

4 Contents of a review application

- (1) An application for a review must:
 - (a) Be in writing and no longer than 15 pages double spaced, unless otherwise authorized by the Commission.
 - (b) Set out the facts relevant to the application.
 - (c) Describe how the review applicant's rights are, or may be directly and adversely affected by the decision.
 - (d) Set out the grounds for the application, as described in subsections 5(1)(a), (b), (c) or (d) of these rules.
 - (e) If alleging an error of fact under subsection 5(1)(a), identify the alleged error of fact.
 - (f) If alleging an error of mixed fact and law under subsection 5(1)(a), identify the legal standard and facts that are at issue, and explain how the Commission erred in applying the legal standard to those facts.
 - (g) Describe the nature of the prejudice or damage that has resulted or will result from the decision and the remedy sought.
 - (h) If an applicant fails to comply with these requirements, the Commission may make any order that the Commission considers necessary, including rejecting the application without further process.
- (2) The Commission may dismiss an application for a review, with or without notice, if the application does not comply with subsection 4(1).
- (3) Unless otherwise authorized by the Commission, any response~~reply~~ submissions must be in writing and no longer than 10 ~~seven~~ pages double spaced, and any reply submissions must be in writing and no longer than seven pages double spaced.

(5) Grounds for review and granting of review

(1) The Commission may grant an application for review of a decision, in whole or in part, where it determines that the review applicant has demonstrated:

- (a) The Commission made a palpable and overriding error of fact, or mixed fact and law, where the legal principle is not readily extricable, which is material to the decision, ~~and exists on a balance of probabilities.~~
- (b) There are previously unavailable facts material to the decision, which:
 - (i) existed before the decision was issued,
 - (ii) were not placed in evidence or identified in the original proceeding, and
 - (iii) the review applicant, exercising reasonable diligence, could not have discovered at the time.
- (c) There are changed circumstances material to the decision, which occurred since its issuance.
- (d) For a decision on an application for a hydro project, power plant, transmission line or gas utility pipeline, that the decision on the initial application may directly and adversely affect the review applicant's rights, and:
 - (i) the decision was made without a hearing or other proceeding, or
 - (ii) a hearing was held and notice was not given to the person.

(2) The Commission may exercise its discretion to grant an application for review with or without a hearing.

(3) The Commission may dismiss grounds in an application for a review, with or without notice, if the grounds concern errors outside the scope of subsection 5(1) of this rule.

