

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 Small General Service Residential Electric, Small General Service Residential Oil, Small General Service Commercial, General Service, Contract General Service, Contract Large General Service Light Fuel Oil, Off Peak Service, Contract Large Volume Off Peak Service and Natural Gas Vehicle Fueling Distribution Rates.

APPLICATION TO CHANGE RATES

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 Small General Service Residential Electric, Small General Service Residential Oil, Small General Service Commercial, General Service, Contract General Service, Contract Large General Service Light Fuel Oil, Off Peak Service, Contract Large Volume Off Peak Service and Natural Gas Vehicle Fueling distribution rates.
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. In a decision dated November 24, 2006, the Board approved EGNB’s current Small General Service Residential Electric distribution rate.

5. In decisions dated April 9, 2008, the Board approved EGNB's current Small General Service Residential Oil, Small General Service Commercial, General Service, Contract General Service, Contract Large General Service Light Fuel Oil, Off Peak Service, Contract Large Volume Off Peak Service and Natural Gas Vehicle Fueling distribution rates.
6. 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.
7. EGNB now wishes to change its Small General Service Residential Electric, Small General Service Residential Oil, Small General Service Commercial, General Service, Contract General Service, Contract Large General Service Light Fuel Oil, Off Peak Service, Contract Large Volume Off Peak Service and Natural Gas Vehicle Fueling distribution rates, effective January 1, 2010 through the application of the formula approved by the Board in its May 26, 2009 decision.
8. Information in support of EGNB's Application is being filed with the Board together with this Application.
9. 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 its Small General Service Residential Electric, Small General Service Residential Oil, Small General Service Commercial, General Service, Contract General Service, Contract Large General Service Light Fuel Oil, Off Peak Service, Contract Large Volume Off Peak Service and Natural Gas Vehicle Fueling distribution rates proposed by EGNB, such changes to be effective January 1, 2010;

- (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 Small General Service Residential Electric, Small General Service Residential Oil, Small General Service Commercial, General Service, Contract General Service, Contract Large General Service Light Fuel Oil, Off Peak Service, Contract Large Volume Off Peak Service and Natural Gas Vehicle Fueling distribution rates as the Applicant may request and the Board may deem necessary or appropriate.

10. 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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Attention: Dave Charleson

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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 28th day of October, 2009.

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

by its counsel
McINNES COOPER

for  _____
Len Hoyt