

## **1. GENERAL**

### **Application and Interpretation**

- 1.1. These Rules apply to all proceedings related to the setting of Handling Commissions and the Mid-Term Adjustment of Handling Commissions.
- 1.2. These Rules are to be construed in a manner which promotes the fair, expeditious and efficient determination of the matters at issue.

### **Definitions**

- 1.3. In these Rules, unless the context otherwise requires:
  - a “Arbitration Panel” means the three-person panel meeting the criteria set out in Schedule “C” of these Rules and appointed by the Board to arbitrate Handling Commissions or Mid-Term Adjustment Formulas;
  - b “Arbitration” means an arbitration in accordance with the procedure set out in section 6 of these Rules with respect to Handling Commissions or Mid-Term Adjustment Formulas in the event Handling Commissions or Mid-Term Adjustment Formulas are not approved by a resolution of the Board after Facilitated Negotiations have terminated;
  - c “BCMB” means the Beverage Container Management Board. The Beverage Container Management Board is the regulatory authority authorized by Regulation to make bylaws prescribing handling commissions and the criteria and procedures for changing handling commissions;
  - d “BCMB Management” means the staff of the BCMB;
  - e “Board” means the Board of Directors of the BCMB;
  - f “Board Meeting” means the meeting of the Board to set Handling Commissions and Mid-Term Adjustment Formulas described in paragraph 5.1 of these Rules.
  - g “Collection Service Provider” means a manufacturer of a beverage in a refillable container who is providing a collection service capable of recovering that manufacturer’s empty refillable registered containers pursuant to section 9(a) of the Regulation.
  - h “Container Stream Cost Allocation” means the allocation of the Revenue Requirement to each of the beverage container streams identified in the Handling Commission Review;

- i “Data Collection Agent” means a person meeting the criteria set out in Schedule “A” of these Rules, appointed by the Board to receive information collected from depots and to provide reports on that information as directed by the Board including reports with recommendations as to the setting of Handling Commissions;
- j “Data Collection Agent Report” means the report or reports directed by the BCMB to be prepared by the Data Collection Agent at the initiation of a Handling Commission Review in accordance with paragraph 3.3 (c) of these Rules;
- k “Facilitated Negotiations” means the negotiations between the Interested Parties with the assistance of a Facilitator in accordance with these Rules in an effort to reach an agreement setting Handling Commissions and Mid-Term Adjustment Formulas;
- l “Facilitator” means a person meeting the criteria set out in Schedule “B” of these Rules and appointed to assist with the Facilitated Negotiations;
- m “Handling Commission” means the amount payable by the Collection System Agent or a Collection Service Provider to a depot operator for containers collected from the depot operators in accordance with section 13(b) of the Regulation;
- n “Handling Commission Review” means a review of Handling Commission amounts directed by the Board pursuant to section 4(1) or 4(2) of the *Administrative Bylaw*;
- o “Interested Parties” means those parties directly affected by a Handling Commission Review and includes any or all of the manufacturers and their respective associations and any or all of the depot operators and their respective associations, the Collection System Agent, a Collection Service Provider and such other parties as may be specifically determined to be Interested Parties by the Board or the Arbitration Panel;
- p “Interim Handling Commission” means an interim handling commission set pursuant to section 4(4) of the *Administrative Bylaw*.
- q “Mid-Term Date” means the date which falls 18 full months after the date that Handling Commissions came into effect following a Handling Commission Review.
- r “Mid-Term Adjustment” means the adjustment to Handling Commissions using Mid-Term Adjustment Formulas in accordance with section 7 of these Rules.

- s “Mid-Term Adjustment Formulas” means the formulas approved by the Board for the purpose of adjusting Handling Commissions between two Handling Commission Reviews.
- t “Regulation” means the *Beverage Container Recycling Regulation (Alta Regulation 101/97 as amended)*;
- u “Settlement Proposal” means the Settlement Proposal submitted by the Interested Parties to the BCMB with respect to a unanimous settlement agreement on Handling Commissions or Mid-Term Adjustment Formulas in accordance with paragraphs 4.30 and 4.31 of these Rules.

1.4. Terms that are defined in the *Beverage Container Recycling Regulation* and the *BCMB Administrative Bylaw* have the same meaning when they are used in these Rules unless otherwise indicated.

### **Rules of General Application**

- 1.5. Interested Parties may attend and participate in any of the proceedings under these Rules and may be represented by counsel at those proceedings.
- 1.6. The Board, the Facilitator and the Arbitration Panel may make orders with respect to the procedure and practices that apply in the proceeding. Every Interested Party shall comply with all applicable procedural orders.
- 1.7. The Board, the Facilitator and the Arbitration Panel may dispense with, vary or supplement all or any part of these Rules including Rules relating to time limits if it is satisfied that it is just and reasonable in all of the circumstances and is in accordance with the requirements of procedural fairness.
- 1.8. If an Interested Party fails to comply with a procedural order by the Board or an appointee of the Board for the purposes of a Handling Commission Review, the Board or appointee of the Board may take any measure it considers appropriate including any one or more of the following:
  - a give directions to the non-complying Interested Party to rectify the failure;
  - b dismiss evidence or other documents made or submitted by the non-complying Interested Party;
  - c continue the Board Meeting or Arbitration and make a determination on the evidence before it;
  - d impose conditions on the non-complying Interested Party;

- e direct that the non-complying Interested Party pay costs to an Interested Party or Interested Parties.
- 1.9. All proceedings under these Rules shall be open only to BCMB Management, BCMB Counsel, the Interested Parties and their counsel and the Data Collection Agent. Any other person will require the express consent of all the Interested Parties and the BCMB to be present.
- 1.10. The *Arbitration Act* applies to an Arbitration conducted in accordance with these Rules, except if there is a conflict between these Rules and the *Arbitration Act*, in which case these Rules prevail.
- 1.11. Reference to “days” in these rules means business days and non-business days unless otherwise provided.

### **Filing and Service of Documents**

- 1.12. Interested Parties, the BCMB and the Data Collection Agent shall file all documents and any other material with BCMB Management in acceptable electronic form.
- 1.13. The filing of any document or material with BCMB Management shall constitute filing with the BCMB, the Board, the Facilitator or the Arbitration Panel for the purposes of these Rules.
- 1.14. Interested Parties shall serve copies of documents and any other material filed by them with the BCMB on the other Interested Parties and the Data Collection Agent and may do so by hand delivery, mail, courier, electronic delivery or facsimile.

