

**BOARD OF COMMISSIONERS OF PUBLIC UTILITIES  
NEWFOUNDLAND AND LABRADOR**

**Hearing Participation Guidelines**

**Participation in a Hearing**

There are a number of ways for interested persons and organizations to participate in a hearing before the Board:

- Attend the hearing
- File a letter of comment
- Make a presentation during the hearing
- Become a registered intervenor

In addition, where a Consumer Advocate has been appointed by Government to represent the interests of consumers in the province, interested persons and organizations may provide their views and concerns to the Consumer Advocate.

All information provided to the Board by participants during a hearing, either in a letter of comment or presentation or as an intervenor, becomes a part of the public record unless a request for confidentiality is made at the time of filing and granted by the Board.

**Attendance at a Hearing**

Hearings before the Board are open to the public and anyone may attend at any time to observe the proceeding. There is no requirement to notify the Board that you plan to attend. The time and location of the hearing will be published in advance and the schedule for the hearing can be viewed on the Board's website.

**Letter of Comment**

A letter of comment may be filed at any time during a hearing on an issue that is before the Board in the proceeding. A letter of comment must set out your full name and contact information including address, phone number and/or email. Your letter should describe the nature of your interest and the views you wish the Board to consider and should set out any relevant information that may be useful in explaining or supporting your views.

Letters of comment will form part of the public record of the proceeding and will be published on the Board's website. Contact information will not be placed on the public record and where requested in the letter of comment initials rather than the full name will be used.

## **Presentation**

Interested persons and organizations may also request permission from the Board to make a presentation at the hearing. The dates for filing requests to make a presentation and for making presentations and these dates will be published on the Board's website. A request to make a presentation must set out your full name and contact information including address, phone number and/or email. Your request should describe the nature of your interest and the views you wish the Board to consider and should set out any relevant information that may be useful in explaining or supporting your views.

A request to make a presentation will form part of the public record of the proceeding and will be published on the Board's website. Contact information will not be placed on the public record.

## **Registered Intervenor**

Intervenors are considered parties in a proceeding and are expected to be full participants in the hearing, which may include filing information requests, participating in settlement discussions, presenting evidence, cross examining witnesses and filing written submissions. All Intervenor must ensure that the scope and nature of their participation respects the parameters established by the Board and is consistent with the interest and intention expressed in their submission. Intervenor are required to be familiar with and respect the rules of procedure and the dates and deadlines established for the proceeding.

The Board may determine that it is appropriate in certain circumstances to limit the scope of an intervenor's role in the proceeding. For example the Board may determine that the intervenor's participation should be limited to particular issues or that proposed evidence should not be placed on the record as it is not relevant to the application or not helpful to the Board in its determinations.

To become an intervenor an [Intervenor Submission Form](#) must be completed and filed with the Board by the date indicated in the published notice. The completed Intervenor Submission Form should set out the information required by section 9 of the Regulations under the *Public Utilities Act*. It should detail the nature of and reason for the intended participation, including the interest to be represented, the proposed disposition, the facts to be relied on, the information and supporting documentation to be filed, and the qualifications of the experts to be relied upon. A separate written submission may be filed in addition to the Intervenor Submission Form to provide further information for the consideration of the Board, but is not required.

## **Costs of Participation**

The *Public Utilities Act* does not provide for intervenor funding in advance of or during a hearing but does give the Board the discretion to make an award of costs to an intervenor at the end of a hearing. In determining whether an award of costs should be made the Board will consider a number of factors, including whether the intervenor participated responsibly, whether the intervenor contributed to the Board's understanding of the issues, and whether the interest presented by the intervenor was unique and not otherwise represented. Similar to an award of costs in a court proceeding, intervenors should not expect to recover all, or any, of the costs of

participation. In the case of limited resources or a narrow scope of interest, participation by way of a presentation or letter of comment may be preferred.

Persons or organizations who attend the hearing, file a letter of comment or make a presentation will not normally be eligible to recover the costs of their participation.

### **Further Information**

The Board Secretary can provide further information and guidance on how to participate in a hearing.

#### Contact information for the Board Secretary:

Ms. Cheryl Blundon  
Board Secretary  
Board of Commissioners of Public Utilities  
Suite E210, Prince Charles Building  
120 Torbay Road,  
P.O. Box 21040, St. John's, NL, A1A 5B2

E-mail:           ito@pub.nl.ca  
Telephone:       709-726-8600 or 1-866-782-0006 (toll free)  
Facsimile:       709-726-9604

#### Contact information for the Consumer Advocate:

Mr. Dennis Browne, Q.C.  
Browne Fitzgerald Morgan & Avis  
Terrace on the Square, Level 2  
P.O. Box 23135  
St. John's, NL A1B 4J9

Email:           recept@bfma-law.com  
Telephone:       709-724-3800  
Facsimile:       709-754-3800

*Dated August 18, 2017*