

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**IN THE MATTER OF THE MOTOR CARRIER ACT**

**- and -**

**IN THE MATTER OF AN APPLICATION** by **ARJUN LAL O/A ALPHA TRAVEL & TOURS** for a Motor Carrier License

**BEFORE:** Richard J. Melanson, LL.B., Panel Chair  
Julia E. Clark, LL.B., Member  
Bruce H. Fisher, MPA, CPA, CMA, Member

**APPLICANT:** **ARJUN LAL O/A ALPHA TRAVEL & TOURS**  
Arjun Lal, Owner/Operator

**INTERVENORS:** **JOHN JEFFREY BABINEAU O/A ANCHOR TOURS**  
John Jeffrey Babineau, Owner/Operator

**PAUL MCNEIL O/A HALIFAX TITANIC HISTORICAL TOURS**  
Paul McNeil, Owner/Operator (Not Appearing)

**THARIQ ALI O/A PRESTIGE LIMOUSINE**  
Thariq Ali, Owner/Operator (Not Appearing)

**A WORLD CLASS LIMOUSINE COMPANY LIMITED**  
Josh Chabinka, President (Not Appearing)

**HEARING DATE:** March 20, 2024

**FINAL SUBMISSIONS:** **April 19, 2024**

**DECISION DATE:** **July 17, 2024**

**DECISION:** The application is approved with directions on rates.

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## I INTRODUCTION

[1] Arjun Lal o/a Alpha Travel & Tours (Alpha) applied to the Board for a motor carrier license, pursuant to the *Motor Carrier Act*, R.S.N.S. 1989, c.292 (*MC Act*). Alpha has a business address at Unit 303, 51 Joseph Young Street, Dartmouth, Nova Scotia. The applicant seeks a motor carrier license to operate one 15-passenger vehicle. While the application describes the various services Alpha proposes to offer in some detail, if granted, this will effectively be an open license to provide charter services within the Province of Nova Scotia.

[2] Alpha's primary initial target market will be immigrant clientele from regions including India, Pakistan, Sri Lanka and the Middle East, with a particular focus on India. Mr. Lal is originally from Kerala, a state on the southwestern coast of India. He plans to cultivate ties within the growing South Asian and Middle Eastern community in Nova Scotia. Alpha is interested in providing multilingual services in languages such as Malayalam, Hindi, Tamil, Kannada, and Telugu.

[3] Mr. Lal has some industry experience. His father operated a bus company in Kerala. Mr. Lal is an engineer, but he has Nova Scotia experience as an Uber driver. Alpha provided a business plan with financial details modelled on its proposal and expected clientele.

[4] Anchor Tours was the only objector who appeared at the hearing. Anchor Tours questioned several of Alpha's assumptions, but provided no documentary evidence about any negative impact granting this license would have on its business, or the motor carrier industry in general. That said, Anchor Tours raised legitimate concerns about some of Alpha's proposed rates.

[5] The Board has determined that Alpha has provided sufficient evidence to establish it is fit to provide safe and reliable service. Alpha has shown a projected need for the service and a realistic chance to create a sustainable business. Subject to an adjustment for certain rates that appeared to be unrealistically low, the Board grants this application.

## **II ISSUE**

[6] The issue to be determined is whether Alpha should be granted a motor carrier license. The Board must decide if Alpha has established a need for the proposed service and whether it can provide a quality service in a safe, reliable, and sustainable manner.

## **III BACKGROUND**

[7] Alpha applied for a motor carrier license described as:

### SCHEDULE B – AREAS

Province of Nova Scotia

### SCHEDULE D – RATES

#### D(1) – RATES

\$50.00 per person within Halifax Regional Municipality  
\$120.00 per person outside Halifax Regional Municipality  
Price inclusive of tolls.

#### D(1) – CUSTOMIZED TOURS

\$60.00 per person base fare within Halifax Regional Municipality plus \$0.60 per kilometer charge  
Price exclusive of tolls.

All fees are exclusive of HST.

### SCHEDULE E – VEHICLES

2019 Ford Transit XLT Passenger Van

SCHEDULE F – AUTHORITIES

F(1) SPECIALTY IRREGULAR RESTRICTED AREA PUBLIC PASSENGER SERVICE

The transportation of any person or group from anywhere in the Halifax Regional Municipality to anywhere in the Province of Nova Scotia. The services are to be focused on providing a culturally sensitive, multilingual service to new immigrants to the area and is meant to provide airport pickups, transportation to and from educational institutions, shopping centres, cultural hubs and other essential locations.

