



NEWFOUNDLAND AND LABRADOR  
**BOARD OF COMMISSIONERS OF PUBLIC UTILITIES**  
120 Torbay Road, P.O. Box 21040, St. John's, Newfoundland and Labrador, Canada, A1A 5B2

Email: [jhepburn@facilityassociation.com](mailto:jhepburn@facilityassociation.com)

2014-08-21

Ms. Jill Hepburn  
Facility Association  
777 Bay Street, Suite 2400  
P.O. Box 121  
Toronto, Ontario M5G 2C8

Dear Ms. Hepburn:

**Re: Facility Association – Taxi and Limousine Rate Application  
Hearing Information**

Following the deadline for intervenor submissions in this proceeding the Board received one intervenor submission from Mr. Thomas Johnson which is attached for your information.

The Board has now set the schedule and established the rules of procedure for the hearing. The hearing schedule, rules of procedure and the contact list for the distribution of paper and electronic documents are found as attached in Appendix 1 - *Hearing Information*.

If you have any questions please do not hesitate to contact the undersigned or the Board's Legal Counsel, Ms. Jacqui Glynn, e-mail, [jgylinn@pub.nl.ca](mailto:jgylinn@pub.nl.ca) or telephone (709) 726-6781.

Yours truly,

Cheryl Blundon  
Board Secretary

Attachments(2)

e.c.c.

Facility Association	General FA EMAIL	<a href="mailto:mail@facilityassociation.com">mail@facilityassociation.com</a>
Consumer Advocate	Mr. Thomas Johnson	<a href="mailto:tjohnson@odeaearle.ca">tjohnson@odeaearle.ca</a>
Consumer Advocate	Thomas Williams	<a href="mailto:twilliams@odeaearle.ca">twilliams@odeaearle.ca</a>
	Ms. Colleen Lacey	<a href="mailto:clacey@odeaearle.ca">clacey@odeaearle.ca</a>



July 24, 2014

Ms. G. Cheryl Blundon  
Board of Commissioners of Public Utilities  
120 Torbay Road, P.O. Box 12040  
St. John's, NL A1A 5B2

Dear Ms. Blundon:

**Re: Facility Association Application of March 6, 2014**

In relation to the above noted application and further to the Notice of Hearing issued by the Newfoundland and Labrador Board of Commissioners of Public Utilities on July 7, 2014, we enclose the original and twelve (12) copies of the Intervenor's Submission of the Consumer Advocate.

We trust the foregoing is found to be in order.

Yours very truly,

O'DEA, EARLE

A handwritten signature in blue ink, appearing to read 'Thomas Johnson', is written over the typed name.

THOMAS JOHNSON  
TJ/cel  
encl.

**IN THE MATTER OF** an Application dated March 6, 2014 by Facility Association to the Newfoundland and Labrador Board of Commissioners of Public Utilities seeking approval of increased rates for Third Party Liability, Accident Benefits and Uninsured Automobile coverage for its Taxi and Limousine class of business (the "Application").

**TO:** The Board of Commissioners of Public Utilities (the "Board")

### **INTERVENOR'S SUBMISSION**

#### **General**

1. The Consumer Advocate wishes to intervene in the Application.

#### **Interests of the Consumer Advocate**

2. The Consumer Advocate has been appointed to represent the interests of automobile insurance customers in relation to the Application and therefore has an interest in the proposals contained in the Application.

#### **Disposition Advocated by the Consumer Advocate**

3. It would be premature for the Consumer Advocate to advocate a particular disposition of the Application at this time as the Consumer Advocate's review of the Application is continuing at this time.

#### **Facts and Reasons Supporting Intervention**

4. The reason for the Consumer Advocate's intervention is to receive and consider materials filed in support of the Application so as to be in a position to assess whether Facility Association's proposed Application proposes rates that are in excess of that which is required or justified pursuant to this Automobile Insurance

Regulations (NLR 81/04).

### **Participation of the Consumer Advocate**

5. In light of the Consumer Advocate's ongoing review of the Application, the Consumer Advocate cannot state at this time whether or not he shall present evidence in relation to the Application. The Consumer Advocate may wish to participate in technical conferences, file requests for information and to avail of the right to cross-examine witnesses or to submit argument at a public hearing of the Application, all as the circumstances may require.

**DATED** at St. John's, in the Province of Newfoundland and Labrador, this 24<sup>th</sup> day of July, 2014.



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**THE CONSUMER ADVOCATE**

Thomas Johnson, LL.B.  
O'Dea, Earle Law Offices  
323 Duckworth Street  
P.O. Box 5955  
St. John's, NL A1C 5X4  
Telephone: 709-726-3524  
Facsimile: 709-726-9600  
Email: tjohnson@odeaearle.ca

**FACILITY ASSOCIATION  
TAXI AND LIMOUSINE RATE APPLICATION**

**HEARING INFORMATION**

	Page
1 Established Intervenors	2
2 Hearing Schedule	3
3 Rules of Procedure	4
4 Contact List- (Paper and electronic distribution)	9

