

DISPUTE RESOLUTION PROCESS

1. Policy Issues

If an issue cannot be resolved by mediation, and if the mediator finds it to be appropriate, the mediator will provide a report and/or recommendations (the "Report") for a resolution of the issue.

If a party does not accept the Report, the matter will be referred to the Board's Adjudication Division for resolution. In that regard, pursuant to Sections 72 and 126, the Board has the authority to determine how each individual case is to be dealt with. However, as a general practice, the following process will apply:

- (i) The process will be as expeditious as possible.
- (ii) Parties will provide brief written submissions describing the issue, setting out their respective views of it, and an appropriate resolution to it.
- (iii) Wherever possible, the parties will provide an agreed statement of fact.
- (iv) The Board may decide the issue on the basis of written submissions.
- (v) If the Board decides a hearing is necessary, it will generally be conducted by way of oral submissions supplementing the parties' written submissions.
- (vi) *Viva voce* evidence through witnesses will be minimized and only used where the Board is persuaded it is critical to do so.
- (vii) The process will be as informal as possible. To that end, the adjudicator may utilize a combination of mediation and adjudication and may meet with the parties either together or separately, as the adjudicator deems appropriate.
- (viii) Wherever possible, the Board will provide an expeditious answer with brief reasons.

2. Specific Essential Service Level Designations (Section 72(4))

- (i) The process will be as expeditious as possible.
- (ii) If an issue cannot be resolved through mediation, the mediator shall issue a report under Section 72(4) of the Code. The report shall form the basis of the order.
- (iii) If a party concludes a variance to an order is necessary, the parties must first attempt to resolve the matter prior to an application to the Board for a variance being made.
- (iv) If the matter cannot be resolved and a request for variance is filed with the Board, the Board shall make every effort to set down a conference call within four hours of the receipt by the Board of the variance request. The parties shall designate a regional representative to participate in any such conference calls.
- (v) Where the Board is persuaded it is appropriate to do so, it may give the parties an opportunity to provide submissions by way of an expedited informal hearing.
- (vi) The applicant will bear the onus of persuading the Board there is a sufficiently compelling basis for the order to be varied.
- (vii) The Board shall issue an oral decision and amend the order as appropriate or necessary. In general, no reasons will be provided for that decision.