F(1) SPECIALTY IRREGULAR RESTRICTED AREA PUBLIC PASSENGER SERVICE

The transportation of any person or group from anywhere in the Halifax Regional Municipality to anywhere in the Province of Nova Scotia for customized tours.

[Notice of Application]

[8] A Notice of Application was advertised in the Royal Gazette on January 24, 2024, as well as posted on the Board's website and forwarded to licensed motor carriers by email, fax, or mail. The following licensed carriers objected to the application:

- Paul MacNeil o/a Halifax Titanic Historical Tours (Titanic);
- Thariq Ali o/a Prestige Limousine (Prestige);
- A World Class Limousine Company Limited (World Class); and
- John Jeffrey Babineau o/a Anchor Tours (Anchor Tours).

[9] An oral hearing to consider the matter was held at the Board's offices on March 20, 2024. The Notice of Hearing provided dates for submissions or documentation to be filed in advance of the hearing.

[10] Alpha was represented by its owner, Arjun Lal. John Jeffrey (Jeff) Babineau is the owner/operator of Anchor Tours. He appeared in person to oppose the application. Titanic, Prestige and World Class did not participate in the hearing.

[11] Mr. Lal filed written evidence with the Board outlining his vision for a business that catered to the growing South Asian Nova Scotian community. He saw the business providing specialty transportation service in the clients' own language, such as door-to-door pickups, to ease transitioning issues. He also wanted to provide more

general charter services to cater to leisure travel, and special events and customized tours, with a focus on the same immigrant community. Mr. Lal supplemented the pre-filed written evidence through his oral testimony. He also provided his confidential business plan in response to an undertaking request. The confidential financial information provided cost breakdowns for various charter services and some cash flow projections.

[12] The economic regulation of the competitive charter market creates an unusual situation where sufficient financial information and business strategies that would ordinarily not be available to competitors, must be provided to the Board to justify the granting of a license. Revealing such detailed information to competitors would likely put applicants at an unreasonable competitive disadvantage. For this reason, the Board allows detailed business plans and financial information to be filed on a confidential basis.

[13] While the financial details of Alpha's business plan were not made available to Anchor Tours, the non-confidential information detailed in the written evidence and the oral hearing was sufficient for the objector to understand the basis of the applicant's application, business model, and the purported need for the service. Anchor Tours raised concerns about the lack of documented support showing a need for Alpha's proposed services. Anchor Tours filed no documents showing its current financial position or projections, the availability of its vehicles, or any projected financial impact that granting this license would have on its operation.

[14] In an undertaking response, Alpha also provided additional details on the rates it proposes to charge. Mr. Babineau was critical of the lack of detail in the proposed rates. He suggested the rates, as expressed, were inordinately low, when compared to rates he charged for similar services. Mr. Babineau was also concerned the customized

tours discussed during the hearing did not appear to be included at all in the proposed rates.

#### IV LAW

[15] The principles and tests the Board applies with respect to this type of application are well known in the provincial motor carrier industry. They have been reiterated on many occasions and are well summarized in *Re Pengbo Fu o/a Pengbo's Shuttle*, 2020 NSUARB 87, affirmed 2020 NSCA 83, at paras. [44] to [47] and [51]:

[44] In Nova Scotia, motor carrier transportation services are regulated under the *Motor Carrier Act (MC Act)*. In general, the *MC Act* regulates motor carrier operators in Nova Scotia to ensure there is a quality, safe, sustainable industry in the Province. To accomplish this, the Board has been given the jurisdiction to regulate virtually all aspects of the industry.

[45] The *MC Act* provides the following guidance to the Board on matters it may consider:

##### **Factors Considered**

**13** Upon an application for a license for the operation of a public passenger vehicle or for approval of the sale, assignment, lease or transfer of such a license, the Board may take into consideration.

(a) any objection to the application made by any person already providing transport facilities whether by highway, water, air or rail, on the routes or between the places which the applicant intends to serve, on the ground that suitable facilities are, or, if the license were issued, would be in excess of requirements, or on the ground that any of the conditions of any other license held by the applicant have not been complied with;

(b) the general effect on other transport service, and any public interest that may be affected by the issue of the license or the granting of the approval;

(c) the quality and permanence of the service to be offered by the applicant and the fitness, willingness and ability of the applicant to provide proper service;

(ca) the impact the issue of the license or the granting of the approval would have on regular route public passenger service;

(d) any other matter that, in the opinion of the Board, is relevant or material to the application.

