



HEARING PROCEDURES MANUAL

Amended as of October 2019

Statement of Principle

The Board's mandate is the general supervision of the rates each insurer charges or proposes to charge for automobile insurance. Part of this supervisory role requires the Board to conduct hearings into whether the rates charged or proposed to be charged by an insurer are "just and reasonable". The Board makes every effort to ensure that hearings are effective and efficient, while meeting the obligations of procedural fairness. Participants are reminded of these governing principles and that rate application hearings are intended to be non-adversarial, despite the presentation of potentially differing points of view and opinions.

The Board has developed this Manual to assist participants and promote this spirit of transparency, fairness, and non-adversarial determination of every issue on its merits.

TABLE OF CONTENTS

1. Preface
2. Short Title
3. Interpretation
4. General
 - 4.1 Non-compliance
 - 4.2 Service
 - 4.3 Language
5. Disclosure and Confidentially
6. Hearing – General
 - 6.1 Intervenors
 - 6.2 Pre-Hearing Conferences
 - 6.3 Interrogatories and Information Requests
 - 6.4 Exhibits
7. Oral Hearings
 - 7.1 Recording
 - 7.2 Witnesses – General
 - 7.3 Expert Witnesses
 - 7.4 General provisions applicable to oral hearings
8. Electronic Hearing
9. Written Hearing
10. Request for Interlocutory Relief or Directions
11. Disposition

1. PREFACE

- 1.1. This Manual has been developed by the New Brunswick Insurance Board to assist in fulfilling the Board's mandate under the *Insurance Act*, R.S.N.B. 1973, c. I-12.
- 1.2. This Manual outlines the procedures to be followed once a hearing has been ordered, and is intended to be read in conjunction and together with the Board's filing guidelines (RFG-1), other Board policies, the *Insurance Act*, and the *Inquiries Act*, RSNB 2011, c. 173.
- 1.3. All persons appearing before the Board should familiarize themselves with the legislation, policies and this Manual.
- 1.4. In any situation not addressed in this Manual, the Chair shall determine the appropriate procedure.
- 1.5. These Procedures may be varied as circumstances require by the Board or by the Chair to ensure a just determination of a matter on its merits.

2. SHORT TITLE

2.1. The procedures outlined in this Manual shall be referred to as “the Procedures”.

3. INTERPRETATION

- 3.1. These Procedures shall be interpreted in the manner that will, in the opinion of the Board or Chair as the case may be, best ensure the most just and expeditious determination of any matter at issue before the Board, while maintaining principles of due process, natural justice and fairness for all participants.
- 3.2. Unless otherwise ordered, where notice is required by these Procedures to be given to the Board, it shall be in writing and this requirement may be satisfied by delivery of email, where delivery of the email is acknowledged by the Board.
- 3.3. Time shall be calculated as follows:
 - a. Where a number of days is set out in these Procedures, it shall be calculated exclusive of the first day and inclusive of the last day;
 - b. Where the time for completing a step expires on a Saturday, Sunday or a Holiday, the time for doing so will expire on the next day that is not a Saturday, Sunday or Holiday;
 - c. The completion of any step set out in these Procedures must take place before 4:30 p.m. (Atlantic) on the date on which the time for doing so expires; and
 - d. The Board or the Chair may grant an extension of time for the taking of any step.
- 3.4. As used in these Procedures, the words “shall” and “will” are to be construed as mandatory, and the word “may” as permissive.
 - 3.4.1. Notwithstanding provision 3.4, all provisions of these Procedures may be amended by the Board or the Chair should circumstances require.
- 3.5. Definitions:
 - a. “Act” means the *Insurance Act*, R.S.N.B. 1973, c. I-12 as amended from time to time;
 - b. “Address for service” for the Board is:

FAX: (506) 652-5011

E-Mail : info@nbib-canb.org

Mailing Address: Mercantile Centre
 600-55 Union Street,
 Saint John, NB E2L 5B7 Canada

