Appendix
Resolution No72, 2005
Regulatory Board, ERA

PUBLIC HEARING PROCEDURE

One. General provisions

1.1. The ERA's Public Hearing Procedure (hereinafter referred to as Procedure), is adopted pursuant to the provisions of authority of the ERA under the Mongolia Energy Law and established ERA regulations.

1.2. The purpose of this Procedure is to ensure the transparency of energy sector regulation, allow public input and participation in regulatory processes and to reflect their opinions in the decisions by the ERA.

1.3. The ERA may organize a public hearing if requests, applications, generic complaint, disputes and recommendations by licensees, other legal entities and consumers as well as findings and results of ERA's investigation and new regulations intended to be introduced seem to impact the general public interest. The public hearing may be organized for a purpose of educating the general public and to solicit its input.

1.4. The Procedure shall consist of the following sections: deciding and preparing for the public hearing, and conducting the hearing.

Two. Definitions

For the purpose of these Procedures, the following definitions shall be used:

2.1. "**Parties**" stated in this procedure may refer to any citizen and legal entity of Mongolia and other foreign countries whose interest on issues of energy regulation is directly affected, and who has expressed a desire to participate in PH in accordance with this procedure.
2.2. "**Related parties**" refer to any economic entity or organization and an individual whose interests are directly affected.

2.3. "**Interested parties**" refer to any economic entity or organization and an individual whose interests are indirectly affected.

2.4. "**Documented Evidence"** refers to facts and circumstances presented by the parties through documentation, investigation and expert witnesses in support of their positions.

Three. Deciding and Preparing for the Public Hearing

3.1. The ERA may initiate and organize public hearings.

3.2. Parties and Related Parties may request the ERA to organize PH. The request shall include related documents, documentary evidences, calculations and justifications and explanatory notes as well as name, title, address and contact numbers of individuals who represent them.

3.3. The ERA's departments shall develop draft decisions on subject matters impacting the general public interest in accordance with the ERA's approved procedures and rules and submit to the Regulators' Board. The draft decision shall highlight the case history, major issues and substantive discussion and documented evidences and positions of each party on issues, their requests to conduct a public hearing if any, a proposed decision/recommendation and legal basis for the Decision. The ERA's Regulatory Board shall decide whether to conduct a public hearing on the subject matter or not.

3.4. The ERA Case Coordinator and staff in charge of PH shall prepare for PH together and inform the Regulators' Board.

3.5. At least 20 days before the date of PH , the Board shall announce the Public Hearing by a public notice. The notice shall contain the following information:

- date, time and place of the Public Hearing;
- the hearing agenda;
- a copy of staff report summarizing the major issues and proposed Board findings.
- Deadline for submittal of proposals, comments, evidences by and registration of the Related Parties;
- A list of ERA's staff involved in the hearing, their titles and contact numbers

3.6. Public hearings shall be held in places convenient and accessible to the public: schools, community halls, municipal buildings.

3.7. The ERA's staff in charge of public hearing till the first day of the hearing shall be responsible for providing registered participants who have expressed a desire to participate in the PH with the materials of the agenda . -(Doing so, they may charge fee equivalent to only fee for postal and copying of materials). The ERA may also make the information available on its website.

3.8. Parties and related parties shall participate themselves with their accredited representatives at the public hearing. An accredited representative shall have a right to make statements and comments, explain documented evidences, ask and answer questions of other parties and regulators. Parties shall notify the ERA officially about selected accredited representatives 7 working days prior to PH.

3.9. If parties of PH can't select their accredited representatives, an ERA communication officer is obliged to assist in arranging meetings and in communicating people who have common interests to have their representative at PH

3.10. Names and addresses of those who want to take a floor at PHs shall be registered and received by e-mail (info@era.energy.mn) and phone (phone number) and make note of the particular proceeding they are interested in. Citizens who want to send their comments in writing shall send them to the following address.

Fax number:	976-11-319335
Phone:	976-11-320126, 313203

E-mail: info@era.energy.mn

Mailing address: Working group for organizing public hearings,
Energy Regulatory Authority, University street – 2A,
Suhbaatar district
Ulaanbaatar 210646

3.11. Regulators shall approve PH agenda and its procedure 5 working days prior to PH. The agenda and its procedure shall ensure equal opportunity for parties to take part in PH and be published on the ERA's website.

Four. Public Hearing Procedure

4.1. One of the Regulators of the ERA shall chair PH. The Chair shall open PH and present the objectives, duties of the ERA and its activities, as well as the purpose and agenda of PH.

4.2. The ERA's staff responsible for public communication shall act as a Secretary of the Public Hearing, take notes, and record the process attaching all comments, supporting documents, conclusions and recommendations of PH..

4.3. After the opening speech made by the Chair, the PH Secretary shall introduce participating parties and their representatives.

4.4. The following order of issues shall be adhered at PH :

a) The ERA relevant staff shall introduce issues to be discussed and proposals and recommendations as well as evidences of the parties to general public

b) An applicant shall make his/her comments including reason of filing application presented to the ERA, relevant supporting documents and -analysis about an issue etc.

c) Related parties shall introduce and express their positions on PH discussing issues and present supporting documents and evidence of witness(s).

d) Interested parties shall ask questions and make comments.

e) A PH Chair shall remind citizens to sent their proposals in writing about possibility to express these proposals verbally as well and in- order which proposals have been received.

f) Individuals participating at PH may take a floor upon recognition by the Chairman and put questions to parties.

g) Regulators shall put questions to parties and get answers.

h) Making conclusions

i) Closing of PH

4.5. At PH the parties shall follow the principles of honest discussion with supporting and confirming documents and evidences and obliged to follow code of ethics and show well-mannered approach and respect each other

4.6. During the discussion the ERA regulators and staff may answer questions of the parties.

4.7. Other participants of the PH except Regulatory Board members shall take a floor by raising a hand, asking permission from the Chair, standing up and introducing himself (name, position, representing organization).

4.8. Any interested participant shall have a right to ask questions within the time specified by the Chair and obtain answers from any parties.

4.9. If the participating parties impede the process of the hearing by breaching this procedure, repeating the expressed opinions or making any irrelevant statements, the Chairman of the PH shall have a right to end the discussion.

4.10. Depending on the schedule timeline, the Chairman may limit the time for comments on each issue as 3 minutes for an individual and 5 minutes for an organization representative or group of people.

4.11. PH organizers shall provide the parties with opportunities to reject -statements and make explanations. The PH shall be conducted in compliance with the documents and materials provided in advance.

4.12. The Chair shall close the PH by making an explanation on submission of the discussed issues to the Regulatory Board and how the proposals made at the PH be analyzed and taken into account for final decision. -The Chairman of the ERA Regulatory Board shall inform the participants about the preliminary plan, date and venue of the Regulatory Board meeting to be held and where information can be obtained.

4.13. The PH records shall include comments and proposals made by the parties and the public at the meeting.

4.14. The news on conducting PH shall be disseminated to the public through media within 5 working days after the meeting.