These apply equally to amendment applications, ss.12 and 19.

[46] Thus, in assessing an application, the Board considers, among other factors in s. 13, the public interest; the quality and permanence of service to be offered; general effect on other transportation services; and the sustainability of the industry including whether there is need for additional equipment in the area. In addressing whether there would be an excess of equipment under s. 13(a) above, the Board must consider whether there are vehicles currently licensed which could provide the services applied for. In other words, is there a need for the services and/or equipment sought by the Applicant?

[47] The *MC Act* requires the Board to balance, in each case, the various relevant issues and interests which may overlap and, at times, conflict. In the *Trius Inc.* Decision, dated September 22, 1993, the Board described the s. 13 considerations as follows:

The Board has noted in previous decisions that the various considerations are not mutually exclusive. They tend to overlap and it is difficult at times to isolate one from another. The considerations will not be of equal importance in every application. The weight to be put on various considerations will depend on the facts of each application.

...

[51] In each case, the applicant must prove to the Board that, after taking all factors into consideration, the Board should grant the application, *Molega Tours Limited*, 2013 NSUARB 243, para. 23.

## V ANALYSIS AND FINDINGS

[16] The Board has provided some guidance as to the type of evidence it generally expects applicants and objectors to provide in a contested matter. In *Re 3259293 Nova Scotia Limited o/a Grape Escape Wine Tours of Nova Scotia*, 2023 NSUARB 160, the Board made the following comments:

### Quality of Evidence

[35] There is an obligation on the part of an applicant to provide cogent and tangible evidence supporting the need for the requested license. While it is up to an applicant to decide how the application is presented to the Board, it is reasonable to expect that an applicant would provide evidence about how it intends to operate and the potential clientele. Preferably, this should be a written business plan, but at a minimum at least some documentation is required to support the application. This might include:

- financial projections of forecasted revenues and expenses, including operating expenses such as salaries, fuel, insurance, repairs and maintenance, as well as expenses to purchase, lease, or finance the motor coach, bus, minibus, van or limousine to be used in the business;
- any financial analysis undertaken including projected ridership and breakeven points based on a few assumptions;



- the qualifications, training and experience of the applicant and key employees to manage and operate a safe and sustainable motor carrier business; and
- a marketing or sales plan about the target market, how the applicant intends to attract its clients, and more importantly, to demonstrate to the Board that this clientele is not already being served by the existing motor carrier industry. This type of evidence would generally include:
  1. letters and emails from potential clients who tried to hire existing carriers but were refused because the carriers were not available,
  2. letters or emails of support from potential clients that show there is a “niche” market that is not adequately served by existing carriers, and
  3. survey or market research that demonstrates the size of the market and demand for any increased service.

[36] The documentation should be filed in advance of the hearing. Depending on the sophistication of the business, the documentation should normally include a *pro forma* income statement supported by estimates or quotes from potential suppliers; diplomas, training certificates and résumés of the owner/operator and key employees; and letters of support and testimonials from potential clients, groups and associations describing why the new service is needed and cannot be served by existing motor carriers. Where the application is opposed, those who wrote letters of support may be required to appear at the hearing if required by the objectors and the Board.

[37] In this application, as discussed, Ms. Downey Lim presented some of this evidence including contracts that showed increased ridership, emails of support, and evidence that the niche is not already being served by the existing motor carrier industry.

[38] The Board recently expressed concern about the quality of the evidence presented by applicants and objectors in motor carrier matters. In *Re McNeil, operating as Halifax Titanic Historical Tours*, 2023 NSUARB 138, the Board made the following comments:

Except for the general proposition that it is desirable that customers have options in transportation, which the Board fully accepts, Mr. McNeil has provided no verifiable evidence about the current need for the general charter services he proposes. The Board finds the evidence supporting this application is lacking. While the quality of the evidence advanced by the objectors might be similarly criticized and may not have withstood a more cogent presentation of evidence supporting the application, they do not bear the ultimate burden in this proceeding.

[39] In this case, Grape Escape provided cogent documentary evidence in support of its application. Where an applicant has provided substantial evidence to establish, on the balance of probabilities, if accepted, that an application should be granted, the Board expects an objector would provide evidence of sufficient quality to support the proposition that it should not.

