



MANITOBA PUBLIC UTILITIES BOARD

Re:

MANITOBA HYDRO'S
NEEDS AND ALTERNATIVES TO (NFAT)
Pre-Hearing Conference

Before Board Panel:

Regis Gosselin - Board Chairman
Larry Soldier - Board Member

HELD AT:

Public Utilities Board
400, 330 Portage Avenue
Winnipeg, Manitoba
May 16, 2013
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APPEARANCES

Bob Peters) Board Counsel

Patti Ramage) Manitoba Hydro

Marla Boyd)

Byron Williams) CAC (Manitoba)

William Gange) GAC

Dr. Peter Miller)

Antoine Hacault) MIPUG

Michael Anderson) MKO

Jessica Saunders) Manitoba Metis

) Federation

Mike Sutherland) Peguis First Nation

Gaile Whelan Enns)

Darwin Paupanakis) Pimicikamak at

Gaile Whelan Enns) Cross Lake

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APPEARANCES (cont'd)

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3

Mr. Saunders (np)

) Kaweechiwasik

4

) Inninuwuk

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Dr. Peter Kulchyski

) MPIRG

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1 --- Upon commencing at 9:08 a.m.

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3 THE CHAIRPERSON: Bonjour, good
4 morning, everyone. Welcome to the first pre-hearing
5 conference respecting a needs for, and alternatives to,
6 or the acronym NFAT, review of Manitoba Hydro's
7 proposed preferred development plan for the
8 construction of the Keeyask generating station and the
9 Conawapa generating station, associated domestic
10 transmission facilities, export contracts, and
11 Canada/US transmission interconnection facilities.

12 My Name is Regis Gosselin. I am the
13 chair of the Public Utilities Board. And in that
14 capacity, I will be chairing the pre-hearing conference
15 and the NFAT review panel.

16 With me today for the conduct of the
17 pre-hearing conference is PUB member, Larry Soldier.
18 Additional members will also serve on the Board's NFAT
19 review panel. The Board will be assisted in the
20 process by Board secretary and executive director,
21 Hollis Singh; Board assistant secretary Kurt Simonsen;
22 project manager Josee Lemoine; Board counsel Bob
23 Peters, and, also, Anita Southall; with the Board's
24 accounting advisors -- advisor rather, Roger Cathcart;
25 and the Board's engineering advisor Larry Buhr.

1 On April 25, 2013, the Government of
2 Manitoba issued terms of reference for this NFAT review
3 to be conducted by this Board. PUB was assigned
4 responsibility to conduct the review by Order In
5 Council 128-2013.

6 The terms of reference in Order In
7 Council are posted to the PUB's website for ease of
8 reference. The government has directed PUB to perform
9 this NFAT review under Section 107 of the PUB Act.

10 As you're aware, PUB directed Manitoba
11 Hydro to publish notice of the pending NFAT review to
12 provide public awareness of the process and to allow
13 persons wishing to participate, the opportunity to
14 request Intervenor status and to address certain
15 procedural matters at this first pre-hearing
16 conference.

17 Manitoba Hydro is a proponent of the
18 development plan and will be filing their application
19 for the panel's review of the specific capital projects
20 which I identified a few moments ago, including the
21 Keeyask and Conawapa generating stations.

22 The panel's assignment in accordance
23 with the scope contained in the terms of reference will
24 be to examine and assess Manitoba Hydro's plans in
25 order to, broadly speaking, consider two (2) major

1 themes: First, is Hydro's plan thoroughly justified
2 and sound; is its timing warranted; and are the
3 factors upon which Manitoba Hydro is relying complete,
4 reasonable, and accurate?

5 And, secondly, is Manitoba Hydro's plan
6 justified as superior to potential alternatives that
7 could fulfill the need?

8 As noted in the terms of reference,
9 Manitoba Hydro's plan is intended to meet a growing
10 demand for electricity and to take advantage of
11 opportunities to export power to US customer utilities.

12 Further, Manitoba Hydro is expected to
13 put forward an analysis, with supporting evidence,
14 which demonstrates significant benefits to Manitobans
15 arising from the development plan.

16 The Board's NFAT panel will test Hydro's
17 plan with the assistance of its advisors, Intervenors,
18 and their experts, panel-appointed independent expert
19 consultants and their perspectives shared by presenters
20 in the hearing process.

21 The Panel is required to address the
22 matters placed before the Board in this review in
23 accordance with the terms of reference and to issue a
24 report to the Minister responsible for -- and the
25 administration of the PUB Act by no later than June

1 20th, 2014.

2 Although Manitoba Hydro will not
3 formally file its application and supporting materials
4 until mid-August, the Panel seeks to hear submissions
5 today on a number of matters including requests for
6 Intervenor status and the proposed procedural
7 timetable.

8 The Panel would also ask Intervenors or
9 their counsel to address the merits of possible
10 technical conferences by Manitoba Hydro both before and
11 after Manitoba Hydro's NFAT filing to facilitate the
12 sharing of technical information and the potential to
13 use such technical conferences to better comprehend
14 Manitoba Hydro's application and, therefore, reduce
15 formal interrogatory questioning in the hearing
16 process.

17 The Panel seeks to develop a plan and
18 timetable for the conduct of the NFAT review process as
19 soon as possible. A draft timetable has been
20 circulated and comments are invited this morning.

21 Those of you who participated in
22 Manitoba Hydro's General Rate applications are familiar
23 with the Board's Rules of Practice and Procedure, which
24 the Board will implement subject to specific directions
25 and requirements as defined in the terms of reference.

1 Specifically, the Board's NFAT Panel,
2 Board staff and its advisors, Intervenor counsel, and
3 the appointed independent consultants will have access
4 to and will review confidential filings of Manitoba
5 Hydro under an access protocol for commercially
6 sensitive information in accordance with the procedures
7 set out in the terms of reference.

8 This prescribed process will allow a
9 fulsome review by the NFAT Panel and hearing
10 participants while protecting the confidentiality of
11 commercially sensitive information of Manitoba Hydro or
12 its counter-parties.

13 The Government of Manitoba has directed
14 that this review be conducted in a public and
15 transparent process and but for the limited areas of
16 confidential filings and confidential receipt of
17 evidence on those sensitive matters, the review will be
18 public. All but the commercially sensitive materials
19 will be filed publically and will be made available on
20 the PUB's website.

21 The Panel is aware that in regard to the
22 matters under review there are many potential
23 stakeholders. The terms of reference identify the
24 issues within scope, which I have noted in my comments
25 are quite broad, and not unbounded.

1 The Panel has reviewed the applications
2 for Intervenor status filed to date and awaits today's
3 submissions from applicants in order to assess these
4 requests for participation.

5 We would ask for a brief description of
6 the Intervenor applicant or joint applicants as
7 applicable, along with a description of the purpose of
8 the intervention and the issues to be addressed in the
9 process.

10 Beyond what is contained in the written
11 Intervenor request form filing, please provide any
12 further relevant information that may be useful for us
13 in understanding the views to be brought forward by the
14 Intervenor applicant.

15 An Intervenor's role in this NFAT
16 process will be to enhance the quality of the
17 assessment of Manitoba Hydro's application and to
18 assist the Panel in carrying out its assigned review
19 responsibilities under the Order In Council and terms
20 of reference. The public interest will thus be served
21 with such participation.

22 All participants will need to be mindful
23 throughout the process that the Panel is not
24 considering a rate application. The Panel is expected
25 to make recommendations to government. Ultimately, the

1 Manitoba government will be deciding which alternative
2 is the optimal one for Manitoba and its citizens.

3 The Panel will need to balance its
4 examination of the over-arching considerations and
5 alternatives with its review of the more granular
6 elements of each alternative. The consideration of
7 rate applications tends, in my opinion, to focus on the
8 granular, rather than the strategic.

9 Given the relatively tor -- given the
10 relatively short timeframe and the potential cost of
11 the review, all participants, including Panel members,
12 will need to be mindful of the importance of an
13 efficient and disciplined process.

14 Persons who have an interest in
15 participating, but not as formal Intervenor can also
16 request the opportunity -- the opportunity to be a
17 presenter. The presenter deadline -- participation
18 deadline is August 30th, 2013.

19 The Panel expects to receive evidence
20 from Manitoba Hydro, its staff, and its experts on the
21 subject matter of the application to allow the Panel to
22 carry out its mandate.

23 Likewise, the Panel expects approved
24 Intervenor to bring forth evidence and expert opinions
25 on the subject areas that will ground the analysis of

1 the development plan, Manitoba Hydro's business case,
2 and the benefits and costs to Manitobans that flow from
3 the preferred plan, as well as alternative scenarios
4 for the future supply of electricity to domestic and
5 export customers.

6 The terms of reference allow the panel
7 to engage independent consultants to address any
8 further -- to address any matter the panel chooses to
9 consider and, at a minimum, to test the matters which
10 must be addressed under the terms of reference.

