

35 ~~Filing of the application and s~~Settlements agreement

- (1) ~~This section applies to settlements in rates proceedings and any other proceeding that the Commission may direct. Subject to Section 3, when an agreement is reached on all or some of the issues, the text of the agreement, including a representation that no party has withheld relevant information, must be circulated to all parties to the agreement.~~
- (2) ~~A party may initiate settlement negotiations at any time during the course of a proceeding or before an application is filed. Upon the concurrence of the parties on the text of the agreement, an application for approval must be filed with the Commission.~~
- (3) ~~If a party wishes to start settlement negotiations, either during the course of a proceeding or before an application is filed, it must notify the Commission in writing of its intention to do so and provide the Commission with an outline of relevant issues to be resolved.~~
- (4) ~~Upon receipt of an outline of issues under Section 35.3, the Commission may, on its own initiative or at the request of a party to the settlement negotiations:~~
 - (a) ~~request further information about any issue; and~~
 - (b) ~~exclude any issue from settlement negotiations.~~
- (5) ~~The Commission may direct the parties to a proceeding to participate in settlement negotiations.~~
- (6) ~~AUC staff involved in settlement negotiations may advise the Commission as to the fairness of the process but must not otherwise assist the Commission in any proceedings to consider any issue in a settlement agreement, without the express written consent of all parties to the settlement agreement.~~
- ~~(7)~~(7) ~~If some or all of the parties reach an agreement, the parties shall make and file a settlement agreement with the Commission for its approval.~~
- ~~(8)~~(8) ~~Unless otherwise directed, a settlement agreement filed with the Commission must include a settlement brief explaining the basis of the settlement and how it meets the interests of the parties and the public interest, including the following information: At a minimum, the application must include the following:~~
 - (a) ~~Evidence of adequate notice to parties that may be directly and adversely affected by the settlement;~~
 - (b) ~~Confirmation that no party to the settlement agreement withheld relevant information;~~

- (c) A list of all the issues addressed in the settlement and a description of all unresolved details of issues not resolved;
- (d) ~~outline of issues where acceptance is not unanimous, including the names of those who disagree~~The rates that result or will result from the settlement, supported by schedules, to assist the Commission in understanding how the rates were derived;
- (e) A breakdown of any proposed changes to the applied-for revenue requirement at a level of detail sufficient for the Commission to understand the changes~~the rates that result or will result from the settlement, supported by schedules, to assist the Commission in understanding how the rates were derived;~~
- (f) The text of any changes to the terms and conditions of service with supporting information;
- (g) Demonstration of a clear link between each settled issue and the evidence~~description of any outstanding issues;~~ and
- (h) Any other information that the Commission may direct,~~unless the Commission directs otherwise, a settlement brief explaining the basis of the settlement and how it meets the interests of the parties and the public interest.~~

~~(4)~~(9) The Commission shall issue notice of its receipt of a settlement agreement in accordance with Section 9.~~may seek additional information it considers necessary.~~

~~(5)~~(10) The Commission shall consider a settlement agreement in accordance with Part 6~~The onus is on the applicant to ensure that there is sufficient evidence to support the application, and that the quality and detail of the evidence and the rationale for the settlement of issues are sufficient to enable the Commission to understand and assess the agreement.~~