

**Date:** February 2, 2005

**Subject:** ***Urgent Public Need (UPN)***

**Advisory:** **1. Applications Made on the basis of "Urgent Public Need"**

- ♦ The Passenger Transportation Act allows the Passenger Transportation Board to process applications received from the Registrar on the basis of "urgent public need" (UPN).
- ♦ Processing applications on a UPN basis is an exception. The Board may process an application on a UPN basis when the public has an immediate need for passenger transportation and where other transportation services are not available or adequate to meet this urgent public's need.
- ♦ If the Board processes the application on a "UPN" basis, it will not post the application or accept or consider submissions in making its decision on an application.
- ♦ In considering "urgent public need" the board may consider such things as:
  - Whether other licensees are available to provide the service to the public
  - Whether there is a real public demand for the service
  - How the "urgency" came to exist
  - Whether any of the "urgency" was due to the applicant's delay
- ♦ If the Board processes an application on a UPN basis, it must still consider the application in accordance with its mandate and may approve the application if the Board considers that
  - (a) there is a public need for the service the applicant proposes to provide under any special authorization,
  - (b) the applicant is a fit and proper person to provide that service and is capable of providing that service, and
  - (c) the application, if granted, would promote sound economic conditions in the passenger transportation business in British Columbia.

## **2. Materials that an Applicant Must Submit for an Application to be Processed on the Basis of UPN**

- The application filing fee of \$200
- A letter to the PT Board requesting that the application be processed on the basis of UPN & explaining the specifics of the “public need” and “urgency”.
- The minimum information that an application package must contain is as follows:
  - Application Form
  - Form B, if it’s an ICB application
  - Form C and D, if it’s a PDV application
  - Signing Authority Form
  - Credit Card Remittance Slip, if applicable
  - Documentation supporting the public need for the service requested. E.g. contracts or agreements showing that a service will be used; support statements from community members; evidence that a previous service has been discontinued; etc.
  - Who the clients/customers will be
  - Information on the business experience of the applicant
  - Sufficient financial information, such as a cash flow statement, to enable the Board to determine whether the applicant has the resources required to implement and maintain the service.

**Note:** The application package may be less detailed than an application submitted for publication and processing. However, the more complete the application, the less likely there will be delays to get questions answered or for an investigation of any sort.

If the Board refuses to process on the basis of UPN, the applicant may be required by the Board to provide additional information before the application is processed.

## **3. Processing UPN Requests**

- ◆ Registrar assigns an application file number and sends UPN request and complete application file to Board.
- ◆ Board member reviews the UPN request and
  - (a) accepts that the application should be proceed on an UPN basis and considers the merits of the application; or
  - (b) rejects that the application should be proceed on an UPN basis and returns the file to Board staff for processing.

- ◆ If the Board approves an application processed on the basis of UPN, it will set terms and conditions on the licence.
- ◆ A term and condition could include an expiry date for the licence and a prohibition for renewal of the licence. If a licensee wants to provide service after the expiry date, it must submit another application to the Registrar and pay the \$200 application fee. Generally, such applications will be processed through the regular process.
- ◆ If the Board refuses an application processed on the basis of UPN, then that is the Board's final decision on the application.
- ◆ If the Board does not process on the basis of UPN, it will notify the applicant of the board's decision and proceed with the application through the Board's standard processes.

**Note:** At any time in the application process, the Board has the authority to summarily dismiss an application that has no reasonable prospect of proceeding. A summary dismissal is equivalent to a refusal and the file is closed.