

# Royal



# Gazette

## Part II Regulations under the Regulations Act

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**In force date of regulations:** As of March 4, 2005\*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

\*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

**N.S. Reg. 235/2005**

Made: December 23, 2005

Filed: December 29, 2005

Board Regulatory Rules

Order dated December 23, 2005  
made by the Utility and Review Board  
pursuant to Section 12 of the *Utility and Review Board Act*

**Nova Scotia Utility and Review Board  
Rules of Practice and Procedure  
Respecting Regulatory Proceedings**

1 These rules are made pursuant to Section 12 of the *Utility and Review Board Act* and apply to proceedings under the *Public Utilities Act*, the *Gas Distribution Act* and the *Motor Carrier Act*.

**Short title**

2 These rules may be cited as the *Board Regulatory Rules*.

**Object**

3 The object of these rules is to secure the just, speedy and economic determination of every application.

**Definitions**

4 In these rules, unless the context otherwise requires,

- (a) “applicant” shall include a complainant pursuant to Sections 79 and 83 of the *Public Utilities Act* and any person or corporation applying to the Board to hear and determine any matter or thing;
- (b) “application” shall include a complaint pursuant to Sections 79 and 83 of the *Public Utilities Act* and any other proceeding, matter or thing which the Board can determine;
- (c) “Board” means the Nova Scotia Utility and Review Board;
- (d) “Clerk” means the Clerk of the Board;
- (e) “intervenor” means a person who establishes an interest in an application pursuant to Rule 11;
- (f) “party” means, in respect of an application, an applicant, a respondent or an intervenor;
- (g) “respondent” shall include any person or corporation adverse in interest to an applicant or entitled to be heard in opposition to any application.

**General**

- 5 (1) Where procedures are not provided for in these rules or in an enactment, the Board may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.
- (2) The Board may dispense with, amend, vary or supplement, with or without a hearing, all or part of these rules at any time by making a procedural order, if it is satisfied that the special circumstances of the application so require, or it is in the public interest to do so.

- (3) The Board may make directions on procedure and procedural orders which shall govern the conduct of a specific application.
- (4) The Board may extend or abridge the time fixed by these rules or otherwise fixed by the Board, and may do so on its own initiative or in response to a motion by any party whether or not the motion to extend or abridge the time is made after the time so fixed has expired.
- (5) Unless otherwise specified, where these rules or a Board order make reference to the number of days between two events, not expressed to be clear days, the number of days shall be calculated by excluding the day on which the first event happens and including the day on which the second event happens. If the last day falls on a day the Board offices are closed, the time shall automatically be extended to the next business day.
- (6) No application before the Board shall be defeated or affected by any technical objection or by any objection based upon defects in form or procedure.

### **Applications**

**6** Every application shall

- (a) contain a proposed title of the application;
- (b) contain a clear and concise statement of the facts;
- (c) set forth the reasons for the application;
- (d) contain the statutory provision(s) under which it is made;
- (e) set forth the nature of the order or decision applied for;
- (f) be divided into consecutively numbered paragraphs, each of which is confined as nearly as possible to a distinct portion of the subject of the application;
- (g) be signed by the applicant or the applicant's representative;
- (h) provide the full name, address and the telephone, fax and electronic access numbers of the applicant and the applicant's representative; and
- (i) provide any other information that may be useful in explaining or supporting the application.

### **Filing**

- 7** (1) Any document to be filed with the Board shall be filed with the Clerk.
- (2) A document may be filed with the Clerk by any of the following methods:
- (a) delivering a copy to the Clerk at the Board's office;
  - (b) mailing a copy to the Clerk;
  - (c) transmitting a copy to the Clerk via fax or e-mail; or
  - (d) such other manner as the Board may determine.

