

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

REVISED APPLICATION

(Rule 2.2)

This is an Application by: Irving Oil Marketing G.P. and Irving Oil Commercial G.P. (collectively, “Irving Oil”).

In accordance with: Sections 1.1 and 12(1) of the Petroleum Products Pricing Act (the “Act”) and section 9(1) of the General Regulation (the “Regulation”) under the Act and section 40 of the Energy and Utilities Board Act.

The Applicants apply to the Board for the following:

1. Irving Oil hereby applies to the New Brunswick Energy and Utilities Board (the “Board”), on an urgent basis to ensure reliable supply, pursuant to sections 1.1 and 12(1) of the Act and section 9(1) of the Regulation and section 40 of the Energy and Utilities Board Act for an order or orders approving increases to the maximum wholesale margins for motor fuels and furnace oil effective immediately upon approval by the Board.
2. Irving Oil Marketing G.P. wholesales motor fuels to Irving branded independent retailers and third party operated locations, and Irving Oil Commercial G.P. wholesales petroleum products to the Irving branded furnace oil business and non-Irving branded third party retailers, wholesalers and wholesalers/retailers of petroleum products.
3. Since the maximum wholesale margins were last reviewed by the Board in 2012-2013, there have been no increases in the maximum wholesale margins for motor fuels or furnace oil. However, since 2011 (the base year) there have been substantial increases in wholesale costs such that increases in the maximum wholesale margins for motor fuels and furnace oil are warranted to ensure that the margins allow wholesalers to recover their costs and to provide a reasonable return to wholesalers.
4. The requested increases are further required on an immediate and urgent basis as a result of numerous challenges in the petroleum industry, exacerbated by the COVID-19 pandemic, that jeopardize the continuity of supply of motor fuels and furnace oil in New Brunswick.

5. Irving Oil is filing, at the same time as this Application, relevant supporting or explanatory information to be tendered as evidence.
6. Certain evidence in support of the application is being filed with the request that the Board hold it in confidence, and such portions of the evidence have been redacted from the copies of the evidence that are being made publicly available.
7. On the basis of the foregoing, Irving Oil applies for the following orders, decisions or directions of the Board:
 - (a) an interim order under section 40 of the Energy and Utilities Board Act approving an immediate, non-rebatable interim increase of \$0.035/litre in the maximum wholesale margin for motor fuels and an immediate interim increase of \$0.030/litre in the maximum wholesale margin for furnace oil, and such further directions in that regard, as may be necessary or appropriate;
 - (b) a final order approving a \$0.0409/litre increase in the maximum wholesale margin for motor fuels, such that the maximum wholesale margin for motor fuels shall increase from \$0.0651/litre to \$0.106/litre;
 - (c) a final order approving a \$0.0302/litre increase in the maximum wholesale margin for furnace oil, such that the maximum wholesale margin for furnace oil shall increase from \$0.055/litre to \$0.0852/litre; and
 - (d) such further or other order, decision or direction as Irving Oil may request and the Board may deem necessary or appropriate.
8. The authorized representatives of Irving Oil are:
 - (a) Irving Oil:
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Irving Oil
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(b) Irving Oil's counsel:

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9. Irving Oil intends to proceed in the English language.

DATED at Saint John, New Brunswick this 19th day of January, 2021.

**IRVING OIL MARKETING G.P. and IRVING OIL
COMMERCIAL G.P.**

A handwritten signature in black ink, appearing to read "Darren Gillis", written over a horizontal line.

Darren Gillis