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BARRISTERS & SOLICITORS

August 10, 2018

**BOARD OF COMMISSIONERS OF
PUBLIC UTILITIES
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VIA EMAIL

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ATTENTION: JACQUELINE GLYNN

Dear Ms. Glynn:

RE: LIST OF PRESENTERS FOR SEPTEMBER HEARING

We write further to your email of August 09, 2018 providing the September schedule and the Campaign's email of the same date outlining their presenters. With respect to your email we wish to address the APTLA presentation.

Our client, Insurance Bureau of Canada, takes issue with the Campaign's list proposed for the September hearing. We refer to your June 20, 2018 email in which you indicated that the Campaign did not expect to have any other presenters besides the authors of the reports filed with the Board. We now learn, contrary to the Board's understanding that the Campaign intends to have multiple presentations by witnesses who still have not been identified. Further, these people are apparently intended to present without the other parties having had the benefit of viewing a written report. In fact, most of the witnesses referred to in the Campaign's August 09, 2018 email are experts in their respective fields, whether medical or legal. Prior written reports should be required of these witnesses before they present so the parties can determine whether questioning is in order.

We still do not have an exact number of presenters, as the Campaign has actually packaged three of the presentations in the form of panels. In terms of numbers it appears the Campaign intends to call upwards of ten, aside from the witnesses who have provided reports. Counting the presenters referred to in the Campaign's email, we have Dr. Misik, some unknown number of injured people, a three person panel to present the Campaign's position, a two person "legal technical panel", and a retired judge. Dr. Misik, the three person panel, the two person panel and the retired judge amount to seven presenters, plus the unknown number of injured people.

The identities of the panel members presenting on behalf of the Campaign remain a mystery, as do the identities of the two person "legal technical panel" and the retired judge. Fairness dictates that the identities of these people be made known immediately.

More importantly however, all of these presenters, other than the injured people are experts in their fields and should have produced reports that should have been filed with the Board so that the parties can properly prepare and pose questions if deemed appropriate.

There is limited time left for Commission to hear the presentations of witnesses. The witnesses who have filed reports will likely take a considerable amount of time and there is real danger that all of the witnesses cannot be heard in the time left.

With respect of the panel of injured people, it would have been more appropriate to hear this presentation in June when other witnesses spoke to issues with auto insurance. There is limited time available for the September hearings as things are.

The Campaign wants to make a panel presentation on its position similar to the manner in which IBC made a presentation. We point out that IBC in fact filed two submissions on 07 March and 31 May 2018 prior to presenting and being subject to questioning. The Campaign seeks to have the benefit of making a presentation without having submitted a report. This is counter to the procedural structure that the Board has devised, and under which the parties have conducted themselves. It is simply inappropriate and procedurally unfair for the Board to permit the Campaign to make a presentation through multiple witnesses in a panel format without having had to produce reports which the other parties would have had in advance to properly prepare their positions.

Similarly it is also submitted that the "legal technical panel" is essentially a presentation by legal experts who should have produced a written report to allow for proper preparation and questioning.

In the same vein APTLA's presentation remains a mystery. We have no information whatever as to identities or subject matter. If APTLA intends to present through experts then reports should have been prepared and circulated. An additional presentation by video call was never contemplated. These can be more cumbersome to follow if witnesses are referring to documents.

IBC submits that the Campaign and APTLA should not be permitted to circumvent the procedural framework set up by the Board in the manner proposed by having multiple witnesses present their position without having had to produce reports. This leaves the other parties, and in particular, IBC, in a position of not knowing what will be submitted and being unable to properly prepare to ensure that the Board receives a balanced view of the matters that will be addressed. IBC therefore asks that the Campaign and APTLA be barred from making the presentations referred to in the August 09, 2018 email.

Yours truly,

MARTIN WHALEN HENNEBURY STAMP


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