- (3) All documents filed shall be date stamped by the Board and any document filed with the Board after 4:00 p.m. or on a Saturday, Sunday or holiday shall be considered filed on the next working day.
- (4) When a document is filed with or served on the Board by e-mail transmission, a hard copy or fax of the document shall be provided to the Board within three days thereafter.
- (5) When a document is filed with or served on the Board by e-mail transmission or fax, the sender shall obtain an acknowledgment from the Clerk of its receipt.
- (6) In all cases where documentary evidence is offered, the Board, in lieu of requiring the originals thereof to be filed, may accept true copies of such evidence or such parts of the same as may be relevant, or may require such evidence to be transcribed as part of the record.
- (7) The Board may reject requests for intervenor status, submissions of evidence and information requests and any other documents which are not filed in accordance with the schedule set by the Board in an application.

### Service

- 8** (1) Where any document is required to be served on a party, service shall be effected by any of the following methods:
- (a) personal service;
  - (b) delivering a copy to the party's proper address;
  - (c) sending a copy by ordinary mail addressed to the party at his or her proper address;
  - (d) transmitting a copy to the party via fax or e-mail, where the party has provided a fax number or e-mail address; or
  - (e) such other manner as the Board may determine.
- (2) Where the party is represented, service of a document shall be effected on the party's representative and any of the methods of service set out in Rule 8(1) may be used for this purpose.
- (3) Service of a document may be proved by affidavit, oral testimony or both.
- (4) When a document is served on a party by e-mail transmission, a hard copy or fax of the document shall be provided within a reasonable period thereafter if requested by the recipient.

### Oral or written hearings

- 9** (1) Subject to anything to the contrary in any enactment, the Board may, on its own motion or at the request of the parties, determine that an application be disposed of by an oral or a written hearing and may invite submissions from interested persons in order to make that determination.
- (2) Notwithstanding Rule 9(1), where the Board deems it necessary at any time during an application, the Board may order that the application be disposed of by an oral hearing in substitution for a written hearing.

### Hearing orders

- 10** (1) Within thirty days of an application being filed, the Board shall, if a public hearing is required, issue a hearing order containing the procedural details applicable to the hearing, accompanied by a notice of public hearing.

- (2) Where the Board issues a notice of public hearing in accordance with Rule 10(1), the applicant shall, within such time limit as the Board may direct,
  - (a) publish the notice in such publications as the Board may direct; and
  - (b) serve a copy of the notice on such persons as the Board may direct.
- (3) An applicant referred to in Rule 10(2) shall file with the Board an affidavit that sets out the title and date of each publication in which the notice of public hearing was published pursuant to Rule 10(2)(a) and the means taken to effect service pursuant to Rule 10(2)(b).
- (4) Where the Board issues a hearing order, it may direct that
  - (a) the applicant shall keep available at the applicant's business address, for public inspection during regular business hours, a copy of the application;
  - (b) the Board shall keep available for public inspection at the offices of the Board a copy of the application and all non-confidential documents related thereto.
- (5) Where the Board does not issue a hearing order, it shall notify interested persons of the hearing and the procedure to be followed in respect thereof.

#### **Intervenors**

- 11** (1) Where a hearing order has been issued pursuant to Rule 10(1), any interested person may apply to intervene by filing with the Board and serving on the applicant, if any, on or before the date set out in the order, a written request to intervene that
- (a) in the case of an oral hearing, states whether the person intends to appear at the hearing;
  - (b) sets out the name of the person and any authorized representative of the person and the mailing address, address for personal service, telephone number and any other telecommunications numbers of the person or the person's authorized representative;
  - (c) sets out the facts and reasons why the person has an interest in the application; and
  - (d) states the issues that the person intends to address at the hearing.
- (2) The Board may accept or disallow an intervention and in either case the Board shall notify the applicant, if any, and the person who filed the request to intervene of its decision in respect of the intervention.
  - (3) An intervenor, on being advised by the Board of the name and mailing address of any other intervenor, shall serve a copy of the written intervention on every other intervenor.
  - (4) A party may, within 15 days after the date of service of a written intervention, serve an objection to the intervention on the person who has filed the intervention and shall file with the Board and serve on all other parties a copy of the objection.
  - (5) Unless the Board otherwise directs, an applicant who is notified that an intervention has been accepted by the Board in accordance with Rule 11(2) shall, within such time limit as the Board may fix, serve on the intervenor
    - (a) a copy of the application;

