

What distinguishes ADR by Hearing Commissioner?

- » Used when a file has been referred to the chief hearing commissioner for a hearing or ADR.
- » Brings authority and direction to the process.
- » Provides the option for agreements reached at the ADR to form part of a decision on an application or regulatory appeal.
- » Parties can use the process to agree on matters for a hearing, such as evidence, procedural matters, and statements of fact.
- » Parties may request ADR by hearing commissioner.

Preparing for ADR

To work toward a 'win-win' solution, parties are encouraged to think about

- » What options will meet my interests?
- » What options will meet the needs of the other party?
- » What options meet both our interests?
- » Can any of the options be tweaked to meet several interests?

ADR methods available to hearing commissioners

Interest-based mediation: Parties come to the table intending to reach resolution and are invested in the process. The goal is a mutually agreed outcome and avoidance of a hearing.

Settlement conference: Parties are highly motivated to settle their dispute. It is appropriate to use where parties have equal ability to participate and negotiate, and the facts surrounding the dispute are clear or not otherwise in dispute. This option is suitable for company-to-company disputes.

Evaluative-based mediation: Hearing commissioner or AER delegate provides opinion on the likelihood of possible outcomes and/or on the expectations parties have about their alternatives.

Binding decision making: Parties to a hearing may request binding dispute resolution conducted by a hearing commissioner.

Connect with us

Head Office

Suite 1000, 250 - 5 Street SW
Calgary, Alberta T2P 0R4

Inquiries

1-855-297-8311
inquiries@aer.ca

Hearing Commissioner ADR Inquiries

1-403-297-8310

06/2020

Alternative Dispute Resolution by Hearing Commissioner



Alternative Dispute Resolution by Hearing Commissioner

Hearing commissioners with the Alberta Energy Regulator (AER) conduct hearings on energy applications and regulatory appeals, and preside at dispute resolution meetings.

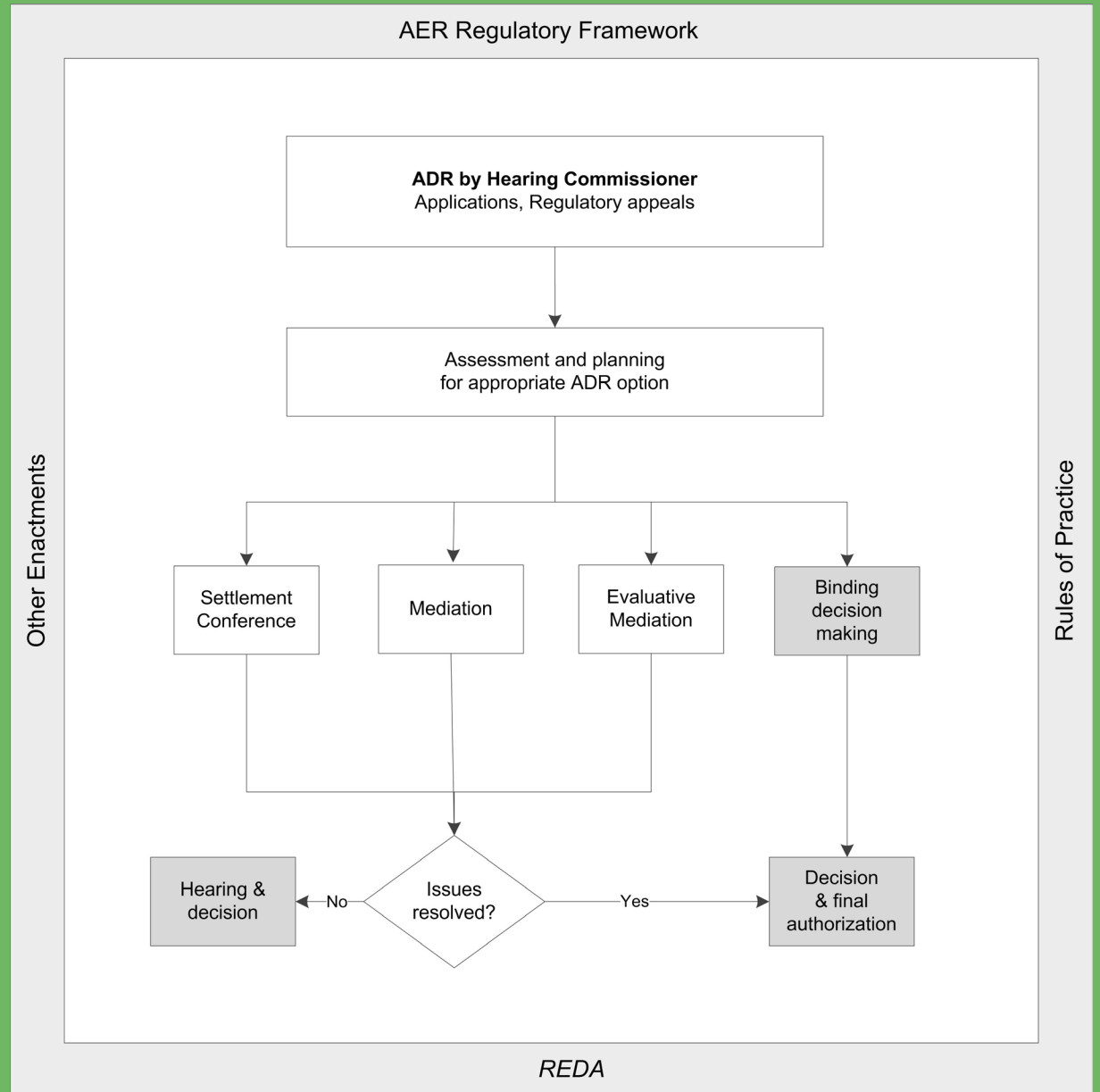
The *Responsible Energy Development Act (REDA)* outlines the circumstances in which an Alternative Dispute Resolution (ADR) would be conducted by a hearing commissioner:

- » after a notice of hearing is issued and no other ADR is underway,
- » for requests for regulatory appeals,
- » upon request by parties.

The AER may direct parties to participate in an ADR, and parties also have an option of requesting an ADR conducted by a hearing commissioner.

Principles of ADR

- » ADR is confidential and without prejudice.
- » Responsibility for resolution rests primarily with the parties.
- » Parties are fully informed of the ADR process and their options.
- » Impartial/neutral mediator.
- » Fairness to all parties in terms of procedures and information.



* Agreements reached by parties through an ADR conducted by hearing commissioner can form part of an AER decision if the decision maker has attended and finds the terms are within the jurisdiction of the regulator and are acceptable.