### **Record**

- 1.15. BCMB Management shall be responsible for organizing and maintaining the record and all exhibits in the Handling Commission Review process, including the filings and documents from the Data Collection Agent, the BCMB and Interested Parties prior to, during and after the Facilitated Negotiations, Board Meeting and Arbitration.
- 1.16. BCMB Management shall provide an index of the documents comprising the record and exhibits to all Interested Parties, the Data Collection Agent, the Facilitator, the Board and the Arbitration Panel and shall make available on request, a copy of all written statements and other filed documents and materials to the Interested Parties, the Data Collection Agent, the Facilitator, the Board and the Arbitration Panel as appropriate prior to, during and after the Facilitated Negotiations, Board Meeting and Arbitration.

## **Motions**

- 1.17. If a matter arises in a Handling Commission Review that requires a decision or ruling of the Board or the Arbitration Panel, an Interested Party may bring the matter before the Board or the Arbitration Panel by filing a motion.
- 1.18. Unless otherwise directed by the Board or the Arbitration Panel, a motion must be in writing, be signed by the authorized representative of the Interested Party, and contain a concise statement of the facts, the decision or ruling sought and the grounds for the motion.
- 1.19. An Interested Party filing a motion shall serve a copy of it on the other Interested Parties.
- 1.20. An Interested Party who wishes to respond to a motion shall file and serve a response on all Interested Parties, within the time limits directed by the Board or the Arbitration Panel.

## **Site Visits**

- 1.21. The Arbitration Panel may conduct on-site visits of depots and related facilities in order to better understand matters relevant to the disposition of the Handling Commission Review (the “Viewing”).
- 1.22. If the Arbitration Panel elects to conduct a Viewing, the Panel will, with the advice and assistance of BCMB Management, select the number of depots to be included in the Viewing as well as the locations of the Viewing.
- 1.23. In selecting which depots are to be included in the Viewing, the Arbitration Panel will consider the following factors and attempt to view depots varying in:
  - a location, in each of the Metro Areas, Urban Areas and Rural Areas as defined by the BCMB;
  - b physical size;
  - c volume of flow;
  - d technological sophistication;
  - e the size of the market being serviced; and
  - f applicable BCMB criteria and service standards, including hours of operation and extended hours.
- 1.24. If a Viewing is scheduled, the Arbitration Panel will:

- a give the Interested Parties at least 2 business days notice of the time and date of the Viewing, including the locations of the depots that will be included in the Viewing; and
  - b request that the BCMB Managing Director act as a guide, to be present at the Viewing and explain the operations and the equipment used at depots included in the Viewing (the “Guide”).
- 1.25. Other than the owners, staff and customers of the depot who are present at the time of the Viewing, only the following persons may be present at the Viewing:
- i. the Arbitration Panel;
  - ii. One representative from BCMB Management;
  - iii. One representative designated by each Interested Party
  - iv. Counsel for the BCMB and the Interested Parties.
- 1.26. The following restrictions will apply during the Viewing:
- a the Viewing conducted at each depot will be limited to visual observations and inspections;
  - b questions or comments shall be directed to the Guide and shall address issues related to the operations of the depots included in the Viewing;
  - c no parties shall be permitted to discuss with the Arbitration Panel depots that are not included in the Viewing;
  - d no physical evidence shall be taken from any depot;
  - e no photographs or videotape shall be taken of or at any depot;
  - f personal note taking shall be permissible; and
  - g the Arbitration Panel may submit questions in writing to the BCMB, the Data Collection Agent or to Interested Parties with respect to matters arising from or related to the Viewing and such questions and the responses thereto shall become part of the record of the Arbitration, and shall be provided to all Interested Parties who may ask for leave from the Arbitration Panel to provide additional comments on the questions if they wish to do so.

## **2. INTERIM HANDLING COMMISSIONS**

- 2.1. The following procedure applies to setting an Interim Handling Commission for a new container stream :

- a Following a request to the BCMB from a manufacturer for a new container stream, BCMB Management shall request the Data Collection Agent to collect relevant information from manufacturers, depot operators, the Collection System Agent and Collection Service Providers as applicable with respect to the new container stream. The Data Collection Agent shall obtain the necessary information in a confidential manner protecting the proprietary information of the manufacturers and the depot operators.
  - b BCMB Management shall request that the Data Collection Agent provide a report recommending an Interim Handling Commission;
  - c Where the Data Collection Agent is of the opinion that it is appropriate for an Interim Handling Commission to be set without a Handling Commission Review, the Data Collection Agent shall provide a report setting out the basis for that opinion and recommending an Interim Handling Commission;
  - d Where the Data Collection Agent is of the opinion that a full Handling Commission Review is required, the Data Collection Agent shall provide a report setting out the basis for that opinion;
  - e Where the Data Collection Agent provides a report recommending an Interim Handling Commission to BCMB Management, BCMB Management shall provide a copy of that report to the manufacturer who has requested the new container stream and to the Alberta Bottle Depot Association, the Collection System Agent and the Collection Service Providers, who may provide comments to BCMB Management with respect to the report.
  - f BCMB Management may set an Interim Handling Commission based on the report from the Data Collection Agent and any comments received with respect to the report.
- 2.2. The Interim Handling Commission set by BCMB Management shall apply to the new container stream effective immediately and shall remain in effect until the next Handling Commission Review unless the Board sets a new Interim Handling Commission in accordance with Rule 2.3 or Rule 2.4 or unless the Board directs that the Interim Handling Commission be adjusted by the application of Mid-Term Adjustment Formulas which were approved prior to the Interim Handling Commission being set.
- 2.3. If any party directly affected by the interim Handling Commission is not satisfied with the Interim Handling Commission, that party may apply to the Board to request that the Board review the Interim Handling Commission.
- 2.4. If no party applies to the Board for a review of the Interim Handling Commission, BCMB Management shall inform the Board of the Interim Handling Commission at the next regularly scheduled Board Meeting and the Board shall either approve the Interim Handling Commission or set a different Interim Handling Commission.

### **3. HANDLING COMMISSION REVIEW**

3.1. Where a Handling Commission Review has been directed by the Board, the procedure set out in sections 3 to 7 of these Rules apply.

#### **Initial Steps**

3.2. After the Board resolution directing a Handling Commission Review, the Board shall select:

- a A target date for the adoption and implementation of the new Handling Commissions (the “Target Date”);
- b The last day of the 12 month period (“Cut-Off Date”) to be used by the DCA for the purposes of collecting information through the UCA submitted by the Depot Operators;
- c The existing report or reports to be used by the DCA for the purposes of the DCA Report, if any, or initiate a process whereby the desired reports will be completed within the timelines required by the DCA.

