

latter apply, as the case may be, to a decision of the Bureau or a complaint before the latter.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1802

Draft Regulation

An Act respecting the Régie de l'énergie
(1996, c. 61)

Procedure of the Régie de l'énergie

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the procedure of the Régie de l'énergie, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The purpose of the Regulation is to make provisions respecting the examination of applications submitted to the Régie de l'énergie and, where required, the conduct of public hearings.

That Regulation will encourage citizens, groups and businesses to participate while prescribing rules for the presentation of evidence and observations by interested persons. The Regulation also provides for optional pre-hearing conferences intended, in particular, to simplify the conduct of the public hearings.

Further information may be obtained by contacting the secretary of the Régie de l'énergie, Tour de la Bourse, 800, place Victoria, bureau 255, C. P. 001, Montréal (Québec), H4Z 1A2; tel. (514) 873-2452; fax: (514) 873-2070.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Secretary of the Régie de l'énergie, Tour de la Bourse, 800, place Victoria, bureau 255, C. P. 001, Montréal (Québec), H4Z 1A2. Comments will be studied by the Régie and forwarded to the Minister of Natural Resources, responsible for the administration of the Act respecting the Régie de l'énergie.

LISE LAMBERT,
Vice-chairman of the Régie de l'énergie

Regulation respecting the procedure of the Régie de l'énergie

An Act respecting the Régie de l'énergie
(1996, c. 61, ss. 113 and 115)

CHAPTER I

SUBMISSION OF AN APPLICATION TO THE RÉGIE DE L'ÉNERGIE

1. Every application to the Régie shall be made in writing and shall

— indicate the name, address, telephone and fax numbers of the applicant and, where applicable, those of his representative;

— contain a clear and succinct summary of the facts, the reasons for the application and the conclusions sought;

— be signed by the applicant or his representative;

— include a list of all the documents that may be used to support the application;

— include the applicable fees, if any;

— include a receipt of the sending of the application to the defendant or the impleaded party, if any.

Any application not validly submitted may be returned to the applicant for completion.

2. The defendant or the impleaded party shall appear within 15 days of receiving the application, by filing an appearance with the Régie signed by him or his representative and by giving notice thereof to the applicant.

3. The defendant or the impleaded party may also, within 15 days of the expiry of the time allowed for appearing, file an answer with the Régie together with the receipt of the sending of that answer to the applicant.

4. The applicant may file with the Régie a reply in writing, within 15 days of receiving the answer, together with the receipt of the sending of that reply to the defendant or impleaded party.

CHAPTER II

PUBLICATION OF INSTRUCTIONS RELATING TO A PUBLIC HEARING

5. Where the Régie orders a participant to publish its written instructions, the notice shall appear in a periodical distributed in the territory concerned by the public hearing.

CHAPTER III INTERVENTION WITH THE RÉGIE

6. Any person interested by an application may request the Régie to intervene before it.

The Régie shall then decide the status to be granted to that person and determine the particular conditions applicable to his participation. The Régie may, in particular, order several interveners to participate through a single representative.

7. With the authorization of the Régie, a person, a body or a group of persons or bodies may either intervene by presenting observations and arguments in writing, or intervene actively by presenting written or testimonial evidence and arguments.

8. An application for intervention shall be made in writing, signed by the intervener or his representative and sent to the Régie within 15 days following the date the public notice was last published or within the time period indicated therein. Copies of that application for intervention shall be sent to the other participants within the same time period.

The intervener shall indicate

(1) his name, address and telephone and fax numbers;

(2) the nature of his interest and, where applicable, his representativeness;

(3) the status desired and the reasons in support of his intervention;

(4) the conclusions sought;

(5) where applicable, the manner in which he intends to present his observations and arguments, including a list of his witnesses and the hearing time desired for presenting his evidence and for examining the other witnesses.

9. The Attorney General and the Minister of Natural Resources may intervene *ex officio* with the Régie at all times.

10. The Régie shall send the participants a list of the intervening parties' names, addresses, telephone and fax numbers.

CHAPTER IV PRE-HEARING CONFERENCE

11. The Régie may at all times summon the participants to a pre-hearing conference intended to define and clarify the issues to be dealt with and the position of each of them.

