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Michael Gardner, M.A., LL.B.

BIOGRAPHY

Mr. Gardner is President of Gardner Pinfold, a position he has held since the firm began operations in 1980. He is trained in law and economics, complementary disciplines highly applicable to his areas of specialization. Over the years, various Royal Commissions and federal and provincial Task Forces have sought Mr. Gardner's expertise. He has also served as an advisor to the Government of Canada in international arbitrations. His project experience in Canada is nation-wide.

Mr. Gardner also has extensive international experience, with assignments in some 35 countries for such agencies as CIDA, the Asian Development Bank, the World Bank and the Asia Pacific Economic Cooperation forum. During his consultancy career, he has authored well over 200 major reports. He has also published articles in academic journals and presented research papers at numerous conferences. On regulatory matters, Mr. Gardner has testified before the National Energy Board, the Nova Scotia Utility and Review Board, the New Brunswick Energy and Utilities Board, and the Island Regulatory and Appeals Commission of Prince Edward Island.

EDUCATION

Masters of Arts degree in Economics, Dalhousie University, 1972

Bachelor of Laws degree, Dalhousie University, 1975

EMPLOYMENT HISTORY

1980-present President, Gardner Pinfold Consulting Economists Limited
1186 Rockcliffe Street, Halifax, Nova Scotia, Canada, B3H 3Y6
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1976-1980 Associate Director, Centre for Development Projects, Dalhousie University
Halifax, 1976-77; Accra, Ghana, 1977-78, Halifax, 1978-1980

1975-1976 Senior Economist, Newfoundland and Labrador Hydro, St. John's

ADJUNCT TEACHING APPOINTMENTS

1976-1977 Department of Economics, Dalhousie University

1977-1978 Ghana Institute of Management and Public Administration, Accra, Ghana

1978-1980 Faculty of Law, Dalhousie University

1987-1994 World Maritime University, Malmö, Sweden

1993-1995 School for Resource and Environmental Studies, Dalhousie University

AREAS OF EXPERTISE

Techniques

Benefit-Cost and Economic Impact Analysis
Financial Feasibility and Project Planning
Project/Program Evaluation
Regulatory and Policy Analysis
Market structure and competitive behaviour

Fields

Natural Resources (Fisheries, Energy)
Regulated Industries
Regional and International Development
Public Administration
Environmental Economics

CONSULTANCY ASSIGNMENTS: REGULATED INDUSTRIES

Economics of the Nova Scotia Gasoline Market, 2005. (Government of Nova Scotia) This study of industry structure and competitive behaviour in the gasoline market in Nova Scotia provides estimates of wholesale and retail margins, an examination of factors contributing to the decline in retail outlets, a review of approaches to regulation, and an assessment of options to address policy issues.

Petroleum Product Price Regulation in Nova Scotia: a Six-month Review, 2007. (Government of Nova Scotia) This report contains an evaluation of petroleum products price regulation in Nova Scotia, examining how regulation affects industry structure and pricing, with a focus on the effectiveness of regulations in meeting policy objectives.

Review of Regulated Fuel Margins, Costs and Full Service Charges in New Brunswick, 2008. (New Brunswick Energy and Utilities Board) This report was commissioned to provide evidence to the Board regarding the adequacy of margins and delivery costs in the New Brunswick petroleum products market.

Expert Witness in the Matter of A public hearing into Certain Aspects of the Petroleum Products Pricing Regulations, 2009. (Nova Scotia Utility and Review Board) This evidence provided guidance to the Board on the scope and effects of promotions in relation to the objectives of regulation with respect to supporting retail infrastructure.

Impact on Gasoline Sales Volumes in Amherst and Springhill Arising from the Difference in Fuel Tax between Nova Scotia and New Brunswick, 2009 (Nova Scotia Utility and Review Board). This report relied on sales data for all gasoline outlets in the market area to estimate the impact on sales arising from the fuel tax difference between the provinces.

Expert Witness in a hearing respecting the viability of markets affected by their proximity to the provincial border with New Brunswick under the Petroleum Products Pricing Regulations, 2010. (Nova Scotia Utility and Review Board) This evidence provided guidance to the Board on the quantitative impact on sales volumes arising from the fuel tax difference between the provinces.

