

2. Section 22 is amended

(1) by substituting “by an agreement reached under section 138.4 of the Act, a decision of the Administrative Tribunal of Québec” for “by a decision of the Bureau de révision de l'évaluation foncière du Québec” in subparagraph 1 of the second paragraph; and

(2) by adding the following paragraph at the end:

“Where the alteration to the roll follows a recourse before the Administrative Tribunal of Québec, the additional compensation or the amount collected in excess bears no interest for the period indicated in the decision of the Tribunal, where applicable, as the period during which the hearing of the recourse has been subject to an undue delay for which the debtor of the additional compensation or amount collected in excess, or the party litigant whose debtor is the successor, is not responsible.”.

3. Until the day on which the Bureau de révision de l'évaluation foncière du Québec ceases to exist, the provisions of section 22 of the Regulation respecting compensations in lieu of taxes, as amended by section 2 of this Regulation, that apply to a decision of the Administrative Tribunal of Québec or a recourse before the 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*.

2037

Gouvernement du Québec

O.C. 140-98, 4 February 1998

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

Régie de l'énergie — Procedure

Regulation respecting the procedure of the Régie de l'énergie

WHEREAS under section 113 of the Act respecting the Régie de l'énergie (1996, c. 61), the Régie de l'énergie may adopt rules of procedure applicable to the examination of applications or to public hearings;

WHEREAS under section 115 of the Act, the rules of procedure made by the Régie must be submitted to the Government for approval;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting the procedure of the Régie de l'énergie was published in Part 2 of the *Gazette officielle du Québec* of 29 October 1997 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS under section 18 of that Act, a regulation may come into force within a shorter time period than that prescribed in section 17 of that Act where the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, the reason justifying such coming into force shall be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies such coming into force of the Regulation respecting the procedure of the Régie de l'énergie:

— as of 11 February 1998, the Régie de l'énergie will have jurisdiction to examine and rule on complaints from consumers of electric power, to determine the amount representing the operating costs borne by a gasoline or diesel fuel retailer and, within six months from that date, will have to give an opinion to the Government on the terms and conditions for establishing and implementing tariffs for the supply of electric power to consumers referred to in section 52 of the Act respecting the Régie de l'énergie;

— the rules of procedure applicable to the examination of applications submitted to the Régie de l'énergie or to a public hearing shall be in force as of 11 February 1998 in order to allow the interested persons to exercise their right;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Natural Resources and Minister of Natural Resources:

THAT the Regulation respecting the procedure of the Régie de l'énergie, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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

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, his e-mail address, as well as, 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 proof of mailing 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 in writing with the Régie together with the proof of mailing 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 proof of mailing of that reply to the defendant or impleaded party.

5. Where the Régie considers that it is a matter of urgency, it may accept an application that does not comply with the requirements described above and allow any departure that it deems necessary.

CHAPTER II PUBLICATION OF INSTRUCTIONS RELATING TO A PUBLIC HEARING

6. 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

7. In the course of the examination of a file, any interested person may request the Régie to intervene before it.

If the intervener status is granted to him, he may present 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, telephone and fax numbers and, where applicable, his e-mail address;

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

(3) the reasons in support of his intervention;

(4) briefly, the conclusions sought or the recommendations he proposes;

(5) the manner in which he intends to present his evidence and arguments, as well as the estimated hearing time.

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 and, where applicable, their e-mail addresses.

11. Any interested person who does not wish to obtain the intervener status but who would like to bring out certain elements relating to an issue dealt with before the Régie may file written observations with the Régie.

The observations shall be accompanied by a description of the nature of his interest and by any relevant piece of information explaining or supporting his observations.

A copy of the observations shall be sent to the participants who may answer to them in the manner provided for in section 3.

CHAPTER IV PRE-HEARING CONFERENCE

12. 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 evidence and arguments.

CHAPTER V PRESENTATION OF OBSERVATIONS AND ARGUMENTS BY PARTICIPANTS

DIVISION I FILING OF DOCUMENTS

13. 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.

14. Every document quoted or relied on by a participant in support of his application 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.

15. The applicant shall provide the Régie and the participants with the additional documents or evidence that it deems necessary for its deliberations.

A participant may also send requests for information to the applicant. The request and the information obtained shall be filed with the Régie with a copy to the other participants. Where the applicant is unable to answer the requests completely within 15 days, he shall inform the Régie and the participants in writing of his reasons therefor and, where expedient, of the time he needs to answer them.

