

Order No. 101/17

**RURAL MUNICIPALITY OF ST. CLEMENTS'
DECISION ON REQUEST TO REVIEW AND VARY BOARD ORDER NUMBER 52/17
FOR GRAND MARAIS UTILITY**

SEPTEMBER 19, 2017

BEFORE: Marilyn Kapitany, B. Sc. (Hons.), M. Sc., Acting Chair
Carol Hainsworth, C.B.A, Member
Shawn McCutcheon, Member

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1.0 Executive Summary

On July 19, 2017, the Public Utilities Board (the Board) received a request to review and vary Board Order No. 52/17, Rural Municipality of St. Clements (RM), from a Mr. James A. Schneider of Grand Marais Manitoba. The Board hereby denies the request by Mr. Schneider to review and vary Board Order No. 52/17.

2.0 Application

In the application received July 19, 2017, Mr. Schneider is requesting a review and vary of Board Order No. 52/17. Mr. Schneider states objections to the RM requiring haulers to submit volumes to the RM and the charge to haulers based on the full tank capacity of the truck for use of the lagoon.

On July 20, 2017 the Board advised the RM of the application to review and vary Board Order No. 52/17. The Board offered the RM the opportunity to review and provide a response. The RM provided a response on July 31, 2017 addressing each of the concerns in the application.

In a letter, dated August 4, 2017, the Board provided an opportunity for Mr. Schneider to review the RM's response and provide a rebuttal for the Board to consider by August 18, 2017. Mr. Schneider provided no additional response.

3.0 Board Findings

For the Board to consider a request to review and vary it must first determine whether or not it will review the original decision, as per section 36(4) of the Public Utilities Board Rules of Practice and Procedure it states:

(4) The Board shall determine, with or without a hearing, in respect of an application for review, the preliminary question of whether the matter should be reviewed and whether

there is reason to believe the order or decision should be rescinded, changed, altered or varied.

The Board must determine if the application has presented any information that was previously unavailable to the Board that could have changed the decision/outcome of the Order in question. The Board must also determine if the applicant has raised substantial doubt that there was a proven error in law or jurisdiction.

The Board has reviewed the application to review and vary from Mr. Schneider and has found no reason to review Board Order No. 52/17.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with Section 36 of the Board's Rules of Practice and Procedure. The Board's Rules may be viewed on the Board's website at www.pub.gov.mb.ca.

4.0 IT IS THEREFORE ORDERED THAT:

1. Mr. Schneider's request to review and vary Board Order 52/17 is HEREBY DENIED.

Fees payable upon this Order by Mr. Schneider have been waived at the discretion of the Board.

THE PUBLIC UTILITIES BOARD

"Marilyn Kapitany, B.Sc., (Hon), M.Sc."
Acting Chair

"Jennifer Dubois, CPA, CMA"
Acting Secretary

Certified a true copy of Order No. 101/17
issued by The Public Utilities Board

Secretary