- (b) subject to Rule 12, any information, particulars or documents relevant to the application that have been filed with the Board; and
  - (c) any hearing order issued by the Board.
- (6) Where a hearing order has been issued pursuant to Rule 10(1), any interested person who does not wish to intervene in the application but who wishes to make comments to the Board regarding the application shall file with the Board and serve on the applicant, if any, on or before the date set out in the order, a letter of comment that
- (a) comments on the application;
  - (b) describes the nature of the person's interest in the application; and
  - (c) provides any relevant information that the person considers will explain or support the person's comments.
- (7) The Board shall provide all parties with a copy of any letter filed pursuant to Rule 11(6).
- (8) A party may, within 15 days after receipt of a letter filed pursuant to Rule 11(6), serve a reply on the person who has filed the letter and shall file with the Board and serve on all other parties a copy of the reply.
- (9) A person who files a letter pursuant to Rule 11(6)
- (a) does not thereby acquire status as an intervenor;
  - (b) loses intervenor status if that person is an intervenor; and
  - (c) subject to Rule 11(8), is not entitled to any further notice in the application.

### **Confidential documents**

- 12 (1) Subject to Rule 12(2), all documents filed in respect of an application shall be placed on the public record.
- (2) A party may request that all or any part of the document be held in confidence by the Board, which request shall be placed on the public record.
- (3) The burden of satisfying the Board that a document should be held in confidence is on the party claiming confidentiality.
- (4) Any request for confidentiality shall
- (a) include a summary of the nature of the information in the document;
  - (b) state
    - (i) the reasons for the request, including the details of the nature and extent of the specific harm that would result if the document were publicly disclosed, and
    - (ii) any objection to placing an abridged version of the document on the public record, and the reasons for such an objection; and

- (c) be filed with the Board and served on the parties.
- (5) Where a party has made a request under Rule 12(2), the document shall be held in confidence unless the Board orders otherwise.
- (6) A party may object to a request for confidentiality by filing an objection and serving the objection on the parties.
- (7) An objection shall state the reasons
  - (a) why the party requires disclosure of the document; and
  - (b) why disclosure would be in the public interest.
- (8) The party claiming confidentiality will have an opportunity to reply to any objection.
- (9) The Board may decide the issue with or without a hearing. Where the Board holds a hearing, the Board may direct that the hearing be held in the absence of the public.
- (10) In ruling on a request for confidentiality the Board shall consider
  - (a) whether the document may disclose matters involving public security;
  - (b) whether the document may disclose sensitive financial, commercial or personal matters in relation to which the desirability of avoiding disclosure in the interest of any person affected outweighs the desirability of adhering to the principle that documents be available to the public; or
  - (c) such other matters as the Board deems appropriate.
- (11) The Board may
  - (a) order that the document be held in confidence by the Board;
  - (b) order that the document be placed on the public record;
  - (c) order that an abridged version of the document be placed on the public record;
  - (d) order that the document be made available to a party to the proceeding, who has a good faith interest in accessing the confidential information and who would not otherwise be in conflict of interest, on such terms as the Board considers appropriate, including the signing of a confidentiality undertaking in a form approved by the Board;
  - (e) order that the document be withdrawn; and
  - (f) make any other order the Board may deem to be in the public interest.
- (12) Where the Board rejects a claim for confidentiality, the party claiming confidentiality may, within seven (7) days of receiving the Board's decision, or such other time as the Board may allow, notify the Board in writing that:
  - (a) if the party is an applicant, the application is withdrawn; or

(b) if the party is an intervenor, the intervention is withdrawn.

- (13) Where a party provides written notice to the Board pursuant to Rule 12(12), if the document is on file with the Board, the Board shall immediately return the documents for which confidentiality was claimed.