3.3. After the resolution of the Board directing a Handling Commission Review, the Board shall request that BCMB Management:

- a Provide notice of the Handling Commission Review to the Interested Parties defined in paragraph 1.3(o) and to any other parties who BCMB Management considers may be affected by the outcome of the Handling Commission Review and who may wish to be designated as Interested Parties;
- b Recommend to the Board the additional parties, if any, to be designated as Interested Parties under paragraph 1.3(o) for the purposes of the Handling Commission Review;
- c Direct the Data Collection Agent to prepare a report or reports establishing the Revenue Requirement and the Container Stream Cost Allocation for the 12 month period up to and including the Target Date, and recommending Mid-Term Adjustment Formulas ;
- d Initiate a process to obtain the study or studies to be used by the DCA for the purposes of the DCA Report, if any; and
- e appoint a Facilitator.



- 3.4. The Board shall designate any additional Interested Parties for the purposes of the Handling Commission Review.

#### **4. FACILITATED NEGOTIATIONS**

##### **Commencement of Facilitated Negotiations**

- 4.1.1 Upon receipt of the Data Collection Agent Report the Facilitator shall hold a preliminary meeting with the Interested Parties and the Data Collection Agent to identify the issues related to the setting of Handling Commissions and Mid-Term Adjustment Formulas that are to be negotiated, to establish timelines for the exchange of information and to schedule meeting dates for the Facilitated Negotiations. BCMB Management and BCMB Counsel are entitled to attend this preliminary meeting to observe and provide assistance where required.
- 4.1.2 Notwithstanding paragraphs 4.12 to 4.22, at any time after the preliminary meeting with the Facilitator as described in paragraph 4.1.1, the Interested Parties may reach a settlement agreement with respect to all of the Handling Commissions referred to in s.3 of the Administrative Bylaw or an agreement with respect to all of the Handling Commissions referred to in s.3 of the Administrative Bylaw and an agreement regarding the Mid-Term Adjustment Formulas in relation to the same. Either agreement constitutes a termination of the Facilitated Negotiations in accordance with paragraph 4.25.

##### **Role of the Facilitator**

- 4.2 The Facilitator shall:
- a assist the Interested Parties in determining the issues to be negotiated;
  - b oversee the Facilitated Negotiation, including the exchange of written material in accordance with these Rules;
  - c endeavor to foster an environment of cooperation and trust among the Interested Parties;
  - d provide all Interested Parties with an opportunity to express their views on those issues that affect them;
  - e assess the progress being made in the Facilitated Negotiations and whether further progress is likely to occur;

- f if an agreement is reached on all or some of the issues in dispute, prepare a memorandum of agreement on those issues which is acceptable to the Interested Parties;
  - g if no agreement is reached on some or all of the issues in dispute, prepare a list of outstanding issues.
- 4.3 The Facilitator shall be and remain at all times impartial, neutral and independent from the parties and is not a compellable witness in any subsequent proceedings related to Handling Commissions or Mid-Term Adjustment Formulas.
- 4.4 The Board may direct the BCMB Management to terminate the appointment of a Facilitator during the course of the Facilitated Negotiations if requested to do so by an Interested Party. If the Board directs the termination of the appointment of a Facilitator, the Board may appoint a new Facilitator or may terminate the Facilitated Negotiations as it considers appropriate in the circumstances.

#### **Role of the Data Collection Agent in the Facilitated Negotiations**

- 4.5 The Data Collection Agent shall receive all information provided in accordance with section 11 of the Administrative Bylaw, verify the information to a reasonable degree, analyze and organize the information and prepare such reports as are requested by the Board for the purposes of setting Handling Commissions and Mid-Term Adjustment Formulas.
- 4.6 All information collected by the Data Collection Agent is to be subject to confidentiality guidelines established by the Board. All information shall be reported in aggregate form only and all raw data shall be treated as strictly confidential by the Data Collection Agent, and shall not be published, circulated or distributed by the Data Collection Agent unless the parties providing the information provide consent.
- 4.7 The Data Collection Agent may attend the Facilitated Negotiations to provide information and assistance to the Facilitator and Interested Parties as appropriate. The participation of the Data Collection Agent in the Facilitated Negotiations does not preclude the Data Collection Agent from appearing before the Board or the Arbitration Panel in subsequent proceedings related to Handling Commissions and Mid-Term Adjustment Formulas.
- 4.8 The Data Collection Agent shall be and remain at all times impartial, neutral and independent from the Interested Parties.

#### **Role of BCMB Management in the Facilitated Negotiations**

- 4.9 BCMB counsel and BCMB Management are entitled to attend the Facilitated Negotiations.

- 4.10 The role of BCMB Management is to make relevant information available to the Facilitator and the Interested Parties and to ensure that the Facilitated Negotiations are carried out in a fair manner with meaningful participation by the Interested Parties.
- 4.11 BCMB Management shall be and remain at all times impartial, neutral and independent from the Interested Parties.

#### **Written Statements and Other Material**

- 4.12 Prior to the commencement of the Facilitated Negotiations, each of the Interested Parties shall file with the BCMB and provide a written statement to the Facilitator respecting the position of that Interested Party on the issues that are the subject of the Facilitated Negotiations.
- 4.13 Written statements shall contain all documents, data, studies, expert reports or other written materials upon which the Interested Party intends to rely in the Facilitated Negotiations and in any subsequent arbitration under these Rules.
- 4.14 Each Interested Party may provide written statements in rebuttal to the written statements of another Interested Party.
- 4.15 With the consent of all of the Interested Parties and at the direction of the Facilitator, the Data Collection Agent may file with the BCMB and provide a written statement clarifying matters raised by the Interested Parties that were not addressed in the Data Collection Agent's Report.
- 4.16 With the consent of all of the Interested Parties and at the direction of the Facilitator, BCMB Management may file documentation containing factual information relevant to the issues being negotiated in the Facilitated Negotiations, material regarding the jurisdiction of the BCMB and copies of BCMB policies, procedures and guidelines which have been approved by the Board.
- 4.17 Prior to the conclusion of the Facilitated Negotiations, the Facilitator may request that the Interested Parties provide a written statement containing their proposed Handling Commissions and proposed Mid-Term Adjustment Formulas.

#### **Information Request**

- 4.18 An Interested Party may request the Data Collection Agent to provide information necessary to clarify any report filed by the Data Collection Agent or to simplify the issues or to otherwise permit a full and satisfactory understanding of a matter in issue in the Handling Commission Review including Mid-Term Adjustment Formulas.
- 4.19 An Interested Party may request another Interested Party to provide information necessary to clarify any written statement filed by such other Interested Party or to

simplify the issues or to otherwise permit a full and satisfactory understanding of a matter in issue in the Handling Commission Review including Mid-Term Adjustment Formulas.