**FACILITY ASSOCIATION  
TAXI AND LIMOUSINE RATE APPLICATION**

**INTERVENORS**

**1. Consumer Advocate**

Mr. Thomas Johnson  
O'Dea, Earle Law Offices  
323 Duckworth Street  
St. John's, NL A1C 5X4  
Telephone: 709-726-3524  
Fax: 709-726-9600  
E-mail: tjohnson@odeaearle.ca

**FACILITY ASSOCIATION  
TAXI AND LIMOUSINE RATE APPLICATION**

**HEARING SCHEDULE\***

**July 2014**

Wednesday, July 9, 2014	Notice of Hearing published
July 24 (Thursday)	Deadline for Intervenor Submissions and Requests to Make a presentation

**August 2014**

August 29 (Friday)	Intervenor requests for Information (RFIs) to be submitted
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**September 2014**

September 22 (Monday)	Responses to Intervenors RFIs
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**October 2014**

October 7 (Tuesday)	Intervenor Expert Reports/Pre-filed Evidence
October 17 (Friday)	RFIs on Intervenor Expert Reports
October 29 (Wednesday)	Responses to RFIs on Intervenor Expert Reports

**November 2014**

November 5 (Wednesday)	Hearing
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**\* Further Notice of Hearing to be published in October**

**FACILITY ASSOCIATION  
TAXI AND LIMOUSINE RATE APPLICATION**

**RULES OF PROCEDURE**

**Public Record**

1. Unless otherwise directed by the Board, all documents filed with respect to this proceeding shall be placed on the public record.
2. A party may apply to the Board requesting that a document or information filed with the Board be considered confidential and should not be released or released subject to conditions set by the Board.
3. The Board is bound by the provisions of the *Access to Information and Protection of Privacy Act, RSNL 2002 Chapter A-1.1*. Documents which are determined by the Board to be confidential will be dealt with in accordance with the provisions of this legislation.

**Filing of Documents**

4. (1) All documents shall be filed with the Board Secretary.
- (2) Documents may be filed by:
  - (a) hand delivery;
  - (b) courier service;
  - (c) registered mail;
  - (d) electronic mail; or
  - (e) facsimile.
- (3) Filing is accomplished on the date when the Board first receives the submission, whether electronically or in paper format.
- (4) When documents are filed electronically, paper copies must be filed within 24 hours or the next business day. For those parties located outside of the St. John's area, the Board will allow 5 business days for the filing of paper copies.
- (5) All documents filed according to the scheduled dates shall be filed no later than 3:00 p.m. on the date stipulated. Documents filed after this time or on a Board holiday shall be considered as filed on the next Board business day.
- (6) All documents will have the date and time recorded when received by the Board.

**Form of Documents**

5. (1) Paper and electronic filings are considered official public record in this proceeding.



- (2) All paper documents filed shall be prepared as follows:
  - (a) typed, written or printed on 8½" X 11" letter size paper, 3-hole punched;
  - (b) single or double sided;
  - (c) each page shall be numbered; and
  - (d) where reasonable, each line shall be numbered.
- (3) All documents filed electronically must be searchable and allow for key-word searching. This will require documents to be scanned with optical character recognition (OCR) or converted to OCR before they are filed with the Board.
- (4) The electronic copy must be an exact copy of the original signed document, including covering letters.
- (5) Upon request the Board may consider filing exceptions regarding the form of documents.

### **Revisions to Documents**

6. (1) A party may revise any document to correct errors or to provide new information before the completion of the hearing.
- (2) Where all or any part of a document is revised, each revision shall indicate the page(s) revised, the line(s) revised, the number of the revision (i.e. 1<sup>st</sup> revision), and the date of the revision.
- (3) Where all or any part of a document is revised, the document must be re-filed electronically in its entirety; however, only the revised pages are required to be filed in paper copy.
- (4) Where a revision is made to a document the Board may, upon its own motion or upon the request of another party, after receiving submissions of the parties, make any order in respect of the revisions.

### **Number of Paper Copies to be Filed**

7. Unless otherwise directed by the Board, a party filing a document with the Board shall:
  - (a) file with the Board Secretary one (1) original signed copy of each document;
  - (b) provide eight (8) copies of the original document to the Board; and
  - (c) serve one (1) copy of each document on the other parties.

### **Charge for Copies**

8. (1) The Board will provide a copy of any document authored by the Board or its consultants at no charge.
- (2) Copies of documents originating or authored by a party should be requested directly from the party.
- (3) One (1) copy of the transcript for each day of the hearing will be provided to each party at no cost.
- (4) Copies of the Legislation can be obtained from the Queen's Printer, viewed at the Board's Office, or viewed on the Board's Website at [www.pub.nl.ca](http://www.pub.nl.ca).
- (5) The Board may charge copy fees for the cost associated with the reproduction of any other document requested in accordance with the applicable legislation.