#### **Amendment**

13 A filed document may be amended at any time with leave of the Board.

#### **Admission of facts**

- 14 (1) The parties to any application before the Board may, by admission in writing filed with the Board, agree upon the facts or any of the facts involved therein, which admission, if filed, shall be regarded and used as evidence at such hearing, investigation or other proceeding.
- (2) The Board may require such additional evidence as it may deem necessary.

#### **Information requests**

- 15 (1) The Board may provide for Information Requests necessary to
- (a) clarify evidence filed by a party;
  - (b) simplify the issues;
  - (c) permit a full and satisfactory understanding of the matters to be considered; or
  - (d) expedite the application.
- (2) An Information Request shall be in accordance with Form A and shall
- (a) be directed to the party from whom the response is sought;
  - (b) number the questions consecutively, or as otherwise directed by the Board, in respect of each item of information requested;
  - (c) list the name, address and telephone and fax numbers of persons who may be contacted in case clarification of questions is required;
  - (d) be forwarded to the party from whom a response is sought, with copies being sent simultaneously to the Board and all other parties.
- (3) An Information Request shall not be directed to any party upon whose behalf no evidence has been filed, without leave of the Board or consent of the party from whom a response is sought.
- (4) A party seeking leave under Rule 15(3) shall, within any time limit fixed by the Board, file with the Board and serve on the party to whom the Information Request is directed, the proposed Information Request and the reasons therefor.
- (5) The Board shall not grant leave pursuant to Rule 15(3) unless the party to whom the Information Request is directed has been given an opportunity to comment on the proposed Information Request.
- 16 (1) Subject to Rule 16(3), where an Information Request has been directed to a party that party shall file a Response to Information Request within the time fixed by the Board.

- (2) A Response to Information Request shall be in accordance with Form B and shall
- (a) provide a full and adequate response to each question;
  - (b) state the question at the beginning of each response;
  - (c) begin each response on a new page;
  - (d) number each response to correspond with each item of the Information Request;
  - (e) specify which witness or which member of a witness panel prepared the response;
  - (f) file and serve the Response to Information Request as directed by the Board; and
  - (g) set out the date on which the Response to Information Request is filed and served.
- (3) A party who is unable or unwilling to provide a full and adequate response to a question in an Information Request shall file and serve a response
- (a) where the party contends that the information requested is not relevant, setting out specific reasons in support of that contention;
  - (b) where the party contends that the information necessary to provide an answer is not available or cannot be provided with reasonable effort, setting out the reasons why the information is unavailable and providing any alternative available information that the party considers would be of assistance to the party directing the Information Request;
  - (c) where the party contends that the information sought is of a privileged nature, setting out the reasons why it is considered privileged;
  - (d) where the party contends that the information sought is of a confidential nature, requesting that it be held in confidence, or not filed, pursuant to Rule 12; and
  - (e) otherwise explaining why such a response cannot be given.
- (4) Where a party is not satisfied with the response provided or objects to a claim of privilege, the party may apply to the Board for directions.

### **Preliminary hearings**

- 17 (1) The Board may, on its own initiative or at the request of any party, hold a preliminary hearing to deal with any matter that may aid in the disposition of the hearing, including to
- (a) determine any relevant question as to the Board's jurisdiction to hear the application;
  - (b) consider an application for an order dismissing the application on the grounds that no application lies to the Board;
  - (c) determine any question as to the admissibility of any evidence;
  - (d) clarify or simplify the issues;
  - (e) consider the necessity or desirability of an amendment to the application;

- (f) consider the participation by interested persons;
- (g) consider a request for access to information in the custody or control of any party;
- (h) fix dates for the hearing and for any procedural steps to be completed by the parties;
- (i) make any directions for the pre-filing of witness lists or expert witness statements and reports (except as otherwise provided for in these rules), or direct further disclosure where necessary; and
- (j) determine issues of confidentiality, including any need to hold a part of the hearing in camera, or to seal documents.

