

## Yukon Utilities Board Section 62 Review Guidelines

### **A. Grounds for Review**

The board will consider the following as grounds for review under Section 62 of the Act:

- a. the Board has made an error in jurisdiction;
- b. the Board has made an error in fact or law;
- c. there has been a fundamental change in circumstances or facts since the decision or order;
- d. a basic principle has not been raised in the original proceedings;
- e. a new principle has arisen as a result of the decision nor order;
- f. such other grounds as the Board determines require a review.

### **B. Content of the Application for Review**

The application for review should as a minimum set forth the following:

- a. the grounds upon which the application is based;
- b. a brief statement of facts supporting the alleged ground(s) for review;
- c. if new evidence is sought to be filed, a statement of the nature and purpose of the evidence;
- d. any further matter that the applicant believes will assist the Board in reaching a decision to grant a review.

### **C. Procedure**

The board will use a two-phase system for applications for review. Such a process is attractive as it enables certain applications to be dealt with expeditiously and economically. An application for review will be subject to an initial screening phase where the applicant must establish a prima facie case sufficient to warrant full consideration by the Utilities Board. In the first phase, the Board will assess an application having regard to some or all of the following questions:

- Should there be a review by the Board?
- If there is to be a review, should the Board hear new evidence and should the parties be given the opportunity to present evidence?
- If there is to be review, should it focus on the items from the application for review, a subset of those items or additional items?

Upon receipt of an application for review, the Board will issue an order inviting registered Intervenor and interested parties to comment on the application for review by addressing those questions set out in the order and further specifying a process to be followed which is either by written submissions with reply by the applicant or by written submissions and oral argument. In the case of an alleged

error, in order to advance to the second phase of the process, the application must show that:

- A. The claim of error is substantiated on a prima facie basis; and
- B. The error has significant material implications.

If there is a second phase, then the Board will hear full arguments on the merits of the application.