

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

APPLICATION

(Rule 2.2)

This is an Application by: New Brunswick Power Corporation (“NB Power” or “the Applicant”)

In Accordance with: Subsection 107(2) of the Electricity Act, SNB 2013 c. E-7 (the “*Electricity Act*” or the “*Act*”).

The Applicant applies to the Board for the following:

- 1) An Order declaring 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*;
- 2) Directions with respect to the hearing of a Notice of Motion to determine the issue stated in paragraph 1 above;
- 3) In the alternative, an Order pursuant to subsection 107(9) of the *Electricity Act*, approving the entry into the Tolling Agreement by NB Power;
- 4) Directions with respect to the schedule for the full hearing of this Application, if necessary, including determination of a date by which the Applicant is required to file supporting evidence, and any other preliminary or procedural matters; and
- 5) Such other Orders and/or directions with respect to any other matters as the Board determines just and reasonable.

The Applicant will file relevant supporting or explanatory information with the Board in support of this Application, to be tendered as evidence, at a time to be determined by the Board.

The authorized representatives of the Applicant are:

Ms. Leanne Murray
Senior Solicitor
NB Power Corporation
PO Box 2000
515 King Street
Fredericton, NB E3B 4X1
Telephone: (506) 458-3939
Email: lmurray@nbpower.com

Mr. John G. Furey
John G. Furey Professional Corporation
265 Berkley Drive
New Maryland, NB E3C 1B9
Telephone: (506) 444-1328
Email: JohnFurey@fureylegal.com

The Applicant intends to participate in the English language.

DATED at Fredericton, New Brunswick this 23rd day of July, 2025.

NEW BRUNSWICK POWER CORPORATION

A handwritten signature in blue ink, appearing to read "J.G. Furey", is written over a horizontal line.

John G. Furey
Counsel for the Applicant
John G. Furey Professional Corporation
265 Berkley Drive
New Maryland, NB E3C 1B9
Telephone: (506) 444-1328
Email: JohnFurey@fureylegal.com