### **Information Requests**

9. (1) The parties shall observe the dates set for the issuance and filing of requests for information ("RFIs") and dates for responses to RFIs.
- (2) RFIs shall be:
  - (a) labeled with the initials of the party issuing the RFI;
  - (b) designated so as to provide notice of to whom the RFI is directed (i.e. PUB-FA-001; PUB-CA-001); and
  - (c) numbered consecutively with whole numbers and should not contain sub-numbering such as a, b, c, or i, ii, iii.
- (3) Responses to RFIs shall be:
  - (a) filed as individual pages; and
  - (b) numbered on the top right-hand corner of each page with the RFI number and the page number. If the response has an attachment, the RFI number and the attachment number as well as the number of pages should be included on the top right-hand corner of each page.
- (4) RFIs, and responses to RFIs, shall constitute part of the record in the proceeding and will be considered to be evidence in the proceeding.
- (5) Where directed by the Board, a party providing a response to an RFI shall make a witness or witnesses available for cross-examination to speak to the information provided in the response.

### **Service of Documents**

10. The Board may direct to whom service shall be provided.

### **Public Viewing**

11. Interested persons may view any or all documents filed in this proceeding, except confidential or private information, on the Board's website ([www.pub.nl.ca](http://www.pub.nl.ca)), or at the Board's office by contacting the Board Secretary.

### **Time**

12. The parties shall observe the schedule for the proceeding established by the Board as amended from time to time.
13. All references to time shall be clear days, that is the first and the last day shall be excluded.

### **Motions**

14. (1) Motions must be filed in writing with the Board and served upon the other parties two (2) days before the Motions Day.
- (2) The responding parties must file with the Board and serve upon the other parties response briefs one day before the Motions Day.

### **Procedures for Presentation of Evidence and Cross-examination of Witnesses**

15. (1) Pre-filed testimony should be adopted as evidence by the witness in sworn testimony.
- (2) Direct examination should be limited to matters set out in the witness pre-filed testimony. The Board may allow a witness to provide supplementary evidence or may restrict direct testimony where it is irrelevant, redundant or not helpful to the Board in making its decision.
- (3) Direct evidence may be presented by way of a panel of witnesses where prior notice has been given to the Board Secretary and the parties. When examining a panel of witnesses Counsel shall put each question to a particular witness on the panel. Co-counsel may examine the same witness, or panel of witnesses, provided notice is given to the Board Secretary and the parties prior to the start of the cross-examination of the witness.
- (4) Co-counsel should not examine the same witness on the same subject matter.
- (5) The party calling the witness shall be afforded an opportunity for re-direct examination and all parties shall have an opportunity to pose questions in relation to new matters arising from questions of the Board.
- (6) A party wishing to examine or cross-examine a witness on a document that is not:

- (a) already part of the record of the proceeding;
- (b) a portion of a transcript of the witness' own prior testimony; or
- (c) an Order of the Board;

shall file one (1) original and eight (8) copies of the document with the Board and serve one (1) copy on each party by 3:00 p.m. on the last business day before the examination or cross-examination is to take place.

- (7) Where the witness adopts the document it will be marked as an exhibit to his testimony.
- (8) Where a document was not adopted as part of the witness' testimony the document may be:
  - a. if the parties consent, entered as a consent exhibit; or
  - b. entered as an information item.

### **Other**

- 16. Unless otherwise ordered by the Board, the rules of procedure set out in *Regulation 39/96* apply in this proceeding to the extent that they are consistent with these Rules.

### **Exceptions**

- 17. The Board may dispense with, vary or supplement any provisions of these Rules on those terms the Board considers necessary.

## FACILITY ASSOCIATION APPLICATION

### CONTACT LIST

#### Paper and Electronic distribution of hearing documents

#### Paper Distribution

1. **File with the Board Secretary one (1) original signed paper copy of each document;**
2. **Provide eight (8) paper copies of the original documents with the Board; and**
3. **Serve one (1) paper copy of each document to the parties.**

<b>Facility Association</b>		
Ms. Jill Hepburn Facility Association 777 Bay Street, Suite 2400 P.O. Box 121 Toronto, Ontario M5G 2C8	E-mail: jhepburn@facilityassociation.com	Telephone: 416-863-1750 Fax: 416- 868-0895
<b>Consumer Advocate</b>		
Mr. Thomas Johnson O'Dea, Earle Law Offices 323 Duckworth Street St. John's, NL A1C 5X4	E-mail: tjohnson@odeaearle.ca	Telephone: 709-726-3524 Fax: 709-726-9600
Mr. Thomas Williams, Q.C Counsel for the Consumer Advocate O'Dea, Earle Law Offices 323 Duckworth Street St. John's, NL A1C 5X4	twilliams@odeaearle.ca	

#### Electronic Distribution

1. **Please provide an electronic copy to each of the following individuals.**

Facility Association	Jill Hepburn	jhepburn@facilityassociation.com
Facility Association	General FA EMAIL	mail@facilityassociation.com
Consumer Advocate	Thomas Johnson	tjohnson@odeaearle.ca
Consumer Advocate	Thomas Williams	twilliams@odeaearle.ca
	Colleen Lacey	clacey@odeaearle.ca
Public Utilities Board	Official Record	ito@pub.nl.ca
Public Utilities Board	Official Record	cblundon@pub.nl.ca
Public Utilities Board - Counsel	Jacqui Glynn	jglynn@pub.nl.ca