11 The panel will retain and direct the
12 requirements of the work of these consultants, but
13 otherwise expects the consultants to bring forward
14 their independent work for the benefit of Manitoba
15 Hydro. All participants and general public and the
16 panel, as -- should be considered by these consultants,
17 leading to a well-considered and diligent review.
18 Again, only commercially sensitive information, as
19 reviewed by these consultants, will remain
20 confidential.

21 Should any party wish to advance the
22 name and resume of possible independent consultants for
23 consideration by the panel, you are invited to do so.
24 The Public Utilities Board expects to have a panel of
25 five (5) for the -- for the taking evidence in the NFAT

1 review.

2 The review itself will be strengthened
3 by the contributions of my fellow panel members.
4 Manitoba Hydro's plan and its estimated capital
5 operating costs under the NFAT review here are
6 unparalleled in the history of Manitoba Hydro or the
7 province to date and therefore will have a significant
8 impact on the long-term future of the Crown utility and
9 all Manitobans.

10 A comment now as to process and
11 timetable. The panel foresees that significant effort
12 and attention will be demanded of Manitoba Hydro and --
13 and Intervenor to stay within the defined procedural
14 framework and schedule. Since the panel has no
15 flexibility as to the timing of its report, little, if
16 any, flexibility will carry forward into the NFAT
17 timetable.

18 Although the Board has scheduled --
19 tentatively scheduled nine (9) weeks for the oral
20 hearing portion of this process in February, March, and
21 April 2014, parties to the process may be allotted time
22 limits for the presentation of evidence and for -- for
23 cross-examination on evidence.

24 The goal is to complete the process in a
25 timely way and to ensure procedural fairness to

1 participants. The Board always urges participants to
2 adhere to the deadlines as imposed. In this case, we
3 must insist on it. Your cooperation will support a
4 well-tested application. The panel counts on your
5 assistance in making this happen.

6 I'll now turn the microphone over to
7 Board counsel, Bob Peters, to provide his opening
8 comments and to address the procedures applicable to
9 our purposes today. Mr. Peters...?

10

11 OPENING COMMENTS BY BOARD COUNSEL:

12 MR. BOB PETERS: Thank you very much,
13 and good morning, Mr. Chairman, panel member Soldier,
14 and to all of those present this morning.

15 For the record, my name is Bob Peters,
16 and I am counsel to the Board in this public needs for
17 and alternatives to review hearing respecting Manitoba
18 Hydro's preferred development plan as set out in the
19 terms of reference. Like the Chairman, I'll use the
20 acronym 'NFAT' to abbreviate the application expected
21 from the Utility.

22 By order in council, the Lieutenant
23 Governor in Council for the Province of Manitoba has
24 assigned this NFAT review to the Public Utilities
25 Board. The terms of reference for the NFAT review, as

1 you noted, Mr. Chairman, detail the mandated elements
2 and the jurisdiction of the PUB in carrying out the
3 NFAT duties for the review of the Keeyask and Conawapa
4 Generating Stations and specified transmission and
5 interconnection infrastructure.

6 The NFAT panel has been appointed to
7 conduct the review. The scope of the review is set out
8 in the terms of reference issued by the province.
9 Specific matters identified as not in scope are not
10 referred to the panel and will not be subject to
11 examination and analysis in this process.

12 Part 1 of the PUB Act, as modified by
13 the NFAT terms of reference, will govern the NFAT
14 process. The panel will follow the PUB's standard
15 rules of practice and procedure, except for
16 modifications in procedure as set out in the terms of
17 reference.

18 Today, as you've indicated, Mr.
19 Chairman, the panel will hear from Intervenor
20 applicants on submissions for intervention. The
21 deadline to submit applications for Intervenor status
22 was on May the 14th, a couple of days ago. And, to my
23 understanding, the Board has received nine (9) separate
24 Intervenor applications that will be discussed today.

25 Manitoba Hydro will file its application

1 by August the 16th to support its preferred development
2 plan, as well as alternatives, along with supporting
3 materials that will assist the panel and participants
4 in assessing the plan and the alternatives as directed
5 by the NFAT terms of reference.

6 Given the filing date for the
7 application on August 16th and considering the deadline
8 for delivery of a panel report to the minister, the
9 Board has a draft timetable for scheduling of the pre-
10 hearing steps leading up to an oral hearing commencing
11 at the end of February 2014 and proceeding through
12 March and April 2014.

13 The panel will be made aware this
14 morning that My Friends opposite from MIPUG have
15 drafted an alternate timetable for discussion that
16 they'll present to the panel this morning for
17 consideration, as well as comments by other parties.

18 The panel looks forward to Manitoba
19 Hydro's and prospective Intervenor's feedback on
20 process and the timetable. Ultimately, the panel will
21 issue a procedural order confirming Intervenor's and
22 fixing a timetable for the review.

23 For those who are new to this process
24 before the Public Utilities Board, the panel can
25 determine if costs will be allowed to any Intervenor

1 for participating in the review.

2 Generally, the consideration for an
3 award of costs before the PUB includes that, firstly,
4 the Intervenor must make a significant contribution to
5 the issues before the Board.

6 Secondly, that the Intervenor
7 participates in a responsible manner and cooperates
8 where possible with other Intervenor to avoid
9 duplication.

10 Thirdly, that the Intervenor has
11 insufficient financial resources to present their case
12 adequately without an award of costs.

13 And, fourthly, that the Intervenor has a
14 substantial interest in the outcome of the proceedings
15 or represents a substantial number of persons or
16 members who will be impacted by the decision.

17 The panel may also consider funding
18 installments throughout the hearing process, provided
19 such funding is accompanied by detailed budgets and
20 regular financial reporting requirements to ensure the
21 budgets are being followed.

22 As for the order of proceedings today,
23 Mr. Chairman, I suggest that Manitoba Hydro present its
24 introductory remarks regarding its planned filing. In
25 this regard, the Board forwarded a list of issues that

1 were of interest to the panel and asked Manitoba Hydro
2 to present information in respect of those issues.

3 And after Manitoba Hydro has made its
4 presentation to all this morning, the panel may have
5 questions for them. Following those questions, I would
6 suggest the panel would hear from other parties present
7 as to their submissions seeking Intervenor status,
8 together with their comments on the timetable, as well
9 as their comment to the specific question you raised,
10 Mr. Chairman, in your comments -- and that is the
11 desired use of a technical conference, singular or
12 plural, in the process -- as well as any procedural
13 matters generally.

14 Because all parties seeking Intervenor
15 status have filed written Intervenor application forms,
16 I'll remind them that there's no need for any party to
17 read that information to the panel. However, as the
18 Chairman indicated, should any party want to expand on
19 any information already submitted or advance additional
20 areas of interest for interventions, I would suggest
21 that those parties please try to restrict their
22 submissions to approximately ten (10) minutes.

23 After hearing from all Intervenor
24 applicants, it would be appropriate to hear from
25 Manitoba Hydro as to any comments or opposition it may

1 have to any of the Intervenor requests, as well as
2 Manitoba Hydro's comments respecting the timetable and
3 any other procedural matters.

4 Mr. Chairman, there are new parties in
5 the hearing room. And I would like to make some brief
6 introductions to the panel. I would also ask though,
7 when they get to the microphone, to, as a courtesy to
8 the panel and also to Ms. Lavigne, to identify yourself
9 for reporting purposes.

10 First of all, Manitoba Hydro is
11 represented by its counsel, Ms. Patricia Ramage, and
12 her co-counsel, Ms. Marla Boyd. Joining counsel for
13 Manitoba Hydro are a number of its senior executives
14 and staff representatives. Ms. Ramage will make those
15 introductions when she commences her remarks, Mr.
16 Chairman.

17 I'd like to turn to the list of
18 Intervenor's that I indicated were nine (9) in number.
19 And I'll do my best for the pronunciation, and I'm
20 going to probably cheat by assigning some acronyms with
21 the permission of those involved.

22 The Consumers' Association of Canada
23 (Manitoba) branch, or CAC, as we can call it in this
24 proceedings, is represented today by not one (1), but
25 two (2) Mr. Williamses. And the junior Mr. Williams is

1 in the back row just observing, and I welcome him here,
2 as well.

3 The Green Action Centre, GAC, legal
4 counsel is Mr. Gange, known to the panel. The Manitoba
5 Industrial Power Users Group, or MIPUG, is represented
6 by their legal counsel Mr. Hacault today. He's also
7 joined by his clients.

8 Then we have the Manitoba Keewatinowi
9 Okimakanak, which Mr. Anderson lets me refer to as MKO
10 repeatedly, and I thank him for that. That -- that
11 intervention request will be followed by an
12 intervention request by the Manitoba Metis Federation,
13 or MMF. And legal counsel, Ms. Saunders, is here
14 today, and we welcome her and her colleague.

15 That, I suggest would be followed by
16 hearing from Peguis First Nation, or Peguis as I've
17 abbreviated it, represented it by Mr. Jared Enns (sic).
18 That would be followed by Pimicikamak at Cross Lake,
19 and they are represented by Ms. -- Ms. Enns.

