

Newfoundland & Labrador
BOARD OF COMMISSIONERS OF PUBLIC UTILITIES

**REFERENCE TO THE BOARD
RATE MITIGATION OPTIONS AND IMPACTS
MUSKRAT FALLS PROJECT**

Rules of Procedure

Issued: March 26, 2019

1 **1. Standing**

- 2
- 3 (a) An interested person may apply to the Board for standing.
- 4
- 5 (b) The Board may grant standing on the basis that the interested person has a material
- 6 interest that would not otherwise be represented and that the participation may be of
- 7 assistance to the Board and would not unduly complicate or delay the proceeding.
- 8
- 9 (c) The Board may grant limited standing where it determines that it is appropriate to restrict
- 10 the nature or scope of participation.
- 11
- 12 (d) Interested persons who have been granted standing will be parties in addition to Nalcor
- 13 Energy, Newfoundland and Labrador Hydro and the Consumer Advocate.
- 14

15 **2. Public Record and Confidentiality**

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- 17 (a) Unless otherwise directed by the Board, all documents filed with the Board shall be
- 18 placed on the public record. Paper and electronic filings are considered public records.
- 19
- 20 (b) A party may file a document on a confidential basis and the information contained in the
- 21 document shall be considered confidential unless the Board, on its own motion or upon
- 22 the request of another party, determines that a request must be filed to have the document
- 23 considered confidential.
- 24
- 25 (c) If a party providing confidential documents is signatory to an agreement not to release
- 26 information without the other contracting party's consent, the party shall request the
- 27 contracting party to consent to release such information to the Board and shall advise the
- 28 Board of the request. Once the contracting party consents to the release of such
- 29 information or the information is required to be provided by subpoena such information
- 30 will be released to the Board and the parties.
- 31
- 32 (d) All information in confidential documents will be released to the Board. A confidential
- 33 document may be released to other parties on the terms and conditions agreed by the
- 34 parties or, failing agreement, upon the terms established by the Board.
- 35
- 36 (e) The Board is bound by the provisions of the *Access to Information and Protection of*
- 37 *Privacy Act, RSNL 2002 Chapter A-1.1* and the *Energy Corporation Act, SNL 2007, c.E-*

1 11.01. Requests for access to confidential documents will be dealt with in accordance
2 with the provisions of this legislation.

3
4 **3. Document Filing Requirements**

- 5
6 (a) All documents shall be filed with the Board by delivery to the Board's Secretary, in
7 person or by registered mail, electronic mail, or facsimile. A party shall provide a copy
8 of each document filed with the Board to the other parties.
9
10 (b) A party filing a document shall file with the Board Secretary one (1) original paper copy,
11 two (2) full paper copies and three (3) additional paper copies of all documents which are
12 less than 300 pages. All copies, including the electronic copies, must be an exact copy of
13 the original signed document, and must include covering letters.
14
15 (c) All documents shall be filed with the Board by 3 pm. Filing is accomplished when the
16 Board receives the documents, whether electronically or in paper format. Documents
17 that are filed on a weekend or Board holiday shall be considered as filed on the next
18 business day. When documents are filed electronically, paper copies must be filed by
19 the end of the next business day. For parties located outside of the St. John's area, the
20 Board will allow three (3) business days for the filing of paper copies.
21
22 (d) All paper documents filed shall, where possible, be:
23 (i) typed, written or printed on 8½" X 11" letter size paper, 3-hole punched;
24 (ii) single or double sided;
25 (iii) page and line numbered; and
26 (iv) filed electronically as a PDF.
27
28 (e) A party may revise any document to correct errors or to reflect updated information.
29 Where all or any part of a document is revised:
30 a. each revision shall indicate the page(s) revised, the line(s) revised, the number
31 of the revision (i.e. 1st revision), and the date of the revision; and
32 b. the document must be re-filed electronically in its entirety; however, only the
33 revised pages are required to be filed in paper copy.
34

35 **4. Information Requests**

- 36
37 (a) Information Requests ("IRs") may be issued to the parties by the Board.
38
39 (b) Responses to IRs shall be:
40 a. filed as individual pages; and
41 b. numbered on the top right-hand corner of each page with the IR number and the
42 page number. If a claim of confidentiality has been made with respect to the
43 response the IR number should include a "C" at the end (i.e. PUB-Nalcor-001-
44 C). The top right-hand corner of an attachment to a response should include the
45 IR number, the attachment number, and the number of pages of the attachment.
46
47 (c) IRs, and responses to IRs, constitute part of the record.
48
49 (d) Where requested by the Board, a party providing a response to an IR shall make a
50 presenter available to speak to the information provided in the response.