Expert Witness in the Matter of The Petroleum Products Pricing Act and the Petroleum Products Pricing Regulations, 2006. (Nova Scotia Utility and Review Board) This evidence provided guidance to the Board on approaches to implementing price regulation in Nova Scotia.

Evaluation of Petroleum Products Pricing Regulation in Nova Scotia: a Two-year Review, 2008. (Government of Nova Scotia) This report contains an evaluation of petroleum products price regulation in Nova Scotia two years after implementation. It examines how regulation affects industry structure and pricing, with an assessment of impact on price stability, margins and industry infrastructure.

Expert Witness in the Matter of The review of maximum margins, maximum delivery costs and maximum full service charge pursuant to section 14(1) of the Petroleum Products Pricing Act. 2008 (New Brunswick Energy and Utilities Board)

Impact of Retail Gasoline Promotions and Discounts on Rural and Independent Retailers, 2009. (Government of Nova Scotia) This report examines the implications of promotions and discounts for rural and independent dealers by looking at changes in sales volumes following the introduction of promotions.

Expert witness in an application for a retail petroleum licence, 2009 (Island Regulatory and Appeals Commission). The report and evidence examined the public interest and necessity of a proposed retail gasoline outlet.

Review of Regulated Fuel Margins, Costs and Full Service Charges in New Brunswick, 2010. (New Brunswick Energy and Utilities Board) This report was commissioned to provide evidence to the Board regarding the adequacy of margins and delivery costs in the New Brunswick petroleum products market.

Expert Witness in the Matter of The review of maximum margins, maximum delivery costs and maximum full service charge pursuant to section 14(1) of the Petroleum Products Pricing Act. 2010 (New Brunswick Energy and Utilities Board).

Review of Petroleum Products Pricing, Retail Margin Review, Nova Scotia, 2011. (Nova Scotia Utility and Review Board). This report provides an assessment of the change in the effective retail markup for regulated petroleum products in Nova Scotia between 2006 and 2011. It also includes a review of the application for increased margins prepared by the Nova Scotia Retail Gasoline Dealers Association.

Expert Witness in the Matter of the Petroleum Product Pricing Act and in the matter of an application by 3067500 Nova Scotia Limited requesting an increase in retail gasoline margins pursuant to s. 24(1) of the Petroleum Product Pricing Regulations. 2011. (Nova Scotia Utility and Review Board).

Expert witness *In the Matter of the Petroleum Pricing Act and In the Matter of an application by CST Canada Co. Requesting approval of an increase of 0.861 cents per litre to the Wholesale Margin for Gasoline and Diesel pursuant to s.24(1) of the Petroleum Products Pricing Regulations.* 2016. (Nova Scotia Utility and Review Board).

In the matter of the Petroleum Product Pricing Act and In the matter of an application by Tuskert Ultra Mart Ltd. requesting an increase to retail margins under s. 24(1) of the Petroleum Products Pricing Regulations. 2016 (Nova Scotia Utility and Review Board). This report provides an assessment of the change in the effective retail markup for regulated petroleum products in Nova Scotia between 2011 and 2014. It also includes a review of the application for an increased margin by *Tuskert Ultra Mart Ltd.*

Expert Witness *In the matter of the Petroleum Product Pricing Act and In the matter of an application by Tuskert Ultra Mart Ltd. requesting an increase to retail margins under s. 24(1) of the Petroleum Products Pricing Regulations.* 2016. (Nova Scotia Utility and Review Board).

Expert witness *In the matter of the consumer protection act and In the matter of a hearing respecting certain aspects of the Consumer Protection Act relating to payday loans.* 2018. (Nova Scotia Utility and Review Board) Prepared evidence in relation to costs of service and margins earned in the industry, and the issue of repeat loans and how these should be addressed through regulation

In The Matter of The Motor Carrier Act and In The Matter Of The Motor Vehicle Transport Act and In The Matter Of The Review of Discounting Methods and Their Impact Upon The Motor Carrier Industry, 2015. (Nova Scotia Utility and Review Board) Prepared an expert witness report on competition in the charter bus industry including the practice and impact of discounting off approved tariffs. Appeared as an expert witness during the hearing.

