MR. HARRISON: Yes.

23 Q.45 - -- that's strictly for the cost of having that one
24 driver?

25 MR. HARRISON: Salaries and the benefits, that one driver,

1
2 that's correct.

3 Q.46 - The same thing with maintenance and fuel costs?

4 MR. HARRISON: That's correct.

5 Q.47 - And all of the other items that are there?

6 MR. HARRISON: Yes.

7 Q.48 - The same thing with administration, even though that's
8 shared?

9 MR. HARRISON: Administration is a number that, of course,
10 is -- we review our administrative department and allocate
11 the costs on an annual basis. And so it's an estimate of
12 for instance the amount of time that I may spend, the
13 payroll department would spend, the individual who looks
14 after the deposits administrative-wise and the president
15 of the company, we would do an allocation of their time,
16 compared to the other divisions, and then look at our
17 administrative costs and pro-rate them.

18 Q.49 - The interest and amortization has increased
19 significantly as you indicated. Is that strictly because
20 of the purchase of the new vehicle?

21 MR. HARRISON: Correct. Yes.

22 Q.50 - Nothing else built into those entries?

23 MR. HARRISON: No, it is just the interest that we pay to --
24 I believe it is G.E. Capital, that finances this bus.

25 Q.51 - In your original petition, you suggest that your fares

1
2 have been structured such to favour the Chipman and Minto
3 passengers. But interestingly enough, of course, the
4 passenger that would get on at Noonan is much closer to
5 the Fredericton region?

6 MR. HARRISON: Right.

7 Q.52 - Do you think that that fare structure would in some way
8 discourage travel for Noonan passengers?

9 MR. HARRISON: I suppose that's possible. But we would have
10 -- I guess we would also have an issue -- I don't -- where
11 it is a 46 passenger bus, we don't have too many seats by
12 the time we get to Noonan anyways.

13 Q.53 - Is that the only rate structure that you had examined
14 in any detail in terms of sort of trying to attract
15 customers from all areas on that line run? I am just
16 wondering if you had looked at any other proposals in
17 terms of how to spread out the costs that you are -- the
18 increased costs that you are experiencing?

19 MR. HARRISON: No. I mean that's all we looked at, yes.

20 Q.54 - I am wondering if Trius has examined the possibility of
21 any subsidies for the purchase of new vehicles? And the
22 reason I ask that question is because we have had a recent
23 application from Saint John Transit and I believe they had
24 accessed federal funding for the purchase of a new vehicle
25 to provide service to outlying communities. And I am just

1
2 wondering if that is something Trius Inc. has examined or
3 looked at in terms of possible funding?

4 MR. HARRISON: No, we haven't -- we have not explored that,
5 although that's maybe something we should be looking at in
6 the future.

7 Q.55 - Okay. Now as you are aware there was a request or a
8 suggestion that maybe additional financial information
9 could be provided to the Board. Were there any other
10 financial documents that were available that you thought
11 maybe could have been provided to the Board? I know there
12 were already a list of items that were suggested as --
13 that could be helpful. Were those items available?

14 MR. HARRISON: I believe in the letter, you know, mainly
15 referring to audited statements I believe.

16 Q.56 - Yes.

17 MR. HARRISON: Audited balance sheets, audited statements,
18 of course. Where this division only accounts for
19 approximately 1 percent of the overall operation, we did
20 not feel that the audited statements would provide any
21 additional information to the Board.

22 Now, I suppose further to that question, I mean we
23 could speak to our auditors to see if they could provide
24 an audited income statement related to this division. I
25 am not sure what the cost would be, but it is something

1
2 that we could explore.

3 Q.57 - With a number of companies operating I guess there is
4 always that risk of cross subsidization. And can you
5 confirm for the Board that this line doesn't subsidize
6 your other operations and vice versa that other lines
7 aren't subsidizing the Trius, Chipman line?