20 Following that request for intervention
21 would be a request by Kaweechiwasik Inninuwuk, or KI as
22 they've abbreviated themselves in their application.
23 That -- that means 'York Landing people' in the Cree
24 language, I'm told. And they are represented by Mr.
25 Saunders. Now, I unfortunately did not get a chance to

1 meet Mr. Saunders, but we'll see if he's present when
2 it comes his turn.

3 And lastly, but certainly not least, the
4 Manitoba Public Interest Research Group has filed for
5 Intervenor status. MPIRG, as I've abbreviated them,
6 are represented by Dr. Kulchyski, who is present and
7 has joined us today.

8 So I apologize if I have not done a
9 admirable job on the names, but I do welcome all of
10 those here. If there's anyone that I have omitted,
11 they can identify themselves to me at the break and
12 we'll make sure that they have their opportunity to
13 speak.

14 For those who are not familiar with the
15 PUB rules and procedures as others may be, please feel
16 free to either ask myself or Board staff your
17 questions. We'll do our best to answer them either now
18 or as the process moves forward.

19 So, Mr. Chairman, subject to any
20 questions you have, those conclude my opening comments.
21 I suggest you call on Ms. Ramage for Manitoba Hydro's
22 introductory remarks and -- and Manitoba Hydro's
23 presentation, which would be followed by the -- hearing
24 from the parties seeking Intervenor status. And a
25 reminder that Manitoba Hydro would have a chance to

1 respond following all of that.

2 And as always, if, Mr. Chairman, you or
3 your -- your panel have any questions, I'd be here --
4 I'm here and happy to assist in any way I can. So
5 thank you, sir.

6 THE CHAIRPERSON: Thank you, Mr.
7 Peters. Good morning, Ms. Ramage. Over to you.

8

9 OPENING COMMENTS BY MANITOBA HYDRO:

10 MS. PATTI RAMAGE: Good morning, Mr.
11 Chair. I'm sure you're not delighted to have me back
12 after our last final argument taking so long. But also
13 good morning Board member Soldier.

14 As Mr. Peters indicated, my name is --
15 well, it's actually Patti Ramage. 'Patricia' means I'm
16 probably in trouble. But with me today as my co-
17 counsel is Ms. Marla Boyd. And I'd emphasize 'co-
18 counsel', because in terms of the duties this morning,
19 it may not -- it may seem a little disjointed, because
20 we'll be sharing the mic back and forth, because we
21 divided up the work.

22 To my right is Mr. Ed Wosjczynski,
23 that's Ed, E-D, Wosjczynski, the usual spelling for the
24 court reporter. He is the division manager of
25 Portfolio Project Management and I will leave it to Mr.

1 Wosjczynski to explain exactly what that means. He is
2 the individual at Hydro, I think, who's been living and
3 breathing the -- the NFAT is the result of his work
4 over a -- a number of years.

5 And to my far right is Ms. Joanne Flynn.
6 She is the division manager of Power Planning at
7 Manitoba Hydro. In our back is Ms. Connie Gamble, who
8 is the project manager for the NFAT.

9 This pre-hearing conference is very
10 different from any other hearing I've participated in,
11 not only because it's an NFAT and under a different
12 terms of reference, but because Manitoba Hydro doesn't
13 have a filing in front of us at the pre-hearing
14 conference. Nevertheless, we think it was very wise of
15 the Board to get the process started, given the tight
16 timelines we're under in order that we can get some of
17 the administrative work done.

18 In an effort to assist the Board and
19 parties, Manitoba Hydro has prepared a presentation
20 regarding what will be in the filing come August 16th.
21 This presentation was put together actually before the
22 Board's May 13th letter. However, we think it has
23 responded to the letter quite well and dealt with the
24 issues raised therein.

25 I wanted to emphasize that the

1 presentation isn't intended to be evidence and it's not
2 intended to address why we've chosen the preferred
3 development plan or anything that we'll actually be
4 advocating once the hearing starts. The -- the intent
5 is to give the Board an idea of the content that's
6 coming and -- and the process that Manitoba Hydro is
7 using. It's information to assist the parties in
8 understanding what the filing will -- what will be in
9 it and presumably what won't be in it.

10 Before turning the mic over to Mr.
11 Wojczynski to walk through Manitoba Hydro's
12 presentation, I did want to comment on the Board's
13 letter of April 25th. And that was the Board's
14 direction to Manitoba Hydro regarding publication and
15 service of its no -- of its notice of pre-hearing
16 conference.

17 Manitoba Hydro will be filing an
18 affidavit of publication and service in due course once
19 we have all the tear sheets back from the newspapers.
20 I think it's readily evident that the publication did
21 in fact take place and -- and its service was effected.

22 I -- I would advise for the record that,
23 in terms of service, the Board directed Manitoba Hydro
24 serve parties to the -- to past GRAs, so Manitoba Hydro
25 included in that list the 2010 risk review GRA and the

1 most recent 2012 GRA.

2 The Board also directed Manitoba Hydro
3 serve parties to pass CEC hearings, and there we served
4 funded participants from the Wuskwatim CEC hearing from
5 the Bipole 3 CEC hearing and those that had registered
6 at the Keeyask CEC hearing, which is -- that process is
7 just beginning.

8 With that I'd also -- just in terms of
9 the order on the agenda, I'm going to assume Manitoba
10 Hydro will deal with timetable and those issues when
11 the mic is turned back to us after we've heard from all
12 of the Intervenor, so I won't be addressing those
13 issues. Actually, I won't be addressing those issues
14 at all, that will be Ms. Boyd.

15 So with that I'd invite Mr. Wojczynski
16 to -- to begin the presentation.

17

18 PRESENTATION BY MANITOBA HYDRO:

19 MR. ED WOJCZYNSKI: Thank you, Patti,
20 and thank you, Mr. Chair. There's a prese -- I assume
21 this has been distributed.

22 MS. PATTI RAMAGE: Yes.

23 MR. ED WOJCZYNSKI: So we have the di -
24 - the presentation, the hard copy that Patti had -- Ms.
25 Ramage had indicated I would explain my role in the

1 company and my divisions role.

2 Pro -- proje -- portfolio projects
3 management division responsibility is to lead the
4 coordination of the major generation and transmission
5 projects that form what we call the power resource plan
6 or form what we call the preferred development plan.

7 The individual projects are led by
8 individual project managers, but our role is to
9 integrate them and coordinate between them and to deal
10 with some of the overarching issues related to that
11 plan, including the NFAT process here and other
12 strategic issues.

13 The -- the -- my role in this stems from
14 the fact that twenty (20) -- I've been spending about
15 twenty (20) years preparing for this day. I say that
16 because I was -- my -- my role earlier was the head of
17 the resource planning group in -- in the company that
18 twenty (20) years ago did the -- the screening at that
19 stage and the prioritization and initial studies into
20 Keeyask, Conawapa -- it was also Wuskwatim, but, as you
21 know, it's built now, and then moved on to leading the
22 development of the projects, particularly the
23 aboriginal partnerships on both Keeyask and Wuskwatim
24 and initiating the discussions on joint development on
25 -- with the -- our First Nation friends on Conawapa.

1 I have -- was also responsible for
2 environmental assessment. That is now being led by a
3 separate division so that this division could focus
4 more on the NFAT.

5 Perhaps just turning -- maybe I should
6 mention every time I change pages, given that we're not
7 using an overhead projector. So we move on to overhead
8 number 2. The heading of it is "Manitoba Hydro
9 Preferred Development Plan."

10 The -- the -- I should start off by
11 saying that the submission itself is going to be at
12 least in the order of around five hundred (500) pages
13 for the main body, but there'll be very substantive
14 appendices of various documents, including things such
15 as the load forecast and -- and DSM and other subjects
16 that we'll, towards the end of the presentation, go
17 through the table of contents and have a bit of
18 discussion of that.

19 The front end of the presentation is
20 providing more of what will the content be and then
21 we'll get into the structure of the actual submission.

22 So the -- the preferred development
23 plan, as we already heard a little bit, is Keeyask and
24 Conawapa, with Keeyask planned for 2019 in-service
25 date, Conawapa for 2025 in-service date. We say

1 'approximately' because that's a schedule which, A) is
2 a very tight schedule, and B) we see Conawapa as being
3 a project which we don't have to commit right away, and
4 that we see there being some flexibility in when we
5 would pursue it, depending on what the load forecast
6 looks like and -- and other parameters such as the
7 sales arrangements.

8 So our plan right now has 2025, but we
9 ex -- that is going to be flexible and evolve,
10 depending on the circumstances. With Keeyask, that's -
11 - there's -- we're looking for certainty on that
12 project in-service date.

13 The following four (4) items are a
14 package arrangement that has been negotiated. First of
15 all -- well, pardon me. I misspoke myself. The next
16 item, the 300 megawatt north-south 'A' tran -- AC
17 transmission is additional transmission that will be
18 required if both Keeyask and Conawapa are built, and
19 this -- with Keeyask and with Conawapa, they each will
20 have their own -- what's called, 'generation outlet
21 transmission'.

22 That is transmission required to connect
23 the generation units to the rest of the transmission
24 system. And in both cases there, that would involve
25 transmission to hook them into the -- the Bipole 3

1 system, which will have -- is assumed to have been
2 built.

