

Template Process for Reviewing Applications

Subsection 3(5) of the *Fair, Efficient and Open Competition Regulation* (FEOC Regulation) provides specific information regarding the steps that the Commission must follow when it receives an application from a market participant regarding Preferential Sharing of Records.

Subsection 3(5) of the FEOC Regulation states:

Where the Commission receives an application under this section, the Commission shall

- (a) publish notice of the application,
- (b) hold in private a hearing or other proceeding involving only the market participant that filed the application and, subject to subsection (6), the MSA, and
- (c) publish a notice of any order of the Commission relating to the application and, in the opinion of the Commission, include sufficient detail to allow a reasonable understanding of the nature of the hearing or other proceeding and the findings of the Commission

The Commission has prepared the following template as a guide to the steps that may be involved in obtaining an Order from the Commission regarding the Preferential Sharing of Records. However, this template is only a guide. The final determination of any hearing or other proceeding process will be determined by the Commission on a case by case basis and the Commission anticipates that information requests, MSA evidence and rebuttal evidence may not be required in many cases.

	Submission Type	Timeframe	Comment	Public / Not Public
1.	Market participant files Preferential Information Sharing application with the Commission	Not applicable	Application must include information that enables the Commission to address the provisions of subsections 3(3)(a) and (b) of the FEOC Regulation	Not Public
2.	Commission issues Notice of Filing	Within 7 days of Market Participant filing with the Commission		Public, without revealing sensitive information

	Submission Type	Timeframe	Comment	Public / Not Public
3.	Commission issues Notice of Proceeding	Flexible	Commission to appoint panel and establish process	Public, without revealing sensitive information
4.	Commission issues Schedule	Flexible	May be combined with Commission Notice of Proceeding	Public
5.	Market Surveillance Administrator (MSA) files Statement of Intent to Participate (SIP).	1 week following Notice of Proceeding or as specified in Commission Schedule		Public, without revealing sensitive information.
6.	Information Requests issued to Applicant by Commission and MSA (if any)	2 weeks following Notice of Proceeding or as specified in Commission Schedule	Provisions for Information Requests are at the discretion of the Commission panel	Not Public
7.	Applicant files Information Request responses	1 week following the filing of Information Requests		Not Public
8.	MSA files Evidence (if any)	2 weeks from receipt of Applicant Information Request responses		Not Public
9.	Information Requests to MSA (if any)	1 week following the filing of MSA evidence	Provisions for Information Requests are at the discretion of the Commission panel	Not Public
10.	Information Request Response	1 week following the filing of Information Requests		Not Public
11.	Rebuttal Evidence (if any)	10 days following filing of Information Request Response		Not Public
12.	Written Argument (if any)	2 weeks following filing of Information Request responses (if any) or as specified in Commission Schedule	Provisions for an Oral Hearing are at the discretion of the Commission panel	Not Public

	Submission Type	Timeframe	Comment	Public / Not Public
13	Written Reply Argument (if any)	10 days following Written Argument		Not Public
14	Notice of Order of the Commission	Up to 90 days following Written Reply Argument	Includes sufficient details to allow a reasonable understanding of the nature of the hearing and the findings of the Commission	Public