[40] This is not shifting the burden of proof but recognizing that where an application cannot clearly be rejected because of a lack of verifiable evidence presented by the applicant, there is some evidentiary burden to establish the opposite proposition advanced by an objector. While an objector can attempt to succeed by merely challenging the applicant's evidence or positions, there is a real risk of falling short as occurred in this proceeding.

[41] While it is up to objectors to determine how they present their case, having some verifiable evidence would be helpful in the Board's deliberations. While not necessarily applicable to every case, this could include:

- Utilization data about the vehicles authorized under an objector's license and whether in fact there was availability at a reasonably comparable price to address the applicant's lack of ability to meet demands with its existing fleet.
- Financial statements showing the profit or loss trends of an objector's motor carrier business.
- Documentation showing whether in fact the objector's business is in competition with the applicants. This could include promotional materials and the point of origin of the objector's tours.
- Survey, market research, or other verifiable evidence that demonstrates the market has reached a saturation point.

[42] The Board recognizes some of this information could potentially be commercially sensitive. The economic regulation of a competitive industry is not without challenges in these circumstances. However, s. 12 of the Board Regulatory Rules allows the Board to protect confidential information, including potentially sensitive commercial information, in the appropriate circumstances.

### **1. Fitness and Ability to Provide Safe and Reliable Service**

[17] Mr. Lal has some background in the motor carrier business. He worked in the family business with his father, who operated a bus company in Kerala. While he is an engineer by profession, Mr. Lal has experience dealing with travelling customers through his work as an Uber driver. His business plan and financial projections tend to show he has sufficient business acumen to operate a small business. His fluency in multiple languages should allow him to provide a quality service to his target market. Mr. Lal presented well before the Board. He was well prepared. The Board was left with the impression Mr. Lal was a competent, professional and industrious person.

[18] The Board is satisfied Mr. Lal has the necessary qualifications and personal characteristics that demonstrate a fitness, willingness and ability to offer a quality and permanent service.

### **2. Has Alpha Established a Need for its Proposed Service?**

[19] In the oral hearing, Alpha provided greater clarification on what it saw as the demand for its service. Mr. Lal described its target market as having three key

segments. The largest would be tours and charters and would compose 80% of its business. He expected two to three tours per week in the summer. Alpha saw transportation for university students as the next largest segment. This group consisted primarily of Cape Breton University students residing in Halifax but regularly travelling to Sydney for classes. The third segment was local transportation within HRM, including airport pickups and other trips within the local area. Airport pickups would provide not just transportation but support in dealing with documents, permits and housing.

[20] Alpha saw its customer as members of the local Indian and South Asian community. It saw its target market as unique:

Alpha Travel & Tours asserts that its target market is distinct and cannot be served by any of the opposing parties in the region. Our niche market primarily comprises students and immigrants from South Asian countries like India, Pakistan, Sri Lanka, and Nepal. The primary focus market for Alpha Travel & Tours will center around individuals originating from the southern part of India, specifically those who speak languages such as Malayalam, Hindi, Tamil, Kannada, and Telugu.

[Exhibit A-12, p.3]

[21] Mr. Lal emphasized that individuals in his community always want to spend time with their family or friends, hence they tend to travel in larger groups. While Mr. Babineau asserted that almost all his clients are singles or couples, Mr. Lal said he expected his clients to be travelling in groups of at least nine. He pointed out that many community members typically use their own vehicles or rentals to visit other parts of the province or undertake activities. Mr. Lal believes they will support an Indian-sponsored business, pointing out that he can offer six different languages. He emphasized his relationship with the Halifax Malayali Association and other associations, saying they have regular community events.

[22] When asked why individuals would hire his service when they could use their own vehicles, Mr. Lal stated that in his community it was all about being together

and enjoying the experience, but that due to language and cultural comfort they have tended not to hire charters. For such families it was not a daily activity, and they would divide any additional cost amongst themselves.

[23] Alpha undertook no surveys or market research. It provided several letters of support. The first was from the Halifax Malayali Association, a community organization that represents Malayali individuals in Halifax. It has 150 registered members and organizes community events. They wrote that Alpha's proposal aligned "perfectly" with the "needs of our diverse community" and their commitment to "specialty services, multilingual support, and a focus on the specific needs of international students and immigrants from Southern India... ." In addition, there were three letters of support from individuals. Mr. Lal saw his first year as being "brand awareness" and, in the first year, expected profits of 10% to 15%.

[24] Mr. Lal also described his potential partnerships with several agencies in India that provide applications for permanent and student residency. He stated those agencies indicated they would provide him with business once he acquired a permit to operate.