3 If we build both Keeyask and Conawapa to
4 get the -- all the firm power out of the system down
5 south, Bipole 3, in and of itself, would be not quite
6 sufficient. And in our evaluations, we include 300
7 megawatts of AC transmission, which is new AC
8 transmission and AC station equipment, mainly on the
9 west side of the province. We have already included
10 that in our analysis with the preferred plan with both
11 Keeyask, Conawapa, a cost of approximately \$400
12 million.

13 The next three (3) items are the package
14 I was referring to where we have a new interconnection
15 to the United States, essentially going from Winnipeg
16 to the Duluth area, and with an in-service date of
17 2020. That's a 500 kV or 500,000 volt line. And then
18 we have two (2) negotiated sale arrangements that are
19 part of the forward-going package: with Minnesota
20 Power, a 250-megawatt sale lasting fifteen (15) years;
21 and then a 300-megawatt sale to Wisconsin Public
22 Service going for twenty (20) years. Those three (3)
23 are a package deal and integral to each other.

24 The last item on there in terms of sales
25 is with Northern States Power. We actually have a

1 signed, proved, in-place deal that is, in that time
2 frame, 375 megawatts, but we have the option of
3 increasing it by 125 megawatts if we have new
4 generation in place. This plan would provide us
5 sufficient new generation that we would bump up the
6 deliveries to Northern States Power at the pre-
7 negotiated price.

8 The last item we list on here is demand-
9 side management, or Power Smart, and it obviously is a
10 topic of great interest, as it should be. And we have
11 a plan already in place. We review it every year, and
12 our commitment is that we will do what DSM that we find
13 to be economic.

14 So that is fundamentally the development
15 plan that we're bringing forward. There obviously are
16 many other things we're doing, such as efficiency
17 improvements to the existing system and other, but
18 these are the main elements that are pertinent to this
19 process.

20 So moving on to slide 3, what we have
21 done is develop what we're call -- we're calling them
22 'development plans'. A development plan for us is a
23 combination of generation, export contracts, import
24 contracts, and DSM resources that we are evaluating
25 compared to other development plans.

1 The -- the actual in-service dates in an
2 individual plan may move depending on, for example,
3 what the load is in there or the amount of DSM or the
4 exact sale arrangements. It's -- but each development
5 plan has some fundamental identifying characteristics,
6 which I'm going to identify it in the next overhead.

7 We are doing a comprehensive evaluation
8 of these plans in the submission. We are going to use
9 not just what might -- we call a 'reference case'. A
10 reference case would be our middle estimate of whatever
11 a parameter is.

12 What we are going to do is evaluate for
13 these seven (7) development plans, the main ones. We
14 are going to look at a reference or the middle
15 forecast. We're going to look at a high and we're
16 going to look at a low. We're going to do that for
17 export and natural gas prices. We're going to do that
18 for discount rates. And we're going to do that for
19 capital costs.

20 We're -- and we're not going to just do
21 them one by one. We're going to do them for every one
22 of those combinations. So for three (3) different
23 prices times three (3) different discount rates and
24 three (3) different capital costs will result in
25 twenty-seven (27) scenarios that each of our plans will

1 be evaluated.

2 The fundamental concept is that no one
3 can know with precision what's going to happen five (5)
4 and ten (10) and twenty (20) years from now, so we pick
5 a reasonable -- what we perceive to be a reasonable
6 range for each of those parameters, a fairly wide
7 range, and then have these ranges evaluated so that
8 whatever the future may un -- how it may unfold, we
9 will probably have covered that.

10 If we do that for each of the seven (7)
11 plans, which we are going to do, that results in seven
12 (7) plans times twenty-seven (27) scenarios is a
13 hundred and eighty-nine (189) individual cases.

14 And we will take those cases and also
15 recognize that some of those scenarios have a higher
16 likelihood than others, particularly the reference one,
17 and we will apply a probabilistic analysis to that. I
18 won't go through the details of that here today.
19 That'll be in the submission quite extensively.

20 And in addition, the -- what I -- we
21 will do economic evaluations for all hundred and
22 eighty-nine (189) cases. Plus we will do financial
23 evaluations of all the scenario parameters we just
24 talked about, but probably not all the combinations
25 themselves, all hundred and eighty-nine (189), because

1 the financial evaluations in and of themselves are much
2 more time consuming and come at the tail end. But they
3 will cover the main -- all -- they'll cover all the
4 scenarios and the main combinations.

5 Moving on to the next overhead, whi --
6 overhead 4, which is labelled, "Seven (7) Plans
7 Evaluated NFAT Submission," utilizing these twenty-
8 seven (27) scenarios. So this is where we lay out what
9 are the seven (7) plans I just referred to.

10 The first one is what we -- we refer to
11 is the -- the preferred development plan. It's the one
12 I just di -- discussed a few minutes ago. I won't
13 repeat that. The second plan underneath it is also a
14 750 megawatt new interconnection. It's got the
15 Minnesota Power sale in it.

16 In -- in this case, we do not have the
17 Wisconsin Public Service sale in it. We still have
18 Keeyask in '19. And in it we count on some imports to
19 get over a little bit of a shortage in one (1) or two
20 (2) years. And Conawapa instead, in this scenario,
21 goes out to 2031.

22 The third plan we look at is a smaller
23 tie-line, a 250 megawatt tie-line. So instead of a
24 500,000 volt line, using more or less the same right-
25 of-way or -- and the same end points, it's a 230 kV

1 tie-line, which only would enable 250 megawatts of
2 export. And in it we would have less sales than we
3 would in the other cases. And we're looking at two (2)
4 possibilities: one (1) with Keeyask in 2019 and
5 Conawapa still in 2025, or another one where we have
6 Keeyask and gas instead of Conawapa after Keeyask.

7 I should add that when we're talking
8 about evaluating these and the next three (3) that
9 we're using the power planning assumptions from 2012
10 mainly. And this is what we use in My Colleague,
11 Joanne Flynn's, resource plans, what -- what you've
12 heard called the 'power resource plan'.

13 So we used those assumptions from 2012
14 with one (1) adjustment in -- on the export price
15 forecast. We had some early indications in January
16 that there was going to be so -- probably some
17 reduction on our export price forecast this year and
18 natural gas, and so we did a judgmental reduction in
19 that pri -- of around 10 percent, and that was used in
20 these.

21 I should explain quickly that it is - we
22 do, as I think most people know here, an annual
23 planning cycle with load forecast, export prices,
24 natural gas, economic parameters. It fits in with the
25 RFF cycle and with the submissions for the GRAs.

1 These studies that we're doing take
2 many, many months to do, so we can't just wait for the
3 2013 and then do them and submit them to this process.
4 So we had to use the 2012 assumptions. But we wanted
5 to capture the down -- the slight downward trend and so
6 made that adjustment so that we'd be closer to what
7 ultimately would be the case for our 2013.

8 By the way, it turns out our downward
9 adjustment was an over-adjustment, and we're just
10 completing our -- at least our export price forecast.
11 And it turns out that we -- we adjusted too much
12 downward, but I'll -- I'll come into that later on.

13 We're also evaluating, as -- as our main
14 development plans, three (3) plans that have no new tie
15 or no new interconnection to the United States, and no
16 new firm export sales. So when I -- I do want to say
17 though that we still always count and know that we will
18 have export sales, but they're not with the prices that
19 we negotiate ahead of time, they're with what we
20 forecast. The prices that are in the contracts are
21 above what our forecasts are, but when we do the
22 evaluations on the bottom with no new exports and no
23 new tie, we just use our export for price forecast
24 itself.

25 We -- we're going to look at three (3) -

1 - we are looking at -- at three (3) plans. One is an
2 all-natural gas generation plan. It's a combination of
3 simple cycle and combined cycle, optimized to the -- to
4 the most economic situation.

5 The second one is a natural gas
6 generation in 2022, which is with 2012 load forecast,
7 the year. Our analyses indicate we need new
8 generation. Obviously, that number, when we need new
9 generation, will vary from year to year. When we put
10 the 2012 information, that year is 2012. So in this
11 plan, we would put in natural gas generation, followed
12 by Conawapa as early as we can get it in. And in that
13 scenario the earliest we could get Conawapa in is 2026.

14 The third evaluation -- third plan we
15 evaluate in Keeyask, again in 2022, followed by natural
16 gas generation in 2029 and subsequent years. When we
17 put the plus in here, I -- I should add that the year
18 that is listed is the first year we put natural gas
19 generation in, but then we put it in subsequent years
20 and we didn't want to sort of list them all out on this
21 overhead.

22 Moving on to the next overhead, which is
23 labelled, "Plans Evaluated NFAT Submission Utilizing
24 the Reference Scenario." And again, this is using that
25 2012 assumptions with the export price adjusted.

1 The -- these are ones that we are -- are
2 sensitivities the -- that were used for various
3 purposes that we're not going to evaluate for all
4 twenty-seven (27) cases. Because it takes so long to
5 do each analysis -- we -- we are doing analyses here
6 with just a few -- the reference case to give us some
7 information that's useful for screening or for testing,
8 stress testing, but we're not doing all twenty-seven
9 (27) scenarios. So just the reference case.