8 MR. HARRISON: I think -- to the best of our ability, we try
9 to ensure that the divisions are reported, for lack of a
10 better term, stand alone. Of course, there are going to
11 be some issues where there could be some cross subsidy
12 issues. But I think in this particular run, they end up
13 working both ways. Although the bus, as we refer to, may
14 be used for a day trip here and there or a weekend trip,
15 the revenues and the expenses related to those particular
16 trips are not accounted for in this division.

17 Vice versa, I guess, if this bus happens to be down
18 for a particular reason due to maintenance issues or that
19 kind of thing, we will -- we are able to use another unit
20 for our existing fleet. And again we don't deal with any
21 rentals, back and forth on there. So I think the give and
22 take kind of evens out at the end of the day.

23 Q.58 - And I understood from the evidence of Mr. Lockhart that
24 that happens very infrequently?

25 MR. HARRISON: That's correct.

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2 MS. DESMOND: If I might just have a moment, Mr. Chair?

3 VICE-CHAIRMAN: Absolutely. Do you want to take a little
4 break, Ms. Desmond?

5 MS. DESMOND: No. I think we will just --

6 Q.59 - Now your application was filed, of course, in October.

7 When would you anticipate having the new rates in effect
8 and how would you -- or I guess what have you advised your
9 clients in terms of when they might become effective?

10 MR. HARRISON: I believe the clients are asking the
11 question, because of course they have seen the notices and
12 whatnot and are our rates going to go up? The driver was
13 in actually asking whether the rates were going up January
14 1st. And of course we couldn't answer that question,
15 because we weren't sure.

16 But based on my previous comments, of course, we would
17 like the rates to increase, but given the change in the
18 fuel costs, we are somewhat concerned about raising rates
19 at this point in time.

20 MR. BARNETT: Sorry. I didn't hear that. Concerned about -

21 -

22 MR. HARRISON: We are concerned about raising the rates.

23 You have to -- we would like to be able to revisit it,
24 because we are concerned that if these rates do go up that
25 -- and the fuel prices continue to stay low as they are,

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2 we may have -- end up losing commuters. And the run at
3 best is breaking even now. If we lose any more commuters,
4 it's going to get worse.

5 I guess what we are trying to ask for maybe is maybe
6 some flexibility. I am not sure whether that is part of
7 the process or not. If you agree to this rate increase,
8 do we have to raise it January 1st or February 1st,
9 whatever the Order may say? Do we have some flexibility
10 in saying well we have up until June 1st to raise the
11 rates? And do we have to raise the rates as much as we
12 have asked for?

13 Q.60 - Given that you have indicated that a substantial
14 portion of your increased costs relate to the purchase of
15 the new vehicle, how would you -- what percentage of the
16 rates -- how does that reflect in your rates? What
17 portion would you attribute to the cost and what portion
18 would you attribute to the purchase of the vehicle?

19 MR. HARRISON: Well it looks like based on the numbers that
20 the increase related to the purchase of the new unit,
21 amounts to at this point in time somewhere in the vicinity
22 of I guess 50 percent of our increased costs
23 approximately.

24 So I guess it follows that I suppose 50 percent of the
25 increase relates to that.

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2 MS. DESMOND: Those are all of our questions. Thank you,
3 Mr. Chair.

4 VICE-CHAIRMAN: Questions from the Panel? Ms. Morrison, do
5 you have any questions?

6 MS. MORRISON: No, I do not.

7 VICE-CHAIRMAN: Mr. Barnett?

8 MR. BARNETT: Yes, Mr. Chairman.

9 BY MR. BARNETT:

10 Q.61 - These high prices this past summer, you didn't see
11 any -- your ridership is fairly static then I gather, you
12 didn't see any increase, you can't really handle any more
13 passengers on the bus?

14 MR. HARRISON: Ridership has increased somewhat over 2007,
15 yes. It has increased --

16 Q.62 - Give me an idea, 10 percent? Is it --

17 MR. HARRISON: Well it's gone up -- well dollar a balance
18 has gone up \$10,000. So an increase is somewhere in the
19 vicinity I suppose of 10 percent, yes, approximately.

