

A.I. 30 (2002-2003)

IN THE MATTER OF the *Insurance Companies Act* R.S.N. 1990, Chapter I-10, and the *Automobile Insurance Act*, R.S.N. 1990, c. A22;

AND IN THE MATTER OF an application by Facility Association for an Order of the Board approving an increase in rates charged for private passenger and commercial automobile insurance policies issued through the Facility Association mechanism, pursuant to section 102 of the *Insurance Companies Act*.

BEFORE:

G. Fred Saunders
Presiding Chair

Gerard Martin, Q.C.
Commissioner

Don R. Powell
Commissioner

PROCEDURAL ORDER AMENDMENT

On September 9, 2002 Facility Association filed an application with the Board of Commissioners of Public Utilities (“the Board”) seeking the approval of the Board for a change in rates to be charged for private passenger and commercial automobile insurance policies insured through the Facility Association mechanism in all areas of the province, to be effective on February 1, 2003 (the “Application”).

On November 5, 2002 the Board held a Pre-Hearing Conference wherein a representative of the Government of the Province of Newfoundland and Labrador (“Government”) advised that a Consumer Advocate may be appointed to intervene in the Application.

Following the Pre-Hearing Conference the Board issued Procedural Order A.I. 29 (2002-2003) whereby a schedule of dates was established for the Application, including the setting of a motions day for November 18, 2002 and the date for the start of the hearing on December 11, 2002.

On November 13, 2002 the Board received confirmation that the government had appointed a Consumer Advocate to intervene in the Application.

On November 14, 2002 the Board received a notice of motion for intervenor status from the Consumer Advocate.

On November 15, 2002 the Consumer Advocate filed an Intervenor Submission with the Board and a notice of motion requesting an extension to certain time limits as set out in Procedural Order A.I. 29 (2002-2003). This notice also stated that the Consumer Advocate would not be seeking a delay in the commencement of the hearing of the Application.

On November 15, 2002 the Board received correspondence from counsel for Facility Association stating that Facility Association had no objection to the intervention of the Consumer Advocate on the basis that there would be no delay in the start of the hearing.

Receiving no objections to the Consumer Advocate being considered a registered intervenor and the proposed revision to the schedule of dates, the Board makes the following order on the basis of the written submissions.

THE BOARD ORDERS THAT:

1. The Consumer Advocate is hereby granted Intervenor Status in the hearing of this Application.
2. The schedule of dates for the hearing of the Application are amended as set out in the 1st Revision to Appendix “B” – Item 1 attached to this Order.

DATED at St. John's, Newfoundland and Labrador this 22nd day of November 2002.

G. Fred Saunders,
Presiding Chair.

Gerard Martin, Q.C.,
Commissioner.

Don R. Powell,
Commissioner.

G. Cheryl Blundon,
Board Secretary.

Appendix “B” -Item 1.

Schedule of Dates

The following dates are set:

November 2002

- Nov. 18 Facility Association files responses to all outstanding information requests
- Nov. 18 Motions Day
- Nov. 26 Board Pre-filed Evidence and Expert Reports are filed

December 2002

- Dec. 2 Requests for information on the Board Pre-filed Evidence and Experts Reports
- Dec. 3 Intervenor and Pre-Filed Evidence and Expert Reports are filed
- Dec. 4 Lists of Witnesses are filed
- Dec. 5 Motions Day and all remaining Pre-Filed Evidence and Experts Reports are filed
- Dec. 6 Responses to the requests for information on the Board Pre-Filed Evidence and Expert Reports
- Dec. 6 Requests for information on the Intervenor Pre-Filed Evidence and Experts Reports
- Dec. 9 Responses to the requests for information on the Intervenor Pre-Filed Evidence and Expert Reports
- Dec. 11 Public Hearing to commence