

# Supreme Court Firm

**HALIFAX (CUP)**

Imperial Oil Ltd.'s attempt to have an oil price rollback order by the Public Utilities Board overturned in the Nova Scotia Supreme Court has failed.

Justices Ian McKeigan, A. Gordon Cooper and Angus Macdonald, sitting on the appeals division of the court, in separate judgements knocked down Imperial's appeal that a) the PUB did not have the authority in law to order price rollbacks retroactively, and that b) it failed to properly consider the evidence submitted by Imperial at a PUB hearing six months ago.

The first objection was overruled unanimously on a straight interpretation of the terms of the Gasoline and Fuel Oil Licensing Act. The second point which touches the heart of the conflict of principle between Imperial (and all the oil companies) and the PUB, brought some divergence of opinion among the judges.

The PUB decision, brought down April 11, ordered Imperial to roll back an increase of 2.4 cents a gallon that had been in effect since Jan. 4, covering three types of heavy industrial oils.

The PUB had rejected Imperial's arguments that it should be able to charge essentially what the market will bear according to the "mystique" of international oil pricing but that prices should reflect conditions in the area served by the supplier.

Judges MacKeigan and Macdonald interpreted the law as meaning that the "just and reasonable price" the PUB is required to impose on heavy oil products consists of whatever the PUB declares it is, irrelevant of whether the PUB properly considered all the evidence or not. As such, they did not consider a failure to consider the evidence by the PUB -- whether or not this actually occurred -- to be grounds for appeal.

Judge Cooper did consider the grounds for appeal, but rejected the appeal. The elements of appeal, as laid out by Justice Thomas Coffin in May when he gave Imperial the right to appeal, was that the only grounds for overthrowing the order would be if the PUB were discovered to have made "an error of fact that was wholly unsupported by the evidence."

Judge Cooper ruled that the PUB's declaration that prices should be judged on grounds of local conditions and public interests rather than on vague international forces was not a matter of fact at all, let alone one wholly unsupported by the evidence, but rather a declaration of principle.

Imperial has declared it is unlikely to appeal the Supreme Court findings further.

The PUB, which also regulates public utility rates, was given the power to regulate heavy fuel oil prices Dec. 12, 1973, when the old Gasoline Licensing Act was amended to include fuel oils. The PUB has since ordered other companies to roll back announced increases.

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**ATLANTIC AREA STUDENT UNION FEES**

The following comparison of Student Union fees throughout the Atlantic region was prepared through work done at the September 27 Atlantic Student Unions Conference in Fredericton. It reached Dalhousie after the Referendum Extra of GAZETTE had been printed, but since the information is of interest at any time, it is printed in this issue.

INSTITUTION	FEES	BREAKDOWN	
Acadia University	\$75.00	SUB Mtg. Retm.	\$20.00
		Class Dues	5.00
		Operating Exp.	50.00
Cape Breton College	45.00	(Includes Athletics)	
Dalhousie University	40.00	SUB Mtg. Retm.	10.00
		Pres. Drug Ser.	5.00
		Operating Exp.	25.00
King's College	42.00	Athletics	12.00
		Yearbook	5.00
		Operating Exp.	25.00
Memorial University	\$8./term	Operating Exp.	
Mount Allison University	60.00	Athletics	19.00
		Univ. Centre Reno.	7.00
		Operating Exp.	34.00
Mt. Allison Student Union	Allocates \$5,000 for student development Awards (Athletic Scholarships)		
N.S. Agricultural College	45.00	Athletics	15.00
		Operating Exp.	30.00
St. Francis Xavier University	70.00	Athletics	20.00
		SUB	20.00
		Operating Exp.	30.00
St. Mary's University	36.00	Operating Expenses	
St. Thomas University	35.00	SUB Mtg. Retm.	15.00
		Operating Exp.	20.00
University De Moncton	40.00	Athletics	10.00
		Faculty Society	10.00
		Reserve for SUB	4.00
		Operating Exp.	16.00
University of New Brunswick	35.00	SUB Mtg. Retm.	15.00
		Operating Exp.	20.00
U.N.B. Saint John	35.00	Reserve for future	5.00
		Operating Exp.	30.00
University of Prince Edward Island	40.00	SUB Mtg. Retm.	12.00
		Operating Exp.	28.00

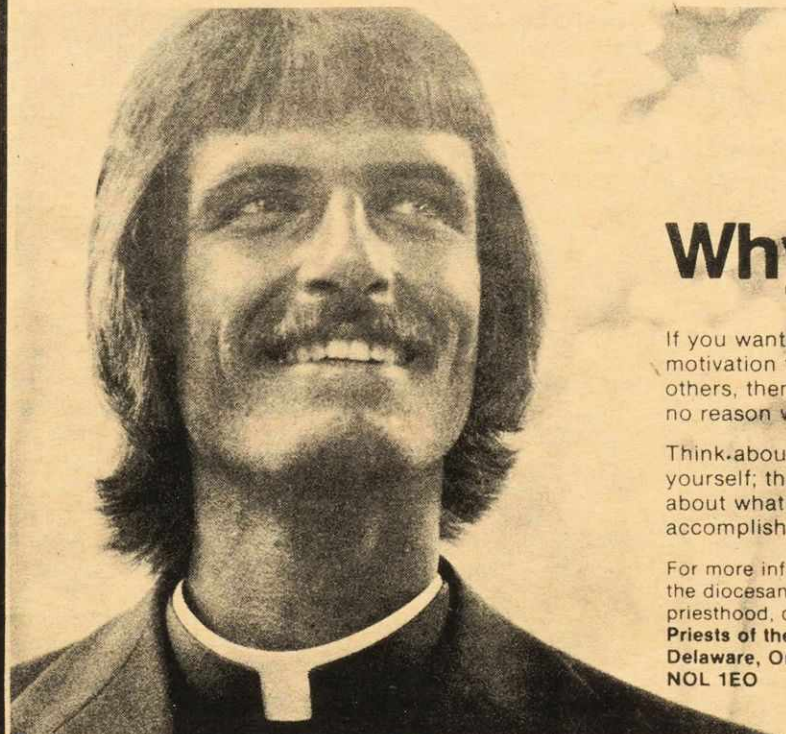
The operating Expenses at the University of New Brunswick and St. Thomas University do not include SUB Operations, as does the equivalent figure at Dalhousie. The SUB in Fredericton is not directly operated by the student governments there.

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