- 4.20 A request for information in accordance with paragraphs 4.18 or 4.19 of these Rules:
- a. shall be in writing;
  - b. shall be filed with the BCMB and directed to the Data Collection Agent or to the Interested Party from whom a response is sought;
  - c. shall contain specific questions requesting clarification about the evidence, documents or other material in the possession of the Data Collection Agent or the Interested Party and which is relevant to the matters in issue in the Handling Commission Review;
  - d. shall be filed and served no later than 14 days after the Data Collection Agent's report or written statement has been filed, unless a different timeline is established under Rule 4.1.1 or is otherwise directed by the Facilitator.

### **Response to Information Request**

- 4.21 The Data Collection Agent or an Interested Party who is served with an information request in accordance with paragraphs 4.18 or 4.19 shall provide a response with respect to each question either;
- a. providing a full and adequate response; or
  - b. objecting to the question and setting out the basis for the objection; or
  - c. where the Data Collection Agent or the Interested Party contends that the information necessary to provide a response is not available, setting out of the reasons for the unavailability of the information, and providing any alternative available information that the Data Collection Agent or Interested Party considers might be of assistance.
- 4.22 The response to an information request shall be filed and served no later than 21 days after the information request is filed, unless a different timeline is established under Rule 4.1.1 or is otherwise directed by the Facilitator.

### **Expert consultation**

- 4.23 During the course of the Facilitated Negotiations, and with the consent of the Data Collection Agent and the Interested Parties, the Facilitator may arrange for the Data Collection Agent and experts retained by the Interested Parties to consult on a without prejudice basis in an effort to reach agreement on matters of expert opinion.
- 4.24 Subject to any agreement reached between the Data Collection Agent, the Interested Parties and their counsel, all matters that form part of the consultations between the Data

Collection Agent and the experts are entirely without prejudice to the position of all parties, and no evidence as to what took place during the consultations is admissible in any subsequent proceedings relating to the Handling Commission Review including proceedings relating to Mid-Term Adjustment Formulas.

### **Termination of Facilitated Negotiations**

- 4.25 The Facilitated Negotiations are terminated when an agreement is reached on all issues, when the Facilitator concludes that continuing the negotiations is unlikely to result in an agreement or any further agreement, or when the Board terminates the Facilitated Negotiations in accordance with paragraph 4.4 of these Rules. When the Facilitated Negotiations are terminated, they are terminated both with respect to Handling Commissions and Mid-Term Adjustment Formulas.
- 4.26 Notwithstanding paragraph 4.25 of these Rules, the Facilitated Negotiations with respect to Handling Commissions and Mid-Term Adjustment Formulas are terminated when 6 months have passed from the date of the Receipt by the Board of the Data Collection Agent's Report, unless otherwise directed by the Board.
- 4.27 Upon the termination of the Facilitated Negotiations, the Facilitator shall provide a report to the Board, which report shall contain the following information:
- a. any memoranda of agreement prepared by the Facilitator setting out the agreement reached on an issue by the Interested Parties;
  - b. a list of any outstanding issues;
  - c. the Data Collection Agent Report;
  - d. any Information Requests and Responses to Information Requests;
  - e. any written statements and rebuttal statements of the Interested Parties;
  - f. any written statement from the Data Collection Agent in accordance with paragraph 4.15;
  - g. A statement advising whether or not the Interested Parties have agreed to Mid-Term Adjustment Formulas, and if so, setting out the Mid-Term Adjustment Formulas and confirmation from the DCA that the Mid-Term Adjustment Formulas are satisfactory for the purposes of making a Mid-Term Adjustment in accordance with section 7 of these Rules;
  - h. Any material filed by BCMB Management in accordance with paragraph 4.16.
- 4.28 The Interested Parties, BCMB Management, BCMB Counsel and the Data Collection Agent shall treat as confidential:

- a. all documents and other information produced for, or arising in relation to the Facilitated Negotiations, other than the documents and information referred to in paragraph 4.27 of these Rules;
- b. all admissions, concessions, offers and related discussions in the course of the Facilitated Negotiations;

and no documents or other information or evidence with respect to the Facilitated Negotiations other than the documents and information referred to in paragraph 4.27 of these Rules are admissible in any subsequent proceedings related to the setting of Handling Commissions or Mid-Term Adjustment Formulas.

- 4.29 All discussions between the Interested Parties, BCMB Management, BCMB Counsel, the Data Collection Agent and the Facilitator including any bargaining positions, admissions or concessions are entirely without prejudice to the position of any of those parties, and no evidence as to what took place during the Facilitated Negotiations is admissible in any subsequent proceedings relating to the Handling Commission Review including proceedings relating to Mid-Term Adjustment Formulas.
- 4.30 Notwithstanding paragraphs 4.12 to 4.27 of these Rules, after receipt of the Data Collection Agent Report and prior to the preliminary meeting with the Facilitator, the Interested Parties may reach a unanimous settlement agreement with respect to all of the Handling Commissions referred to in s.3 of the Administrative Bylaw and regarding the Mid-Term Adjustment Formulas in relation to the same.
- 4.31 Where the Interested Parties reach a unanimous settlement agreement in accordance with paragraph 4.30 of these Rules, the Interested Parties shall prepare a Settlement Proposal describing the agreement and file the proposal with the BCMB. The Settlement Proposal shall include the following information:
  - a. the Handling Commissions which have been agreed to by the Interested Parties with respect to each of the container streams referenced in s.3 of the Administrative Bylaw;
  - b. material in support of the agreed upon Handling Commissions including explanations or calculations as appropriate;
  - c. an explanation for the unanimous settlement agreement including how the unanimous settlement agreement is in accordance with the BCMB mandate and the Administrative Bylaw;
  - d. a statement advising that the Interested Parties have agreed to Mid-Term Adjustment Formulas, setting out the Mid-Term Adjustment Formulas and confirmation from the DCA that the Mid-Term Adjustment Formulas are satisfactory for the purposes of making a Mid-Term Adjustment in accordance with section 7 of these Rules;

- e. a statement from each of the Interested Parties and BCMB Management that they are satisfied with the fairness of the process by which the unanimous settlement agreement was reached.
- 4.32 The Board may require additional information from the Interested Parties in order to ensure that it has sufficient information in order to understand and assess the Settlement Proposal.

## **5 BOARD MEETING TO CONSIDER HANDLING COMMISSIONS**

### **Timing**

- 5.2 A meeting of the Board shall be called for a date no less than fifteen (15) days and no greater than sixty (60) days from the date of termination of the Facilitated Negotiations or from the date of receipt of a Settlement Proposal for the Board to consider the setting of Handling Commissions and Mid-Term Adjustment Formulas.

