

Regulations and other acts

Gouvernement du Québec

O.C. 437-2006, 24 May 2006

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Régie de l'énergie — Rules of Procedure

Rules of Procedure of the Régie de l'énergie

WHEREAS section 113 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01) provides that the Régie de l'énergie may adopt rules of procedure applicable to the examination of applications or to public hearings;

WHEREAS, under that section, the Régie de l'énergie adopted the Rules of Procedure of the Régie de l'énergie;

WHEREAS section 115 of the Act provides that the rules of procedure and regulations made by the Régie de l'énergie must be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Rules of Procedure of the Régie de l'énergie was published in Part 2 of the *Gazette officielle du Québec* of 30 March 2005 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS comments were made on the draft Rules;

WHEREAS it is expedient to approve the Rules with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Rules of Procedure of the Régie de l'énergie, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Rules of Procedure of the Régie de l'énergie

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

CHAPTER I DEFINITIONS

1. For the purposes of these Rules, unless the context indicates otherwise,

“consultant” means a person recognized as such by the Régie, given the person’s knowledge and experience on a specific issue, to participate in a working session or to advise and assist an intervenor in the preparation of a file; (*expert-conseil*)

“document” means any document as defined in section 3 of the Act to establish a legal framework for information technology (R.S.Q., c. C-1.1); (*document*)

“expert witness” means a person admitted by the Régie to give opinion evidence on a specific issue, given the person’s knowledge and experience in the matter; (*témoign expert*)

“hearing” means the examination of an application by the Régie that proceeds orally, in writing or using a technology-based medium; (*audience*)

“intervenor” means any interested person authorized by the Régie to participate in a hearing with a view to making representations; (*intervenant*)

“observer” means an interested person who, without being an intervenor, files written submissions; (*observateur*)

“participant” means the applicant and the intervenor; (*participant*)

“working session” means any meeting or communication with the participants to examine an application, except an oral hearing, and includes a technical meeting, information session and negotiation session. (*séance de travail*)

CHAPTER II SUBMISSION OF AN APPLICATION

2. Every application to the Régie, other than a complaint, must be made in writing and

(1) set out the name, address, telephone number and any other telecommunications numbers of the applicant, and the contact information of the applicant's representative, where applicable;

(2) contain a clear and concise statement of the facts, reasons for the application and conclusions sought;

(3) be signed by the applicant or the applicant's representative;

(4) contain all documents in support of the application and a list of the documents;

(5) include any applicable fees;

(6) contain, where applicable, proof of mailing to the persons concerned; and

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

3. If an application does not comply with the requirements of section 2, the Régie may

(1) return the application to the applicant;

(2) specify the missing information to the applicant and suspend examination of the application until the information is provided to the Régie; or

(3) accept the application, on the conditions it considers necessary, to prevent an injustice.

CHAPTER III PUBLICATION OF DIRECTIONS RELATING TO A PUBLIC HEARING

4. Where the Régie orders a participant to publish its written directions, the public notice may be issued using any means and technology-based medium that informs the public in the area concerned by the application.

The public hearing commences with the issue of the public notice.

CHAPTER IV REPRESENTATIONS TO THE RÉGIE

DIVISION I INTERVENTION

5. In the course of the examination of an application, an interested person may apply to the Régie for status to intervene before it.

6. An application for intervention must be made in writing, signed by the interested person or the person's representative and sent to the Régie and the applicant within the time fixed by the Régie.

The application must state

(1) the name, address, telephone number and any other telecommunications numbers of the interested person;

(2) the nature of the interested person's interest and, where applicable, representativeness;

(3) the reasons in support of the intervention;

(4) a concise statement of the conclusions sought or recommendations proposed;

(5) the manner in which the interested person's position is to be presented, including whether witnesses are to be heard or expert evidence presented, and the estimated hearing time; and

(6) the interested person's suggestions to facilitate examination of the application.

7. 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.

8. The Régie may disallow or accept the application for intervention. If the application is accepted, the Régie determines, if it considers it necessary, the scope of the participation having regard to the intervenor's interest and the nature, importance and breadth of the issues addressed by the intervenor.

9. The intervenor is to receive all documents filed in the record and must send all documents it files to the participants and to the Régie in the required number of copies.

DIVISION II WRITTEN SUBMISSIONS

10. An interested person who does not wish to obtain intervenor status but who wishes to make written submissions on a matter before the Régie may file the submissions in accordance with these Rules.

The written submissions must include a description of the nature of the person's interest and any information explaining or supporting the submissions.