[25] Mr. Lal provided a variety of statistics on the growth of the Indian community in Nova Scotia, noting that the Province is attractive to engineers, IT professionals and health-care workers. He highlighted the growing Indian student population and the rising number of Indian restaurants, and grocery stores. He stated that Alpha aims "to address the specific transportation needs of this burgeoning demographic, contributing to Nova Scotia's economic and demographic vibrancy through enhanced connectivity and accessibility."

[26] The Board finds there is likely a need for Alpha's proposed services. While the application is not for a restricted license, this need is likely to come from Alpha's target market. It is also in the public interest to promote new services that focus on serving an area of the world with the largest population, that is significantly contributing to growth in Nova Scotia.

**3. Would Anchor's Business, or the Motor Carrier Business in General, be Negatively Impacted if this License is Granted?**

[27] The *MC Act* directs the Board to consider the objection of an existing motor carrier that issuing a new public passenger license would have an effect on an existing service. Mr. Babineau of Anchor Tours was the only opponent appearing at the hearing. He said he supports the applicant's initiative in seeking out a market for services to diverse cultural communities, however, he disputed that there was an unmet demand that cannot be serviced by the existing market. He said there were existing carriers in the tourism market that had capacity to take large groups in vehicles regardless of the community they originate from.

[28] Based on his own experience entering the local motor carrier market, Mr. Babineau encouraged Mr. Lal to establish his business either with a commercial van (i.e., eight passengers or less, including the driver) or as a taxi operator. He said that without an established reputation "it would be a stretch to expect 8-15 people to fill buses on tours." Mr. Babineau pointed out the risk that a new business with a niche clientele will not be sustainable and would have to eventually re-apply to the Board for broader charter authorities to help make it profitable. He said this would encroach on the business of existing carriers and create an excess of equipment in the market. He also questioned

whether there was sufficient demand for the group tours of 8 or more people that Mr. Lal said he is targeting.

[29] Mr. Babineau indicated that Anchor's tour clientele is largely based on couples, individuals and smaller groups. He estimated fewer than 10% would be groups of eight or more persons (from any ethnicity or group) in a calendar year. He explained that Anchor has vehicles coming into service from licenses granted in previous years. He argued he should have the opportunity to have them utilized before the Board issues competing licenses. With Mr. Lal's stated intention to focus on tours rather than student transportation, Mr. Babineau said Alpha would be in direct competition with his existing business and smaller busses. He offered to work with Alpha to provide vehicles for its multi-lingual tours and group services, when his fleet was not otherwise occupied.

[30] Sustainability of the motor carrier industry is a key component of the economic regulation of a competitive business sector under the *MC Act*. This was discussed in the *General Public Hearing Decision*, 2020 NSUARB 69, where the Board stated:

[15] In the *Interim Discount Review Decision*, 2013 NSUARB 21, the Board reviewed the objects of the *MC Act*:

...

**b) Sustainability**

[86] The sustainability of the industry is another key component of the Legislation. The *MC Act* directs the Board to consider each carrier's ability to sustain itself by considering whether it will be able to provide the services on a permanent basis (s. 13(c)). It also requires the Board to consider the sustainability of the industry as a whole by considering the impact on the other transportation services in the province (s. 13(b)) and, in particular, whether there will be an excess of equipment (s. 13(a)). Although this may involve consideration of any transportation services, including rail and air, it is normally limited to the other licensed carriers operating in the province.

[31] Notably, Mr. Babineau indicated that he did not expect material damage to his business with the entry of Alpha into the market unless he was short a vehicle and couldn't rent another. He does not currently have excess capacity based on the vehicles he has in stock. He has not specifically sought out clients in local Malayali or other cultural communities, nor investigated demand for non-English speaking tours. He felt this market could be served by existing carriers, perhaps in partnership with Mr. Lal. While he speculated about Alpha's sustainability as a business and the potential future need for an expanded or broader license, he did not present cogent evidence that Anchor Tours, or existing motor carriers generally, would be negatively impacted by the addition of one 15-passenger vehicle into the motor carrier market in HRM.

[32] The Board considered Anchor Tours' objections against the factors to be considered under s. 13 of the *MC Act*. On the balance of probabilities, the Board finds no basis in the evidence and submissions of the objectors to deny the application for a single 15-passenger vehicle license.

