

MR. SAUNDERS, CHAIRMAN: Good morning, gentlemen.

MR. WHALEN, Q.C.: Good morning, sir.

MR. CONNOLLY: Good morning.

MR. SAUNDERS, CHAIRMAN: And ladies. Mr. Stamp.

MR. STAMP, Q.C.: Good morning, sir.

MR. SAUNDERS, CHAIRMAN: Mr. Whalen.

MR. WHALEN, Q.C.: Good morning, sir.

MR. SAUNDERS, CHAIRMAN: This is a pre-hearing conference. I'm going to introduce the panel members, first of all. Mr. Gerard Martin on my left, Commissioner Don Powell on my right. My name is Fred Saunders and I'd like to introduce the staff that are present here. Dwanda Newman, Board Counsel; Cheryl Blundon, Director of Corporate Services and Board Secretary; and Doreen Dray, who is the Economic and Financial Analyst for the Board. The purpose of the pre-hearing conference, I'll leave to Ms. Newman to cover off. I'd also like to note that we are recording this session this morning, and a transcript will be available, I think in three days, Madame Clerk? The Board Secretary will maintain a record of all the exhibits and submissions that may be put forth this morning. I understand that Board Counsel has spoken with the parties present and she will, as well, confirm the Board's statutory authority to conduct the hearing and that notice of this pre-hearing conference was published in accordance with the requirements of the Public Utilities Act and Regulations. I would ask, first of all though, if there are any other parties in the room that wish to be heard in this matter, if so, well then you can introduce yourselves now, if you wish.

MR. CONNOLLY: Doug Connolly, Department of Government Services and Lands.

MR. SAUNDERS, CHAIRMAN: Good morning, Mr. Connolly. Do you wish to make a presentation this morning or to have any comment in respect of the procedure, that being the only thing we're dealing with today.

MR. CONNOLLY: I just have a comment to make, that's all, before the Board.

MR. SAUNDERS, CHAIRMAN: Maybe you'd like to come forward to one of the tables here so we can pick you up on the microphones. Thank you. Ms. Newman, do you wish to now indicate to the parties present that the notices were published, etcetera.

MS. NEWMAN: Yes, thank you, Mr. Chairman. On September 9th, 2002, the Board of Commissioners of Public Utilities received an application from Facility Association for an increase in rates charged to private passenger and commercial automobile insurance policyholders insured through the Facility Association mechanism. The purpose of this pre-hearing conference today is to identify intervenors and other interested persons, provide focus to the issues to be heard, set the date and location of the hearing into the application, establish the procedures to be followed during the hearing, set the timetable for pre-filing of evidence, issuance of information requests, filing of responses, and other submissions to the Board, and any other matters which may be brought before the Board or arise otherwise. Notice of this application was published in newspapers throughout the province, beginning on October 16th. In particular, notice was published in the Evening Telegram, the Western Star, the Shoreline, the Express, the Compass, the Packet, the Southern Gazette, the Beacon, the Pilot, the Advertiser, the Nor'Wester, the Coaster, the Humber Log, the Georgian, the Gulf News, the Labradorian, the Aurora, the Charter, and the Northern Pen. This notice is on file with the Board Secretary and will form part of the record of the proceeding. The date set out for the filing of interventions in this matter was November 1st, and no requests for intervention have been filed with the Board to date. There is one request for an oral submission that has been made, and there were some letters of comment that were presented to the Board. One letter of comment did reference that a consumer advocate may eventually be appointed and may seek to have intervenor status at some later date. I can confirm for the Board and the parties present that this application and the notice were duly filed and published and are consistent with the provisions of the relevant legislation.

MR. SAUNDERS, CHAIRMAN: Very well.

MS. NEWMAN: And I also can confirm that I have had some discussions with the Applicant here today and as well as others present to indicate that there are some proposed dates for the significant events to happen in this proceeding. I would propose to go

1 through those now, and in addition, I have presented to
2 the Applicant a set of rules which we would propose to
3 have this proceeding governed by, and I understand
4 that both the dates and the rules are acceptable to the
5 Applicant at this time, and also the dates I did run
6 through with Mr. Connolly who is present here today
7 and seeking to make a submission.

8 The dates are as follows that I would propose,
9 would be filing of all responses to information requests,
10 both formally filed with the Facility Association, and
11 informally through the Board's agents, should be filed
12 with the Board by November 8th. There will be a
13 motions day scheduled for November 18th, should the
14 parties need it. All intervenors and the Board should
15 file pre-filed evidence as well as experts reports on
16 November 22nd. On November 28th, parties will file a
17 list of witnesses with the Board. On November 28th,
18 requests for information on the Intervenor's and Board's
19 pre-filed and experts reports will be filed. December 5th
20 has been set aside as a motions day. December 6th,
21 responses to the RFIs, that's requests for information
22 on the Intervenor and Board pre-filed and expert
23 reports, and the hearing will begin on December 11th,
24 2002.

25 MR. SAUNDERS, CHAIRMAN: So you have two
26 motions days, one on the 18th of November, one on the
27 5th of December, and these are, I guess, tentative if
28 required.

29 MS. NEWMAN: Yes, they are days set aside if a party
30 wishes to file a motion, but the Board will not convene
31 unless they do receive a motion scheduled for that day.

32 MR. SAUNDERS, CHAIRMAN: And the other parties
33 will be notified if we're going to proceed.

34 MS. NEWMAN: Yes, the rules of procedure require
35 that any documentation motions have to be circulated
36 to the other parties as well.