The Régie may give instructions for the conduct of the hearing and for the drawing up of a roll of hearing and schedule and may fix, in particular the time allowed to each participant for presenting his observations and arguments.

CHAPTER V PRESENTATION OF OBSERVATIONS AND ARGUMENTS BY PARTICIPANTS

DIVISION I FILING OF DOCUMENTS

12. Documents that must be filed with or sent to the Régie shall be

(1) remitted at the office of the Régie;

(2) mailed to the Régie;

(3) sent by fax to the Régie; or

(4) sent by any other electronic means available to the Régie.

Mailed documents are presumed to be sent on the day of the postmark. Documents sent by any other means are presumed to be sent on the day they are received by the Régie.

13. Upon request by the Régie, the applicant shall provide the Régie and the participants with the documents or additional evidence considered necessary for examining the application.

14. The Régie shall inform the participants of any missing elements in the filed documents.

The Régie may then decide not to examine the file as long as the default is not remedied.

15. Every document quoted or relied on by a participant shall be filed with the Régie and sent to the other participants before the case is entered on the roll of hearing, unless the Régie decides otherwise.

DIVISION II ROLL OF HEARING

16. A request for a priority hearing based on valid reasons shall be submitted in writing to the Chairman of the Régie.

Such request shall be communicated to the other participants and shall indicate the reasons supporting it.

17. For valid reasons, a request for adjournment may be submitted in writing to the Régie before the date fixed for the hearing. Such request shall give reasons.

In exceptional circumstances, the Régie may receive a request for adjournment in the course of a hearing.

DIVISION III PRESENTATION OF OBSERVATIONS BY PARTICIPANTS

18. During the hearing, a participant may call and examine witnesses, examine the other participants' witnesses and present his arguments and observations, on the conditions determined by the Régie.

Unless the commissioners decide otherwise, witnesses shall be heard orally under oath, which is a solemn affirmation to tell the truth, the whole truth and nothing but the truth.

19. The Régie may call witnesses upon request by a participant or *ex officio*.

In such case, the Régie shall issue a subpoena to the participant who requested it, who is responsible for serving it on the witness, at his own expenses.

The subpoena shall be served at least 5 clear days before the hearing, unless the Régie issues different instructions.

20. Expenses incurred to ensure the appearance of witnesses may be reimbursed following the procedure established in Chapter VII.

21. When examining an application, the Régie may receive any evidence it considers reliable and relevant.

22. A hearing may be recorded by any means permitted by the Régie. Particularly, it may be taken down by stenotype or by shorthand.

A participant who requests such recording shall provide the Régie, on the conditions determined by it, a copy of any transcription of the recording, no matter the medium used.

The recording and transcription costs shall be borne by the participant who requested it, unless the Régie decides otherwise.

CHAPTER VI AMICABLE SETTLEMENT

23. The content of any agreement between the participants shall be put in writing and signed by them or their representatives and deposited in the file of the Régie.

24. Upon filing that agreement in the file of the Régie, the signatories shall declare that they have informed the other participants of the agreement.

CHAPTER VII PAYMENT OF EXPENSES

25. A participant in a hearing may claim expenses; to that end, he shall file an application for payment of expenses with the Régie when he presents his final arguments.

26. Within 30 days following the application for payment, the participant shall file with the Régie a detailed report of the necessary and reasonable expenses incurred on the occasion of his participation in the hearing, using the form attached as a schedule, with a copy to the distributor from which the expenses are claimed.

27. A distributor from which expenses are claimed may, within 10 days following the date of receipt of the report provided for in section 26, send in writing to the Régie, with a copy to the claimant, any objection or comment respecting the payment of the expenses, their eligibility, the amount thereof and any other subject covered by the application for payment.

28. A participant who claims expenses may, within 10 days following the date of receipt of the objections or comments, reply in writing to the Régie with a copy to the distributor.

29. Where a participant fails to send the Régie the documents required within the prescribed time limits, or where the file is completed by the distributor's answer, the Régie shall render its decision on the payment of the expenses.

30. The Régie may grant preliminary expenses to groups of persons formed to take part in its public hearings.

An application for such expenses shall be made within the time and in the form provided for in the instructions

written by the Régie. The participant shall demonstrate, in particular,

— that his participation will be useful and relevant to the deliberations of the Régie about the whole or part of the file;

— that he does not have enough financial resources to participate in the hearing effectively; and

— that the public interest justifies it.

