



Allevato Quail & Roy
BARRISTERS AND SOLICITORS

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British Columbia Utilities Commission
Suite 410, 900 Howe Street
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Attention: Commission Secretary

Filed online

Dear Mesdames/Sirs:

Re: British Columbia Utilities Commission ~ Proposed New Rules of Practice and Procedure for Reconsideration Applications ~ Consultation Process

These brief comments are submitted by the law firm of Allevato Quail & Roy. They do not necessarily represent the views of our clients. We thank the Commission for this opportunity to have input.

We commend the proposal to eliminate the requirement to apply for and obtain a grant of leave before making a further application for reconsideration, except for applications from non-participants in the original proceeding.

This would bring a welcome improvement in the Commission's process.

The major benefit of this approach is the avoidance of duplication of effort. Parties before the Commission have generally considered that the current sequential process tends to involve similar issues and points in both the leave and reconsideration stages – one essentially has to make out a *prima facie* case for reconsideration to lay a basis for leave, and then re-tread the same territory on reconsideration if leave is granted.

The grounds for reconsideration in the proposed Section 26.06 are the appropriate ones, except that we recommend that a fifth ground be added, essentially to complete the range of general grounds for challenging decisions of statutory tribunals like the Commission:

- e) the applicant for reconsideration was denied a fair hearing in the original proceeding.

The proposed procedures for reconsideration in Sections 27 through 29 are appropriate. In particular, the option of summary dismissal of non-meritorious applications is a far better “filter” device than the current two-stage leave procedure.

Taken together, the proposed modifications would represent a significant improvement that would make the entire process more efficient and cost-effective for the Commission, regulated entities and interveners alike.

Yours very truly,

ALLEVATO QUAIL & ROY

A handwritten signature in blue ink, appearing to read 'Jim Quail', is written over a light blue rectangular background.

per **Jim Quail**
Barrister & Solicitor