#### **4. Proposed Rates**

[33] Alpha included the following proposal for Rates, Tolls and Charges on the license:

Group rates: In HRM region - \$50/Seat and Outside HRM region - \$120/Seat. (Price includes tolls [if] applicable) Customized Trips - \$60 base fare (within HRM region) with subsequent charges of \$.60 per kilometer. (tolls extra)

[Exhibit A-1, Schedule C]

[34] Mr. Lal acknowledged at the hearing that these proposed rates omitted some other aspects of Alpha's proposal, particularly his expectation that the van would not operate with fewer than eight people. Mr. Babineau objected to Alpha's proposed rates and criticized their lack of detail. He suggested the rates, as submitted, were far too

low, when compared to rates he charged for similar services. Mr. Babineau was concerned that customized tour services discussed during the hearing did not appear to be included at all in the proposed rates.

[35] At the Board's request, Mr. Lal provided an undertaking to provide more detailed information on his proposed group rates. On March 27, 2024, Alpha submitted revised information on customized trips, maintaining the "per seat" rates for use of its services within HRM and Outside of HRM with a minimum passenger requirement, as follows:

**D(1) RATES**

\$50 per person within Halifax Regional Municipality – 9 pass minimum

\$120 per person outside Halifax Regional Municipality – 9 pass minimum

Prices exclusive of HST and tolls.

**D(2) RATES**

Customized Tours:

\$100 per person – 9 pass minimum

-or-

\$500 Group Rates for up to 100 km plus \$0.80 per km after 100 km

Prices exclusive of HST and tolls.

[36] In this revised submission, Alpha proposed a customized charter package of \$100 per person, with a minimum of nine passengers, or Group Rate of \$500 plus \$0.80/km after the first 100km. For all services Mr. Lal indicated that the individual rates apply with a minimum of nine passengers.

[37] Anchor maintained its objection to Alpha's proposed rates. Mr. Babineau used the example of his own rate schedule to calculate an average per person rate for typical half-day or full-day tours. He indicated that Alpha's rates would be between at least 27% to 63% less, depending on the type of tour. He indicated that Alpha's \$120 per



person rate for services outside HRM would be closer to his rates when providing those services on tours up to 7.5 hours but are still about 11% less.

[38] In response to Mr. Babineau's submission on Alpha's revised rates, Mr. Lal indicated that "it's standard practice within our industry that any time spent beyond the estimated trip kilometers and duration will incur additional charges. This policy ensures fairness and precision in our pricing methodology." Mr. Lal indicated his willingness to work collaboratively to ensure his rates were competitive but not predatory.

[39] The Board agrees that usual practice is to establish a tour rate based on a particular distance or duration. Alpha's revised charter group rate rules, with a minimum group size of nine persons at \$100 per person, and additional charge of \$0.80/km over 100km accounts for additional costs for a longer distance tour. However, none of the rates distinguish costs based on the duration of the service. When looking at the rates in comparison to Mr. Babineau's example, the Board agrees that Alpha's rates appear considerably less than Anchor's rates. Upon the Board's review of rate schedules for similar sized equipment, the rates appear less than the industry average.

[40] Licencing one public passenger carrier with rates significantly lower than others in the industry could undercut existing carriers offering similar services. The Board accepts Mr. Babineau's evidence on his equivalent rates. Mr. Lal can structure his rates in the manner he determines supports the sustainability of Alpha, but they must not be predatory.

[41] The Board directs Alpha to refile a complete schedule of rates including any additional fees not addressed in the application rate schedule, and Alpha's terms and

conditions of service. Unless an issue arises needing additional review, the Board may approve the refiled and revised rates without further process.

## VI CONCLUSION

[42] The Board has determined Alpha can provide a safe and reliable motor carrier service. Alpha has provided sufficient evidence to show a need for the proposed service and there is a public interest in providing that service. There is no cogent evidence that granting this application will have a negative impact on Anchor Tours' business, or a negative impact on the motor carrier industry in general.

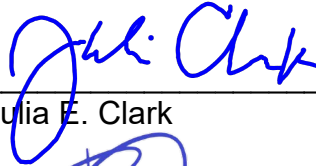
[43] The Board agrees with Anchor Tours that some of the rates proposed by Alpha may be comparatively low and may create sustainability issues if not adjusted. The Board is, therefore, prepared to grant Alpha's application, subject to the Board's approval of Alpha's refiled and revised rate schedule.

[44] An Order will issue accordingly.

**DATED** at Halifax, Nova Scotia, this 17<sup>th</sup> day of July, 2024.



Richard J. Melanson



Julia E. Clark



Bruce H. Fisher