

## Draft Regulations

### Draft Regulation

Highway Safety Code  
(chapter C-24.2)

#### Licences

##### — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting licences, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes mandatory the training specific to the driving of road trains of more than 25 metres in length based on the requirements prescribed by the Canadian Trucking Alliance. The draft Regulation also provides that the driver must be accompanied while learning to drive the vehicle.

The purpose of the measure is to increase the safety of road users who must manage with the presence of road trains on the highway system. However, every person wishing to complete the training required to drive such vehicle will have to pay the cost of the training.

No specific impact on businesses and small and medium-sized businesses is expected. The new training requirements aim at having the contiguous Canadian jurisdictions recognize the proficiency acquired in Québec in the driving of road trains and ensure an equitable treatment between carriers.

Further information may be obtained by contacting Ann Paquet, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C421, case postale 19600, Québec (Québec) G1K 8J6; telephone: 418 528-4584.

Any person wishing to comment on the draft Regulation is requested to submit written comments before the expiry of the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

ROBERT POËTI,  
*Minister of Transport*

### Regulation to amend the Regulation respecting licences

Highway Safety Code  
(chapter C-24.2, s. 619, par. 6)

**1.** The Regulation respecting licences (chapter C-24.2, r. 34) is amended by adding the following after paragraph 6 of section 30:

“(7) a class 1 driver’s licence also allows the holder to drive a road train of more than 25 metres in length for the sole purpose of learning to drive it even if the indication to that effect is not entered in the licence holder’s file, provided that the licence holder is accompanied as required by section 99 of the Highway Safety Code (chapter C-24.2).”.

**2.** Section 46.1 is replaced by the following:

“**46.1.** A person wishing to have the indication “road train” entered in his or her file must:

(1) have held a class 1 driver’s licence for at least 5 years;

(2) have successfully completed the instruction program for driving a road train of more than 25 metres in length provided by a heavy vehicle driving school under a school board.”.

**3.** This Regulation comes into force on 26 October 2014.

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### Draft Rules

An Act respecting the Régie de l'énergie  
(chapter R-6.01)

#### Régie de l'énergie

##### — Procedure

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Rules of Procedure of the Régie de l'énergie, appearing below, may be submitted to the government for approval on the expiry of 45 days from this publication.

The draft Rules replace the Rules of Procedure of the Régie de l'énergie (chapter R-6.01, r. 4). Their main goal is to simplify procedure and reflect new practices at the Régie de l'énergie, in particular the creation of an electronic document filing system. In addition, the draft Rules ensure greater consistency with the Act respecting the Régie de l'énergie (chapter R-6.01) and the Guide de paiement des frais, and clarify the specific procedure applicable to the filing of an application or complaint.

Further information may be obtained by contacting Mtre. Véronique Dubois, secretary of the Régie de l'énergie, Tour de la Bourse, C.P. 001, 800, place Victoria, 2<sup>e</sup> étage, bureau 2.55, Montréal (Québec) H4Z 1A2; phone: 514 873-2452; fax: 514 873-2070; E-mail: secretariat@regie-energie.qc.ca

Any person wishing to comment on the draft Rules is requested to submit written comments within the 45-day period to the secretary of the Régie de l'énergie. The comments will be forwarded to the Minister of Energy and Natural Resources, responsible for the administration of the Act respecting the Régie de l'énergie.

PIERRE ARCAND,  
*Minister of Energy and Natural Resources*

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

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

### 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 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; (*témoin 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*)

### CHAPTER II PROCESSING OF AN APPLICATION

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

**3.** 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 Régie’s demand. The Régie may, on valid grounds, accept the request for an extra time limit on the conditions it determines.

**4.** 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.

**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.

### DIVISION I FILING OF DOCUMENTS

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

**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.

**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.

**9.** Every document filed with the Régie must indicate its author's identity.

**10.** A participant may, with authorization from the Régie, have any document filed as part of a record translated, and file the resulting translation on the conditions set by the Régie.