- c. “Address for Service” for any Insurer is the address found on the latest rate filing received by the Board. Where no rate filing has been received, the Address for Service shall be the registered head office of the insurer;
- d. “Address for Service” for any other person shall be the last address found on correspondence filed with the Board;
- e. “Agent” means a person or firm designated to make representations on behalf of a party, who is not being called as a witness to give evidence, and who is authorized to receive or deliver documents on behalf of a party. An agent includes a party’s designated counsel;
- f. “Applicant” means an insurer who submits a rate filing to the Board in accordance with the *Act*, and in respect of which a Notice of Hearing is issued by the Board;
- g. “Board” means the New Brunswick Insurance Board and, where the context so requires, includes staff and/ or a properly constituted panel of the full Board;
- h. “Chair” means the Chairperson or Vice-Chairperson of the Board or a panel thereof;
- i. “Documents” means documentation, photographs, charts, maps, graphs, books of account, transcripts, videotapes, audio tapes, and information stored by means of any electronic storage and retrieval system;
- j. “Electronic Hearing” means a hearing held by telephone conference, video conference, or some other form of electronic technology allowing persons to hear one another;

- k. "File" means the delivery of a rate filing application or other document to the Board;
- l. "Filing" means a rate application delivered to the Board by an insurer pursuant to the Act and the Guidelines;
- m. "Guidelines" means the Board's Rate Filing Guidelines (RFG-1);
- n. "Hearing" means a proceeding before the Board wherein one or more parties provide submissions to the Board which may, at the Board's discretion, be supplemented by the provision of information and/ or evidence. A hearing may be electronic, oral or written or a combination thereof;
- o. "Hearing Schedule" means the schedule set by the Chair or the Board setting out deadlines for events that are to occur following the Notice of Hearing;
- p. "Holiday" means New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, New Brunswick Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day;
- q. "Insurer" means an insurance company subject to the jurisdiction of the Board;
- r. "Interrogatory" means a request for information made in writing by a party pursuant to Procedure 6.10 and the answers to any such request;
- s. "Intervenor" means a party to a Hearing other than the Applicant, and may include the Attorney General, the Consumer Advocate for Insurance, or other party who has been granted status as an Intervenor pursuant to Procedure 6.8 of the Manual;
- t. "Manual" means the Hearing Procedures Manual;
- u. "Oral Hearing" means a hearing at which the parties and/or their agents attend before the Board in person;

- v. "Party" means an Insurer appearing before the Board and an Intervenor;
- w. "Record" means the combined document which includes all Exhibits before the Board for a Hearing;
- x. "Transcript" means the official transcription of an oral hearing produced by an authorized Court reporter;
- y. "Witness" means a person who gives oral or written evidence to the Board in the course of a hearing;
- z. "Written Hearing" means a hearing held by the exchange and subsequent review and consideration of documentary evidence by the Board.

4. GENERAL

4.1. Non-Compliance

- 4.1.1. A failure by any party to comply with any section of these Procedures does not necessarily invalidate the proceeding.
- 4.1.2. In the event of non-compliance or partial compliance, the Board or Chair will make such order or direction that it deems appropriate in all of the circumstances.
- 4.1.3. In the event the Board or Chair is of the opinion that the application of these Procedures would result in injustice, he or she may give directions for any appropriate alternative procedure.

4.2. Service

- 4.2.1. A document required to be served by these Procedures or by direction of the Board shall be served:
 - a. By courier, ordinary mail, fax or email to any registered office if it is to be served on an Insurer;
 - b. By courier, ordinary mail, fax or email to the last known address or such address as given by a person or organization, other than an Insurer; or
 - c. By such other method as the Board or Chair directs.
- 4.2.1.1 Notwithstanding section 4.2.1, the Board encourages the use of email or large file sharing programs (i.e. DropBox) to minimize unnecessary printing and delivery of voluminous documents.
- 4.2.2. The date of service of a document is the day upon which the person served received the document, except:
 - a. where a document is received after 5:00p.m., the date of service is deemed to be the next business day, and
 - b. where a document is served by ordinary mail, the date of service shall be deemed to be five business days after mailing.

