

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

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

AND IN THE MATTER OF an application by Enbridge Gas New Brunswick to change its Contract Large General Service Heavy Fuel Oil Distribution Rate.

APPLICATION TO CHANGE RATE

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 and 56 of the *Gas Distribution Act, 1999* (the “Act”), for an order or orders approving changes to its Contract Large General Service Heavy Fuel Oil (“HFO”) distribution rate.
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. In its June 23, 2000 decision in the matter of an application by EGNB for approval of its rates and tariffs, the Board approved EGNB’s market-based approach for setting its distribution rates during the development period.
4. On May 26, 2009, the Board issued its decision in the matter of a Review of Enbridge Gas New Brunswick’s Market Based Formula which provided a transparent, formulaic means of determining future rates for EGNB using the Market Based Formula, where updated market and consumption data would form the basis for determining future rates. In its decision dated April 30, 2010, the Board provided additional clarification on the customers to be included for the determination of the typical customer profile.

5. In a decision dated July 14, 2011, the Board approved EGNB's current HFO and Contract Large General Service Light Fuel Oil ("LFO") distribution rates.
6. EGNB now wishes to change the maximum HFO delivery rate, effective January 1, 2012 to the currently approved maximum delivery rate for the LFO rate class with effective delivery rates to be established on a quarterly basis through the use of the rate rider and reinstatement mechanism.
7. Information in support of EGNB's Application is being filed with the Board together with this Application.
8. 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 change to its HFO distribution rate proposed by EGNB, such change to be effective January 1, 2012;
 - (b) an order under section 56 of the Act, to the extent necessary or appropriate, to ensure an expeditious determination of this Application;
 - (c) 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;
 - (d) 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
 - (e) such further or other order, decision or direction relating to the Applicant's HFO distribution rate as the Applicant may request and the Board may deem necessary or appropriate.
9. The names, addresses, telephone numbers and other telecommunications numbers of the Applicant and the Applicant's authorized representative are as follows:

(a) The Applicant:

Enbridge Gas New Brunswick
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Fredericton, NB E3B 7G5
Attention: Louise Steward

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(b) The Applicant's counsel:

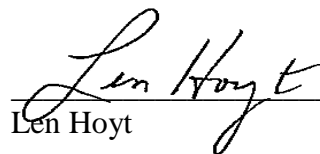
McInnes Cooper
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Attention: Len Hoyt, Q.C.

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Email: len.hoyt@mcinnescooper.com

DATED at Fredericton, New Brunswick this 7th day of October, 2011

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

by its counsel
McINNES COOPER



Len Hoyt