1 **5. Additional Matters**

- 2
- 3 (a) A party may file a request for the Board to consider addressing additional issues or
- 4 issuing additional IRs on the basis that the issues or questions are relevant, would be of
- 5 assistance to the Board and would not serve to unduly complicate or delay the matter.
- 6
- 7 (b) The request must be in writing and filed with the Board and the parties.
- 8

9 **6. Meetings/Conferences**

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11 The Board may schedule technical meetings and conferences in relation to the issues to be

12 addressed which may be attended by the parties, except parties with limited standing will attend

13 only where the issues to be addressed are within the scope of the party's standing.

14

15 **7. Public Hearing**

- 16
- 17 (a) The Board will hear presentations during the hearing. There will be no sworn evidence
- 18 or cross-examination.
- 19
- 20 (b) Interested persons who are not a party may request the opportunity to make a presentation
- 21 during the hearing. Presenters who are not parties may be asked questions by the Board
- 22 but not the parties.
- 23
- 24 (c) Presentations by or on behalf of a party will be subject to questioning by the Board and
- 25 the parties.
- 26
- 27 (d) Parties must file a written summary at least two days before each presentation, setting
- 28 out the substance of the presentation, including the issues to be addressed and the
- 29 information and submissions to be provided. The presentation should address the issues
- 30 set out in the written summary. The Board may allow a presenter to provide additional
- 31 information where it is relevant, not redundant and may be helpful to the Board.
- 32
- 33 (e) Presenters may appear as a panel where prior notice has been given to the Board Secretary
- 34 and the parties. A question to a panel of presenters should be directed to an individual
- 35 panel member.
- 36
- 37 (f) Co-counsel may question the same presenter or panel, provided that different subject
- 38 matters are addressed by each counsel and that notice is given to the Board Secretary and
- 39 the parties prior to the start of the presentation.
- 40
- 41 (g) A party wishing to question a presenter on a document that is not part of the record for
- 42 the review shall file nine (9) copies of the document with the Board and provide one (1)
- 43 copy to the other parties by 3:00 p.m. on the last business day before the presentation.
- 44 Copies of each document shall be filed separately and not collated with other documents.
- 45
- 46 (h) A document may be adopted by the presenter and marked as an exhibit, and if not adopted
- 47 it may be entered as a consent item or an information item.

- 1 (i) A party may pose additional questions to their presenter in relation to matters arising
2 from the questioning by other parties. All parties may pose questions in relation to
3 matters arising from questions of the Board.
4
- 5 (j) The Board may hold a portion of the hearing in-camera where it is appropriate to address
6 concerns related to confidentiality. The Board will determine those parties that will
7 participate in an in-camera session and whether participation will be subject to conditions.
8
- 9 (k) Transcripts of the hearing will be distributed electronically to the parties normally by
10 7:00 p.m. daily and will be posted on the Board's website the next day. A paper copy of
11 the transcript for each day of the hearing will be available to parties, normally the
12 following day.
13

14 **8. Documentation/Information**

- 15
- 16 (a) All documents filed with the Board, except confidential or private information, can be
17 viewed on the Board's website (www.pub.nl.ca) or at the Board's office by contacting
18 the Board Secretary.
19
- 20 (b) The Board may charge for the cost associated with the reproduction of any document in
21 accordance with the applicable legislation.
22
- 23 (c) Copies of documents originating or authored by a party should be requested directly from
24 that party.
25
- 26 (d) Copies of the legislation can be obtained from the Queen's Printer, viewed at the Board's
27 Office, or viewed on the Board's website at www.pub.nl.ca.
28

29 **9. Time**

- 30
- 31 (a) The parties shall observe the schedule for the proceeding established by the Board as
32 amended from time to time.
33
- 34 (b) All references to time shall be clear days. The first and last day shall be excluded.
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36 **10. Costs**

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38 Parties may apply for an award of costs at the end of the matter.
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40 **11. Exceptions**

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42 The Board may dispense with, vary or supplement any provisions of these Rules on those terms
43 the Board considers necessary.