- 4.2.3. Any document required to be served upon a party pursuant to these Procedures or by directions of the Board or Chair, may be served on the party's Agent.
- 4.2.4. Any requirement in these Procedures to provide a document or communication 'in writing' or to provide 'written notice' or a 'written request' is met if the document, communication or notice is sent by email.

4.3. Language

- 4.3.1. Subject to Procedures 4.3.2, 7.3.5 and 7.2.6 of this Manual, the language of any proceedings before the Board shall be one of the Province of New Brunswick's official languages, as directed by the Chair.
- 4.3.2. Any party, in its dealings with the Board, shall be entitled to address the Board, lead evidence and conduct direct and cross-examination of witnesses in the official language of that party's choice. A Party's Notice of intention to proceed in a language other than the language of the Hearing must be given to the Board in accordance with Procedure 7.2.4.
- 4.3.3. Notwithstanding a party's choice of language for a Hearing, a witness may testify in the other official language, provided notice is given to the Board at least 30 days before the Hearing.

5. DISCLOSURE AND CONFIDENTIALITY

- 5.1. Unless ordered otherwise, and subject to Procedures 5.3 and 5.4, the Board will keep available in its office for public inspection a copy of every application to the Board for anyone to review.
- 5.2. Any person who wishes to review a document that is available for public inspection at the Board's offices may do so between the hours of 9:00 a.m. and 4:00 p.m., Monday to Friday.
- 5.3. Subject to the *Act* and any other order of the Board, the following sections of rate applications, as outlined in the RFG -1 Filing Guidelines, shall remain confidential and will not be disclosed:
 - a. Summary of Current and Proposed base premiums and differentials;
 - b. Territorial Change Exhibit;
 - c. Actuarial Justification;
 - d. Summary of Information; and
 - e. Confidential section.
- 5.4. The Board may receive other information in confidence if the Board is of the opinion that the disclosure of the information could reasonably be expected to:
 - a. result in undue financial loss or gain to a person or company directly or indirectly affected by the proceeding; or
 - b. harm significantly the party's competitive position.
- 5.5. Where a person or Party does not agree with the Board's decision regarding confidentiality and disclosure on a specific document, that person or Party may request reconsideration by the Board by giving written notice to the Board and all other affected Parties within three (3) business days of the Board's decision.
- 5.6. Where, following reconsideration by the Board pursuant to Procedure 5.5, the Board makes an order determining that documents should be disclosed, the Board may on

its own motion or on request of any Party order a stay of the Board's decision until such time as an appeal has been determined or the time for filing an appeal has expired.

6. HEARINGS - GENERAL

- 6.1. Where the Board determines that a hearing is mandatory or appropriate, the Board shall give Notice of Hearing.
- 6.2. The Board shall determine, in its absolute discretion, whether a hearing will be oral, electronic or written or a combination of those formats and will give notice of that decision with the Notice of Hearing.
 - 6.2.1. In the event of a change in circumstances, the Board or the Chair may reconsider and alter the format of the Hearing at any time prior to Panel's deliberation.
- 6.3. Any objection to the format of the hearing by the Applicant shall be filed with the Board within 15 days after the Notice of Hearing.
- 6.4. All Hearings, notwithstanding format, are subject to Procedure 6 of this Manual.
- 6.5. Notice of Hearing shall be published as required with a brief description of the matter to be decided.
- 6.6. The composition of the Board for the Hearing shall be determined by the Chair in his/her discretion as:
 - a. A full Board, or
 - b. A Panel consisting of the Chairperson or Vice-Chairperson acting as chairperson of the Panel, along with two or more additional members of the Board.
- 6.7. At a Hearing, the Board is not bound by the legal rules of evidence and may admit any evidence relevant to the issues to be determined, including opinion evidence,

taking into account all of the circumstances and applying to such evidence the appropriate weight.