10 So in the -- in the first three (3) we
11 list there, we're doing economic evaluations of --
12 starting with wind in 2022 instead of Keeyask, and then
13 followed with gas for capacity support. What we mean
14 by that is that we have a wind -- winter peaking
15 system, and wind generation gives us good, dependable
16 energy for droughts but can't be counted upon to meet
17 our winter peak because there -- so we have to have
18 simple-cycle gas generation to provide the capacity
19 backup starting in 2025.

20 The next scen -- plan we look at under
21 the reference is wind in 2022, and followed by Conawapa
22 in 2026. And the third one is gas in 2022, followed by
23 Conawapa in '26. So the idea is we're trying to show
24 the economics of wind in our sequence, and also here
25 gas before Conawapa gas to bridge until we get to

1 Conawapa, given that 2026 is the earliest we can get
2 Conawapa into our sequence.

3 Moving to the second set of reference
4 case evaluations here, this is with the 750 megawatt
5 new intertie, but we only have a Keeyask with some
6 imports and then gas generation in 2031. And then the
7 last one (1) we list down here is -- it is the
8 preferred development plan again, but it's a special
9 evaluation where we look at the -- the impact of
10 drought.

11 And what we -- and this PUB and many of
12 the Intervenors here are familiar with this issue here,
13 that we look at the very particular case of the worst
14 drought on record repeating itself in -- in -- in an
15 early time in the sequence to see what is the impact on
16 the Corporation's ability financially to withstand. So
17 we do that for the preferred development plan.

18 THE CHAIRPERSON: Could I ask a
19 question, please? I'm -- I'm having tri -- trouble
20 connecting page 4 with page 5. So maybe you could
21 clarify that for me. I -- I understand the seven (7)
22 plans. Now, what I'm -- I'm having trouble do -- doing
23 is linking page 5 with page 4, so maybe you could run
24 that by me again.

25 MR. ED WOJCZYNSKI: Sure. I'll start

1 at the highest level of not talking about the plans,
2 but what's -- what's happening in them.

3 THE CHAIRPERSON: Okay.

4 MR. ED WOJCZYNSKI: On -- in 4, we are
5 doing there what we had called the main plans that
6 we're evaluating and we're doing a full-scale
7 evaluation with all twenty-seven (27) scenarios.

8 On overhead 5 we are only evaluating
9 with the reference case, so only one (1) case, not
10 twenty-seven (27). And -- and these plans are not the
11 central plans that -- and as critical as the ones on
12 the first overhead, but they do provide us important
13 information. But we didn't think that we needed to do
14 all the twenty-seven (27) scenarios to get the
15 information we need.

16 And the easiest example I can give you
17 on that is, is wind economic in our sequence or not?
18 We got a very strong indication from just using the
19 reference case, and we think that suffices for the
20 overall picture.

21 And similarly, for -- for example, for
22 the -- the drought -- five (5) year drought test you
23 get a -- a good indication of what happens under a --
24 an extreme drought. And we didn't evaluate that for
25 all twenty-seven (27) scenarios.

1 If we had all the time in the world and
2 -- we could have evaluated everything with twenty-seven
3 (27) scenarios, but we just wouldn't have had the time
4 to do them all. So we -- we cut back on the time by
5 just focussing on the reference.

6 THE CHAIRPERSON: Okay. Thank you.

7 MR. ED WOJCZYNSKI: Moving on to
8 overhead 6, which is titled, "Sensitivities and Stress
9 Tests with Preliminary 2013 Forecasts." Now, I just
10 finished saying, because of the -- the timing of -- of
11 the studies and how long it takes to do the studies,
12 that we based our -- the bulk of our work and the bulk
13 of the submission on 2012 assumptions with that
14 adjustment to the export price forecast.

15 August 16th is what we're targeting and
16 -- and will file our submission. And we already are
17 beginning to get 2013 information. We don't have it
18 all yet, but we're -- we're get -- it's -- it's coming
19 in. We're working feverishly to have it.

20 And what we will have in the submission
21 are a few cases with 2013 information so that we can
22 update as much as possible. And we will do as much as
23 we can with 2013 information. But beca -- but given
24 the amount of -- when this information becomes
25 available, how long it takes to do the evaluations, and

1 when the submission is, we're only going to be able to
2 do a few cases. So we picked a few good examples that
3 will represent what 2013 assumptions would do instead
4 of '12.

5 We thought that was essential to have
6 that update information, because it -- everything does
7 change from year to year. Not dramatically, but it's -
8 - it's still important.

9 So what we will have in these
10 preliminary -- using the preliminary forecasts, we will
11 have the -- the latest export prices and natural gas
12 prices and coal. And we'll have the -- the -- from the
13 spring, we will have the economic parameters such as
14 interest rates, inflation, exchange rates, discount
15 rate. We will have -- well, I -- I say here the
16 preliminary load forecast. We have a preliminary one
17 right now. We're hoping to use the actual final one.
18 That's a work in progress right now.

19 And one (1) additional one that we
20 thought was important is we have a diversity exchange
21 in our plan that in the 2012 stopped in 2025. But in
22 the meantime, the negotiators mutually have extended
23 that to 2030. We -- and we expect to have that signed
24 and approved this summer. And that actually acts to
25 defer the need for new generation by in the order of a

1 year, so we thought that was important to get into this
2 assumption as well.

3 So that's the scenario we're looking at,
4 and the next overheads will say what we apply them to.
5 So the next overhead talks about one and a half (1 1/2)
6 times 2013 DSM. We have a 2012 DSM which was discussed
7 with -- at some length in the GRA process that's just
8 completed. As you know, we annually update that. We
9 have a 2013 DSM program which will be part of the
10 submission and which will be fundamentally similar to
11 the 2012, with the front end modified.

12 And what we are doing for the two (2)
13 cases we're going to talk about right away is,
14 recognizing that there's a potential for some increase
15 in DSM once we've finished the market potential study,
16 the DSM market potential study, and go through all of
17 the work there, there's some potential for modest
18 increase in the DSM. So we -- our DSM people, with
19 using their best information a few weeks ago, suggested
20 we use a one and a half (1 1/2) times to test that.

21 And so what we're going to have is two
22 (2) cases: one, the preferred plan with one and a half
23 (1 1/2) times the DSM plus all those other 2013
24 assumptions; and then case B will be all of those same
25 assumptions, except not the new sales scenario with

1 Conawapa or the big new tie, or new tie would be
2 Keeyask followed by gas.

3 So in that case, you -- we can see that
4 Keeyask followed by gas turns out to be one of the most
5 economic, no-sale scenarios. So we're testing here the
6 -- the attractiveness of the preferred plan versus one
7 of the best alternative plans, which of course is one
8 of the purpose -- the whole purpose of the NFAT
9 process.

10 The next part of the overhead uses the
11 same assumptions on 2013, except now this is a -- what
12 we call a stress test. This is not what we think will
13 happen, which is not -- not what we consider to be
14 likely to happen, but it is possible to happen. So we
15 say -- so we -- we stress our analysis to say, Well, if
16 this less likely possibility happens, what will the --
17 the impact of that be? It's -- it's like a risk
18 analysis.

19 So we take again all those 2013
20 assumptions, and we have a lower load in it. The lower
21 load can be either due to our load growing slower than
22 we're forecasting, so a -- a much reduced load
23 forecast, or it would be due to a higher DSM, or some
24 combination thereof. And so what we do is, again, we
25 do that with the preferred plan and we do it with the

1 best non-sale plan, the Keeyask gas.

2 I actually neglected to mention
3 something. My apologies. When we're talking about the
4 2013 load forecast compared to 2012, there is a
5 reduction in that load forecast, so that we are seeing
6 the need for new generation, even just with the new
7 load forecast pushed back somewhat. And -- and so that
8 will be part of these 2013 runs.

9 So we would have -- with this stress
10 test, we would have already the -- the newer, most
11 latest load forecast, which is down somewhat, plus
12 we'll have the diversity exchange, which will -- is a -
13 - will be helpful to us in a sale and a no-sale case.
14 We'll push back some requirement. And we're also going
15 to now test even further reductions by -- in the stress
16 test.

17 So the last comment I'll make is that
18 this stress test is not to evaluate what is the optimum
19 level of DSM. What this stress test is saying: If it
20 turns out that a much higher level of DSM turns out to
21 be optimum, would that affect the attractiveness of the
22 preferred plan compared to other plans?

23 If we go back to the whole reason for
24 this NFAT process, it's to evaluate the attractiveness
25 of the preferred plan to alternative plans. So we

1 don't know at this point exactly what would be an
2 optimum level of DSM. That's going to be reevaluated,
3 as it should. And what this is saying, even if we have
4 this may -- like a quadrupling of the plan compared to
5 what we're looking at now, would that -- how -- how
6 much would that affect the attractiveness of the
7 preferred plan?

