

chapter R-6.01, r. 4.1

**Rules of Procedure of the Régie de l'énergie**

Act respecting the Régie de l'énergie  
(chapter R-6.01, ss. 113 and 115).

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## CHAPTER I

### DEFINITIONS

**1.** For the purposes of these Rules, unless the context indicates otherwise,

“consultation” means the examination of an application by the Régie de l'énergie as part of a written process; (*consultation*)

“document” means any document, as defined in section 3 of the Act to establish a legal framework for information technology (chapter C-1.1), and includes any application, proceeding, evidence, request for information, letter or other communication addressed to the Régie; (*document*)

“expert witness” means a person called to testify at a hearing who is recognized as an expert by the Régie because of his or her knowledge and experience in a specific field or on a specific issue. (*témoign expert*)

“hearing” means a session during which the Régie hears evidence and arguments presented by participants; (*audience*)

“intervenor” means any interested person authorized by the Régie to participate in the examination of an application in order to present a point of view; (*intervenant*)

“participant” means an applicant or an intervenor; (*participant*)

“working session” means any meeting, except a hearing, held to examine an application; it includes an information session, discussion session and negotiation session. (*séance de travail*)

O.C. 1098-2014, s. 1.

## CHAPTER II

### PROCESSING OF AN APPLICATION

**2.** This chapter applies to any application processed by the Régie, other than a complaint.

O.C. 1098-2014, s. 2.

**3.** The Régie must take all necessary measures to ensure that proceedings follow a simple, expeditious and fair course. It may, in particular, to facilitate the processing of an application, prescribe time limits that differ from those prescribed by these Rules.

O.C. 1098-2014, s. 3.

**4.** A participant who cannot comply with a time limit prescribed by the Régie or by these Rules must give the Régie prior notice in writing, specifying the reason, and state the time within which the participant will comply with the order from the Régie. The Régie may, on valid grounds, accept the request for an extra time limit on the conditions it determines.

O.C. 1098-2014, s. 4.

**5.** The Régie may, in the absence of valid grounds, reject any late application or proceeding when it considers that it may have an impact on the fair and expeditious processing of an application.

O.C. 1098-2014, s. 5.

## DIVISION I

### FILING OF DOCUMENTS

**6.** Every document cited or relied upon by a participant must be filed with the Régie.

O.C. 1098-2014, s. 6.

**7.** Documents are filed by being entered in the electronic filing system of the Régie. When a document is entered in the system, the required number of copies, as specified by the Régie, of the original, signed paper version must be sent to the record office at the Régie.

A document filed in this manner is deemed to have been sent to all the participants.

A document filed outside business hours at the record office of the Régie is deemed to have been filed at the time of opening on the following day. Unless otherwise specified by the Régie, the business hours of the record office are 8:30 a.m. to 4:30 p.m. on working days.

O.C. 1098-2014, s. 7.

**8.** When a participant files all or part of a document at different times, the document deemed filed is the last document filed within the time limit prescribed by the Régie or by these Rules.

O.C. 1098-2014, s. 8.

**9.** Every document filed as evidence with the Régie that was not drawn up by the participant or a member of the participant's staff must indicate its author's identity and provide contact information for the author.

O.C. 1098-2014, s. 9.

## DIVISION II

### SUBMISSION OF AN APPLICATION

**10.** Every application to the Régie must be submitted in writing and must

(1) indicate the applicant's name, address, telephone number, electronic address and fax number and, where applicable, the contact information for the applicant's representative;

(2) contain a clear and concise statement of the facts, the object of and reasons for the application, and the conclusions sought;

(3) be signed by the applicant or the applicant's representative;

(4) include all relevant documents in support of the application, and a list of such documents;

(5) be supported by one or more affidavits establishing all the facts set out in the application;

(6) include any applicable fees;

(7) include all other information required by the Régie.

O.C. 1098-2014, s. 10.

**11.** If an application does not meet the requirements of section 10 of these Rules, the Régie may

(1) refuse to process the application as submitted and return it to the applicant;

(2) indicate the missing information to the applicant and, if needed, suspend its examination of the application until the missing information is provided;

(3) agree to process the application, on the conditions it considers necessary.

O.C. 1098-2014, s. 11.

### **DIVISION III**

#### **INSTRUCTIONS ISSUED BY THE RÉGIE**

**12.** The Régie may issue instructions for the holding of a hearing, consultation, working session or negotiated agreement process, or any other procedure it selects to process an application.