## **DIVISION II** **SUBMISSION OF AN APPLICATION**

**11.** 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 affidavits establishing all the facts set out in the application;

(6) include any applicable fees;

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

**12.** If an application does not meet the requirements of section 11 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.

## **DIVISION III** **INSTRUCTIONS ISSUED BY THE RÉGIE**

**13.** 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.

**14.** 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.

**15.** In addition to the means provided for in the preceding section, 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.

## **DIVISION IV** **INTERVENTION**

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

**17.** An 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) a concise version of the conclusions sought;

(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.

**18.** The applicant concerned may, within five days after an application for intervenor status is filed, file comments on or an objection to the application with the Régie.

**19.** The interested person may, within three days after comments or objections are filed, file a response with the Régie.

**20.** When the Régie authorizes an interested person to intervene, 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, and the issues that the Régie considers relevant and of public interest.

**21.** The Attorney General and the Minister responsible for the administration of the Act respecting the Régie de l'énergie may at all times intervene on their own motion before the Régie.

#### DIVISION V COMMENTS

**22.** 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.

**23.** 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.

#### DIVISION VI WRITTEN EVIDENCE

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

**25.** The Régie may allow any participant to file evidence, which must be supported by affidavits, within the time limit it prescribes.

**26.** 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.

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

**28.** The participant concerned may, within three days following the date of filing of the challenge, file comments with the Régie.

**29.** 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.

#### DIVISION VII EXPERT WITNESSES

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

**31.** Any challenge to an application for the recognition of an expert's status must be filed with the Régie within five days from the date on which the application is filed. The Régie deals with the challenge at the hearing.

**32.** The Régie may require that experts 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 or eliminate the disputed issues;

(3) come to a consensus on the facts, matters and opinions to be decided by the Régie.

The experts must file the results of their communications with the Régie.

#### 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 an affidavit, 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.

**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.

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

#### **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.

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

**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.

**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 five clear days before the date scheduled for the witness's appearance, unless the Régie issues special instructions.

**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.

**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.

#### **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.

**43.** The carrier of electric power or a distributor from which the costs are claimed may, within ten days after the date on which the claim for costs is filed, file an objection or comments with the Régie.

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

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

#### **CHAPTER III PROCESSING OF A COMPLAINT**

##### **DIVISION I CONCILIATION**

**46.** As part of the complaint processing process, the Régie must take all necessary steps to promote the use of conciliation.

**47.** When conciliation leads to an agreement, the complainant and, as applicable, the electric power carrier or a distributor must notify the Régie in writing. Upon receiving notification, the Régie closes the record.

**48.** Consent to allow inadmissible evidence consisting of information and documents exchanged during conciliation must be given in writing and be signed by the parties.

## DIVISION II EXAMINATION OF A COMPLAINT

**49.** 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.

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

**51.** Sections 3, 4 and 24 to 41 of these Rules, adapted as required, apply to the examination of a complaint.

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

**53.** 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.

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

**54.** Where the Minister requests advice from the Régie under section 42 or 57 of the Act respecting the Régie de l'énergie and requires the Régie to hold a public hearing, or if the Régie decides to hold a hearing or otherwise receive comments from the public, the Régie must determine, in its instructions, the procedure for the public hearing or consultation.

## CHAPTER V MISCELLANEOUS PROVISIONS

**55.** If a date 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.

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

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

**58.** 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.

## CHAPTER VI TRANSITIONAL AND FINAL PROVISIONS

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

**60.** Applications being processed on the date of coming into force of these Rules are continued in accordance with these Rules.

**61.** These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

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## Draft Regulation

An Act respecting safety in sports  
(chapter S-3.1)

## Qualifications for recreational underwater diving —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the By-law to amend the By-law respecting qualifications for recreational underwater diving, made by the Fédération québécoise des activités subaquatiques and appearing below, may be approved by the undersigned on the expiry of 45 days following this publication.