

Participating in Board Proceedings

A key role of the New Brunswick Energy and Utilities Board is to make decisions and orders that are in the public interest. In most cases, the Board considers matters by way of a public hearing. Notice of a hearing will be published in newspapers, on the Board's website, and if applicable, on the website of an applicant who initiates a proceeding.

It is critical to the Board's decision making process that it considers evidence and submissions from a variety of stakeholders and interested persons. These may include applicants seeking a decision by the Board, stakeholders who may be affected by a decision, and members of the public who wish to express their views on relevant issues.

The Board encourages active public input in its proceedings. For this reason, the Board's *Rules of Procedure* provides three methods of participation in a proceeding before the Board:

- As an Intervener
- By providing a letter of comment
- By making an oral submission at a public forum

Participation as an Intervener

An Intervener is a formal party in a proceeding. Typically, an Intervener participates by pre-filing written evidence with the Board, providing a witness or witnesses for examination at a hearing, and providing written or oral submissions during a hearing. Even if not providing its own evidence or witnesses, an Intervener has the opportunity to cross-examine the witnesses of other parties to the proceeding. Interveners may, but need not be represented by legal counsel. All documents and evidence filed with the Board by an Intervener are posted on the Board's website, unless it is claimed and determined to be confidential in nature.

The Public Intervener, who is a lawyer appointed by the Province of New Brunswick, is required to intervene in the Board's main regulated areas (electricity, natural gas distribution, petroleum pricing, intra-provincial pipelines). The Public Intervener is required to advocate in the public interest and does not represent any particular party, customer or customer class, governmental agency or other interested group.

A person wishing to be an Intervener should have a substantial interest in the proceeding and be prepared to actively participate in the hearing.

A person or organization who wishes to be an Intervener in a Board proceeding must file an *Intervener Request*, which is a form under the *Rules of Procedure*. A template and guide for this form is available for download on the Board's website. Rule 3.2 provides additional requirements.

This guide is intended to assist in deciding the best way to participate in Board proceedings. Details are set out in Rule 3 of the *Rules of Procedure*, available on the Board's website.

Providing a Letter of Comment

A person or organization wishing to provide remarks in relation to a proceeding, but not intending to be an intervener, may provide a letter of comment to the Board. A deadline for providing comments may be published in newspapers and on the Board's website.

A letter of comment should include the person's name and contact information and describe the nature of the person's interest in the proceeding. Before preparing a letter of comment, it may be advisable to review any key documents that have been filed in the proceeding, such as the original application and evidence. These are available on the Board's website.

All comments will be taken into consideration, as part of the Board's deliberations.

The Board will provide a copy of all letters of comment to all parties to the proceeding. Letters of comment are posted on the Board's website. Further details are contained in Rule 3.3.

Presentation at a Public Forum

In some cases, the Board will hold one or more public forums, allowing members of the public to make oral submissions in relation to a matter. Public forums are typically held in relation to proceedings that have a broad public interest or impact. They are usually held around the time of the Board's formal hearing. Notices of a public forum are published in newspapers and on the Board's website.

Anyone wishing to make an oral submission must contact the Board before the deadline indicated in the Board's notice. Formal parties to a proceeding (such as an applicant or intervener) may not make submissions at a public forum, but may be in attendance.

The Board may provide guidelines concerning the conduct of a public forum, such as the order of presentation and time allotments, to ensure that the forum is conducted in a fair and efficient manner.

In preparing for a presentation, it is also advisable to review key documents that have been filed in the proceeding, such as the original application and evidence. These are available on the Board's website. As with letters of comment, all presentations will be taken into consideration by the Board in its deliberations. Further information is contained in Rule 3.4.

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