



Participating in Remote Hearings at the Commission

Remote hearings are part of the Commission's response to dealing with the COVID-19 pandemic. It is incumbent on the Commission to maintain its hearing function as best it can, including timely resolutions to matters set to be heard before it.

Given the restrictions on attending the Commission's hearing rooms in person, individual hearing panels may determine that the best manner to proceed is by way of remote hearing. The following document provides guidelines and assistance for participation in a remote hearing before the Commission.

Remote Hearings Before the Commission

The Commission's Hearing Policy, BCP 15-601, applies to remote hearings. Parties who want to attend a hearing remotely, or call a witness remotely, must apply to the Commission in advance of the hearing, with:

- specific details of who will be attending remotely
- an estimate of how long the remote attendance will be required – whether for the entire hearing, or only part of the hearing
- sufficient time in advance of the hearing to allow for testing of the remote environment with the Commission Hearing Office.

The Commission uses the software *Cisco Webex* for its remote hearings. The Commission requires that parties or witnesses participating remotely have:

- high speed Internet with the capability of running a video conference without interruption
- an email address to facilitate joining the hearing
- one of the following web browsers: Microsoft Edge, Internet Explorer 11, Google Chrome
- access to hardware and software that is capable of supporting the remote hearing, including:
 - an external microphone
 - a camera
 - speakers or a headset
 - a screen large enough to review records displayed during the hearing.

Parties should consider having:

- a secondary device available, in the event their connection to the hearing is lost
- a second monitor, one dedicated to the online hearing, and the other for reviewing personal copies of records.

Remote hearings are conducted with video connection; however, the Commission may conduct a hearing by teleconference. If a party prefers a hearing by teleconference, that issue should be identified in the party's application to the Commission Hearing Office and raised with all parties prior to the hearing.



The Commission will not provide parties the ability to use “break-out rooms” or private methods of communications through the remote hearing. Parties, including counsel and their clients, should determine what method of private communication outside the online hearing works best for them.

Communications and Conduct

Remote hearings require patience, cooperation and civility.

Parties should work together to allow for the proceeding to progress smoothly. In particular, parties must:

- be familiar with the technology prior to the hearing, including how to use cameras, microphones and speakers, to allow fulsome participation during the hearing,
- understand that technological issues may arise during the hearing, and be flexible and accommodating when they do, and
- participate in a test of the technology in advance of the hearing, scheduled by the Commission Hearing Office

The conduct of the parties to the remote hearing should reflect the etiquette shown in the Commission Hearing room at an in-person hearing. Parties should consider:

- their attire and demeanor
- the surroundings of their environment where the remote camera is placed, including lighting, background and privacy
- the potential for external interruptions
- the manner in which they address other parties and the hearing panel
- looking at the camera when speaking
- speaking slower than usual, and in turn

Prior to the Hearing

Parties should join the remote hearing between fifteen and thirty minutes before the scheduled start time, to confirm their attendance and the functioning of their devices.

Any confidential communications required between counsel and clients should take place prior to attending the hearing.

During the Hearing

The panel chair will discuss with the parties at the outset of the hearing practical requirements about:

- when microphones should be turned on or off
- when parties should be visible in the camera
- when parties or counsel should introduce themselves before speaking
- etiquette for making objections or interrupting others
- how parties should make it known they wish to speak or ask a question while someone else is speaking.



Public Access

Public access to Commission hearings is an important component of fairness and transparency. In order to accommodate public access to remote hearings, the Commission may broadcast the remote hearing in its hearing room at 701 West Georgia Street, Vancouver, BC. The public may attend, but due to Covid19 restrictions, the number of seats available in the hearing room is limited.

If the public wants to attend, they may request access to one of the limited seats through the Commission Hearing Office, on a first-come first-served basis. Anyone attending the hearing will be required to give the Commission Hearing Office their name and contact information.

Recording

At the outset of the hearing, the panel chair will require an undertaking from all parties and witnesses not to record the proceedings.

A court reporter will attend the remote hearing and a transcript of the proceedings will be made available to the parties.

The public may request access to Commission hearing transcripts as outlined in BCP 15-601 s.8.4(b) - *access to hearing materials*.

Witnesses

Parties calling a witness to a remote hearing may independently arrange a convenient remote location for the witness to appear, as long as the location meets the requirements outlined above.

If a party requires a summons from the Commission to compel a witness to attend a remote hearing, the summons will require that witness to attend at the Commission offices, at 701 West Georgia Street, Vancouver BC, where the witness will appear in the remote hearing from the Commission hearing room.

It is recommended that witnesses bring their own headset with built in microphone, and a USB jack, while attending remote hearings at the Commission hearing room. The Commission will provide a headset for a witness who does not bring their own.

Records Displayed During the Remote Hearing

Commission hearings are electronic. Remote hearings will use the same software and procedure for displaying records and entering exhibits.

Parties are required to follow the existing Commission practice and procedure of exchange documents, and provide those they want to rely on in the remote hearing, electronically, to the Commission Hearing Office [see [Electronic Document Policy](#)] prior to the hearing, as paper records cannot be marked as exhibits during a remote hearing.