20 Q.63 - Have you had any feedback from existing passengers? I
21 think you mentioned that they are asking when it would
22 come into effect. Any negative feedback? Nobody likes
23 increases or is that --

24 MR. HARRISON: I haven't heard of any, but maybe Dave can
25 respond.

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2 MR. LOCKHART: I believe that from what we understand from
3 the driver that they are expecting an increase. And
4 certainly did during the high fuel prices, they were
5 expecting an increase at that time.

6 Q.64 - And there might be some negative reaction is what you
7 are saying if in fact prices go up based on everybody is
8 looking at fuel prices as they are today in that regard.

9 Establishment of existing rates, what we are looking
10 at today, the incremental costs, the new rates, when were
11 the existing rates established? How long have they been
12 in effect?

13 MR. HARRISON: My understanding the rates have been in place
14 three years approximately. We have had --

15 Q.65 - So they have been during -- I think I heard said during
16 your tenure, you have been there eight years, there have
17 been adjustments in the rates during your -- determined in
18 your office?

19 MR. HARRISON: Yes, that's correct.

20 Q.66 - I guess the only point, I was curious, there are I
21 believe benefits of a bus service from the Chipman, Minto
22 area coming into Fredericton on a regular basis from an
23 environmental perspective. Have you looked at that in
24 convincing your passengers that it is much better to
25 travel by bus from an emissions point of view than it is

1
2 to travel with like come in individually with 40 different
3 cars type of deal or even came two in a car. Have you
4 looked at that as a way of encouraging people to use this
5 service?

6 MR. HARRISON: Well I can't answer. I am not sure. I can't
7 answer that question.

8 Q.67 - It is not something --

9 MR. HARRISON: It is not something we promote I guess.

10 MR. LOCKHART: We haven't promoted it I guess because we are
11 generally -- you know, certainly this time of year our
12 regular customers are filling the bus. We have a 46
13 passenger bus and the regular run is running around 45 I
14 guess. We did have a potential during that crisis with
15 the fuel of possibly adding three or four, but we didn't
16 have a bus large enough to actually handle it.

17 Q.68 - With the fuel prices the way they are, and I understand
18 you are talking about flexibility in terms of the fuel
19 price and what you do with that, and you indicated I
20 believe that the fuel price had switched from a thousand
21 dollars a month down to \$850 a month approximately --

22 MR. HARRISON: Yes.

23 Q.69 - -- in today's fuel price in that regard?

24 MR. HARRISON: Correct.

25 Q.70 - What -- if there were flexibility in there, what impact

1
2 would it be on your application based upon say \$850 a
3 month as a -- you know, is it a dollar difference or can
4 you cast on any light?

5 MR. HARRISON: Well I think what we would like to be able to
6 do is if we could fix the rates based on a fuel price at
7 that particular point in time. So if you come to a
8 conclusion to say that the rates will be X dollars per
9 month based on a fuel being a dollar per liter let's say
10 and then we would have an escalation of the rate of fuel
11 surcharge or whatever terminology you want to use based on
12 the plus or minus from that dollar base. So if the prices
13 went up to 1.10, the ten cents, of course, we would have
14 to do the math to determine what the rate increase would
15 be, but I guess it would be determined from there and it
16 would be made clear to the individuals that this is the
17 way we are going to structure the rates on a given month
18 based on the fuel price set -- some set point in time
19 whether it is the end of the month, the middle of the
20 month or something like that, and the amount of notice we
21 would have to give them.

22 Q.71 - So you see one possibility and I am not saying it is
23 the way the Board will go, but that set and upset price
24 and say this is the maximum price --

25 MR. HARRISON: Yes.

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Q.72 - -- and then you would adjust it down based on some formula related to fuel -- fuel costs?