6.8. Intervenorors

- 6.8.1. Where the Office of the Attorney General (“OAG”) or the Consumer Advocate for Insurance (“CAI”) wishes to intervene at a hearing related to auto insurance rates he/she shall notify the Board in writing within twenty (20) days after the publication of the Notice of Hearing, or such additional time as the Chair shall allow.
- 6.8.2. At the same time, the OAG and CAI shall advise the Board in writing whether the objection is made to the proposed format of the Hearing.
- 6.8.3. Any other interested person who seeks to intervene at a Hearing shall make a written request to the Board within the deadline set out in the Notice of Hearing. The written request shall provide:
 - a. Identification of the specific issue upon which the proposed Intervenor wishes to be heard;
 - b. the proposed Intervenor’s preference whether to appear at the hearing in person (if applicable) or otherwise;
 - c. the name, mailing address, email address, fax number and telephone number of the proposed Intervenor or agent, and the preferred method for receiving information and documents
- 6.8.4. Before determining whether to grant Intervenor status, other than to the OAG or CAI, and after allowing for an appropriate period of time for the delivery of any objections pursuant to these Procedures, the Board will determine whether it is in the interests of justice to grant Intervenor status in that particular case to the party requesting and, if granted, the extent of participation that will be allowed.
- 6.8.5. Parties to the Hearing will be given notice of any request for intervenor status and may object to the participation of the proposed Intervenor, in whole or in part, with the exception of the OAG or CAI, by submitting an objection in writing prior to the Board’s determination under Procedure 6.8.4.

6.8.6. If granted intervenor status in any capacity, the Intervenor shall be considered a Party to the hearing and is subject to Procedure 4.3.2 and 7.2.4.

6.8.7. The rights and obligations of an Intervenor, in the absence of an order to the contrary, include:

- a. The Intervenor is entitled to attend the Hearing (if applicable);
- b. The Intervenor may make representations, orally (if applicable) and/ or in writing, prior to or at the Hearing, to the extent permitted by the Board;
- c. The Intervenor may submit Interrogatories to any other party, (see Procedure 6.10);
- d. The Intervenor is required to respond to any Interrogatories submitted to it by another Party or information requests from the Board;
- e. The Intervenor is entitled to call witnesses at the hearing (if applicable), and introduce evidence;
- f. Witnesses called by the Intervenor will be subject to cross-examination by other parties;
- g. Unless ordered otherwise, the Intervenor is entitled to participate fully in the hearing, make submissions, , raise procedural issues and respond to issues raised by other parties; and
- h. The Intervenor is entitled to a copy of all evidence and written submissions filed with the Board in respect of the hearing.

6.8.8. An Intervenor's written submission should include:

- a. A list of any statements or other matters set out in the Application that the Intervenor disputes and a brief explanation of the issues;

- b. A statement of the facts the Intervenor suggests the Board should consider in its review;
- c. The outcome the Intervenor suggests is appropriate in the circumstances.

6.9. Pre-Hearing conference

6.9.1. Following the determination of all requests for intervenor status, a pre-hearing conference may be set at the Board's own initiative or upon the written request of any Party.

6.9.1.1. A pre-hearing conference may take place by telephone, video-conference or in person, as the Chair directs.

6.9.1.2. At a pre-hearing conference, the Chair may consider any issue he/she considers appropriate including, but not limited to, the following:

- a. The establishment or amendment of a Hearing Schedule;
- b. Confirmation or determination of the format of the hearing;
- c. The admission or verification of certain facts;
- d. Directions to facilitate the transfer of Documents between parties;
- e. Directions with respect to disclosure;
- f. Directions with respect to evidence from witnesses, including the language of testimony and/or translation services;
- g. Directions as to the delivery of written reports/submissions;
- h. Date, time and location of the hearing;
- i. Identification of counsel/agent for a Party;
- j. Language of the hearing; and

k. Any other purpose or matter that the Chair considers may assist in the conduct and disposition of the proceedings.

6.9.1.3. At or further to a pre-hearing conference, the Chair may make any order or direction he/she sees fit in relation to the conduct of the Hearing.