8 I should add -- I just lied to you. I
9 said that was my last comment on this overhead, so I
10 apologize. And I may be beating Ms. Ramage for length;
11 I'm not sure. There -- of much interest, I know, to
12 this Board and to the people in this room is the level
13 of DSM or Power Smart that the Corporation will be
14 working with.

15 We have a DSM market potential study
16 that was referred to in the GRA, as I recall. And that
17 study was initiated a number of years ago to provide
18 information on -- update the information. We do this
19 every five (5) to ten (10) years on DSM.

20 The intent was to have that available
21 and fully evaluated for this process. The consultant
22 who is doing the work is a year -- actually, more like
23 a year and a half late. They are finalizing that. And
24 we expect to have that as part of our submission.

25 Unfortunately, because it is coming so

1 late in the game, we are not going to be able to have a
2 full-scale evaluation, including program cost and --
3 and technology costs into the details of it, which we
4 regret and -- and is very unfortunate, because that'll
5 mean there'll be less information available on DSM than
6 we would have wanted to have.

7 But that's why we're doing this stress
8 test, to say the purpose of the NFAT is not to optimize
9 DSM, but to see whether it would cause a change in the
10 attractiveness of the preferred plan.

11 That updated DSM plan obviously will get
12 the -- the new market potential study will be in the
13 submission. Secondly, in future years, when we develop
14 the new DSM plan, it will be the basis and an in -- the
15 major input into an updated annual plan. And that DSM
16 updated plan obviously would be available to the PUB
17 and to the others at that time.

18 Moving on to the next overhead. Mr.
19 Chair, am I going into too much detail or would this be
20 about the appropriate level, you think?

21 THE CHAIRPERSON: You know, looking at
22 the time, can you -- do you think we can get this
23 finished by, say, 10:30 so that we can break for --

24 MR. ED WOJCZYNSKI: Oh, absolutely.

25 THE CHAIRPERSON: Okay.

1 MR. ED WOJCZYNSKI: I think the next
2 part will faster.

3 THE CHAIRPERSON: Okay.

4 MR. ED WOJCZYNSKI: Okay, we're now
5 going to go into the -- okay, the table of contents.
6 I've already mentioned, it's at least five hundred
7 (500) pages of -- of main -- of the main text.
8 There'll be many appendices. It will be -- obviously
9 have an executive summary, which will be pretty
10 important, an overall introduction.

11 Then our Chapter 2 will -- in -- in --
12 will be a fairly substantial chapter. It'll describe
13 the -- the projects in the preferred plan. It'll
14 describe the -- the capital costs and the budgets for
15 those, our -- our capital cost estimating methodology.
16 It'll summarize at a macro level, as the terms of
17 reference call for, the environmental and socioeconomic
18 impacts and benefits, compliance with sustainability
19 principle. So it's -- Chapter 2 is talking only about
20 the preferred plan in some detail.

21 I should stop for a minute and talk
22 about capital costs and budgets, which will be an
23 important issue. Obviously, capital costs are very
24 important. We -- there's always uncertainty in what
25 one is going to build. If you're building a garage

1 there's uncertainty, never mind a generating station
2 ten (10) years from now.

3 So what the IFF has is a budget for
4 Keeyask and Conawapa. You've seen the numbers.
5 There's been discussion of it. As our previous VP,
6 Vince Warden, provided in the GRA process, the -- what
7 we have for Keeyask and Conawapa are budget numbers for
8 them that have a -- tho -- those budget numbers are
9 more likely to be higher than the actual costs that we
10 expect from Keeyask and Conawapa than lower.

11 And the reason is when we're doing our -
12 - our forward-looking budgets and borrowing estimates
13 and -- is that we put a budget number in that we have a
14 -- a -- a fairly high confidence that that will not be
15 exceeded. And we do that by putting in what's called a
16 management reserve to deal with uncertainties on things
17 like labour productivity.

18 In the NFAT analysis the se -- the
19 reference case analysis will not use this hi -- this --
20 this higher estimate or higher budget. We're -- we're
21 going to use what's called a P50. And 'P' -- when --
22 the term -- lingo is it's a pro -- 50 percent
23 probability that -- that it will -- that the cost will
24 be higher than this estimate and 50 percent lower.

25 And -- so that will be what's in the

1 reference case for these evaluations. Then when we do
2 the high capital costs, it will include the kind of
3 issues that the IFF number uses and what -- the high
4 will actually be higher than what is in the IFF itself.
5 So -- and that will be -- there will be a full
6 discussion of that in this Chapter 2 in the submission.

7 Moving on to Chapter 3, it's an overview
8 of the North American electrical supply and what's
9 happening. And this is part and parcel of when you
10 look at the load forecasts and, more importantly, the
11 natural gas and electricity price forecast.

12 This is all going to be public
13 information in Chapter 3, recognizing that we want to
14 provide as much information as we can that doesn't have
15 to go into the confidential part of the processes. So
16 a lot of that will be in Chapter 3.

17 Chapter 4 will focus actually on the
18 load itself and the demand supply balance and how we
19 come up with what the next generation required and
20 service date is, recognizing there's always uncertainty
21 in that and it could be earlier or later.

22 The fifth chapter is going into more
23 detail on the specifics of our development plan, the
24 new interconnection, the benefits of expanding the
25 interconnections, both for imports and exports, and our

1 specific -- more -- more on the actual export price
2 situation.

3 The sixth chapter, "Window of
4 Opportunity," is now focussed precisely on the
5 negotiated arrangement and the specific situation and
6 benefits associated with our new interconnection.

7 And Chapter 7, I'll slow down for
8 Chapter 7. Chapter 7 is where we talk about what are
9 all the potential resource options for Manitoba for
10 electrical supply. We start off with a -- first of
11 all, a full, wide range, whether you want to talk about
12 solar, biomass, nuclear. And then we screen out from
13 that a short list of the more attractive options, such
14 as natural gas, hydro, wind, DSM.

15 And we -- with that short list, we
16 provide more detailed information both on the
17 technical, economic, and also environmental and social
18 issues associated with them, and then do a comparison
19 of those short-list options. And we describe the
20 process by which we do that.

21 Then number 8 builds on that. Given
22 that you've got a short list of options, we now go and
23 use those to develop these -- the seven (7) development
24 plans we talked about earlier, the main ones, plus
25 those other ones we did the sensitivities on. We

1 explain how we got those plans and -- and describe
2 them.

3 Chapter 9, we take those seven (7) main
4 ones, we do that reference case evaluation you heard
5 about. Chapter 10, we go on to the scenarios, looking
6 at the wide range of scenarios, and evaluate them then.
7 Chapter 11 will be the financial evaluation of the main
8 scenarios and a -- a few of the others like the stress
9 test of the drought. In that, we will be looking at
10 obviously rates, borrowing levels, debt equity, the --
11 the sort of financial metrics, or criteria.

12 And then Chapter 12, we're going to deal
13 entirely in there with the 2013 update information and
14 sensitivities that we referred to already. And that'll
15 be both the economic and financial.

16 Thirteen -- Chapter 13, we take --
17 integrate all the information into a multiple-counts
18 analysis. We take all the various parameters -- like
19 from a sustainability point of view, take economics,
20 financial, reliability, social, and environmental,
21 economic impact to the province and do a integrated
22 comparison of the development plans.

23 We finish off the conclusions and --
24 well, nearly finish. Chapter 15, we say, further
25 development plan, assuming we proceed with it, what are

1 -- how do we manage the risks. And we identify what
2 the risks are. And then how do we, on a forward-going
3 basis, plan to implement these plans.

4 For example, if there's a risk lower
5 load forecast lower than we thought, we could push back
6 Conawapa, if the lower -- load forecast later is
7 higher, what would we do, what if this happens, what if
8 that happens. So we would detail that in there.

9 Then we go to the appendices. And I'm
10 not going to go through them all. I think they speak
11 for themselves mainly. I -- I think they speak for
12 themselves. If I just look through them. I don't know
13 there's anything that -- that we need to expand on, of
14 course -- unless someone wants to ask us, obviously.

15 I should add that the first appendices
16 going up to 25 are all -- that's all public
17 information. And then, if you go to overhead 14, we
18 say, "Documents to be filed in confidence." So what
19 we're doing to make this process work as well as it
20 possibly can from the point of view of recognizing this
21 confidential information, which will be reviewed
22 somewhat differently than the public information, to
23 make it easier for everybody, we're keeping the public
24 stuff in those other appendices and the text and then
25 putting the confidential stuff in these appendices

1 here. And I -- I think they probably speak for
2 themselves, as well.

3 Going to overhead 15. We had been asked
4 to explain a little bit our view for the submission of
5 what we interpreted macro-en -- macro-environmental and
6 socioeconomic would be.

7 As the terms of reference say, this is
8 not an environmental assessment or a socioeconomic
9 assessment of the projects or the plans. What it is,
10 is it's a comparison of the plans at a macro level.
11 And so we're -- we're drawing on the information that's
12 available to do a comparison on the environmental.

13 It's a high-level summary of the
14 environmental impacts and benefits sufficient to
15 compare the resources and the plans. It's not meant to
16 be a detailed evaluation. The Keeyask EIS, for
17 reference, is about a 6-foot-high document that is just
18 the -- the main submission itself with its appendices.
19 And for Conawapa, it would be something similar. And
20 there's obviously independent processes, federal and
21 provincial, to evaluate those.