O.C. 1098-2014, s. 12.

**13.** When the Régie orders an applicant to publicize its instructions, the instructions may be publicized using any means and any medium specified by the Régie, including an information technology-based medium.

O.C. 1098-2014, s. 13.

**14.** In addition to the means provided for in section 13 of these Rules, for any matter requiring a public hearing under section 25 of the Act respecting the Régie de l'énergie (chapter R-6.01), a public notice must be published in a periodical circulated in the area concerned by the matter, as specified by the Régie.

O.C. 1098-2014, s. 14.

### **DIVISION IV**

#### **INTERVENTION**

**15.** As part of the examination of an application under section 25 of the Act respecting the Régie de l'énergie (chapter R-6.01) or when so determined by the Régie as part of any other application, any interested person may apply to the Régie for intervenor status, in the manner provided for in section 7 of these Rules.

O.C. 1098-2014, s. 15.

**16.** The application for intervenor status must be signed by the interested person or the interested person's representative and filed with the Régie within the time prescribed by the Régie.

The interested person must state

(1) the interested person's name, address, telephone number, electronic address and fax number and, where applicable, the contact information for the interested person's representative;

(2) the nature of the interested person's interest;

(3) the grounds for the intervention;

(4) the issues the interested person intends to address and a concise version of the conclusions sought or recommendations proposed;

(5) the manner in which the interested person's position is to be presented and, in particular, whether witnesses are to be heard or expert evidence presented;

(6) where applicable, suggestions to facilitate examination of the application;

(7) where applicable, the interested person's representativeness.

O.C. 1098-2014, s. 16.

**17.** The applicant concerned may, within 5 working days after the time prescribed by the Régie for filing an application for intervenor status has expired, file comments on or an objection to the application with the Régie. The applicant must forward a copy of his comments or objection to the interested person.

O.C. 1098-2014, s. 17.

**18.** The interested person may, within 3 working days after the comments or objections are forwarded, file a response with the Régie.

O.C. 1098-2014, s. 18.

**19.** When the Régie grants intervenor status to an interested person, it must, if it considers it necessary, determine the framework for the intervention on the basis of the interested person's interest, the nature and importance of the issues addressed, the issues that the Régie considers relevant, and the public interest.

O.C. 1098-2014, s. 19.

**20.** The Attorney General and the Minister responsible for the administration of the Act respecting the Régie de l'énergie (chapter R-6.01) may at all times intervene on their own motion before the Régie.

O.C. 1098-2014, s. 20.

## **DIVISION V**

### **COMMENTS**

**21.** An interested person who does not wish to obtain intervenor status but who wishes to submit written comments on a matter examined by the Régie may file the comments within the time prescribed by the Régie.

O.C. 1098-2014, s. 21.

**22.** The comments must specify the author's identity, give the author's contact information, provide a description of the nature of the author's interest and include any relevant information explaining or supporting the comments.

O.C. 1098-2014, s. 22.

## **DIVISION VI**

### **WRITTEN EVIDENCE**

**23.** An applicant must file with the Régie the documents and additional evidence the Régie considers necessary for its deliberations.

O.C. 1098-2014, s. 23.

**24.** The Régie may allow any participant to file evidence within the time limit it prescribes.

O.C. 1098-2014, s. 24; I.N. 2015-02-01.

**25.** A request for information may be sent to a participant concerning the documents filed by the participant, in the cases provided for by the Régie and within the time limit it sets.

O.C. 1098-2014, s. 25.

**26.** Every challenge to a response to a request for information must be filed with the Régie within 2 working days after the response is filed, and specify the grounds for the challenge.

O.C. 1098-2014, s. 26.

**27.** The participant concerned may, within 3 working days following the date of filing of the challenge, file comments with the Régie.

O.C. 1098-2014, s. 27.

**28.** The Régie may inform a participant of missing elements in the documents filed. It may, in such a case, decide not to take the documents into consideration until the missing elements have been provided, or it may decide to return the documents to the participant.

O.C. 1098-2014, s. 28.

**29.** Before a hearing starts or a matter is taken under advisement as part of a consultation, the Régie may require that all or part of a document filed by a participant be supported, within the time it prescribes, by an affidavit attesting to the truth of the facts alleged.