### **Information before the Board**

- 5.3 The information to be considered by the Board at the Board Meeting shall be the information contained in the report from the Facilitator or in the Settlement Proposal.
- 5.4 All Interested Parties, BCMB Management, BCMB Counsel and the Data Collection Agent shall be invited to attend the Board Meeting. The Interested Parties shall have the opportunity to make oral submissions before the Board concerning any agreement or the outstanding issues. These oral submissions shall be no longer than one half hour each, and all oral submissions shall not exceed one day. The Board may ask questions of the Interested Parties, the Data Collection Agent and BCMB Management.
- 5.5 The Board Meeting shall be voice recorded.
- 5.6 The Board may not consider an issue raised by an Interested Party that is not contained in the written submissions provided to the Facilitator in the course of the Facilitated Negotiations or in the Settlement Proposal unless the Board orders otherwise and unless the other Interested Parties and the Data Collection Agent have a reasonable opportunity to address the issue.

### **Recording**

- 5.7 If any Interested Party wishes to obtain a recording or transcription of the Board Meeting, that Interested Party may, at its own cost, receive such recording or transcription through the BCMB.

### **Where Agreement Reached on Handling Commissions**

- 5.8 Where an agreement on Handling Commissions has been reached in the Facilitated Negotiations or as set out in the Settlement Proposal, the following resolution shall be put to the Board at the Board Meeting:
- 5.8.1 That the memorandum of agreement or Settlement Proposal were the result of fair negotiations and the Handling Commissions set forth are fair and reasonable and in accordance with the applicable legislation and BCMB by-laws;
- 5.8.2 That the Handling Commissions set forth in the memorandum of agreement arising from the Facilitated Negotiations or Settlement Proposal be and are hereby adopted as Amendments to section 3 of the *Administrative Bylaw*, effective on the date specified in the memorandum of agreement/Settlement Proposal. [the “First Handling Commission Resolution”].
- 5.9 If the First Handling Commission Resolution receives a 2/3 majority vote of the Board, the Handling Commissions set forth in the memorandum of agreement or the Settlement Proposal shall be effective as of the date set out in the memorandum of agreement or the Settlement Proposal, unless Rule 5.23 applies.

#### **Where No Agreement Reached on Handling Commissions**

- 5.10 Where no agreement has been reached on Handling Commissions through the Facilitated Negotiations, the Board may attempt to reach agreement at the Board Meeting with respect to Handling Commissions or with respect to any of the issues contained in the list of outstanding issues provided by the Facilitator.
- 5.11 Where the Board reaches agreement with respect to Handling Commissions the following resolution shall be put to the Board at the Board Meeting:
- That the Handling Commissions set forth in this Resolution be and are hereby adopted as Amendments to section 3 of the *Administrative Bylaw*, effective on the \_\_\_\_ day of \_\_\_\_\_. [ the “Second Handling Commission Resolution”]
- 5.12 If the Second Handling Commission Resolution receives a 2/3 majority vote of the Board, the Handling Commissions set forth in that Resolution shall be effective as of the date set out in that Resolution, unless Rule 5.23 applies.

#### **Where Board Does Not Approve Handling Commissions**

- 5.13 If the Board does not approve either the First or Second Handling Commission Resolution, then the Board shall refer the setting of the Handling Commissions and the setting of the Mid-Term Adjustment Formulas to arbitration in accordance with section 4 of the *Administrative Bylaw*, subject to Rule 5.20.

#### **Where Agreement Reached on Mid-Term Adjustment Formulas**



- 5.14 Where the Board has approved either the First or Second Handling Commission Resolution and where an agreement on Mid-Term Adjustment Formulas has been reached in the Facilitated Negotiations or as set out in the Settlement Proposal, then the following resolution shall be put to the Board:

That the Mid-Term Adjustment Formulas set forth in the memorandum of agreement arising from the Facilitated Negotiations or Settlement Proposal, shall be applied in accordance with section 7 of the Handling Commissions Rules of Practice and Procedure [the “First Mid-Term Adjustment Resolution”]

- 5.15 If the First Mid-Term Adjustment Resolution receives a 2/3 majority vote of the Board, the Mid-Term Adjustment Formulas shall be applied in accordance with section 7 of the Handling Commissions Rules of Practice and Procedure.
- 5.16 If the First Mid-Term Adjustment Resolution does not receive a 2/3 majority vote of the Board the Board shall refer the setting of the Mid-Term Adjustment Formulas to Arbitration in accordance with section 4 of the Administrative Bylaw, subject to Rule 5.20.

#### **Where No Agreement Reached on Mid-Term Adjustment Formulas**

- 5.17 Where the Board has approved either the First or Second Handling Commission Resolution and where no agreement has been reached on Mid-Term Adjustment Formulas through the Facilitated Negotiations, the Board may attempt to reach agreement with respect to the Mid-Term Adjustment Formulas at the Board Meeting.
- 5.18 Where the Board reaches an agreement on Mid-Term Adjustment Formulas pursuant to section 5.16, the following resolution shall be put to the Board at the Board Meeting:

That the Mid-Term Adjustment Formulas set forth in this Resolution shall be applied in accordance with section 7 of the Handling Commissions Rules of Practice and Procedure [the “Second Mid-Term Adjustment Resolution”]

- 5.19 If the Second Mid-Term Adjustment Resolution receives a 2/3 majority vote of the Board, the Mid-Term Adjustment Formulas shall be applied in accordance with section 7 of the Handling Commissions Rules of Practice and Procedure.
- 5.20 If the Second Mid-Term Adjustment Resolution does not receive a 2/3 majority vote of the Board the Board shall refer the setting of the Mid-Term Adjustment Formulas to Arbitration in accordance with section 4 of the Administrative Bylaw, subject to Rule 5.20.

#### **Exception to Arbitration on Mid-Term Adjustment Formulas**

- 5.21 Notwithstanding Rules 5.13 to 5.19, the Board of Directors may decide, on the basis of a 2/3 majority vote, that no Mid-Term Adjustment Formulas will be adopted, in which case the setting of the Mid-Term Adjustment Formulas shall not be referred to Arbitration.