6.9.1.4. At least thirty (30) days prior to the Hearing, each Party shall identify to the Board in writing :

- a. the name of the witness (es) the Party intends to call to testify during the proceeding;
- b. the name of the Agent or Individual who will conduct the questioning of witnesses during the Hearing.

6.10. Interrogatories and information requests

6.10.1. In accordance with the deadlines set out in the Hearing Schedule, the parties to a hearing may request information from any other Party.

6.10.2. Where a Party requests additional information from another Party, the request shall take the form of interrogatories in accordance with this Procedure.

6.10.3. Interrogatories shall be made in writing, served upon all Parties to the hearing, and shall be consecutively numbered by the party making the request.

6.10.4. The responding Party shall provide the answer in writing to the interrogatories by copying each interrogatory followed by its respective answer, and maintaining the same numbering system used in the request.

6.10.5. The responding Party shall serve the written responses upon all parties to the hearing within the time frames set by the Board in the Hearing Schedule.

6.10.6. A Party who has been served with written interrogatories, and who disputes that it should be required to furnish the requested information for any reason, may, within the response deadline, notify the Chair of the particulars of the objection.

6.10.7. The Chair will issue his or her decision on the objection with written reasons, which shall be furnished to all Parties.

6.10.8. A Party deliver a written request that the Board obtain information from non-parties. Full particulars of the request, including the reasons for making the request, should be provided to the Chair at the earliest opportunity for determination. If the Board accepts the Party's request, the Board will determine:

- a. The extent of requested information to be delivered by the non-party;
- b. The timelines for responses by the non-party;
- c. The responsibility for the costs and expenses, if any, associated with the request.

6.11. Exhibits

6.11.1. All evidence shall be exchanged among the Parties in accordance with the Hearing Schedule.

6.11.2. Immediately before commencing the Hearing, regardless of format, all documents presented to the Board as evidence shall be identified as Exhibits forming the Record, and each Exhibit shall be initialed and dated by the Chair, the Board Secretary or a member of the panel designated by the Chair for that purpose.

6.11.3. A list of all Exhibits within the Record will be kept by the Board Secretary, or other person designated by the Chair for that purpose.

6.11.4. A Party who seeks to introduce a new Exhibit after the deadline set out in the Hearing Schedule shall seek leave from the Chair, who shall consider the balance of probative value versus prejudice to any Party. Parties shall be entitled to make submissions to the Chair prior to the determination of the issue. The Chair shall make the determination on such items as may be just, which terms may include an adjournment, costs, and the delivery of documents to interested Parties.

6.11.5. Exhibits will be retained by the Board until the expiry of the appeal period or such longer period as the Board shall determine is appropriate.

7. ORAL HEARING

7.1. Recording

- 7.1.1. Unless ordered otherwise by the Chair, where a hearing is open to the public, the media and other interested persons may attend but are not permitted to record the hearing in any format.
- 7.1.2. The Board shall cause all oral and electronic hearings to be recorded.
- 7.1.3. The proceedings shall be recorded and transcribed in the language the evidence was presented during the Hearing. The Board does not provide, unless the Chair otherwise orders, translation of Transcripts. Any party may request a copy of the Transcript, at his/ her own cost, directly from the Court Reporter who provided the transcription services.
- 7.1.4. Subject to confidentiality considerations, Transcripts as well as Exhibits may be made available to any person on reasonable conditions for inspection and copying.

7.2. Witnesses, General

- 7.2.1. Subject to limits that may be imposed by the Chair, Parties may call any appropriate Witnesses at an oral or electronic hearing.
- 7.2.2. If required to compel the attendance of a proposed necessary Witness, a Party may request that the Board consider issuing a Summons to Witness. The request must be made to the Board in writing at least 21 days before the scheduled commencement of the hearing. The Board will issue a Summons to Witness only if satisfied that it is necessary in order to determine the issues on their merits or to achieve procedural fairness for the parties.
- 7.2.3. Any witness served with a Summons may file a request in writing to set aside the Summons as soon as practicable. The Chair will make a determination of any such request on such terms as may be just.
- 7.2.4. At the Pre-Hearing Conference each Party shall identify to the Board, in writing, the official language they intend to use during the Hearing. Further, each

individual witness is entitled to give evidence in the official language of his or her choice, as identified to the Board, in writing, at least 30 days prior to the Hearing.

