

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

IN THE MATTER OF sections 52, 52.2 and 56 of the *Gas Distribution Act, 1999*, S.N.B. 1999, c. G-2.11,

AND IN THE MATTER OF an application by Enbridge Gas New Brunswick for changes to its current rate class structure and the establishment of distribution rates for each of the following new rate classes: Small General Service, Mid-General Service, Large General Service, Contract General Service, Industrial Contract General Service and Off-Peak Service,

AND IN THE MATTER OF Enbridge Gas New Brunswick's 2011 Regulatory Financial Statements.

APPLICATION

1. Enbridge Gas New Brunswick Limited Partnership, as represented by its general partner, Enbridge Gas New Brunswick Inc. ("EGNB" or the "Applicant") hereby applies to the New Brunswick Energy and Utilities Board (the "Board"), pursuant to sections 52, 52.2 and 56 of the *Gas Distribution Act, 1999* (the "Act") for an order or orders approving (a) changes to its current rate class structure and the establishment of distribution rates for each of the new rate classes: Small General Service, Mid-General Service, Large General Service, Contract General Service, Industrial Contract General Service and Off-Peak Service; (b) EGNB's revised Handbook of Rates and Distribution Services; and (c) EGNB's 2011 Regulatory Financial Statements.
2. EGNB is the general franchisee under a General Franchise Agreement dated August 31, 1999 ("GFA") with the Province of New Brunswick as represented by the Minister of Natural Resources and Energy. The GFA (which was filed with the Board as part of EGNB's 2000 Rate Application) authorizes EGNB to distribute natural gas and provide customer services in the Province of New Brunswick.
3. On December 9, 2011, the government of New Brunswick introduced Bill 18, an Act to Amend the Gas Distribution Act, 1999 ("Bill 18"). Bill 18 which came into force on January 18, 2012 requires EGNB to submit a rate application no later than May 31, 2012.

4. On April 16, 2012, the government of New Brunswick enacted the *Rates and Tariffs Regulation - Gas Distribution Act, 1999*, which prescribes for the purposes of section 52 of the Act, the rate classes to be established by EGNB (Section 3) and sets out the methods and techniques to be used by the Board in approving or fixing EGNB's distribution rates.
5. Information in support of EGNB's Application is being filed with the Board together with this Application, including EGNB's 2011 Regulatory Financial Statements and a revised Handbook of Rates and Distribution Services that, among other things, incorporates the new rate classes and Rate Schedules.
6. On the basis of the foregoing, EGNB applies for the following orders, decisions or directions of the Board:
 - (a) approval, under sections 52 and 56 of the Act, of the changes to EGNB's rate class structure and the establishment of just and reasonable distribution rates, with such changes to be effective October 1, 2012;
 - (b) approval of EGNB's revised Handbook of Rates and Distribution Services, effective October 1, 2012;
 - (c) approval of EGNB's 2011 Regulatory Financial Statements;
 - (d) such interim order under section 40 of the *Energy and Utilities Board Act*, and such further directions in that regard, as may be necessary or appropriate;
 - (e) an order under subsection 96(3) of the Act exempting the Applicant, to the extent necessary or appropriate, from some or all of the provisions of any regulations made by the Board under subsection 96(1) of the Act; and
 - (f) such further or other order, decision or direction relating to the Applicant's Small General Service, Mid-General Service, Large General Service, Contract General Service, Industrial Contract General Service and Off-Peak Service distribution rates as the Applicant may request and the Board may deem necessary or appropriate.

7. The names, addresses, telephone numbers and other telecommunications numbers of the Applicant and the Applicant's authorized representative are as follows:

(a) The Applicant:

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(b) The Applicant's counsel:

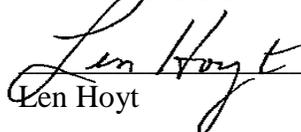
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Attention: Len Hoyt, Q.C.

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DATED at Fredericton, New Brunswick this 31st day of May, 2012.

**ENBRIDGE GAS NEW BRUNSWICK LIMITED
PARTNERSHIP**, as represented by its general
partner **ENBRIDGE GAS NEW BRUNSWICK
INC.**

by its counsel
McINNES COOPER



Len Hoyt