If the participant fails to file the required affidavit within the time prescribed, the Régie may decide not to take the document or part of a document into consideration.

O.C. 1098-2014, s. 29.

## **DIVISION VII**

### **EXPERT WITNESSES**

**30.** A participant who retains the services of an expert witness must file an application with the Régie for recognition of the expert's status.

The application must be filed at least 30 days before the scheduled date of the hearing and include

- (1) the expert witness's name and contact information;
- (2) the mandate of the expert witness and the requested area of expertise;
- (3) a copy of the expert witness's résumé, including a description of any experience relevant to the requested area of expertise.

O.C. 1098-2014, s. 30.

**31.** Any challenge to an application for the recognition of an expert witness's status must be filed with the Régie at least 20 days before the scheduled date of the hearing. The Régie deals with the challenge at the hearing.

O.C. 1098-2014, s. 31.

**32.** The Régie may require that expert witnesses whose services have been retained by participants communicate with each other to

- (1) exchange information and documents relating to facts or opinions on which they disagree;
- (2) discuss the facts or opinions on which they disagree to reduce the number of or eliminate the disputed issues;
- (3) come to a consensus on the facts, matters and opinions to be decided by the Régie.

The expert witnesses must file the results of their communications with the Régie.

O.C. 1098-2014, s. 32.

## **DIVISION VIII**

### **CONFIDENTIALITY**

**33.** A participant who requires documents or information be treated confidentially must file an application for that purpose with the Régie, supported by one or more affidavits, and provide the following information:

(1) a summary of the nature of the documents and information for which confidential treatment is requested;

(2) the grounds for the request, including the nature of the harm that would be caused by disclosure of the documents or information;

(3) the period during which confidential treatment is requested.

O.C. 1098-2014, s. 33.

**34.** The participant must include the following documents with the application for confidential treatment:

(1) for the public record, a version of the documents in which the information for which confidential treatment is requested has been blocked out;

(2) in a confidential envelope, for the exclusive use of the Régie, a complete version of the documents.

O.C. 1098-2014, s. 34.

**35.** Every challenge to an application for confidential treatment must be filed with the Régie within 5 working days from the date on which the application is filed. The participant requesting confidential treatment may then file a response to the challenge within 3 working days from the date on which the challenge is filed.

O.C. 1098-2014, s. 35; I.N. 2015-02-01.

## **DIVISION IX**

### **HEARING**

**36.** The Régie issues written instructions for the conduct of hearings and the preparation of a schedule and timetable, and fixes the time granted to each participant to present a position.

O.C. 1098-2014, s. 36.

**37.** In exceptional circumstances, the Régie may, on grounds it considers valid, grant an application to postpone a hearing.

O.C. 1098-2014, s. 37.

**38.** Unless the Régie issues directions to the contrary, a participant in a hearing may call and examine witnesses, examine the other participants' witnesses and present a position.

Witnesses are heard under oath, in the form of a solemn affirmation to tell the truth, the whole truth and nothing but the truth.

O.C. 1098-2014, s. 38.



**39.** The Régie may, at the request of a participant or on its own motion, call witnesses and require the production of documents.

Where applicable, the Régie issues a summons to appear, and the participant who has requested it is then responsible for serving the summons on the witness concerned at the participant's own expense.

The summons to appear must be served at least 5 working days before the date scheduled for the witness's appearance, unless the Régie issues special instructions.

O.C. 1098-2014, s. 39.

**40.** If a participant fails to attend a hearing, the Régie may render its decision in the participant's absence after ensuring that the participant was duly notified of the hearing.

O.C. 1098-2014, s. 40.

**41.** All hearings are recorded by the Régie. Shorthand or machine shorthand notes may also be taken.

A participant who requests a copy of the recording from a hearing in order to transcribe it must provide the Régie with a copy of the transcript of the recording on the conditions determined by the Régie, whatever the medium used. The transcript costs are borne by the participant, unless the Régie decides otherwise.

O.C. 1098-2014, s. 41.

## **DIVISION X**

### **PAYMENT OF COSTS**

**42.** A participant, other than the carrier of electric power or a distributor, may file with the Régie a claim for costs, duly completed, within 30 days after the date on which the matter is taken under advisement.

O.C. 1098-2014, s. 42.