16. 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.

DIVISION II HEARING

17. A request for a priority hearing based on valid reasons shall be submitted in writing to the Chairman of the Régie and communicated to the other participants.

18. For valid reasons, a request for adjournment may be submitted in writing to the Régie before the date fixed for the hearing. It must be communicated to the other participants.

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

19. During a 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.

Unless the Régie decides otherwise, a participant must file in writing, within the prescribed time period, the expert testimony that he intends to bring out in support of his evidence. A copy thereof shall be sent to the other participants within the same time period.

20. 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.

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

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 the recording of a hearing 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 leading to an amicable settlement between 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 other than a distributor may claim expenses; to that end, he shall submit an application for payment of expenses to the Régie when he presents his final arguments.

26. Within 30 days following a decision granting his application for payment of expenses, a participant shall file with the Régie a detailed report of the necessary and reasonable expenses caused by 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 filed 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 to the participant, according to the terms and conditions prescribed by the Régie, upon submission of vouchers.

A participant to whom such expenses were granted shall, on the date fixed for the other interveners, file a detailed report of expenses and follow the ordinary procedure for the payment of expenses described in this Chapter.

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. 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. 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.

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

36. The witnesses of the Régie and of the proposer may be examined by any participant. The other witnesses may be examined by the Régie, the proposer and the participant who called them, except if the Régie issues different instructions.

37. 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

38. In this Regulation, the term “participant” refers to an applicant, a defendant, an impleaded party or an intervener.

39. Where a date determined under these rules 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.

40. 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.

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

42. 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.

43. 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

44. 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.

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

46. This Regulation comes into force on 11 February 1998.

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	
.....	

Other professional fees (attach a detailed statement of account)

Name of professional:

Firm:

Address:

PREPARATION

Hours/days
 Rate
 Total

Amounts claimed

ATTENDANCE AT HEARING

Hours/days
 Rate
 Total

TOTAL OF PROFESSIONAL FEES

Expenses (attach receipts and vouchers) *

Amounts claimed

TRAVEL (indicate the means of transportation)

ACCOMMODATION

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:
 Signature:

Telephone:
 Date:

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32)

LIST OF MEDICATIONS

1 July 1997

Amendment number 5

1. The List of Medications of 1 July 1997, drawn up by the Minister of Health and Social Services pursuant to the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32), published in Part 2 of the *Gazette officielle du Québec* of 25 June 1997 and amended by Amendment Number 1 published in Part 2 of the *Gazette officielle du Québec* of 2 July 1997, by Amendment Number 2 published in Part 2 of the *Gazette officielle du Québec* of 30 July 1997, by Amendment Number 3 published in Part 2 of the *Gazette officielle du Québec* of 1 October 1997 and by Amendment Number 4 published in Part 2 of the *Gazette officielle du Québec* of 31 December 1997, is further amended, in Appendix III, by striking out the line "Ortho Bio. Eprex Inj. Sol. 20,000 IU/mL 4 x 1 mL".

2. The List is amended, in sub-subdivision 8:12:02, AMINOGLYCOSIDES, under the generic name TOBRAMYCIN SULFATE, by adding the following with respect to the 40 mg/mL injectable solution:

00325449	NEBCIN	LILLY	2 mL	5.16	
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3. The List is amended, in subdivision 24:04, CARDIAC DRUGS, under the generic name ATENOLOL with respect to the 50 mg tablet:

1° by replacing the amount 188.15 by 178.65 and the amount 0.3763 by 0.3573 with respect to GEN-ATENOLOL, NOVO-ATENOL, APO-ATENOL, SCHEINPHARMATE-NOLOL and TENOLIN;

2° by replacing the amount 112.89 by 107.19 and the amount 0.3763 by 0.3573 with respect to ATENOLOL-50.

4. The List is amended, in subdivision 24:04, CARDIAC DRUGS, under the generic name ATENOLOL with respect to the 100 mg tablet:

1° by replacing the amount 309.50 by 294.00 and the amount 0.6190 by 0.5880 with respect to GEN-ATENOLOL, NOVO-ATENOL, APO-ATENOL, SCHEINPHARM ATENOLOL and TENOLIN;

2° by replacing the amount 185.70 by 176.40 and the amount 0.6190 by 0.5880 with respect to ATENOLOL-100.