37 MR. SAUNDERS, CHAIRMAN: Okay, do we have any
38 comment, Mr. Whalen or Mr. Stamp?

39 MR. WHALEN, Q.C.: Mr. Chairman and Members of
40 the Board, very briefly, we understand that there has
41 been a correspondence from the Minister on this, and
42 also some correspondence back from insurers, perhaps
43 suggesting there's a timeline within which these matters
44 must mandatorily be done. We have had discussion
45 with Commission Counsel and we're quite satisfied with

46 the arrangements that are made at this time, and the
47 timelines that have been set, notwithstanding what the
48 position may be on that 60 days, we're prepared and
49 pleased to go on with this timeline. We'd like to point
50 out, however, that if intervenors were to come in
51 looking for a delay, that we would oppose that
52 strenuously, and have to take whatever steps, either
53 before the Board or otherwise, to see that that's done.
54 We believe that everybody is aware of what we're
55 doing here and if the Minister or anyone else at that
56 level wishes to intervene, they should do it
57 expeditiously and that the Applicant, nor this Board,
58 should be required to await any other matters that they
59 may have to do, so that they should, by our comment,
60 be put on notice of our position in advance. We all at
61 this, or many of us at this Board know that in the
62 previous hearing there was representation appointed by
63 Government and they did that without any special
64 legislation or without any consumer advocate. If they
65 feel it's important they should do it. Otherwise they
66 should let us proceed with our deliberations. So unless
67 Mr. Stamp has something to add, I ...

68 MR. STAMP, Q.C.: No, nothing further, thank you.

69 MR. SAUNDERS, CHAIRMAN: Thank you, Mr.
70 Whalen. Mr. Connolly?

71 MR. CONNOLLY: Good morning, I just want to express
72 from our department and the Minister's perspective that
73 they would hope to appoint a consumer advocate if
74 legislation were currently in place. It's the Minister's
75 hope that legislation will be passed in the fall sitting of
76 the House at which point in time Government's
77 intentions would be to appoint an advocate to seek
78 intervenor status at that point.

79 MR. SAUNDERS, CHAIRMAN: Anything else, Mr.
80 Connolly?

81 MR. CONNOLLY: No, that's all I have.

82 MR. SAUNDERS, CHAIRMAN: Okay, the hearing
83 being set down for the 11th, I think you said, of
84 December?

85 MS. NEWMAN: Yes.

86 MR. SAUNDERS, CHAIRMAN: Yes, provides
87 approximately five weeks between now and the
88 commencement of the hearing. Mr. Connolly, if the
89 Minister or your department wishes to pursue the

1 matter in any of the manner that were mentioned this
2 morning, either through the consumer advocate or
3 through the appointment of counsel to represent the
4 Minister of the department, then we will deal with that
5 when that motion comes forward. At this stage, all I
6 can say is that notice was published of this pre-hearing
7 conference and I think Friday past was the date set
8 down for the filing of intervenor's submissions, and as
9 Ms. Newman has pointed out at this stage, none were
10 received, however we do have letters of comment, and
11 we do have representations by way of letters from the
12 insurance, some of the insurance industry members. If
13 the department, and I'll repeat myself in saying this,
14 wishes to present itself as an intervenor at any stage
15 leading up to the 11th of December, I would anticipate
16 that they would take advantage of the motion days that
17 have been set down, being the 18th of November and
18 the 5th of December to make the panel aware of that,
19 and of course, at that stage we would invite the, a
20 response from the Applicant in respect of whether or
21 not the panel should allow the intervention for the
22 reasons I've already stated. So having said that, there
23 were other parties that intended to make an oral
24 presentation, are they present, Ms. Newman? I think
25 the Taximen's Association was one.

26 MS. NEWMAN: There was one, the taxi operators, and
27 there was a suggestion from Kevin Wells that he may
28 be interested in making an oral presentation. I don't
29 think either of these parties are here today. If they are
30 they should stand and identify themselves.

31 MR. KEOUGH: My name is Michael Keough, I'm the
32 Chair of the Taxi Operators Network, and that's a
33 (inaudible) organization of taxicab owners and
34 operators in the Avalon Peninsula area, and we would
35 request that we could make an oral presentation to the
36 Board at the appropriate time on the matter before it.

37 MR. SAUNDERS, CHAIRMAN: Okay, Mr. Wells (*sic*),
38 yes, we have a letter on file from you indicating that
39 and there will be time set aside after the commencement
40 of the hearing on the 11th of December, and you will
41 certainly be adequately notified of that. Thank you.
42 Any other matters, Ms. Newman?

43 MS. NEWMAN: No, there isn't, just to suggest that we
44 should be in a position to have this order completed
45 perhaps by the end of the week.

46 MR. SAUNDERS, CHAIRMAN: Yes.

47 MS. NEWMAN: The parties are interested in having it,
48 when it will be published or issued, perhaps by the end
49 of the week.

50 MR. SAUNDERS, CHAIRMAN: Yes, anything else
51 that you wanted to raise, Mr. Whalen or Mr. Stamp?

52 MR. WHALEN, Q.C.: No, perhaps just to note that
53 generally speaking it would not be Facility's position to
54 oppose intervention, but we would strenuously oppose
55 delay.

56 MR. SAUNDERS, CHAIRMAN: Fair enough, thank
57 you. If there isn't anything else to be raised at this pre-
58 hearing conference, I guess we will see you, if
59 necessary, on the 18th of November. Thank you very
60 much.

61 *(hearing adjourned)*