**43.** The carrier of electric power or a distributor from which the costs are claimed may, within 10 days after the expiry of the time prescribed for filing a claim for costs, file an objection or comments with the Régie.

O.C. 1098-2014, s. 43.

**44.** A participant claiming costs may, within 10 days after the date on which the objection or comments are filed, file a response with the Régie.

O.C. 1098-2014, s. 44.

**45.** A participant wishing to be reimbursed for the cost of translating a document filed as part of a record must have obtained prior authorization from the Régie and must have filed the translation in the record.

O.C. 1098-2014, s. 45.

**46.** The Régie may depart from the procedure provided for in this Division to accelerate or facilitate the payment of costs.

O.C. 1098-2014, s. 46.

## CHAPTER III

### PROCESSING OF A COMPLAINT

#### DIVISION I

*(Revoked).*

O.C. 1098-2014, Div. I; O.C. 931-2018, s. 15.

**47.** *(Revoked).*

O.C. 1098-2014, s. 47; O.C. 931-2018, s. 15.

**48.** *(Revoked).*

O.C. 1098-2014, s. 48; O.C. 931-2018, s. 15.

**49.** *(Revoked).*

O.C. 1098-2014, s. 49; O.C. 931-2018, s. 15.

#### DIVISION II

### EXAMINATION OF A COMPLAINT

**50.** Every application to the Régie for the examination of a complaint must be in writing and

- (1) state the complainant's name, address and telephone number and, where applicable, the complainant's electronic address and fax number and the contact information for the complainant's representative;
- (2) contain a clear, brief account of the facts, the grounds for the complaint and the conclusions sought;
- (3) be signed by the complainant or the complainant's representative;
- (4) include all relevant documents in support of the complaint.

O.C. 1098-2014, s. 50.

**51.** The Régie examines complaints on the basis of the written record or by holding a hearing.

O.C. 1098-2014, s. 51.

**52.** Sections 3, 4 and 23 to 41 of these Rules, adapted as required, apply to the examination of a complaint.

O.C. 1098-2014, s. 52.

**53.** Any grounds for the inadmissibility of a complaint must be raised when the internal examination record for the complaint is forwarded.

O.C. 1098-2014, s. 53.

**54.** When a complaint is withdrawn, the complainant must notify the Régie in writing. When a complaint is settled, the complainant and, as applicable, the electric power carrier or a distributor must notify the Régie in writing. On receiving notification in either case, the Régie closes the record.

O.C. 1098-2014, s. 54.

## CHAPTER IV

### COMPLEMENTARY PROVISIONS RESPECTING ADVICE TO THE MINISTER OR THE GOVERNMENT

**55.** Where the Régie holds a hearing or consultation in order to provide advice under section 42 or 57 of the Act respecting the Régie de l'énergie (chapter R-6.01), on its own initiative or at the Minister's request, it must determine, in its instructions, the procedure for the public hearing or consultation.

O.C. 1098-2014, s. 55.

## CHAPTER V

### MISCELLANEOUS PROVISIONS

**56.** If the expiry of a time period determined in these Rules for the doing of a thing falls on a non-working day, the thing may be validly done on the next following working day.

For the purposes of the first paragraph, Saturday, Sunday and any other day on which the offices of the Régie are closed are non-working days.

O.C. 1098-2014, s. 56.

**57.** With authorization from the Régie, any delay, defect of form or irregularity of procedure may be remedied.

O.C. 1098-2014, s. 57.

**58.** The secretary of the Régie is empowered to receive the documents that must be filed with the Régie under the Act or these Rules.

O.C. 1098-2014, s. 58.

**59.** Upon payment of the reproduction costs, any interested person may obtain a copy of any document filed with the Régie other than a document for which a confidentiality order or publication ban has been made.

O.C. 1098-2014, s. 59.

## CHAPTER VI

### TRANSITIONAL AND FINAL PROVISIONS

**60.** These Rules replace the Rules of Procedure of the Régie de l'énergie (chapter R-6.01, r. 4).

O.C. 1098-2014, s. 60.

**61.** Applications being processed on 7 January 2015 (date of coming into force of these Rules) are continued in accordance with these Rules.

O.C. 1098-2014, s. 61.

**62.** *(Omitted).*

O.C. 1098-2014, s. 62.

### UPDATES

O.C. 1098-2014, 2014 G.O. 2, 2806

O.C. 931-2018, 2018 G.O. 2, 3199