- 7.2.5. The Board will determine the language of the hearing based on the balance of convenience for all parties. In the absence of an order to the contrary, the language of the hearing will be English.
- 7.2.6. Where any Party or witness has advised the Board of an intent to proceed in an official language other than the language of the Hearing, the Board will provide translation services at the Hearing.
- 7.2.7. The Board will not require documentary evidence to be translated into both official languages and will not provide translation of such documentary evidence unless the Chair orders otherwise. Each Party is entitled to obtain translation of the evidence at its own cost.
- 7.2.8. The Chair, in his/her sole discretion shall determine the order in which Witnesses are heard and shall, if he/she deems it necessary, limit the length of any testimony in direct or cross-examination.
- 7.2.9. Each Witness shall identify himself/herself for the record at the commencement of his/ her testimony.
- 7.2.10. The testimony of each Witness shall be given under oath, or solemn affirmation.
- 7.2.11. Unless ordered otherwise, the testimony of a Witness shall be first directed by the Party who brought the Witness forward.
- 7.2.12. Unless ordered otherwise, a Witness may be cross-examined by the representative of each of the other Parties at the Hearing.
- 7.2.13. Following cross-examination, the Witness may be re-examined by the Party who brought the Witness forward on new matters addressed in cross-examination that had not been previously addressed in direct examination, unless the Chair allows otherwise.
- 7.2.14. Members of the Panel shall be entitled to ask questions of any Witnesses at any time during their testimony.

- 7.2.15. Except with leave of the Chair, Witnesses will not be questioned by other Witnesses.
- 7.2.16. Once sworn, a Witness shall not communicate with counsel, Parties, agents or other witnesses, on any matters related to their evidence and the matter before the Board, except with leave of the Board, until her/ her evidence is complete.
- 7.2.17. The Chair, after such consultation with Panel members as he/she may deem appropriate, shall rule on any objections or requests from participants in the hearing with respect to hearing procedure or the admissibility of evidence.
- 7.2.18. The Chair may limit any evidence or testimony that is irrelevant, repetitive or otherwise inappropriate.
- 7.2.19. The costs associated with the presentation of any evidence, including the calling of Witnesses, shall be borne by the party introducing the evidence.
- 7.2.20. Where a Witness will give opinion evidence on behalf of a Party, a written report or summary of that evidence must be served upon all Parties within the Party's final submission, or separately, by the date set out in the Hearing Schedule for the delivery of final submissions.

7.3. Opinion evidence from witnesses

- 7.3.1. Each Party intending to call a Witness to give opinion evidence in respect of the issues before the Board shall, if requested by the Chair, serve a copy of a *curriculum vitae* of the Witness' qualifications with the delivery of the report or summary in Procedure 7.2.20.

7.4. General provisions applicable to oral hearings

- 7.4.1. Unless ordered otherwise by the Board or the Chair, an Intervenor may attend any oral hearing, either in person or electronically, and either personally or through an agent.