### **Limitation of Issues to go to the Arbitration Panel**

- 5.22 The Board may limit the issues to be put to the Arbitration Panel with respect to Handling Commissions and Mid-Term Adjustment Formulas. Where issues related to the setting of Handling Commissions are put to the Arbitration Panel and those issues may also have an impact on elements of the Mid-Term Adjustment Formulas, then those elements of the Mid-Term Adjustment Formulas must also be put to the Arbitration Panel. Where issues related to the setting of Mid-Term Adjustment Formulas are put to the Arbitration Panel and those issues may also have an impact on elements of the Handling Commissions Formulas, then those elements of the Handling Commissions must also be put to the Arbitration Panel.
- 5.23 If the Board limits the issues before the Arbitration Panel, the Board shall provide the Arbitration Panel with sufficient information so that the Arbitration Panel may apply that information and its decision on the limited issues in order to set the final and binding Handling Commissions and the final and binding Mid-Term Adjustment Formulas.

### **Where Arbitration only on Mid-Term Adjustment Formulas**

- 5.24 If the Board approves the First or Second Handling Commission Resolution at the Board Meeting, but does not approve the First or Second Mid-Term Adjustment Resolution, and if the Board refers the setting of Mid-Term Adjustment Formulas to Arbitration, then the First or Second Handling Commission Resolution, as the case may be, will not come into effect until the Mid-Term Adjustment Formulas are approved by the Board, at which time the Board will establish the date upon which the Handling Commissions will come into effect.

## **6 ARBITRATION PROCEDURE**

### **General**

- 6.2 Within four weeks of the resolution of the Board referring either the setting of Handling Commissions together with the setting of Mid-Term Adjustment Formulas or only the setting of Mid-Term Adjustment Formulas, to Arbitration, the Board shall appoint an Arbitration Panel.
- 6.3 The Interested Parties for the purposes of the Arbitration shall be the same as the Interested Parties who participated in the Facilitated Negotiation, however, each Member of the BCMB representing the General Membership Sector as defined in the bylaws of the BCMB may apply to the Arbitration Panel for a person or organization to be accepted as an Interested Party to the arbitration for the purposes of making submissions. Such person or persons or organization or organizations may be added as an Interested Party or

Interested Parties in the discretion of the Arbitration Panel and upon such conditions as the Arbitration Panel may provide.

### **Pre-Hearing Conference**

6.4 The Arbitration Panel shall hold a pre-hearing conference in order to:

- 6.4.1 identify the issues in dispute in the Arbitration where the issues have not been identified by the Board;
  - 6.4.2 determine whether any additional written material may be submitted other than the material contained in the report from the Facilitator, notwithstanding Rule 4.13;
  - 6.4.3 establish any timelines that may be required;
  - 6.4.4 set a hearing date ; and
  - 6.4.5 consider any other matter that will aid in the efficient and expeditious disposition of the Arbitration.
- 6.5 The Arbitration Panel may convene additional pre-hearing conferences as required from time to time.

### **Evidence Before the Arbitration Panel**

- 6.6 The evidence before the Arbitration Panel at the hearing shall consist of the materials contained in the Report from the Facilitator, any additional material directed by the Arbitration Panel at a pre-hearing conference, the oral evidence of the Data Collection Agent, the oral evidence presented on behalf of the Interested Parties and the oral submissions of the Interested Parties.
- 6.7 Notwithstanding Rule 6.5, the Arbitration Panel may allow the introduction of new evidence if the Arbitration Panel determines that the inclusion of that evidence will not prejudice any Interested Party and the new evidence is relevant and of assistance to the Arbitration Panel in reaching its decision.
- 6.8 The Arbitration Panel may make any direction necessary to facilitate the expeditious and efficient hearing of the arbitration.
- 6.9 The oral evidence presented on behalf of the Interested Parties may include evidence from the expert whose expert opinion was contained in the written statements and rebuttal statements provided in the course of the Facilitated Negotiations, but unless otherwise allowed by the Arbitration Panel, such expert shall not provide additional opinion evidence not contained in those written statements and rebuttal statements.

6.10 The Arbitration Panel may, in its discretion, limit the time allowed for presentation of evidence.

### **Dispensing With Oral Hearing**

6.11 The Arbitration Panel, with the agreement of the Interested Parties, may dispense with the holding of a hearing and may conduct the Arbitration on the basis of written material submitted by each Interested Party. In that case, reference to the “hearing date” in these Rules shall be the date on which all documents are to be submitted by the Interested Parties.

### **Conduct of the Hearing**

6.12 The Arbitration Panel may administer oaths, affirmations and declarations.

6.13 The Arbitration Panel is not bound by the rules of evidence or any other law applicable to judicial proceedings and has power to determine:

6.13.1 the admissibility, relevance and weight of any evidence; and

6.13.2 the manner in which evidence is to be admitted,

however, nothing is admissible before the Arbitration Panel that would be subject to privilege.

6.14 Any fact that is to be proved by the oral or written evidence of a witness shall be proved on oath or affirmation or by solemn declaration.

6.15 All oral evidence is to be taken in the presence of the Arbitration Panel and the Interested Parties or their counsel, unless an Interested Party or their counsel is absent by default or has waived his or her right to be present.

6.16 An Interested Party may require that any witness whose evidence is received other than orally be made available for cross-examination at an oral hearing.

6.17 The Arbitration Panel may ask that evidence be called from BCMB Management in relation to matters specifically identified by the Arbitration Panel.

6.18 The Arbitration Panel may ask questions of any witnesses and of BCMB Management and the Data Collection Agent if the Arbitration Panel considers the answers to those questions to be reasonably necessary to disclose fully and fairly all matters relevant to the issues, provided that the Arbitration Panel does not prevent an Interested Party from presenting its case.

6.19 The Arbitration Panel may request that the Data Collection Agent address any matter for clarification, including matters that arise in the evidence or testimony of Interested

Parties which relate to data or evidence brought forward by the DCA, or any new matter that arises and which was not dealt with in the Data Collection Agent's Report.

- 6.20 Except in the course of examination or cross examination, there shall be no communication between any counsel and a witness under examination or cross-examination from the time that the witness has been sworn or affirmed until that witness has been excused except with leave of the Arbitration Panel or with the consent of all Interested Parties.
- 6.21 BCMB counsel may participate in the Arbitration and in particular, may:
- 6.21.1 present the evidence of the Data Collection Agent;
  - 6.21.2 at the request of the Arbitration Panel, present evidence from members of BCMB Management;
  - 6.21.3 provide clarification, background information and assistance with jurisdictional issues;
  - 6.21.4 with leave of the Arbitration Panel, call additional witnesses where reasonably required for the full and fair disclosure of all matters relevant to the issues in the proceeding.
- 6.22 The Arbitration Panel shall give the Interested Parties the opportunity to submit argument, either orally or in writing or both.
- 6.23 The proceedings before the Arbitration Panel shall be voice recorded.
- 6.24 If any Interested Party wishes to obtain a recording or transcription of the proceedings before the Arbitration Panel, the Interested Party may, at its own cost, receive such recording or transcription through the BCMB.

