



HEARING PROCESS

Manitoba
Consumer and
Corporate Affairs



THE ROLE OF PARTICIPANTS IN A HEARING:

■ Role of the Public Utilities Board

The Public Utilities Board operates under the authority of the Manitoba Legislature. Industries regulated include:

- Gas and Propane utilities;
- Manitoba Hydro;
- Manitoba Public Insurance Corporation (Autopac);
- Water and Sewer Utilities (Excluding the City of Winnipeg);
- Transit Utilities (Excluding the City of Winnipeg owned system);

The main duties of the Board are to:

- review and set rates, and where applicable;
- review and set terms and conditions of service;
- ensure customers of regulated industries receive safe and adequate service;
- review consumer complaints.

■ Role of Board Staff and Advisors

Board staff and advisors will:

- assist the Board by ensuring relevant matters are brought fully to the Board's attention;
- assist all parties to a public hearing regarding procedural matters;
- communicate Board decisions to the affected public;
- consult with members of the public on any matter involving the Board.

The Board staff and advisors will not:

- take a position on any application;
- recommend any application for approval or denial;
- assist the public in making their case for or against the applicant.

■ Role of the Public

Manitobans have the right to voice their concerns regarding public utility services in Manitoba.

All Manitobans can apply to The Public Utilities Board for a decision on a matter of interest that relates to a utility.

It is the right of Manitobans to participate in Board hearings. By taking part, the public assists the Board in arriving at its decisions. Public involvement promotes questions and answers of issues and views that may not otherwise be heard by the Board.

This public participation can be done in two ways:

1. An **intervenor** is a party who wishes to take a position on the application and:
 - may provide information or evidence;
 - will regularly attend the hearing;
 - may wish to examine or question the applicant;
 - will be available to answer questions;
 - will provide a closing argument at the end of the hearing.

An intervenor must register with the Board and complete a registration form

2. A **presenter** is a party who may wish to make a statement to the Board concerning the application being reviewed. Presenters are entitled to observe the entire hearing but are not required to participate in the same way as an Intervenor. Presenters do not have to register with the Board. It is requested that presenters notify the Board before or at the start of the Hearing that they would like to make a statement so that time may be set aside to hear their position.

THE HEARING PROCESS:

The hearing process normally includes the following steps:

- The application;
- Notice of hearing;
- Pre-hearing conference;
- Hearing;
- Board order;

The Public Utilities Board may also hold a hearing at its own discretion into matters under its jurisdiction. These hearings do not necessarily result from an application.

The Board may also deal with matters on an "interim" basis, subject to a final decision at a later date or, deal with matters, such as consumer complaints, without holding a public hearing.

■ The Application

The Hearing Process begins when a party or "applicant" applies to The Public Utilities Board for a decision on a matter of interest to the applicant.

An applicant may be:

- a regulated industry;
- a consumer;
- a representative of consumers or special interest groups.

Where the applicant is the regulated industry applying for a change in rates, the applicant must satisfy the Board that such a change is required. No regulated industry can change its rates without Board approval.

Applicants must provide information to support their requests. It is this information which will be examined during the hearing.

■ Notice of Hearing

The Board is required to inform the public of matters which will be reviewed at a hearing. Notices of Public Hearings are usually published in daily and weekly newspapers throughout Manitoba. Notices may also be sent to groups (example: individuals or municipalities) which have expressed a current or previous interest in the matter being reviewed.

The notice will include:

- a brief explanation of the matter being reviewed and if applicable, the impact on the ratepayer;
- the time, date and place of the pre-hearing conference;
- the time, date and place of the hearing;
- the procedures to be followed before and during the hearing.

■ Pre-hearing Conference

Before the hearing begins, the Board will hold a meeting to:

- finalize what matters may be discussed at the hearing;
- identify interested parties (Intervenors or Presenters);
- set a timetable for the exchange of information between the applicant and interested parties;
- deal with opening motions.

■ The Hearing

At the beginning of a hearing, the applicant and intervenors will summarize their positions following which, the full examination of the application will occur. The entire proceeding is recorded by a court reporter and it is this record that the Board will rely upon to make its decision.

At the end of the examination the applicant and intervenors will be given an opportunity to make a final statement. When the hearing is over the Board will consider the evidence and issue its decision.

■ Board Order

Orders of the Board state the Board's decision or recommendations on a particular matter. The order is made in writing and is available to all Manitobans. It is a legal document and where appropriate is binding upon the parties affected.

The Board will review its own orders:

- at the request of the applicant;
- at the request of interested parties, or on the Board's own initiative.

Board orders may also be appealed to the Court of Appeal on questions of law or jurisdiction.

If you have any questions, please call or write the Board's offices:

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