- 7.4.2. In his/her opening remarks at an oral hearing, the Chair shall identify the date, the Parties, the matters to be considered during the hearing, members of the panel, and the appearances for all Parties.
- 7.4.3. Prior to evidence being called, each Party may present an oral opening statement outlining concisely the party's position in relation to the matters to be determined by the Panel.
- 7.4.4. A Party who seeks leave to to introduce a document as an additional Exhibit at an oral hearing shall provide an electronic copy by email to the Board and ten (10) legible copies of that document, or as the Chair directs. The Chair shall determine whether to grant leave following, if necessary, consultation with the Panel members.
- 7.4.5. Any Party or Agent is entitled to raise any objections regarding the admissibility of *vive voce* or documentary evidence. The Chair shall rule on any objection following, if necessary, consultation with the Panel members, if the Chair deems such action to be necessary to a fair hearing.
- 7.4.6. Following the presentation of evidence, all Parties may make representations, orally or in writing as the Chair shall direct, summarizing their respective positions.
- 7.4.7. If a Party fails to attend a hearing, the Board may:
 - a. Proceed in the Party's absence;
 - b. Adjourn the Hearing; or
 - c. Make any other order or direction the Chair or the Board considers appropriate.
- 7.4.8. The Chair has the discretion to determine or vary the procedure at a hearing. The Chair may:
 - a. Allow or require the introduction of Exhibits at the hearing;
 - b. Allow or require the *vive voce* evidence of Witnesses;

- c. Accept or disallow opinion evidence on matters before the Board from certain Witnesses;
- d. Determine the admissibility of proposed evidence;
- e. Adjourn the hearing at the request of a Party, or on the Chair's initiative;
- f. Proceed in the absence of a Party who has had notice of the hearing;
- g. Make any other order or direction necessary for the orderly conduct of the proceeding in a just and timely manner.

7.4.9. Throughout the Hearing, Parties and Witnesses referring to evidence forming part of the Record must advise the Board of the page number of the Record they refer to while presenting evidence.

8. ELECTRONIC HEARING

- 8.1. Except where ordered otherwise by the Chair, and with all necessary adaptations, the procedure for electronic hearing shall be the same procedure as for oral hearings.
- 8.2. Parties and Witnesses at an electronic hearing will communicate with each other and the Board via telephone, internet or video conference as the Chair directs.

9. WRITTEN HEARING

- 9.1. The Record of evidence at a written hearing shall include the Applicant's filing, the Applicant's written submissions, the written submissions of Intervenors, any requests for information and responses thereto, any interrogatories and responses thereto, expert reports and any other Exhibits.
- 9.2. Following the review of the documentary evidence and submissions of parties, the Board shall determine the issues in a written hearing in the same manner as provided for an oral hearing.

10. REQUEST FOR INTERLOCUTORY RELIEF OR DIRECTIONS

- 10.1. The Chair or a Panel of the Board may determine, on request, any interlocutory matter before, during or after a hearing, including but not limited to, amendments to documents, conduct of the proceedings, disclosure, witnesses, applications for Intervenor status, or any other matter.
- 10.2. Unless ordered otherwise, the request for relief or directions shall be made in writing, which shall include a concise statement of facts, order sought, and the grounds for the request.
- 10.3. The Party bringing the interlocutory issue shall deliver the written request for relief to the Board as soon as is practicable.
- 10.4. The Board will review the request and will determine whether a hearing is necessary for the determination of the issues raised. The Board, in its sole discretion, shall decide whether the matter may be determined with or without a hearing:
 - a. Where a hearing is determined to be appropriate, the Board will assign a convenient date and time for the determination of the motion and advise the parties.
 - b. Where no hearing is necessary for the determination of the issue, the Board will determine the matter and advise the parties in writing of the decision.
- 10.5. Should a hearing be considered necessary on the interlocutory matter pursuant to 10.4.a, any party may respond in writing by the date directed by the Chair.
- 10.6. The Chair will notify the Parties of the procedure for determining the issue, including timelines, additional submissions and any additional steps to be taken.
- 10.7. The Chair will provide a written decision on the interlocutory issue as soon as is practicable following the hearing.

11. DISPOSITION

- 11.1. Following a hearing, the Board will deliberate *in camera*, unless the Chair directs otherwise, prior to delivering a decision or order.
- 11.2. Following deliberations, the Board will issue a written decision with reasons following every hearing.
- 11.3. A decision of the Board shall be delivered to the Parties within sixty (60) days, or such other period of time as is practicable in the circumstances.
- 11.4. Notwithstanding these Procedures, the Board may at any time without a hearing or notice, correct typographical errors, errors of calculation or other types of errors made in any order or decision and deliver the corrected version to the Parties.