MR. HARRISON: That would be -- yes, that would one alternative, yes.

Q.73 - Do you have any other alternatives?

MR. HARRISON: Well, I guess -- I guess maybe -- you are trying to determine the maximum price, so of course when you speak to the upset price, that is as high as the price could go. And when the fuel continues to go up, over and above that upset price, then I guess we would have to appear before the Board again.

Q.74 - Yes.

MR. HARRISON: But, yes, that's correct, we would have -- you could set an upset price and then we would adjust it downward or upward up to that, yes.

Q.75 - Yes. I guess what I was looking at, as I say, this is just something for discussion, if you had a price then you would not have to come back to the Board -- you wouldn't have to come back to the Board as long as you didn't exceed a certain threshold in that regard?

MR. HARRISON: Yes.

Q.76 - But if you did exceed that threshold pricing, you would come back to the Board for an increase over and above that upset price?

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2 MR. HARRISON: Right. Understood, yes.

3 MR. BARNETT: Mr. Chairman, those are my questions.

4 VICE-CHAIRMAN: Thank you very much, Mr. Barnett.

5 BY VICE-CHAIRMAN:

6 Q.77 - I would just like to refer you to what I guess is now
7 exhibit 4. In the statement of divisional operations, the
8 revenue has increased from 74,000 to 84,000, is that
9 largely because or entirely because of increased
10 ridership?

11 MR. HARRISON: It would be increased ridership. There would
12 also be the factor of when the HST dropped from 14 percent
13 to 13 percent, we did not change our base rate. We were
14 charging -- charging a hundred dollars --

15 Q.78 - Sure.

16 MR. HARRISON: -- charge a hundred dollars, but the extra
17 because the rate went down by 1 percent, we picked up that
18 difference.

19 Q.79 - So the monthly pass rates that you are using now and
20 that you are proposing, those are inclusive of tax?

21 MR. HARRISON: Correct. Yes.

22 Q.80 - And so that -- so part of this increase is the
23 reduction in tax in your share increase, and the other
24 portion is the -- okay --

25 MR. HARRISON: It wouldn't be significant, but there is a

1
2 small portion I guess.

3 Q.81 - Right. Right. What is the breakdown approximately
4 between methods of payment as between monthly pass holders
5 and other types of fare purchases?

6 MR. HARRISON: 90 percent of them will buy the monthly pass.
7 There is -- in my analysis, there seems to have been maybe
8 one -- I don't know if it's the same passenger -- it can't
9 be the same passenger, but paying a daily rate. There is
10 always one per day, sometimes two. And then there is a
11 number of weekly ones. But the bulk is monthly pass
12 holder.

13 Q.82 - In your testimony earlier you talked about the fact
14 that on rare occasions other buses would be used to
15 substitute for this bus if it was being repaired and
16 couldn't be put into operation. And equally on rare
17 occasions when your other operations required it this bus
18 would be used for a school charter or a weekend charter?

19 MR. HARRISON: Right.

20 Q.83 - And I just want to be very precise about this and I
21 might even address my question specifically to Mr.
22 Lockhart. The evidence is that these more or less even
23 out, Mr. Lockhart, is that -- that's the evidence that you
24 have is that the number of times this would be used for
25 another service is probably pretty close to the number of

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2 times that it would be out of service and that it would be
3 replaced by something -- another bus in the fleet

4 MR. LOCKHART: I would say so, yes. Because -- well for
5 example, we -- there was a small accident with that bus
6 here back in September and we used another bus for a week
7 or 10 days while that one was being repaired. So those
8 costs didn't come under the charter division to cover the
9 costs of that other bus going. Quite often you could have
10 -- and that's the thing with these buses anything could
11 happen. We could blow an engine, for example, anything,
12 and so another bus from our fleet would be utilized during
13 that period.

