

# Interveners without legal counsel

Some individuals or groups prefer to represent themselves at AUC hearings without legal representation. In order to clearly present and support your position it is important to prepare your written and oral evidence and to understand the AUC's processes and procedures, which are set out in Rule 001: *Rules of Practice*.

The following steps are intended to assist you in preparing to represent yourself at an AUC hearing:

## Step 1: Review the application

The first step to preparing a statement of intent to participate is to review the application so that you understand exactly what is being applied for and why. This will help you when you are writing your statement. If you have questions about the application you should contact the applicant. You may ask your questions directly to a representative of the applicant over the phone, in person or you can submit your questions in writing and request a written response.

## Step 2: Prepare your evidence

The AUC requires that interveners file their written evidence prior to the start of a hearing. This allows the AUC and interested parties, including the applicant, time to understand the intervener's position, including the impacts that the application may have on the intervener, their family, land, business or other effects they have mentioned in the evidence. Filing this written evidence prior to the start of the hearing allows everyone to come prepared with informed questions. Your evidence should explain what outcome you are seeking and should include all of the information that you want the AUC to consider when making its decision.

The content of your evidence will depend upon the issues you want the AUC to consider. If your evidence is primarily focused upon the effects that the project may have upon you personally, then the evidence can summarize those effects. If you want to address a subject that is technical in nature, you may want to consider hiring an expert (someone with specialized knowledge and experience or training) to assist you.

For example, if one of your concerns is about the noise a proposed project may produce, you could hire a noise expert to assess the noise levels from a proposed project and to review the noise impact assessment included in the application. Your expert would then prepare a report on their findings that would be included with the evidence you file.

After your written evidence is filed, the applicant is generally given an opportunity to file reply evidence.

## Step 3: Participating in the hearing cross-examination

All hearing participants are required to file their written evidence prior to the hearing. Cross-examination is part of the in-person or virtual hearing process in which one party has the opportunity to ask another party's witnesses (such as experts or interveners) questions about the evidence the witnesses previously filed. The cross-examination process tests the written evidence provided.

Cross-examination of the applicant's witnesses is not an opportunity for you to state your position on the application. After the applicant and the applicant's witnesses have been questioned by all parties and the AUC, you will have the opportunity to present your evidence and position as an intervener.

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Questions to hearing witnesses should be written out ahead of time so that they are clear and understandable, and should be simple and direct to help ensure that the witness knows what information you are looking for and is better able to fully answer your question.

## Direct or oral evidence

After the applicant's witnesses have been questioned, interveners get their chance to present their evidence to the AUC. This is your opportunity to provide a brief summary of the contents of your written evidence and other submissions and to respond to any new information that may arise from the applicant's reply evidence or cross-examination of its witnesses. If you have hired an expert, that person is typically sworn in as a witness and can also briefly summarize the written evidence they provided.

It is important to note that the AUC and other parties will have read, and will be familiar with, the submissions and written evidence you have previously filed. It is not necessary to read through your entire written submissions in the hearing, but rather it is an opportunity for you to give a brief summary of your position that highlights the key points and identifies the evidence that supports your position.

After you have provided your direct evidence, the applicants, AUC lawyers, and the Commission panel members, and any other party with opposing views will have an opportunity to ask questions of you and any expert witness you have hired about your written evidence and your direct evidence.

## Argument

Argument is an opportunity for you to reiterate to the AUC your position on the application and the outcome you are seeking. When giving argument you should discuss the evidence that has been filed, tell the AUC which evidence supports your position, which evidence you think should be relied on and which evidence you think the AUC should reject. If you are arguing that evidence should be rejected, you should provide reasons in support of that argument.

Be prepared to provide an oral argument, however the AUC may decide to receive argument in written format. Similar to your cross-examination questions, you should write your oral argument out in advance or at least prepare a draft of your points of argument, so that your argument is understandable and well presented.

## Other helpful resources

In preparing to participate in an AUC hearing it will be helpful to read Rule 001: *Rules of Practice*. This rule contains the rules for AUC proceedings, including formal rules for process matters such as filing applications, filing evidence, bringing a motion, conducting cross-examinations. Rule 009: *Rules for Local Intervener Costs* describes what costs may and may not be recovered by a local intervener in connection with participating in an AUC hearing.