CHAPTER V PROCEDURE

DIVISION I PRINCIPLES

11. For any matter requiring a public hearing pursuant to section 25 of the Act respecting the Régie de l'énergie, a public notice must be issued and the Régie decides if the hearing will be an oral hearing, in whole or in part, or a written hearing.

12. For any other matter, the Régie determines the appropriate procedure.

DIVISION II VARIOUS PROCEDURAL DETAILS

13. The Régie may issue directions for the conduct of the hearing and the preparation of a timetable and schedule, and fix the time within which participants are to present their positions.

14. The Régie may issue directions for the conduct of working sessions or any other procedure chosen.

15. The Régie may, at any time, call a working session to define and clarify a procedural matter, the matters being examined, the use of experts, interventions and the conditions for participation in the examination of an application.

16. A negotiated agreement process may be initiated by the Régie which determines its rules. The resulting agreement must be written and signed by the participants to the agreement and be filed with the Régie for approval.

The participants must show that the agreement is in conformity with the law and the public interest.

Any dissent must be written, substantiated, signed by the participants and filed with the Régie at the time the agreement is filed.

CHAPTER VI EXAMINATION OF THE APPLICATION

DIVISION I FILING OF DOCUMENTS

17. Documents may be transmitted by any means approved by the Régie. The documents may also be filed in person at the record office of the Régie.

If a participant transmits all or part of a document on different dates and by different means, the document considered to be received is the last document received within the time fixed by the Régie.

18. Every document cited or relied on by a participant must be filed with the Régie and sent to the other participants according to the procedure prescribed by the Régie.

19. The applicant must provide the Régie and the intervenors with any documents or additional evidence the Régie considers necessary for the examination.

A request for information must be filed with the Régie with a copy to each participant. If the person to whom the request is directed is unable to reply in full within the time fixed by the Régie, the person must inform the Régie, with a copy to the participants, and specify the reasons and the time needed to reply.

20. The Régie may inform the participants of missing elements in the documents filed.

If an element is missing, the Régie may decide not to examine the documents until the necessary steps have been taken to complete the documents, or may decide to return the documents to the sender.

21. A participant may, with the authorization of the Régie, have a document in the record translated and file the translation. The Régie is to determine the conditions that apply.

DIVISION II HEARING

22. In the absence of valid reasons, the Régie may dismiss a late application or proceeding if it foresees an impact on the expeditiousness or fairness of the hearing.

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

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

24. Unless the Régie issues directions to the contrary, a participant in an oral hearing may call and examine witnesses, examine the other participants' witnesses and present the participant's position.

Witnesses are heard 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, the expert testimony to be relied on in support of the participant's position.

25. The Régie may call witnesses and require the production of documents at the request of a participant or on its own initiative.

The Régie, where applicable, must issue a subpoena to a participant so requesting who is then responsible for serving the subpoena on the witness at the participant's own expense.

The subpoena must be served at least five clear days before the date of attendance of the witness, unless the Régie issues special directions.

26. Every document submitted as evidence to the Régie that was not written by the participant or its personnel must bear the author's name and address.

27. If a participant fails to attend or to participate in a hearing, the Régie may render its decision in the participant's absence after ensuring that the participant has been duly notified at the address the participant provided to the Régie.

28. A hearing may be recorded by any means permitted by the Régie including stenotype or shorthand.

A participant who requests a hearing be recorded must provide the Régie with a copy of every transcript of the recording, whatever the medium used, on the conditions determined by the Régie.

Recording and transcript costs are borne by the participant requesting the recording or transcription, unless the Régie decides otherwise.

DIVISION III EXPERT WITNESSES AND CONSULTANTS

29. A participant intending to use the services of an expert witness or a consultant must apply in writing for recognition of the participant's status.

An application concerning a consultant must be sent to the Régie and the participants within a reasonable time before the working session or before the consultant is given the mandate to assist in the examination of an application.

An application concerning an expert witness must be sent to the Régie and the participants at least 20 days before the date on which the expert witness is to be heard.

The application must include

(1) the name and contact information of the expert witness or consultant;

(2) a description of the need for the expert testimony and how it relates to the participant's interest;

(3) the mandate and area of expertise and qualifications of the expert witness or consultant;

(4) a copy of the resumé of the expert witness or consultant, including a description of relevant experience; and

(5) justification of the compensation requested for the expert witness or consultant.

30. A challenge to a request for recognition of status as an expert witness or consultant must be made in writing.

In the case of a consultant, the challenge must be made within five working days of the date on which the request for recognition is received.