14 The number of charters it has been on are very few
15 actually, because generally charters will go out usually
16 Fridays, if there -- if it is a long weekend, they usually
17 go out Friday, Saturday, Sunday. This bus is being used
18 on Friday.

19 Q.84 - And again just to be clear, when -- there are no
20 charges coming from the other divisions when this bus is
21 out of service?

22 MR. HARRISON: No.

23 Q.85 - Are there multiple pick-up points in Chipman and Minto
24 or just one? Or is it an informal -- more informal than
25 that?

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2 MR. HARRISON: We would have to get back to you on that. I
3 am not -- that's --

4 Q.86 - Okay. But there is not -- you know, I mean it's not
5 sort of a gas station or something specific that you know
6 of right now that is where you go to get the bus?

7 MR. HARRISON: My understanding would be informal, but we
8 would have to get back to you on that. I don't know if
9 there is one pick-up point.

10 VICE-CHAIRMAN: I don't think it is essential. As Mr.
11 Barnett had his discussions with you, we will have to look
12 into what our options are under the governing legislation,
13 you know, regarding any kind of flexibility. Under some
14 of the other acts that we regulate, for example, the
15 distribution of natural gas, there the pricing is
16 extremely complicated, but they do have a cap, and they
17 can move within that cap upon sort of a simple written
18 application to the Board. We will look into that whether
19 mechanisms like that are available under the legislation
20 that governs this application. But those are my questions
21 for now.

22 Do you have any closing comments that you have --
23 that you would like to make? You have covered I think
24 most of the area. Mr. Barnett has one.

25 MR. BARNETT: There is just one last question I forgot to

1
2 ask. In terms of the amortization with this new bus, what
3 is the amortization period for the bus?

4 MR. HARRISON: We are using 30 percent declining balance.

5 MR. BARNETT: Declining balance. Thank you.

6 VICE-CHAIRMAN: So do you have any more -- any final
7 comments you would like to make? I think you have
8 covered most things, but if there is anything else you
9 would like to say now is your chance.

10 MR. HARRISON: No, I think that is everything. Thank you
11 very much for the opportunity.

12 VICE-CHAIRMAN: Well, no, I thank you very much for the
13 presentation you have made. Oh, you know what, I do have
14 another question. I knew I forgot something.

15 The documents here, the statement of divisional
16 operations, is that something that is prepared on a
17 regular basis or was that prepared only for the purpose of
18 these hearings?

19 MR. HARRISON: It is prepared on a monthly basis.

20 VICE-CHAIRMAN: On a monthly basis. So this is prepared --
21 so this statement of divisional operations, this is
22 something you use internally?

23 MR. HARRISON: Correct.

24 VICE-CHAIRMAN: It wasn't just prepared for submission to
25 us?

1
2 MR. HARRISON: No.

3 VICE-CHAIRMAN: Okay. Thank you. I thank you very much for
4 your presentation. We recognize that this is a challenge
5 for companies like yours to deal with these kind of
6 hearings and we hope that this has been educational in
7 terms of what kind of information the Board is looking for
8 going forward and we thank you.

9 Ms. Paradis, did you want to participate or are you
10 here as an observer?

11 MS. PARADIS: Just as an observer.

12 VICE-CHAIRMAN: Thank you. Ms. Desmond, any final comments
13 from Board Counsel or Staff?

14 MS. DESMOND: Nothing further, thank you.

15 VICE-CHAIRMAN: Thank you. Well, I would like to thank you
16 for coming and for your participation. Please feel free
17 to contact us at any time. We are going to reserve
18 decision and think about it, because in part we need to
19 study some of the issues that you have raised here today.

20 MR. HARRISON: Sure.

21 VICE-CHAIRMAN: We will have a decision to you we hope very
22 soon. But it is not going to be today because we do have
23 to spend some time studying among other things some of the
24 issues that you have raised. But thanks very much for
25 your participation. Thank you.

MR. HARRISON: Thank you.

(Adjourned)

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the best of my ability.

Clare Hair
Reporter

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