

## **NEW BRUNSWICK ENERGY AND UTILITIES BOARD**

### **Matter EL-002-2025**

**In Relation to an Application by:** New Brunswick Power Corporation (“NB Power”)

**In Accordance with:** Subsection 107(2) of the *Electricity Act*, SNB 2013 c. E-7 (the “*Electricity Act*” or the “*Act*”), for approval of NB Power’s Renewables Integration and Grid Security (“RIGS”) Project.

**TO:** New Brunswick Energy and Utilities Board (the “Board”)

**AND TO:** All Parties in the above noted Matter

-and-

### **Matter EL-003-2025**

**In Relation to an Application by:** New Brunswick Power Corporation (“NB Power”)

**In Accordance with:** Subsection 103(1) of the *Electricity Act*, SNB 2013 c. E-7 (the “*Electricity Act*” or the “*Act*”), being NB Power’s 2026/27 General Rate Application (“GRA”).

**TO:** New Brunswick Energy and Utilities Board (the “Board”)

**AND TO:** All Parties in the above noted Matter

## **NOTICE OF MOTION** (Rule 4.3)

NB Power intends to make a Motion before the Board on November 20<sup>th</sup>, 2025, or such other date determined by the Board, for an Order:

- a. in Matter EL-002-2025 (the “RIGS Matter”), approving the hearing schedule attached to this Motion as Appendix “A”, or such other hearing schedule which allows the Board sufficient time to render a decision in that Matter prior to April 2, 2026; and
- b. approving a revised hearing schedule in Matter EL-003-2025 (“the GRA”) by altering the commencement date of the oral hearing from February 2, 2026 to February 16, 2026, or such other revised hearing schedule which accommodates the schedule approved by the Board in the RIGS Matter.

The basis for the Motion is as follows:

1. By Application and Notice of Motion in the RIGS Matter, each dated July 23, 2025 and filed with the Board on July 24, 2025, NB Power requested, among other things:
  - a. an Order that a certain Tolling Agreement entered between NB Power and RIGS Energy Atlantic Limited Partnership, as represented by its general Partner 1542987 B.C. Ltd. (the “Owner”), dated and effective July 2, 2025 (the “Tolling Agreement”), is not a capital project within the meaning of that term as used in subsection 107(1) of the *Electricity Act*, and that the Board does not possess jurisdiction with respect to the Tolling Agreement under section 107 of the *Act*; and
  - b. in the alternative, an Order pursuant to subsection 107(9) of the *Electricity Act*, approving the entry into the Tolling Agreement by NB Power.
2. NB Power filed its Application and supporting evidence in the GRA on October 1, 2025, in accordance with the direction of the Board in its decision dated July 16, 2019, in Matter 430.
3. In an oral decision on October 16, 2025, the Board dismissed NB Power’s Motion in the RIGS Matter, determining that the Tolling Agreement was a capital project within the jurisdiction of the Board under section 107 of the *Act*. The Board further directed NB Power to advise the Board of the date by which NB Power would file its supporting evidence. On October 20, 2025 NB Power advised the Board that the supporting evidence would be filed with the Board on October 31, 2025, and was directed by the Board to do so.
4. The Pre-Hearing Conference in the GRA was held on October 22, 2025, at which time the Board approved a hearing schedule in which the GRA hearing was scheduled for a period of ten days, commencing on Monday, February 2, 2026. A true copy of the approved GRA schedule is attached to this Motion as Appendix “B”.
5. NB Power filed its supporting evidence in the RIGS Matter on October 31, 2025, and the Board directed that the Pre-Hearing Conference be held on November 20, 2025. In preparation for the Pre-Hearing Conference, NB Power filed with the Board a draft hearing schedule for the RIGS Matter, which contemplated that the hearing of that Matter could commence no earlier than March 9, 2026. The draft schedule assumed typical Board hearing processes, including interrogatories on NB Power’s evidence, the filing of intervener evidence (and interrogatories on such evidence) and the filing of rebuttal evidence, and accommodated the existing GRA

schedule approved by the Board. A true copy of the draft schedule filed with the Board is attached to this Motion as Appendix “C”.

6. Assuming that both the RIGS Matter and the GRA proceed in accordance with the approved GRA schedule, and the draft schedule prepared by NB Power in the RIGS Matter which accommodates the existing GRA schedule, the earliest date by which the hearing in the RIGS Matter could conclude is March 13, 2026.
7. Under the Tolling Agreement (**Matter EL-002-2025, Exhibits NBP 6.18, 6.19C and 6.20CR**), the Owner has the ability to terminate the agreement if a decision of the Board approving the project is not rendered by April 2, 2026. In such circumstances, NB Power has no rights to the combustion turbine engines being procured by the Owner for purpose of the Tolling Agreement. The relevant provisions of the agreement are as follows:
  - a. Under Section 3.1(a)(viii), it is a condition precedent to the Owner's obligation to achieve commercial operation that NB Power obtain approval to enter the Tolling Agreement from the Board;
  - b. Under section 3.5(b), that condition precedent is included as one of a number of “Buyer FC CPs” which, if not satisfied by the date that is nine (9) months from the effective date of the agreement (being July 2, 2025), grant the Owner a right to terminate the agreement.
  - c. Appendix “E” of the Tolling Agreement (the relevant portions of which are subject to a Claim for Confidentiality).
8. The interval between the date on which a hearing in the RIGS Matter may reasonably be expected to conclude under the draft schedule filed by NB Power, and the date by which the Owner acquires the right to terminate the Tolling Agreement, is less than three weeks. This estimate is based on the assumption that both the GRA and the RIGS Matter proceed in accordance with these schedules. Given the need for the Board to review and consider the evidence prior to rendering a decision, there is a material risk that the Board may be unable to render a decision prior to the Owner acquiring termination rights. The Board generally renders its decisions a month or more after the conclusion of a hearing (**See Affidavit of Justin Urquhart, para. 6**).
9. Accordingly, following the Board's oral decision on October 16, 2025, NB Power and the Owner have been engaged in negotiations with respect to a potential extension of the nine (9) month period in Section 3.5(b) of the agreement. As of the date of this Motion, NB Power has not been able to reach an agreement with the Owner to extend that time period, on commercial terms acceptable to NB Power. This is a change in circumstance from the time the Board approved the GRA schedule on October 22, 2025.

10. Market conditions for the combustion turbine engines being procured by the Owner have altered since the Tolling Agreement was entered on July 2, 2025, such that demand and pricing for the units have continued to increase, as production capacity for the units is limited. As a result, the Owner has an economic incentive to terminate the Tolling Agreement and obtain higher pricing elsewhere.
11. In the event the Owner terminates the Tolling Agreement, NB Power would be required to re-commence the process for procurement of resources to address the capacity deficiency identified in its evidence (**Exhibit NBP 6.03, pp. 8-14; Exhibit NBP 6.07, Resource Adequacy Report**). Given market conditions, there is potential for significant delays in procurement, such that NB Power is unable to meet the requirement for the new capacity identified in the Resource Adequacy Assessment, by 2028. The absence of that capacity after 2028 raises the potential for load shedding events in critical load periods.
12. In the event that the Board is unable to render a decision in the RIGS Matter prior to April 2, 2026, the potential exists that the Board may determine the RIGS project to be prudent only after the Owner has terminated the Tolling Agreement. The potential for such an outcome is prejudicial to NB Power and to the public interest.

Accordingly, NB Power requests that the Board:

- a. in Matter EL-002-2025, approve the hearing schedule attached to this Motion as Appendix “A”, or such other hearing schedule which allows the Board sufficient time to render a decision in that Matter prior to April 2, 2026; and
- b. approve a revised hearing schedule in Matter EL-003-2025 which alters the commencement date of the oral hearing from February 2, 2026 to February 16, 2026, or such other revised hearing schedule which accommodates the schedule approved by the Board in the RIGS Matter.

NB Power intends to rely upon the following in support of the Motion:

- (1) Affidavit of Justin Urquhart dated November 17, 2025;
- (2) *Electricity Act*, including sections 103 and 107;
- (3) NBEUB Rules of Procedure, including Rule 8; and
- (4) NB Power’s supporting evidence filed in Matter EL-002-2025, including Exhibits NBP 6.03, 6.07, 6.18, 6.19C and 6.20CR
- (5) Further oral or written argument submitted in accordance with the direction of the Board.

DATED at Fredericton, New Brunswick, this 17th day of November 2025.

**New Brunswick Power Corporation**



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## Appendix "A"

### Matter EL-002-2025 Renewables Integration and Grid Security (RIGS) Project / le projet d'intégration des énergies renouvelables et de sécurité du réseau (« RIGS »)

#### Filing Schedule / Horaire de dépôt

**File Evidence - 4 p.m.**

Déposer la preuve - 16h00

**Pre-Hearing Conference - 9:30 a.m.**

Conférence préalable à l'audience - 9h30

**Notices of Objection to Applicant's Claim for Confidentiality - 4:00 p.m.**

Avis d'oppositions à la demande de traitement confidentiel du demandeur - 16h00

**Reply by Applicant to Notices of Objection - 4:00 p.m.**

Réponse du demandeur aux avis d'opposition - 16h00

**Public Interest Hearing on Claim for Confidentiality - Zoom - 9:30a.m.**

Audience d'intérêt public sur la demande de traitement confidentiel - Zoom - 9h30

**Interrogatories to Applicant - 12:00 p.m.**

Demandes de renseignements à la demanderesse - 12h00

**Interrogatory responses - 12:00 p.m.**

Réponses aux demandes de renseignements - 12h00

**Notice of Motion - 12:00 p.m.**

Avis de motion - 12h00

**Motions Day - Zoom - 9:30 a.m.**

Jour des motions - Zoom - 9h30

**Additional Responses arising from Motions Day - 12:00 p.m.**

Réponses additionnelles suivant le jour des motions - 12h00

**Intervenor Evidence filed - 12:00 p.m.**

Dépôt de la preuve des intervenants - 12h00

**Interrogatories on Intervenor Evidence - 12:00 p.m.**

Demandes de renseignements - preuve des intervenants - 12h00

**Interrogatory Responses on Intervener Evidence - 12:00 p.m.**

Réponses aux demandes de renseignements sur la preuve des intervenants - 12h00

**Notice of Motion - 12:00 p.m.**

Avis de motion - 12h00

**Motions Day - Zoom - 9:30 a.m.**

Jour des motions - Zoom - 9h30

**Additional Responses arising from Motions Day - 12:00 p.m.**

Réponses additionnelles suivant le jour des motions - 12h00

**Rebuttal Evidence - All Parties - 12:00 p.m.**

Contre-preuve - Toutes les parties - 12h00

**Case Management Conference - Zoom - 9:30 a.m.**

Conférence sur la gestion de procédure - Zoom - 9h30

**HEARING - February 2, 3, 4, 5, 6**

AUDIENCE - le 2, 3, 4, 5, 6 feb

Friday, October 31, 2025

Thursday, November 20, 2025

Tuesday, November 25, 2025

Thursday, November 27, 2025

Friday, November 28, 2025

Thursday, December 4, 2025

Thursday, December 18, 2025

Monday, December 22, 2025

Monday, December 29, 2025

Wednesday, December 31, 2025

Monday, January 5, 2026

Monday, January 12, 2026

Wednesday, January 21, 2026

Friday, January 23, 2026

Monday, January 26, 2026

Wednesday, January 28, 2026

Thursday, January 29, 2026

Friday, January 30, 2026

Monday, February 2, 2026



**Filing Schedule/ Horaire de dépôt**

**Matter EL-003-2025 - NB Power 2026/27 General Rate Application  
Instance EL-003-2025 - Énergie NB demande générale de tarifs pour 2026-2027**

<b>Event/Activité</b>	<b>Date</b>
Pre-Hearing Conference – Zoom – 9:30 a.m. Conférence préalable à l'audience – Zoom – 9h30	Wednesday, October 22, 2025 Mercredi 22 octobre 2025
Notices of Objection to Applicant's Claim for Confidentiality – 4:00 p.m. Avis d'oppositions à la demande de traitement confidentiel du demandeur – 16h00	Monday, October 27, 2025 Lundi 27 octobre 2025
Reply by Applicant to Notices of Objection – 4:00 p.m. Réponse du demandeur aux avis d'oppositions – 16h00	Wednesday, October 29, 2025 Mercredi 29 octobre 2025
Public Interest Hearing on Claim for Confidentiality – Zoom – 11:00 a.m. Audience d'intérêt public sur la demande de traitement confidentiel – Zoom – 11h00	Thursday, October 30, 2025 Jeudi 30 octobre 2025
Interrogatories to Applicant – 12:00 p.m. Demande de renseignements à la demanderesse – 12h00	Friday, November 7, 2025 Vendredi 7 novembre 2025
Interrogatory Responses – 12:00 p.m. Réponses aux demandes de renseignements – 12h00	Friday, November 28 2025 Vendredi 28 novembre 2025
Notice of Motion – 12:00 p.m. Avis de motion – 12h00	Tuesday, December 2, 2025 Mardi 2 décembre 2025
Motions Day – Zoom – 9:30 a.m. Jour des motions – Zoom – 9h30	Thursday, December 4, 2025 Jeudi 4 décembre 2025
Additional Responses arising from Motions Day – 12:00 p.m. Réponses additionnelles suivant le jour des motions – 12h00	Monday, December 8, 2025 Lundi 8 décembre 2025
Intervener Evidence Filed – 12:00 p.m. Dépôt de la preuve des intervenants – 12h00	Monday, December 15, 2025 Lundi 15 décembre 2025
Interrogatories on Intervener Evidence – 4:00 p.m. Demande de renseignements sur la preuve des intervenants – 16h00	Tuesday, December 23, 2025 Mardi 23 décembre 2025
Interrogatory Responses on Intervener Evidence – 12:00 p.m. Réponses aux demandes de renseignements sur la preuve des intervenants – 12h00	Wednesday, January 7, 2026 Mercredi 7 janvier 2026
Notice of Motion – 12:00 p.m. Avis de motion – 12h00	Friday, January 9, 2026 Vendredi 9 janvier 2026
Motions Day – Zoom – 9:30 a.m. Jour des motions – Zoom – 9h30	Monday, January 12, 2026 Lundi 12 janvier 2026
Additional Responses arising from Motions Day – 12:00 p.m. Réponses additionnelles suivant le jour des motions – 12h00	Wednesday, January 14, 2026 Mercredi 14 janvier 2026

Rebuttal Evidence Filed – All Parties – 12:00 p.m. Dépôt de la contre-preuve – Toutes les parties – 12h00	Thursday, January 15, 2026 Jeudi 15 janvier 2026
Case Management Conference – Zoom – 2:30 p.m. Conférence sur la gestion de procédure – Zoom – 14h30	Friday, January 16, 2026 Vendredi 16 janvier 2026
Hearing – February 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 – Location to be determined Audiences – le 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 février – Lieu à déterminer	Monday, February 2, 2026 Lundi 2 février 2026



## Appendix "C"

**Matter EL-002-2025 Renewables Integration and Grid Security (RIGS) Project / le projet d'intégration des énergies renouvelables et de sécurité du réseau (« RIGS »)**

**Filing Schedule / Horaire de dépôt**

**File Evidence - 4 p.m.**

Déposer la preuve - 16h00

**Pre-Hearing Conference - 9:30 a.m.**

Conférence préalable à l'audience - 9h30

**Notices of Objection to Applicant's Claim for Confidentiality - 4:00 p.m.**

Avis d'oppositions à la demande de traitement confidentiel du demandeur - 16h00

**Reply by Applicant to Notices of Objection - 4:00 p.m.**

Réponse du demandeur aux avis d'opposition - 16h00

**Public Interest Hearing on Claim for Confidentiality - Zoom - 9:30a.m.**

Audience d'intérêt public sur la demande de traitement confidentiel - Zoom - 9h30

**Interrogatories to Applicant - 12:00 p.m.**

Demandes de renseignements à la demanderesse - 12h00

**Interrogatory responses - 12:00 p.m.**

Réponses aux demandes de renseignements - 12h00

**Notice of Motion - 12:00 p.m.**

Avis de motion - 12h00

**Motions Day - Zoom - 9:30 a.m.**

Jour d'audience des motions - Bureau de la Commission - 9h30

**Additional Responses arising from Motions Day - 12:00 p.m.**

Réponses additionnelles suivant le jour des motions - 12h00

**Intervenor Evidence filed - 12:00 p.m.**

Dépôt de la preuve des intervenants - 12h00

**Interrogatories on Intervenor Evidence - 12:00 p.m.**

Demandes de renseignements - preuve des intervenants - 12h00

**Interrogatory Responses on Intervener Evidence - 12:00 p.m.**

Réponses aux demandes de renseignements sur la preuve des intervenants - 12h00

**Notice of Motion - 12:00 p.m.**

Avis de motion - 12h00

**Motions Day - Zoom - 9:30 a.m.**

Jour d'audience des motions - Bureau de la Commission - 9h30

**Additional Responses arising from Motions Day - 12:00 p.m.**

Réponses additionnelles suivant le jour des motions - 12h00

**Rebuttal Evidence - All Parties - 12:00 p.m.**

Contre-preuve - Toutes les parties - 12h00

**Case Management Conference - Zoom - 9:30 a.m.**

Conférence sur la gestion de procédure - Zoom - 9h30

**HEARING - March 9, 10, 11, 12, 13**

AUDIENCE - le 9, 10, 11, 12, 13 mars

**Friday, October 31, 2025**

**Thursday, November 20, 2025**

**Tuesday, November 25, 2025**

**Thursday, November 27, 2025**

**Friday, November 28, 2025**

**Tuesday, December 9, 2025**

**Monday, January 5, 2026**

**Wednesday, January 7, 2026**

**Friday, January 9, 2026**

**Tuesday, January 13, 2026**

**Thursday, January 15, 2026**

**Wednesday, January 29, 2026**

**Friday, February 13, 2026**

**Tuesday, February 17, 2026**

**Thursday, February 19, 2026**

**Monday, February 23, 2026**

**Thursday, February 26, 2026**

**Friday, February 27, 2026**

**Monday, March 9, 2026**