- (2) Unless otherwise ordered by the Board, it shall not be necessary to give notice of a preliminary hearing by advertisement in a newspaper.

**18** The Board member who presides at a preliminary hearing shall not be deemed to be seized of the application, and any subsequent hearing related to the application may be heard by that member or any other member.

#### **Issues**

- 19** (1) The Board may formulate issues to be considered in an application and shall notify parties in respect thereof if, in the opinion of the Board,
- (a) the formulation of issues would assist the Board in the conduct of the application; and
  - (b) the formulation of issues would assist the parties in participating more effectively in the application.
- (2) To assist the Board in formulating issues in accordance with Rule 19(1), the Board may invite parties to propose issues or to suggest amendments to any formulated issues.
- (3) Any party who proposes an issue pursuant to Rule 19(2) shall explain the issue's relevance to the application.

#### **Written submissions**

- 20** The Board may direct parties to make written submissions for the purpose of considering matters that relate to
- (a) the clarification or simplification of issues;
  - (b) the necessity or desirability of amending an application;
  - (c) the admission of certain facts or the verification of those facts by affidavit, or the use by any party of documents of a public nature;
  - (d) the settling of matters that relate to information requests;
  - (e) the procedure to be adopted in the application;
  - (f) the exchange of documents among the parties; and
  - (g) any other matter that could aid in the conduct and disposition of the application.

**Technical conferences**

- 21** An applicant may, and shall if directed by the Board, convene a technical conference or a series of technical conferences that relate to
- (a) the clarification or simplification of issues; or
  - (b) any other matter that could aid in the conduct and disposition of the application.

**Hearings**

- 22** (1) Hearings may be conducted in an informal manner and need not follow the strict rules of practice and procedure required in a court of law.
- (2) The Board may, at its discretion, conduct a hearing or a preliminary hearing in person, in writing or by teleconference, video conference or by any other electronic means.
  - (3) At the hearing of an application, the applicant shall present its evidence first, and after the evidence of all other parties is given, shall have the right to reply.
  - (4) A party may call and examine witnesses, cross-examine opposing witnesses and present arguments and submissions.
  - (5) The Board may receive in evidence any statement, document, information or matter that, in the opinion of the Board, may assist it to deal with the matter before the Board whether or not the statement, document, information or matter is given or produced under oath or would be admissible as evidence in a court of law.
  - (6) A party may be represented before the Board by counsel or an agent.
  - (7) A hearing may be adjourned from time to time by the Board on reasonable grounds on its own motion or at the request of any party.
- 23** The Board, whenever it deems it desirable, may require briefs to be filed by the parties within such time as the Board may prescribe.
- 24** The Board may issue a decision in several parts if it is determined by the Board to be in the public interest to do so.

**Settlements**

- 25** (1) The Board may dispose of all or part of an application by approving a settlement of one or more of the issues entered into between two or more parties to a proceeding.
- (2) Where a settlement is proposed in an application, the Board shall issue a procedural order pursuant to Rule 5(3) setting out the procedure by which the Board shall consider whether or not to approve the settlement.
  - (3) Where there are parties who disagree with the settlement proposal, they shall in all cases be given an opportunity to be heard on the matter.
  - (4) The Board may accept or reject a settlement proposal in whole or in part.

**Audio and video recording of hearings**

- 26** (1) Audio and video recording of an oral or electronic hearing which is open to the public may be permitted on conditions the Board considers appropriate.
- (2) The Board may refuse to permit the recording of all or any part of an oral or electronic hearing if, in the opinion of the Board, such coverage would inhibit specific witnesses or disrupt the hearing in any way.
- (3) Where recording is allowed, the following shall apply unless otherwise directed by the Board:
- (a) only equipment which does not produce distracting sound or light shall be used;
  - (b) where possible, existing audio systems present in the hearing room shall be used;
  - (c) media personnel shall not move about while the hearing is in progress; and
  - (d) equipment shall be positioned unobtrusively before the hearing begins and shall not be relocated while the hearing is in progress.

