

A.I. 6(2007)

1 **IN THE MATTER OF** the
2 *Insurance Companies Act* RSNL 1990,
3 Chapter I-10, and the *Automobile*
4 *Insurance Act*, RSNL 1990, c. A22;

5
6 **AND**

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8 **IN THE MATTER OF** an application
9 By Facility Association for an Order of
10 the Board approving revisions to rates
11 charged for private passenger and
12 miscellaneous vehicle automobile
13 insurance policies issued through
14 the Facility Association mechanism,
15 pursuant to section 102 of
16 *Insurance Companies Act*.

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19 **WHEREAS** Facility Association is an unincorporated non-profit association of insurers licensed to
20 transact automobile insurance in the province in accordance with the provisions of the *Insurance*
21 *Companies Act*, RSNL 1990, c. I-10; and

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23 **WHEREAS** Facility Association filed an application with the Board of Commissioners of Public
24 Utilities (the “Board”) on March 20, 2007 seeking the approval of the Board for changes in rates to
25 be charged for private passenger and miscellaneous vehicle automobile insurance policies insured
26 through the Facility Association residual market mechanism in all areas of the Province, to be
27 effective on September 1, 2007 (the “Application”); and

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29 **WHEREAS** notice of the Application and Pre-hearing Conference was published in newspapers
30 throughout Newfoundland and Labrador beginning on April 2, 2007; and

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32 **WHEREAS** on April 18, 2007 a Pre-hearing Conference was held in the Board’s Hearing Room,
33 2nd Floor, Prince Charles Building, 120 Torbay Road, St. John’s; and

1 **WHEREAS** on April 27, 2007 the Board issued Order No. A.I. 3(2007) designating Thomas
2 Johnson as Consumer Advocate as an Intervenor; setting an initial schedule for the hearing and
3 setting aside certain issues to be addressed subsequently; and establishing Rules of Procedure for
4 this matter; and

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6 **WHEREAS** on May 8, 2007 Facility Association applied to withdraw the Application; and

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8 **WHEREAS** the Consumer Advocate was advised of the intended withdrawal of the Application;
9 and

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11 **WHEREAS** the Board has incurred costs in relation to the Application including the costs of the
12 Consumer Advocate.

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15 **THE BOARD ORDERS THAT:**

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17 1. The withdrawal of the Facility Association Application is accepted.
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19 2. Facility Association shall pay the costs of the Board arising from this Application.

Dated at St. John's, Newfoundland and Labrador, this 26th day of July 2007.

Robert Noseworthy
Chair & Chief Executive Officer

Darlene Whalen, P.Eng.
Vice-Chair

Cheryl Blundon
Board Secretary