

July 27, 2016

[CB-CDA 2016-077]

NOTICE OF THE BAORD

On July 20, 2016, the BDUs wrote seeking clarification on two issues.

In respect of the first issue, the Board confirms that a party that does not intend to revise or amend its legal brief does not have to refile its submission.

The BDUs also sought clarification in respect of the Notice [CB-CDA 2016-071] issued by the Board on July 18, 2016, which asked the Collectives to file with it all interrogatory questions that were posed to CCSA by the Collectives, and all answers CCSA provided thereto. The BDUs asked whether it is “the Board’s intention that the responses form part of the record of this proceeding? If so, the BDUs request that the Collectives be required to serve a copy of the responses on the BDUs at the same time that the documents are filed with the Board.”

On July 27, 2016, the Collectives filed their response to the July 18 Notice, and indicated that, given the BDUs’ request for clarification, they await the Board’s direction before serving the interrogatories and answers on the BDUs. The Collectives further noted that they “reserve their right to comment on the degree to which these interrogatory questions and answers may be used as part of the proceedings.”

The Board does not consider that the information provided forms part of the evidentiary record of these proceedings. However, the Collectives are required to serve a copy of these responses on the BDUs. Should the Board decide to consider any of this information as evidence, it will give appropriate notice to the parties, and—to the extent warranted by the nature of the information and the use to which it would be put—grant parties the opportunity to make submissions.