

## **COMMISSIONER'S REMARKS**

### **PROGRESS OF THE INQUIRY**

**June 2005**

- On a number of occasions, I have expressed my commitment to a thorough as well as to an expeditious inquiry process. In my view, these two goals are not incompatible when public funds are being used.
- Indeed, the public has a legitimate expectation that, in our effort to be thorough, we will not lose sight of the timeliness of the inquiry process. Throughout, there is an expectation that any public inquiry, ours included, will find and maintain a proper balance between these two important objectives.
- No doubt, this is sometimes easier said than done. Counsel for parties with standing have a duty to advance and protect their clients' interests and commission counsel has a responsibility to ensure the mandate of the inquiry is fulfilled.
- Furthermore, Commission counsel and I as Commissioner have an added duty to effectively manage the inquiry process, in the public interest.
- With this in mind, I have been considering the time it might take to complete the oral testimony component of the inquiry, and achieve a proper balance.
- To date we have had just over 100 hearing days, and by December 1, we will have added approximately 60 more.

- My hope and expectation is that we should be able to complete the hearings within the time currently scheduled, namely by December 1st, 2005.
- However, our experience with Deputy Commissioner Carson demonstrates that examination and cross-examination of witnesses can end up taking longer than any of us would have anticipated. I think we would all agree that Deputy Carson's evidence was both valuable and comprehensive, but it will not be possible to spend anywhere near this amount of time with other witnesses without seriously running the risk of extending these hearings *considerably longer than planned*.
- To this end, I have asked Commission counsel to consult and work with all parties to ensure that the time remaining between now and the December 1st is used most effectively.
- This may require making choices or finding alternative ways of presenting and receiving evidence such as by way of affidavit or by agreed statement of fact where the facts are not in dispute or are not controversial.
- Regardless of when we finish, it will always be possible to do more. However, I believe it is possible to be comprehensive, fair and complete within a clearly defined timeframe. We have made good progress and I am encouraging everyone to continue to work together to achieve our objective, of completing the oral testimony by December 1st.