In the case of an expert witness, the challenge must be made within a reasonable time before the testimony of the expert witness, and the Régie must dispose of the challenge at the hearing.

31. Recognition of status as a consultant is effective on the expiry of ten working days after the request unless the Régie has suspended the time period or denied the request. For serious and valid reasons, the Régie may fix a shorter time period for that purpose.

32. The Régie may require that the participants' experts or consultants communicate with each other to

(1) exchange information and documents relating to the facts or opinions on which they disagree;

(2) discuss the facts or opinions on which they disagree in order to reduce or eliminate disputed issues; or

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

The experts and consultants must report the results of their communication to the Régie.

DIVISION IV CONFIDENTIALITY

33. A participant who requires documents or information be treated confidentially must make a request in writing to that effect in which the participant must provide

(1) a summary of the nature of the documents and information to be treated confidentially;

(2) the reasons for the request, including the nature of the prejudice that would be caused by disclosing the documents and information;

(3) a copy of the documents for the public record in which the excerpts for which confidentiality is requested are blanked out; and

(4) a complete copy of the documents or information under confidential cover for use by the Régie only.

The Régie may require that a document or information that is the subject of a confidentiality request be filed in the record.

34. Participants may challenge the confidentiality request within ten days after its filing.

CHAPTER VII CLAIM FOR COSTS

35. A participant other than the carrier 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.

36. The carrier or distributor from which the costs are claimed may, within ten days after the date on which the claim is received, send to the Régie in writing any

objection to or comment respecting the claim, its eligibility, the amount or any other subject raised in the claim. The distributor or carrier must send a copy of the objections or comments to the party who filed the claim with the Régie.

37. A participant claiming costs may, within ten days after the date on which the objections or comments are received, reply in writing to the Régie with a copy to the carrier or distributor.

38. The Régie may depart from the procedure provided for in this Chapter to accelerate or facilitate the payment of costs.

CHAPTER VIII COMPLEMENTARY PROVISIONS RELATING TO THE EXAMINATION OF COMPLAINTS

DIVISION I CONCILIATION

39. Consent to allow inadmissible evidence consisting of information and documents exchanged during conciliation must be given in writing and be signed by the consenting party.

40. The parties making a conciliation agreement must so notify the Régie in writing. On receipt of the notice, the Régie closes the file.

DIVISION II EXAMINATION OF THE COMPLAINT

41. The Régie must examine a complaint in writing on the basis of the file or by oral hearing.

A request for information must be directed within a reasonable time and be answered within 15 days of receipt.

42. A preliminary exception made against a complaint must be raised in writing at least 15 days before the date set for the oral hearing.

43. If a party fails to attend or to participate in an oral hearing, the Régie may render its decision in the party's absence after ensuring that the party has been duly notified at the address the party provided to the Régie.

44. The parties must notify the Régie in writing of a settlement or withdrawal of a complaint.

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

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

The Régie may allow any participant to file a written memorandum and a brief summary of its content with the Régie within the time it fixes.

46. The Régie is to make the memoranda it receives public in the manner set out in its written directions.

47. The Régie may allow participants in a public hearing to examine witnesses. The Régie may give specific directions in that respect to the participants.

CHAPTER X
MISCELLANEOUS

48. 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 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.

49. The Régie must take all the necessary measures to ensure a fair, expeditious and simple proceeding.

50. The Régie may remedy any delay, defect of form or irregularity of procedure.

51. 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 these Rules.

52. Upon payment of reproduction costs, any interested person may obtain a copy of any document filed with the Régie other than a document considered to be confidential or for which a publication ban has been ordered.

CHAPTER XI
TRANSITIONAL AND FINAL

53. These Rules replace the Regulation respecting the procedure of the Régie de l'énergie approved by Order in Council 140-98 dated 4 February 1998.

54. Applications before the Régie on the date of coming into force of these Rules are to be continued in accordance with these Rules.

55. 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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M.O., 2006-011

Order of the Minister of Health and Social Services making the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan dated 18 May 2006

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01 ; 2002, c. 27)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01 ; 2002, c. 27, s. 22, par. 3);

CONSIDERING Order 1999-014 dated 15 September 1999 of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation respecting the List of medications covered by the basic prescription drug insurance plan;

CONSIDERING that it is necessary to amend the List of medications attached to that Regulation;

CONSIDERING that the Conseil du médicament has been consulted on the draft regulation;

MAKES the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan, the text of which is attached hereto.

Québec, 18 May 2006

PHILIPPE COUILLARD,
Minister of Health and Social Services