22 There's the ECEC hearings coming, so
23 we're not -- this -- we're not trying to capture all
24 that kind of level of detail. It's just a
25 summarization and comparison, si -- similarly with the

1 socioeconomic.

2 Environmental we think of more as the
3 physical and biophysical benefit impacts.

4 Socioeconomic, it's -- it's the potential effect to
5 people in Manitoba, whether it's employment training,
6 business infrastructure services, personal, family,
7 community life, resource use, heritages. So tha --
8 those are the distinctions we draw and how we interpret
9 that.

10 My colleague, Joanne Flynn, is going to
11 speak to the next overhead. Which we -- we were asked,
12 Well, how long does it take and what does it take to go
13 through preparing these cases. And I guess one (1) of
14 the reasons -- and, Why don't you do more cases, why --
15 why couldn't it be ready earlier, why can't you do a
16 bunch of cases and new cases when we get into the
17 interrogatory process.

18 Well, it just physically just takes so
19 long. And Joanne's going to provide a bit of a quick
20 explanation there. And we will easily meet your 10:30
21 request.

22 MS. JOANNE FLYNN: Good morning, Mr.
23 Chair, Board member Soldier, and all present. For the
24 record, my name is Joanne Flynn, and I'm the division
25 manager of Power Planning at Manitoba Hydro. I've had

1 the responsibility for the power resource planning
2 function since 2007.

3 So as Mr. Wojczynski has indicated, that
4 it -- it does take a long time to do the evaluations.
5 And what this slide is, is it is a simplified depiction
6 of the effort it takes to analyze a case. So at -- or
7 in its simplest form, at the top of the page you see
8 labels of "Inputs/models Setup," "Run Model," and,
9 "Analysis."

10 For the type of analysis that we do, a
11 lot of effort is -- is taken up in preparing the inputs
12 for the various models, and the three (3) models that
13 are listed on this page are the most significant models
14 that impact the evaluation. There are -- are many
15 other processes and systems that provide the base
16 assumptions and much of the detail that goes into these
17 models.

18 But just as an example, under the system
19 simulation, when we talk about energy pricing, we -- we
20 do thirty-five (35) years of analysis and -- and use
21 monthly prices and, in many cases, break the monthly
22 prices down beyond that. So just thirty-five (35)
23 years times twelve (12) months is four hundred and
24 eighty (480) prices for a single product. Then there's
25 a number of different products.

1 So that is just an example of the -- of
2 how much data there is to manage. And so there are
3 tables and tables and tables of datas that are prepared
4 -- data that is prepared as inputs into these models.

5 The -- all of the arel -- arrows that
6 you see on -- on this slide are indicative of the
7 interrelationships that exist within and between the
8 models. So, for example, the system simulation model
9 starts out with being a physical -- or a linear
10 programming representation of a physical system. In
11 addition, the interconnection limits and a
12 representation of the market is required in order to
13 complete the evaluation.

14 So depending on the input or the request
15 that comes in, the amount of time that it can take to
16 properly cal -- recalculate the inputs and set up the
17 model will vary, and to run it through the entire
18 process, from system simulation through economics and
19 with financial results as well, can be anywhere from
20 two (2) to four (4) weeks.

21 THE CHAIRPERSON: Just to make sure I
22 understand the -- the model, the -- the starting point
23 is where?

24 MS. JOANNE FLYNN: The starting point
25 is usually the system simulation. So when we look at a

1 development plan with the Keeyask Generating Station,
2 the Conawapa Generating Station, in particular years,
3 those -- that information will be run through the
4 system simulation model, which includes a
5 representation of the market.

6 When -- once we have the inputs of that
7 -- or, sorry, the outputs of that, we can begin the
8 economic analysis, which has its own set of inputs in
9 addition to the ones coming out of the system
10 simulation model. And the reason that there's arrows
11 kind of going back and forth between these is because,
12 either during the setup of these models or once the
13 model itself is run, there can be indicative
14 information that says we should go back and check on --
15 on -- and verify some of the results from the models.

16 THE CHAIRPERSON: And the --

17 MR. ED WOJCZYNSKI: Mr. Chair, it may
18 help you to -- in -- previously in hearings here, the
19 term 'SPLASH' has been used and described and tested.
20 And that -- that is -- the system simulation is the
21 SPLASH model.

22 THE CHAIRPERSON: And the inputs -- the
23 inputs are selected how again? Could you run that by
24 me again? The -- in terms of deciding the inputs
25 you're going to use for your system simulation, on what

1 basis do you establish those inputs?

2 MS. JOANNE FLYNN: The -- the systems
3 are based on the Corporation's planning, resource
4 planning assumptions. So there will be a wide variety
5 of -- of inputs to do with load forecast, for example.
6 The prices and the economic indicators will be inputs
7 into these processes.

8 THE CHAIRPERSON: Now, further
9 questions. I'm -- I'm sure I'll have questions after
10 the break, but I just want to make sure that I -- I
11 understand. I'm particularly concerned about risk
12 mitigation and looking at your -- looking at the
13 presentation you -- you indicate that risk mitigation
14 will be addressed as part of the outcome of the
15 recommen -- the -- the preferred development plan.

16 In other words you -- you're -- you're
17 going through the -- the analysis and so on and -- and
18 in conclusion then you then do the -- the
19 implementation plan and risk assessment. So risk
20 assessment will only be considered in respect of the
21 preferred development plan?

22 MR. ED WOJCZYNSKI: I'm sorry, Mr.
23 Chair, in -- in speeding up I cut out some things I
24 might have said. So I -- if you go back to Chapter 10
25 -- sorry, that's overhead number -- there's two (2)

1 page 10s, oh, okay. You might have trouble finding --
2 the -- the first page 10 where it says, Deve -- chapt -
3 - it is Chapter 10 in the submission. You -- I'll --
4 I'll wait for you to find that. So where we're talking
5 about the table of contents.

6 So Chapter 10 is called "Development
7 Plan Uncertainties and Comprehensive Economic
8 Evaluations with Scenarios." In that chapter -- well,
9 in the previous chapter we compared the seven (7) plans
10 only on the reference case. And then in Chapter 10 we
11 say, Well, there -- there is no certainty the reference
12 case will be what happens. It could be higher or it
13 could be lower, whatever it is we're talking about.

14 So we deal with that in Chapter 10.
15 First of all, we identify what are the full range of
16 uncertainties and describe them and tabulate them. And
17 -- and then we do a -- an evaluation of the economics
18 and financials looking at the different possibilities.

19 But we also, in that chapter, discuss
20 the risks and compare the risks between the preferred
21 plan and the alternate plans. And that -- that
22 comparison of risks between the plans is done at a --
23 at a -- a fairly brief succinct comparison level.

24 What we do in the last chapter in the
25 report is in much greater detail, lay out in -- what we

1 do with our contracting strategy and construction and -
2 - so it's a much more detailed look at risk but there -
3 - there is a comparison of risk in the plans in Chapter
4 10.

5 THE CHAIRPERSON: Now, the -- the plan
6 -- or pardon me, the -- the submission will include a -
7 - a fairly clear outline of what criteria you've used
8 to -- to select the preferred development plan? In
9 other words, we'll be able to understand fairly quickly
10 what criteria were the basis for the selected option?

11 MR. ED WOJCZYNSKI: I think the best
12 place we'll see that, sir, is in Chapter 13 where we
13 pull together all the various parameters and compare
14 them explicitly there and -- and it'll be -- become
15 clear -- the most clear at that point.

16 MR. LARRY SOLDIER: Do you have a -- as
17 part of your plan where you do nothing? Like you don't
18 build any new dams, you don't do any -- is it possible
19 that we can have something that can -- will show us
20 that's -- if you do nothing this is what's going to
21 happen?

22 MR. ED WOJCZYNSKI: You know, that is
23 the -- the issue we always struggle with in doing these
24 sequence evaluations and -- and development plans and
25 it's -- it's always a -- an important question that

1 people have.

2 The answer to that is we -- unlike most
3 investors we don't have an option of absolutely do
4 nothing. Manitoba Hydro has to meet the load whe --
5 you know, plan to meet the load and actually meet the
6 load in all years.

7 And so on a going-forward basis we fully
8 expect, and I think pretty well everybody expects there
9 will be increased population in the province, there
10 will be increased development, industrial and
11 commercial, so the load will continue to grow.

12 So we have to do something to meet that
13 increased load growth. Part of that will be DSM to
14 slow the load growth down. And even if we had zero
15 load growth -- let's say -- let's say something ha --
16 the DSM was -- was very attractive, that in itself is
17 doing something.

18 But let's say it wasn't increased DSM
19 and we were not -- we -- let's say all of sudden the
20 economy in Manitoba collapses and we have no more
21 immigration into Manitoba. I -- we are -- we are
22 losing, for instance, some resources. We are going to
23 lose the coal unit at Brandon, we -- eventually gas
24 units.