Expert witness *In the matter of the consumer protection act and In the matter of a hearing respecting certain aspects of the Consumer Protection Act relating to payday loans.* 2015. (Nova Scotia Utility and Review Board) This evidence provided guidance to the Consumer Advocate in relation to evidence submitted to the Board by the Canadian Consumer Loan Association and in relation to margins earned in the industry.

Expert witness in *993692 Ontario Inc. et al (Plaintiffs) v. Tri-Board Student Transportation Services Inc. ("Tri-Board") – Arbitration.* 2016. Prepared a report "Determining fair and sustainable rates for student transportation services" and provided testimony at the hearing.

Expert witness in *Barr Bus Lines et al (Plaintiffs) v. Student Transportation of Eastern Ontario (STEO) – Arbitration.* 2018. Prepared a report "Determining fair and sustainable rates for student transportation services" and provided testimony at the arbitration hearing.

Review of Regulated Fuel Margins, Costs and Full-Service Charges in New Brunswick, 2016. (New Brunswick Energy and Utilities Board) This report was commissioned to provide evidence to the Board regarding the adequacy of margins and delivery costs in the New Brunswick petroleum products market (retail).

Expert Witness *in the Matter of The review of maximum margins, maximum delivery costs and maximum full service charge pursuant to section 14(1) of the Petroleum Products Pricing Act.* 2016 (New Brunswick Energy and Utilities Board).

Expert witness in *Badder Bus Operations et al (Plaintiffs) v. Southwestern Ontario Student Transportation (STS) – Arbitration.* 2019. Prepared a report "Determining fair and sustainable rates for student transportation services".

Review of Regulated Fuel Margins, Costs and Full-Service Charges in New Brunswick, 2019. (New Brunswick Energy and Utilities Board) This report was commissioned to provide evidence to the Board regarding the adequacy of margins and delivery costs in the New Brunswick petroleum products market (retail).

Expert Witness *In the Matter of The review of maximum margins, maximum delivery costs and maximum full service charge pursuant to section 14(1) of the Petroleum Products Pricing Act.* 2019 (New Brunswick Energy and Utilities Board).

Review of Regulated Fuel Margins, Costs and Full-Service Charges in New Brunswick, 2020. (New Brunswick Energy and Utilities Board). This report was commissioned to provide evidence to the Board regarding the adequacy of retail margins and delivery costs in the New Brunswick petroleum products market.

Expert Witness *In the Matter of The review of maximum margins, maximum delivery costs and maximum full service charge pursuant to section 14(1) of the Petroleum Products Pricing Act.* 2020 (New Brunswick Energy and Utilities Board).

Advisor to the Consumer Advocate *In the Matter of an Investigation by the Nova Scotia Utility and Review Board under s. 24(1) of the Petroleum Products Pricing regulations about whether the current wholesale margin for gasoline and diesel is just and reasonable.* May-June, 2023.

In the Matter of an Application by H. Cormier Service Station Ltd. pursuant to s. 24 of the Petroleum Products Pricing Regulations for approval of an increase on both minimum and maximum retail mark-ups for self-service and full-service gasoline and diesel. 2020 (Nova Scotia Utility and Review Board). This report provides an assessment of the change in the effective retail markup for regulated petroleum products in Nova Scotia between 2015 and 2019.

Expert Witness *In the Matter of an Application by H. Cormier Service Station Ltd. pursuant to s. 24 of the Petroleum Products Pricing Regulations for approval of an increase on both minimum and maximum retail mark-ups for self-service and full-service gasoline and diesel.* 2020. (Nova Scotia Utility and Review Board).

Expert witness *In the matter of the consumer protection act and In the matter of a hearing respecting certain aspects of the Consumer Protection Act relating to payday loans.* 2022. (Nova Scotia Utility and Review Board) Prepared evidence in relation to costs of service and margins earned in the industry, with a recommendation to reduce the maximum loan fee.