### **Adjournment**

- 6.25 In order to avoid prejudice to any party participating in the Arbitration, the Arbitration Panel may:
- 6.25.1 grant an adjournment;
  - 6.25.2 impose other terms as the Arbitration Panel deems appropriate.

### **Close of Hearing**

- 6.26 The Arbitration Panel shall close the hearing when:

6.26.1 the Interested Parties advise they have no further evidence to give or submissions to make; or

6.26.2 the Arbitration Panel considers further hearings to be unnecessary or inappropriate.

6.27 The Arbitration Panel may reopen hearings if it considers it appropriate to do so.

### **Deliberations**

6.28 All deliberations of the Arbitration Panel shall be in confidence and the matter and substance thereof shall remain confidential.

6.29 During its deliberations, the Arbitration Panel may request information or calculations from the Data Collection Agent. Where new facts or issues arise from these requests that may affect the Arbitration Panel's decision, the Arbitration Panel shall provide full disclosure to the Interested Parties and BCMB counsel regarding the new facts or issues and give the Interested Parties the opportunity to make representations with respect to the new facts or issues orally or in writing.

### **Award**

6.30 The Arbitration Panel shall make its award in writing, and give reasons for the award.

6.31 After preparing its reasons regarding the matters at issue before the Arbitration Panel, the Arbitration Panel shall provide the reasons to the Interested Parties, BCMB Management, BCMB Counsel and the Data Collection Agent for review, prior to delivering its final award to the Board.

6.32 Interested Parties, BCMB Management and the Data Collection Agent may provide comments to the Arbitration Panel within a period of 14 days from the date of delivery of the reasons to them as to any clerical or typographical errors, errors of calculation, or similar or other errors made in any of the Arbitration Panel's reasons.

6.33 The Arbitration Panel may correct typographical errors, errors of calculation and similar or other errors made in its reasons.

6.34 All awards of the Arbitration Panel shall be made by the Arbitration Panel and provided to the BCMB no later than 25 days after the last day of the hearing.

6.35 All awards of the Arbitration Panel with respect to Handling Commissions shall state a final and binding Handling Commission for all containers, whether this is the issue put before the Arbitration Panel, or whether limited issues have been put before the Arbitration Panel in accordance with Rule 5.12.

- 6.36 Awards of the Arbitration Panel with respect to Handling Commissions must utilize the form attached hereto as Schedule “D”.
- 6.37 In accordance with section 4(10) of the Administrative Bylaw, the award of the Arbitration Panel with respect to Handling Commissions shall be final and binding upon all Directors of the BCMB and the Board shall approve the Handling Commissions determined by Arbitration by Board resolution.
- 6.38 Where the setting of Mid-Term Adjustment Formulas has been sent to Arbitration, the award shall state the Mid-Term Adjustment Formulas.
- 6.39 In accordance with section 4(10) of the Administrative Bylaw, the award of the Arbitration Panel with respect to Mid-Term Adjustment Formulas shall be final and binding upon all Directors of the BCMB and the Board shall approve the Mid-Term Adjustment Formulas determined by Arbitration by Board Resolution.

## **7 MID-TERM ADJUSTMENT**

### **Mid-Term Adjustment Directed by the Board**

- 7.2 Where Mid-Term Adjustment Formulas have been approved by the Board in the course of a Handling Commission Review and if no new Handling Commission Review has been directed in the interim, then no later than 16 months after the Handling Commissions determined by that Handling Commission Review have been implemented, BCMB Management shall instruct the DCA to prepare a report which applies the Mid-Term Adjustment Formulas to the existing Handling Commissions in order to calculate new Handling Commissions as of the Mid-Term Date.

### **Material Difference**

- 7.3 If the report prepared by the DCA using the Mid-Term Adjustment Formulas shows a difference between the aggregate total of the existing Handling Commissions and the aggregate total of the Handling Commissions calculated as of the Mid-Term Date of more than +/- 0.3 of 1%;
- 7.3.1 the DCA shall advise BCMB Management that there is a material difference and;
- 7.3.2 BCMB management shall distribute the Handling Commissions calculated as of the Mid-Term Date and the DCA’s calculations to all Interested Parties.
- 7.4 The Interested Parties may provide comments to BCMB Management within a period of 7 days from the date of delivery of the material provided to them pursuant to Rule 7.3 as to any clerical or typographical errors, errors of calculation, or similar or other errors, which material will be provided by BCMB Management to the DCA.

- 7.5** Following receipt of comments from the Interested Parties, the DCA shall provide to the Board through BCMB Management a set of new Handling Commissions calculated as of the Mid-Term Date in accordance with the Mid-Term Adjustment Formulas.
- 7.6** Upon the DCA demonstrating to the satisfaction of the Board that the Mid-Term Adjustment Formulas were applied properly, appropriately and accurately to calculate the Handling Commissions as of the Mid-Term Date, the Board shall approve the new Handling Commissions effective as of the Mid-Term Date to remain in effect until the next Handling Commission Review.
- 7.7** If the report prepared by the DCA does not show a difference between the aggregate total of the existing Handling Commissions and the aggregate total of the Handling Commissions calculated as of the Mid-Term Date of more than +/- 0.3 of 1%, the DCA shall advise BCMB Management, and no Mid-Term Adjustment shall be made to the existing Handling Commissions.

## **8 COSTS**

- 8.2** In this section of the Rules, "Costs" means the direct costs or expenses associated with the Handling Commission Review including the costs and expenses associated with the Mid-Term Adjustment Formulas and includes:
- 8.2.1** Remuneration to the Facilitator;
  - 8.2.2** Remuneration for members of the Arbitration Panel;
  - 8.2.3** the expenses of the Facilitator;
  - 8.2.4** the expenses of the Arbitration Panel;
  - 8.2.5** the expenses related to the Facilitated Negotiations and Arbitration including the cost of the venue for the Facilitated Negotiations and Arbitration;
  - 8.2.6** the cost of the Interested Parties in participating in the Handling Commission Review, including the cost associated with the Mid-Term Adjustment Formulas, aside from any regulatory costs that have been taken into account by the Arbitration Panel for the purpose of determining Handling Commissions;
- 8.3** Unless otherwise directed by the Arbitration Panel, each Interested Party shall be responsible for its own costs of participating in the Handling Commission Review including the costs and expenses associated with the Mid-Term Adjustment Formulas.
- 8.4** The Arbitration Panel may direct that an Interested Party pay Costs to another Interested Party or Interested Parties or to the BCMB if the Arbitration Panel considers such a direction to be fair and reasonable.
- 8.5** In determining whether Costs should be directed to be paid by an Interested Party, and the amount of those Costs, the Arbitration Panel may consider the conduct of the Interested Party in the Handling Commission Review, including their conduct in relation to the Mid-Term Adjustment Formulas, including the following conduct;



- 8.5.1 whether the Interested Party engaged in conduct that unnecessarily lengthened the proceedings or that resulted in unnecessary costs to the other Interested Parties or the BCMB;
  - 8.5.2 whether the Interested Party failed to comply with a direction of the Facilitator or the Arbitration Panel; or
  - 8.5.3 whether the Interested Party failed to comply with these Rules.
- 8.6 Where the Arbitration Panel directs costs to be paid, it shall provide written reasons.
- 8.7 Where the Arbitration Panel directs costs to be paid, the direction may be appealed to the Board and may be overturned, varied or confirmed by a majority vote of 2/3 of the Board.