The amounts granted by the Régie shall be paid by the distributor concerned to the participant, upon submission of vouchers.

At the end of his participation, a participant shall file a statement of expenses and follow the ordinary procedure for the payment of expenses described in the preceding sections.

31. The Régie may depart from the procedure described in this Chapter in order to accelerate or facilitate the payment of expenses.

CHAPTER VIII COMPLEMENTARY PROVISIONS RESPECTING EXAMINATION OF COMPLAINTS

32. If the complainant and the distributor consent thereto, the Régie may designate a conciliator whose task is to meet them and to attempt to come to an agreement.

33. In the absence of an agreement, the Régie shall examine the complaint on the basis of the file as it is. However, it may, on its own initiative or upon request by the complainant or distributor, hold a hearing.

CHAPTER IX COMPLEMENTARY PROVISIONS RESPECTING ADVICE GIVEN TO THE MINISTER OR THE GOVERNMENT

34. Where the Régie holds a public hearing with a view to advising the Minister or the Government, the interveners and the proposer, if any, shall also comply with the provisions published in the written instructions of the Régie.

35. An intervener in such hearing shall, in his application for intervention, state precisely the recommendations he believes should be made to the Minister or the Government.

36. The interveners shall file with the Régie, within the time period fixed by it, a written memorandum accompanied by a brief summary of its content.

37. The Régie shall make the memoranda it receives public, on the terms and conditions fixed in its written instructions.

38. During such a hearing, in addition to the person who called them, only the Régie and the proposer, if any, are authorized to examine the witnesses of an intervener.

39. For the purposes of this Chapter, the Minister or the Government is deemed to be a proposer when requesting advice from the Régie.

CHAPTER X MISCELLANEOUS

40. Where the date fixed in this Regulation for doing something falls on a non-working day, that thing may be validly done on the following working day.

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

41. The Régie may allow a participant to depart from the provisions of this Regulation where it is of the opinion that such departure is necessary.

42. Any delay, formal defect or procedural defect may be remedied.

43. The secretary of the Régie is empowered to receive the documents that must be filed with or sent to the Régie under the Act or this Regulation.

44. Upon payment of reproduction costs, any interested person may obtain a copy of any document filed with the Régie, except for documents judged to be confidential or for which a publication restriction was ordered.

CHAPTER XI TRANSITIONAL AND FINAL

45. This Regulation replaces the Rules of Procedure and Practice of the Régie du gaz naturel, approved by Order in Council 713-90 dated 23 May 1990.

46. Applications already before the Régie upon the coming into force of this Regulation shall be continued in accordance with this Regulation.

47. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE
(s. 26)

STATEMENT OF EXPENSES INCURRED FOR A HEARING

File No.: _____ Nature of file: _____
 Period covered: _____ from _____ to _____
 Claimant: _____

Advocate's fees (attach a detailed statement of account)

Name of advocate: _____

Firm: _____

Address: _____

PREPARATION

Amounts claimed

Hours/days

Rate

Total

ATTENDANCE AT HEARING

Hours/days

Rate

Total

TOTAL OF ADVOCATE'S FEES

Expert's fees (attach a detailed statement of account)

Name of expert: _____

Firm: _____

Address: _____

PREPARATION

Amounts claimed

Hours/days

Rate

Total

ATTENDANCE AT HEARING

Hours/days

Rate

Total

TOTAL OF EXPERT'S FEES

Expenses (Attach receipt and vouchers) *

Amounts claimed

TRAVEL (indicate the means of transportation)

ACCOMODATION

Number of nights

Price of room

Total

MEALS

Number of meals

Total

OTHER EXPENSES

Stenotype, shorthand, etc.

Photocopies

Mail and courier

Telephone calls

Fax

Other (specify)

.....

.....

.....

Total

TOTAL OF EXPENSES

* N.B.: Indicate in each case the names of the persons for whom expenses are claimed.

Prepared by: _____

Telephone: _____

Signature: _____

Date: _____

1803

Draft Regulation

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Selection of foreign nationals
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the