**Disposal of exhibits**

- 27** (1) A person who has submitted exhibits to the Board may request that the Board return the exhibits.
- (2) The Board, at the end of six months from the date of the final order in the application, provided no appeal or judicial review has been commenced within that time, may return requested exhibits and may destroy any remaining exhibits.

**Production of documents and discovery**

- 28** The Board may make orders for production of documents, for inspection, for examination for discovery, for the examination of witnesses who cannot attend the hearing by reason of sickness or other unavoidable cause, and for the examination of witnesses resident outside of Nova Scotia, as the nature of the application may require, and upon such terms as to costs or otherwise as may be just.
- 29** A party may give another party notice in writing to produce any documents which relate to any matter in question between the parties, which are in the custody, power or possession of said other party, and if such notice be not complied with secondary evidence of such documents may be given.
- 30** A party may be called upon by any other party, by notice in writing, to admit any document which requires to be proved, saving all just exceptions; and in default of notice to admit, the costs of proving the document shall not be allowed except where, in the opinion of the Board, the omission to give notice was a saving of expense.

**Subpoenas**

- 31** (1) At the request of a party, the Board may issue a subpoena, which shall be signed by the Clerk and sealed with the Board's seal.
- (2) A subpoena issued pursuant to Rule 31(1) shall be issued in the form prescribed by the Board and may set out the names of any number of persons required to appear before the Board.
- (3) No person served with a subpoena is required to appear before the Board pursuant to the subpoena unless the person has been paid or tendered conduct money in an amount sufficient to cover the person's reasonable fees and traveling expenses as fixed by the Board from time to time.

- (4) A subpoena shall be served personally on the person to whom it is directed at least two clear business days before the date on which the person is to appear.

### Financial condition

32 Whenever a corporation subject to the *Public Utilities Act*, the *Gas Distribution Act* or the *Motor Carrier Act* is required or called upon to present its financial statements, they shall be prepared in accordance with the recommendations of the Canadian Institute of Chartered Accountants set out in the C.I.C.A. Handbook.

### Applications for authority to issue shares, stocks, bonds, debentures or other evidences of indebtedness

33 (1) In all applications made to the Board pursuant to the *Public Utilities Act* by corporations for authority to issue any shares, stocks, bonds, debentures or other evidence of indebtedness, the application must show

- (a) the amount and terms of the proposed issues, the purposes for which the proceeds are to be used and the nature of the security if any;
- (b) if the purpose is the acquisition of property, a general description of the property, from whom it is to be acquired, and the terms of the contract for such acquisition, if any has been made. Names of the owners of property to be acquired for rights of way need not be set out, but a general description of the proposed route, will be sufficient;

(Note. The description of property should include the number, dimensions, type and location of each class of items mentioned in the application. For example, the item of "land" should state the area and the location thereof; expenditure for "building construction" should state dimensions of buildings so that cubical contents may be ascertained, and also give the type of construction, including foundations; a description of plant, machinery, equipment, etc., should be given, including the number, and size of each unit, its type, etc.

It should also be stated whether the amount proposed to be expended on each item covers the entire cost thereof, or whether a portion of such cost has been submitted in a prior statement to the Board, or may be included in some future statement of expenditure, for which security may be proposed to be issued, and authority asked.)

- (c) if the purpose is for the construction, completion, extension or improvement of facilities, the existing facilities must be set forth as well as those proposed;
- (d) if the purpose is the improvement or maintenance of service, the existing service must be set forth as well as any improvements or betterments proposed;
- (e) if the purpose is the refunding of obligations, such obligations must be described fully, showing character, amount, date of issue, date of maturity, and all other material facts concerning the same;
- (f) the financial condition of the applicant;
- (g) if the application is for the issue of bonds or debentures to be secured by an existing mortgage, the amount of bonds or debentures, if any, already issued under said mortgage and the amount and application made of the proceeds;
- (h) if the proceeds are to be used for construction, completion, extension or improvement purposes, the affidavit of a competent person must be annexed, showing the estimated cost thereof in reasonable detail;