## **SCHEDULE “A”**

### Data Collection Agent Selection Criteria

The following criteria should be used to assess the suitability of candidates for the Data Collection Agent position:

1. Candidates must possess an understanding of rate-setting methods used in a regulated industry.
2. Candidates must have prior expertise in rate setting by regulatory tribunals, either as a regulator, applicant or interested party.
3. Candidates must demonstrate good verbal and written communications skills.
4. Candidates must have the ability to dedicate sufficient time, on a priority basis, to the work required by the Beverage Container Management Board (BCMB).
5. Candidates must have the ability to act in all respects independent in interest to all of the parties having an interest in handling commissions of beverage containers.
6. Candidates must be prepared to sign the “Data Collection Agent Services Agreement”.

## SCHEDULE “B”

### Facilitator Selection Criteria

The following criteria should be used to assess the suitability of individual candidates to act as Facilitator:

1. Candidates should preferably be residents of the Province of Alberta;
2. Candidates will be of the age of majority;
3. Individual candidates should demonstrate a familiarity with and commitment to the purposes and principles espoused in the *Environmental Protection and Enhancement Act*;
4. Individual candidates should display a high degree of personal integrity, be held in high regard in their professional community and should possess leadership abilities such that confidence would be placed in their decisions;
5. Individual candidates should demonstrate a record of commitment to purposes and projects which further the public interest;
6. Individual candidates should be familiar with fields of study and practice relevant to alternative dispute resolution or to the application of the rules of natural justice in administrative tribunal settings;
7. Candidates must possess an understanding of rate-setting methods used in another regulated industry;
8. Candidates must have the ability to dedicate sufficient time, on a priority basis, to the work required by the BCMB of the Facilitator.

## SCHEDULE “C”

### Arbitration Panel Selection Criteria

The following criteria should be used to assess the suitability of individual candidates for membership on the Arbitration Panel:

1. Candidates should preferably be residents of the Province of Alberta;
2. Candidates will be of the age of majority;
3. Individual candidates should demonstrate a familiarity with and commitment to the purposes and principles espoused in the *Environmental Protection and Enhancement Act*;
4. Individual candidates should display a high degree of personal integrity, be held in high regard in their professional community and should possess leadership abilities such that confidence would be placed in their decisions;
5. Individual candidates should demonstrate a record of commitment to purposes and projects which further the public interest;
6. Individual candidates should be familiar with fields of study or practice relevant to alternative dispute resolution and to the application of the rules of natural justice in administrative tribunal settings;
7. At least one member of the Arbitration Panel must possess an understanding of rate setting methods used in another regulated industry.



4. In accordance with the Arbitration Procedure, the Arbitration Panel sets the handling commission rates for the period commencing \_\_\_\_\_ for each category of identified beverage containers, as follows:
- (a) \_\_\_\_¢ per container for non-beer cans, 0-1 litre volume,
  - (b) \_\_\_\_¢ per container for beer cans,
  - (c) \_\_\_\_¢ per container for PET, 0-1 litre volume;
  - (d) \_\_\_\_¢ per container for Industry Standard Bottles;
  - (e) \_\_\_\_¢ per container for Big Rock Bottles;
  - (f) \_\_\_\_¢ per container for glass, 0-1 litre in volume;
  - (g) \_\_\_\_¢ per container for Tetra Brik 0-1 litre in volume;
  - (h) \_\_\_\_¢ per container for PET Plastics over 1 litre in volume;
  - (i) \_\_\_\_¢ per container for import beer bottles;
  - (j) \_\_\_\_¢ per container for glass over 1 litre in volume;
  - (k) \_\_\_\_¢ per container for Gable Top over 1 litre in volume;
  - (l) \_\_\_\_¢ per container for Drink Pouch containers 0-1 litre in volume;
  - (m) \_\_\_\_¢ per container for HDPE Plastics over 1 litre in volume;
  - (n) \_\_\_\_¢ per container for Bi-Metal 0-1 litre in volume;
  - (o) \_\_\_\_¢ per container for HDPE 0-1 litre in volume;
  - (p) \_\_\_\_¢ per container for Bi-Metal cans over 1 litre in volume;
  - (q) \_\_\_\_¢ per container for Gable Top containers 0-1 litre in volume;
  - (r) \_\_\_\_¢ per container for Bag in Box over 1 litre in volume;
  - (s) \_\_\_\_¢ per container for Tetra Brick over 1 litre in volume;
  - (t) \_\_\_\_¢ per container for polypropylene containers;
  - (u) \_\_\_\_¢ per container for Liquor and wine ceramic containers;

- (v) \_\_\_\_¢ per container for aerosol 0-1 litre in volumes;
- (w) \_\_\_\_¢ per container for Sleeman bottles;
- (x) \_\_\_\_¢ per container for import beer PET 0-1 litre in volume;
- (y) \_\_\_\_¢ per container for import beer cans (Bi-Metal);
- (z) \_\_\_\_¢ per container for imports under 1 litre;
- (aa) \_\_\_\_¢ per container for beer cans - deposit only;
- (bb) \_\_\_\_¢ per container for unusable ISBs;
- (cc) \_\_\_\_¢ per container for Molson obsolete containers;
- (dd) \_\_\_\_¢ per container for bottles over 1 litre;
- (ee) \_\_\_\_¢ per container for refillable Steam Whistle beer containers;
- (ff) \_\_\_\_¢ per container for other Plastics 0-1 litre (Polycups, PVC, other plastics MCP);
- (gg) \_\_\_\_¢ per container for other Plastics over 1 litre (PVC, other plastics MCP);

5. The reasons of the Panel are attached.

Signed and submitted to the BCMB this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name: