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NB Power Accused of Non-Transparent, Last-Minute Maneuvering in RIGS Gas Plant Review

Tantramar, New Brunswick — Feb 3, 2026

NB Power is facing mounting criticism over what interveners describe as a non-transparent, last-minute attempt to keep its proposed RIGS gas plant approval afloat — at the expense of fairness, due process, and public accountability.

Just **one week before the oral hearing is scheduled to begin on February 9**, NB Power filed a package of **late evidence** at the New Brunswick Energy and Utilities Board (EUB), introducing a **previously undisclosed commercial arrangement** — a potential *Expansion Tolling Agreement* tied to the RIGS project.

The filing came **after regulatory processes were effectively complete**, including information requests, expert evidence, and preparation for cross-examination. Rather than being disclosed openly and in a timely manner, the material was introduced **without notice - emailed though while a RIGS motions hearing was in process** and consists largely of **redacted, confidential, and confidential-restricted documents**.

Intervenors say the move blindsided parties who have spent months engaging in good-faith review of NB Power's application — only to be confronted at the eleventh hour with material that appears to fundamentally alter the project under consideration.

Far from being a minor clarification, the newly introduced material suggests a **potential expansion or restructuring of the project of an additional 100MWs of power in contract with the province of NS**, with direct implications for:

- Project economics and risk allocation
- Ratepayer exposure
- The assessment of need
- Alternatives analysis
- NB Power's least-cost planning obligations

Despite the significance of these implications, intervenors have been given **no opportunity** to:

- File information requests on the new material
- Submit responsive or expert evidence
- Review or challenge confidentiality claims
- Prepare cross-examination based on a stable and complete evidentiary record

Compounding concerns, NB Power acknowledged that the agreement may have been signed as early as **December 31, 2025**, raising serious questions about why it was withheld from interveners, the public, and the Board — including during the January motions day.

This latest maneuver follows NB Power's insistence on an **artificially rushed hearing schedule**, justified by an April 2 contract deadline with ProEnergy. That compressed timeline forced interveners into an accelerated process — a constraint now being used to justify the **late introduction of material evidence**, effectively scrambling the proceeding just days before testimony is set to begin.

Interveners argue that this pattern reflects a troubling lack of transparency and respect for the regulatory process — one in which key deals are negotiated behind closed doors and revealed only when earlier assumptions and evidence are increasingly called into question.

Allowing evidence of this magnitude to be introduced at the last minute would **seriously undermine procedural fairness** and public confidence in the EUB process. Interveners should be preparing for a public interest hearing — not responding to surprise disclosures that appear designed to salvage a project under growing scrutiny.

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