- (i) in applications for the issues of shares or stocks, the application must state that no franchise or right is capitalized directly or indirectly, except as authorized by the *Public Utilities Act*. In case it is proposed to capitalize any franchise or right as therein authorized, there shall be filed with the application a verified copy of such franchise, and a certificate of the proper officer of the province or municipality granting the same, showing the amount that has been actually paid for such franchise or right;
  - (j) if any contract, agreement or arrangement, verbal or written has been made to sell the shares, stocks, bonds, debentures or other evidence of indebtedness proposed to be issued, such contract, agreement or arrangement must be described in full, and if in writing a copy of the same must be annexed to the application;
  - (k) if no contract, agreement or arrangement has been made for the sale or other disposal of the shares, stocks, bonds, debentures or other evidences of indebtedness proposed to be issued, there must be annexed an affidavit of a competent person showing the amount which can probably be realized from the sale or disposition thereof, and the reasons for the opinion of the deponent;
  - (l) there must be annexed to the application an affidavit made by at least three of the directors of the applicant, showing that it is the intention of the applicant in good faith to use the proceeds of the shares, stocks, bonds, debentures or other evidence of indebtedness proposed to be issued, for the purposes set forth in the application.
- (2) Before granting any such application, the Board shall require such notice thereof to be given at the expense of the applicant, by publication for such time, and in such newspaper or newspapers as it may deem proper, to the end that all person who may be interested therein or affected thereby may have an opportunity for a hearing.
  - (3) Notwithstanding Rule 33(2), the Board may grant such application without the necessity of requiring notice thereof to be given and without the necessity of holding a public hearing, provided the applicant is participating in a borrowing or the issuance of shares, stocks, bonds, debentures or other evidence of indebtedness through the Nova Scotia Municipal Finance Corporation pursuant to the provisions of the *Municipal Finance Corporation Act*, as amended.
  - (4) Any order of the Board granting such application or any part thereof, shall
    - (a) prescribe the purpose for which the proceeds of the security or obligation authorized shall be used;
    - (b) direct the applicant to report to the Board under oath the sale or other disposition of the securities or obligations authorized, the terms and conditions thereof, and the amount realized therefrom;
    - (c) require the applicant to make a report at least once every six months, showing in detail the use and application by it of the monies so realized, until such monies shall have been fully expended;
    - (d) contain such other provisions as the Board may deem necessary or appropriate in each case.

### Costs

34 Any application for costs shall be governed by the Board's *Cost Rules*.

These Board Regulatory Rules were made by the Nova Scotia Utility and Review Board at a Board meeting held on the 23rd day of December, 2005, and replace and supercede other outstanding Regulatory Rules.

Sgd.: Elaine Wagner  
Signed: Elaine Wagner  
Clerk of the Board

**Form A - Information Request  
Nova Scotia Utility and Review Board**

**In the matter of the Act**

- and -

**In the matter of an application of**

**Information request**

**To:** (name of party from whom information is sought)

**From:** (name of party requesting information)

**Responses due by:** (as directed by pre-hearing order or the Board Clerk)

**Questions:**

1. (questions to be numbered consecutively)

2. etc.

**Copies:** (as directed by pre-hearing order or the Board Clerk)

**Contact person:** (name, address and telephone/fax numbers of persons who may be contacted in case clarification of questions is required)

Issued at \_\_\_\_\_, Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ .

\_\_\_\_\_  
Clerk of the Board

**Form B - Response to Information Request  
Nova Scotia Utility And Review Board**

**In the matter of the                      Act**

**In the matter of the application of** (name of applicant)

**Response to information request**

**To:**    (name of party (or board) requesting information)

**From:**                                        (name of party information requested from)

Question 1.                                (repeat the question asked)

Response 1.                                (response - attach any schedules and attachments relating to this response)

**\*\* (each response must start on a separate page and must include the heading as above)**

(date that response is filed with the Board)