

Regulatory Alignment Team Report

By Bill Remmer

ADR's Place in Regulatory Compliance Issues

The Regulatory Alignment Team recommends that the Dispute Resolution Task Force adopt the following recommendations and request endorsement by stakeholders and the EUB Board. The team recommends that the EUB

1. Strongly support the use of ADR tools and techniques prior to filing an EUB application through expectations listed in application guides, informational letters, and various regulatory publications;
2. Enhance the participant involvement framework of the new *Guide 56* by referencing good ADR practices in C2C disputes;
3. Expand expectations for adequate negotiations to include "face-to-face" meetings and to not withhold critical information until a hearing;
4. Adopt a standard ADR staff letter to be sent out soon after receipt of application and objections that explains the EUB ADR program and encourages that a PADR meeting be arranged by the applicant within 14 days;
5. Adopt procedures to quickly dismiss frivolous matters or parties with no standing if the matter goes to hearing; if a hearing may be required, establish a date as soon as possible to support a timely and effective ADR process;
6. Utilize regulatory cost provisions to permit the EUB to award costs following a review and evaluation of a cost application in C2C disputes;
7. Clarify the admissibility and timing of new documentary evidence at a hearing subsequent to mediation; and

Endorse an industry-sponsored review of the appropriate use of the JP-90/95 fee guidelines.