

UTILITIES REGULATION PROCEDURAL RULES 2003

2. “intervenor” means an interested party or consumer referred to in section 15 of the Utilities Regulation Act Cap. 282 and who has been granted intervenor status by the Commission.

Information
to be filed
with
applications

60. (1) A service provider shall apply in writing to the Commission for a rate review and shall provide in addition to the information required by rule 26 such information as is prescribed by the Commission which may include the following:

- (a) identification of the test period and information on how it was determined;

- (b) calculation of the rate base including

- (i) details of fixed assets in the rate base;

- (ii) calculation of working capital for rate base purposes;

- (iii) identification of materials and supplies for rate base purposes;

- (iv) reconciliation of fixed assets in the rate base with fixed assets used in financial reporting;

- (v) calculation of depreciation in the rate base;

- (c) Other financial information including:

- (i) statements of operating and maintenance expenses by the department;

- (ii) calculation of deferred taxes and investment tax credits;

- (iii) calculation of corporate taxes payable;

- (iv) statement of depreciation expenses;

- (v) statement of exchange losses (or profits);
- (vi) statement of long and short-term interest expenses;
- (vii) statement of dividends;
- (viii) reasonable rate of return to be used together with a justification showing how the reasonable return was calculated;
- (ix) statement showing revenue requirement;
- (x) earnings coverage tests;
- (xi) sales projections;
- (xii) memorandum on capital expansion;
- (xiii) schedule of present rates;
- (xiv) schedule of proposed rates;
- (xv) five year forecast based on present rates; and
- (xvi) five year forecast based on proposed rates.

(2) The Commission may order that an application for a rate review be accompanied by a statement specifying

(a) maximum rates in monetary terms; or

(b) a formula to determine maximum rates.

(3) The formula referred to in paragraph (2)(b) may include factors which adjust an initial monetary maximum rate for elements such as inflation, exchange rate movements, energy price movements and expected efficiency gains; and maximum rates determined by another incentive-based approach to pricing.

- (4) Where a formula is specified in the service provider's request for rate adjustment then a time period during which it is intended that the formula will apply should also be stated.

Application
for
intervenor
status

64. (1) Subject to rule 64(8) any person may participate as an intervenor at a rate review and service standards hearing.

- (2) A person who wishes to actively participate in a proceeding, shall comply with the applicable Rules.

- (3) A person who intends to actively participate in the proceeding by submitting evidence, argument, interrogatories or by cross-examining a witness or witnesses shall submit a letter of intervention as required by rule 64(5).

- (4) A person shall not submit a letter of intervention unless the person intends to actively participate in the proceeding in the manner set out in rule 64(3).

- (5) A person may apply to actively participate in the proceeding by submitting a letter of intervention to the Commission.

- (6) Every letter of intervention shall

- (a) be divided into paragraphs and numbered consecutively;
- (b) describe the intervenor, the interest of the intervenor in the proceeding and detailed grounds for the intervention;
- (c) contain subject to rule 64 (7) a concise statement of the nature and scope of the intervenor's intended participation;
- (d) request the written evidence if it is desired; and
- (e) set out the full name, address, telephone number and facsimile number of no more than 2 representatives including counsel of the intervenor for the purposes of service and delivery of documents in the proceeding.

(7) Where by reason of an inability or insufficient time to study an application or other document initiating the proceeding, a person is unable to include the information required in the letter of the intervention that person shall

(a) state this fact in the letter of intervention as submitted under rule 64(5); and

(b) within

(i) 15 business days of receipt of a copy of the written evidence, or

(ii) 15 business days of the submission of the letter of intervention, or

(iii) or within 3 business days after the issues have been formulated by the Commission,

whichever is later, submit the letter of intervention with the information required by rule 64(6).

(8) Where several intervenors raise the same or substantially the same grounds of intervention the Commission may in an effort to save time and costs limit the number of persons actually participating in the hearing on those said grounds of intervention.

(9) Upon the submission of a letter of intervention, the Secretary shall notify the person applying for intervention status in writing if the letter of intervention has been accepted for filing and status has been granted, and the Secretary shall supply copies of the letter of intervention to the other parties and to the service provider.

Late
intervention

65. A person may request permission to submit a letter of intervention, after the time limit directed by the Commission by filing a Notice of Motion, and shall include a letter of intervention with the motion together with reasons why the application is late, and the Commission may dispose of the motion by a decision or order with or without a hearing.

List of
intervenors

66. (1) The Secretary shall maintain a list of persons who have been granted intervention status by the Commission in respect of a proceeding including their addresses for service, their telephone or facsimile access numbers and the names and numbers of their representatives.
- (2) The Secretary shall issue the list of intervenors to all parties in the proceeding.

Directions to
Intervenors

67. (1) Unless the Commission otherwise directs, before a hearing, an intervenor shall submit a written brief to the Commission summarizing the issue he or she wishes to raise in the hearing, and shall be accompanied by any documents which may be useful in explaining or supporting the intervention.
- (2) Interventions must relate to specific sections in the service provider's application or the Staff Analysis.
- (3) Having reviewed the intervenor's briefs, the Commission shall prepare a detailed schedule for the hearing at least 5 business days before the hearing, setting out when each intervenor is scheduled to speak.
- (4) Intervenors shall be informed of the date and time that they are scheduled to speak and the time allotted for their intervention at least 5 business days before the hearing.
- (5) Unless the Commission otherwise directs intervenors shall be limited to a specified time to make their case.
- (6) The applicant may object to questions on the basis of relevance and the Commissioners shall decide on whether a witness will be required to answer a question.

- (7) Intervenor may be represented by Public Counsel. The Commission will encourage intervenors to exercise this right if they appear to be having difficulty in complying with the Rules of the Hearing.
- (8) Where several intervenors raise the same or substantially the same grounds of intervention, the Commission may invite those intervenors to make their intervention through the Office of Public Counsel for the purpose of saving time, expense and the overall expeditious disposition of the hearing.
- (9) Intervenor who do not abide by the rules of the Hearing shall be asked to stand down and the Commission may not hear the remainder of their intervention.