

S.I. 2009 No. 82

**Utilities Regulation Act**  
**Cap. 282**

**UTILITIES REGULATION (PROCEDURAL)**  
**(AMENDMENT) RULES, 2009**

The Commission in exercise of the powers conferred on that body by section 39 of the *Utilities Regulation Act*, and after consultation with the service providers and the Minister, makes the following Rules:

1. These Rules may be cited as the *Utilities Regulation (Procedural) (Amendment) Rules, 2009*.

2. The *Utilities Regulation (Procedural) Rules, 2003*, in these S.I. 2003 Rules referred to as the principal Rules are amended in regulation 2 by No. 104. deleting the definition of "intervenor" and substituting the following:

Cap. 282. "“intervenor” means an interested party or a consumer referred to in section 15(5) of the *Utilities Regulation Act*.”

3. Rule 13 of the principal Rules is amended by deleting paragraphs (4) and (5) and substituting the following:

“(4) Where a party has made a request under this Rule, the document if filed with the Commission, shall be held in confidence unless the Commission decides to

(a) hold a hearing; and

(b) place the document on the public record.

(5) Where the Commission holds a hearing under paragraph (4), the Commission may direct that the hearing be held in the absence of the public in accordance with rule 39.”



- (f) re-examination by Public Counsel and intervenors ;”
- (b) deleting paragraph (6);
- (c) re-numbering existing paragraphs (7) and (8) as paragraphs (6) and (7) respectively.

7. The principal Rules are amended by deleting rule 64 and substituting the following:

“Applica-  
tion for  
intervenor  
status.

64. (1) Subject to paragraph (8) of rule 64, any person who wishes to participate as an intervenor at a rate review and service standards hearing shall submit a letter of intervention to the Commission.

(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

- (a) leading evidence;
- (b) making arguments;
- (c) submitting interrogatories; or
- (d) cross-examining a witness or witnesses

must comply with paragraphs (5) and (6) of rule 64.

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

(5) 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 paragraph (3) of rule 64.

- (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 contain detailed grounds for the intervention;
  - (c) contain, subject to paragraph (7) of rule 64, 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 purpose 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 paragraph (5) of rule 64; and
- (b) within

- (i) 15 business days of receipt of a copy of the written evidence;
- (ii) 15 business days of the submission of the letter of intervention; or
- (iii) 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 paragraph (6) rule 64.

(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 intervenor status in writing that the letter of intervention has been accepted for filing and whether the status has been granted; and the Secretary shall supply copies of the letter of intervention to the other parties and to the service provider.”

8. Rule 65 of the principal Rules is amended by

- (a) deleting the word “file” appearing before the words “a letter of intervention and substituting the word “submit”; and
- (b) deleting the word “directed” appearing before the words “by the Commission” and substituting the word “fixed”.

9. Rule 67 of the principal Rules is amended by

(a) deleting paragraph (1) and substituting the following:

“(1) Unless the Commission otherwise directs, an intervenor shall submit a written brief to the Commission before a hearing, summarizing the issues he or she wishes to raise in the hearing; and the brief shall be accompanied by any documents which may be useful in explaining or supporting the intervention.”;

(b) deleting paragraph (7) and substituting the following:

“(7) Intervenors who are consumers are entitled to be represented by the Public Counsel and the Commission will encourage intervenors to exercise this right if they appear to be having difficulty in complying with the Rules of the Hearing.”; and



(c) deleting paragraph (8) and substituting the following:

“(8) Where several intervenors who are consumers raise the same or substantially the same grounds of intervention, the Commission may invite those intervenors to make their intervention through the Public Counsel for the purpose of saving time, expense and the overall expeditious disposition of the hearing.”.

Made by the Commission this 3rd day of July, 2009.

NEVILLE V. NICHOLLS  
Chairman of the Commission.