

March 15, 2002

**REVIEW AND APPEAL PROCESS
GAS BROKERS**

This Guideline sets out the Board's Appeal Process for complaints, the making of Orders of the Board and request to vary or appeal an Order of the Board. This Guideline also sets out the procedures to be followed at an Oral Hearing.

STEP 1:

Board staff receives a complaint from a customer, or on behalf of a customer (the customer), by phone, mail (fax, e-mail) or in person, stating that a customer has a dispute with a gas broker. The process is explained to the customer and the customer is directed to contact the gas broker. If the broker cannot resolve the complaint the broker will so advise the customer and also advise the customer of the right to appeal to The Public Utilities Board. If the customer wants to proceed with an appeal then the customer is asked to notify the Board's office in writing.

STEP 2:

The Board shall arrange to hear the appeal following a written or oral hearing process as noted below:

WRITTEN HEARING

Where the Board wishes to proceed with the appeal hearing by way of written submissions, Board staff shall obtain a report from:

- a) The Customer outlining the reasons for the appeal providing the following:
 - i/ details of the account;
 - ii/ person responsible
- b) The Gas Broker responding to the customer's complaint;
and
- c) The Customer responding to the Gas Broker's report.

ORAL HEARING

Where the Board wishes to proceed by way of an oral hearing, written notices are sent to both parties advising of time and date. All of the above documents plus information sheet is sent to customer. Evening hearings can be arranged for customers so wishing.

STEP 3:

The Board conducts its written or oral hearing and makes a determination as to the customer's complaint.

The Board's decision (Order) is to be communicated in writing to both the customer and the gas broker.

STEP 4:

Pursuant to Subsection 44(2) of The Public Utilities Board Act (the "Act") the customer or the gas broker may request, in writing, that the Board review, rescind, change, alter or vary the decision or Order made by the Board. When making this request the applicant must demonstrate that conditions have changed materially since the hearing was held.

STEP 5:

Pursuant to Section 58 of The Public Utilities Board Act an appeal lies from any final Order or decision of the Board to The Court of Appeal upon:

- a) any question involving the jurisdiction of the Board; or
- b) any point of law.

The appeal shall be taken only:

- a) by leave to appeal obtained from a judge of The Court of Appeal;
- b) within one month after the making of the Order or decision sought to be appealed from, or within such further time as the judge under special circumstances shall allow; and
- c) after notice to the other parties stating the grounds of appeal.

CONDUCT OF ORAL HEARING

1. The Board is not bound by the rules of evidence and can take evidence under oath or otherwise.
2. The customer and the broker are invited to bring to the hearing any witnesses and or documents relevant to the dispute to be heard.
3. The Board's staff will obtain the names of all persons attending the hearing. All witnesses may be asked to leave the hearing room until they are called, one at a time by the party for whom they are appearing.
4. The Chairman of the Board will ask the customer to present his or her claim or position, including documents or witnesses. The other party will then be asked to respond.
5. Direct discussions between the parties will be limited. Either party may ask a question or seek clarification of the other through the Chairman.
6. During the entire process the Chairman and members of the Board may ask questions of either party.
7. The Board's decision may be given either orally at the end of the hearing or will be mailed to both parties shortly thereafter.