25 So even in that unrealistic case we

1 would have to do something. So what we do -- the
2 closest we come to what you're looking for is the all-
3 gas plan. What we say is, What is the minimum capital
4 investment that we could do on a going-forward basis.

5 And the -- the lowest one we can come up
6 with is you go ahead with all gas, and that's your
7 minimum capital cost possibility, so that's the -- the
8 closest we can come to do nothing. And then we
9 evaluate any other plan against that to say, Well, you
10 have to invest more capital, whether it's wind or -- or
11 hydro or whatever, and -- and then what is the impact
12 of that.

13 So -- so the answer ultimately to your
14 question is we can't really do -- do nothing. The
15 closest we can do is an all-gas sequence.

16 MR. LARRY SOLDIER: Is it -- is it also
17 possible to take -- take a look at what -- because
18 we're getting low export prices now. Now, is it better
19 for us to import the power from where it's cheaper?

20 MR. ED WOJCZYNSKI: We will -- we will
21 certainly be discussing that. And I -- I could explain
22 what our rationale is, but I -- I think probably it's
23 most appropriate right now just to say we will
24 certainly be having that as part of our evidence in the
25 submission.

1 My lawyers are ready to kick me under
2 the table to say, Ed, don't start explaining. But --
3 but panel member, I guarantee you that we will be
4 dealing with that in the submission.

5 THE CHAIRPERSON: I would suggest that
6 we pause for about ten (10) minutes. And then -- and
7 if we have further questions after the break, we'll ask
8 them. So ten (10) minutes, please.

9
10 --- Upon recessing at 10:28 a.m.

11 --- Upon resuming at 10:47 a.m.

12

13 THE CHAIRPERSON: I do have a further
14 question before we proceed and hear from the
15 Intervenor. I'm concerned about the fact that the
16 panel will need to have some very specific content in
17 its report to the government, and, specifically, those
18 that are set out in the terms of reference, the scope
19 of the NFAT review.

20 And, for example, I'm just reading from
21 the -- I'm just reading from the -- from the terms of
22 reference:

23 "The alignment of the plan to
24 Manitoba Hydro's mandate, Section 2
25 of the Manitoba Hydro Act."

1 And so, I guess, you will -- that will
2 be fairly straightforward coming out of the report, and
3 the rest of the items, so we don't have to spend a lot
4 of time trying to pull it out of the information. And
5 we can critique what you submitted, and the Intervenors
6 can do, as well.

7 MR. ED WOJCZYNSKI: Yes, Mr. Chair,
8 we're -- we're -- I -- in -- in the introduction
9 chapter we're going to go through the mandate of
10 Manitoba Hydro. That's in Chapter 1. And then in
11 Chapter 2, when we described the preferred development
12 plan, I explain that we would describe it, how it meets
13 the sustainability principles out -- out of the ma --
14 the Sustainable Development Act from the province. And
15 we would also be looking at how -- discussing it in
16 terms of the mandate of Manitoba Hydro.

17 THE CHAIRPERSON: I think that's all
18 that the panel -- questions the panel has. So thank
19 you very much for that presentation. This provided, at
20 least for me, a better understanding of what the
21 submission to the panel will look like in August.

22 And I believe that we're now at the
23 stage where we're going to be asking the Intervenors to
24 make their submissions. So I would call on Maitre
25 Williams. Good morning.

1 APPLICATION FOR INTERVENOR STATUS BY CAC (Manitoba):

2 MR. BYRON WILLIAMS: Good morning, Mr.
3 Chair and Board member Soldier. And certainly my
4 client has asked me -- Ms. Desorcy was here. I think
5 she -- she was by the water cooler, and she decided to
6 step out and refuel with some caffeine, so she'll be
7 back quite shortly.

8 But to -- to the -- the Board, and also
9 its -- its advisors and its secretary, we certainly, on
10 behalf of CAC (Manitoba), wish to wish you a happy one-
11 hundredth (100th) anniversary. It's -- it's a
12 tremendously proud tradition in this province, and our
13 clients have been part of it for many years. And they
14 -- they certainly wish to offer felicit -- just good
15 wishes.

16 Just -- just in terms of -- I don't want
17 to torture you with my terrible French. Just in terms
18 of a -- a couple of preliminary issues, there was
19 reference to -- Mr. Peters, I think was seeking advice
20 on the timetable. And our client has had the
21 opportunity to review both the Board timetable, and we
22 certainly had some discussions with our friends from
23 the Manitoba Industrial Power Users Group last evening
24 or last afternoon.

25 And without getting into the specifics

1 of the dates, the preferable approach from our client's
2 perspective is the calendar approach advanced by the
3 Manitoba Industrial Power Users Group.

4 As we see it, our clients see it, a -- a
5 key difference between the two (2) calendars is the PUB
6 one provides for the Intervenor evidence and the
7 independent expert evidence to be provided at the same
8 time, whereas, in our client's view, the superior
9 approach is providing the independent expert evidence
10 first and then followed by the Intervenor evidence.

11 And -- and our clients make that
12 suggestion based upon experience, certainly in the --
13 in the 2010/'11 General Rate Application. They -- and
14 -- and certainly my client's perspective is that it --
15 it would be more efficient for the hearing if we can
16 file the independent experts' evidence first.

17 Our -- the Intervenors then have an
18 opportunity to address both Hydro's evidence and -- and
19 the independent expert evidence. And so we don't have
20 to chase around as much during the hearing, in terms of
21 trying to seek -- seek out the position of our -- our
22 experts.

23 So from our client's perspective, it
24 provides a more analytically coherent way to do so. So
25 we're generally supportive of the approach pro --

1 proposed by the Manitoba Industrial Power Users Group.

2 The Board also asked about technical
3 conferences. And our clients certainly -- I've -- I've
4 spoken with my client, and she advises me that she
5 found the Hydro technical conferences before the
6 2001/'11 General Rate Application to be quite helpful,
7 from the client's perspective. And my observation is
8 they were also helpful from the perspective of experts
9 who were not particularly familiar with Manitoba Hydro.
10 So in our case, Dr. Simpson was new to Manitoba Hydro,
11 and so it was quite useful for him.

12 For -- for our clients, they were much
13 less useful to the -- the Bill Harpers of the world,
14 people who've -- who have been engaged in these
15 processes for -- for many years. So there's a -- our
16 clients are very supportive of technical conferences.
17 They warn that there's a challenge, which denominator
18 are you aiming for. Are you aiming for the ones who
19 are relatively inexperienced, or are you aiming for
20 ones who are highly experienced?

21 If the chair -- if the Chair is hoping to
22 reduce the number of interrogatories, you might have to
23 aim for the more experienced ones, but that -- you
24 might lose the -- the less experienced person. So
25 that's a dilemma my -- my clients would point out.

1 The other one (1) uncomfortable moment
2 in the last technical conference was when Hydro ended
3 and they did actually really a very strong two (2) day
4 -- two (2) day presentation, and then one (1) of the
5 Board members for the PUB, I remember seeing them
6 applaud. And that was an uncomfortable experience for
7 an Intervenor. And I'm not trying to give advice to the
8 PUB about how to -- how to react to the -- to the
9 informat -- and you're always welcome to applaud when
10 I'm making my presentations.

11 MR. ED WOJCZYNSKI: I'll applaud.

12 MR. BYRON WILLIAMS: But -- but I do --
13 it was -- there's a -- a fine line between providing
14 good information and -- and making your case. And it's
15 a very difficult one (1) to -- to walk upon. So that's
16 just kind of a -- a caution. Generally, my clients are
17 supportive. They know it will help the clients and the
18 inexperienced experts. They're not as confident that
19 it will -- it will assist the more experienced experts.

20 And I -- I did want to say a special
21 welcome to Mr. Wojczynski. We -- we spent a lot of
22 time in the same room during the Wuskwatim and, I
23 think, discovered a shared affection for Tic Tacs,
24 which is -- is always appreciated.

25 And -- and certainly, our clients

1 appreciate his candour even this morning, identifying
2 issues such as the export prices being lower than
3 forecast in IFF12, the fact that the need for new load
4 -- domestic load has been deferred by a year, that the
5 DSM market potential study is not completed, and even
6 the -- the management reserve being excluded from the -
7 - the reference case.

8 So we appreciate that insight that he's
9 provided this morning and certainly look forward, if
10 we're granted Intervenor status, to -- to continuing
11 the dialogue with him.

12 Mr. Chair, our clients provided very
13 lengthy submissions, in terms of the intervention --
14 Intervenor application. There's the form itself. And
15 then, because Mr. Williams was not competent to work
16 the -- the form, we -- we provided a lengthy
17 attachment. And most of my focus is going to be on the
18 attachment, which is -- it should be at the back of the
19 Intervenor application.

20 And I'll just -- if the panel has that.
21 I see nods. And we certainly sell -- we did
22 acknowledge the PUB's one hundredth (100th)
23 anniversary. CAC (Manitoba) has been around for sixty-
24 six (66) years.

25 And with the few minutes that I have

1 remaining, I do want to just underscore what our
2 clients believe is the -- the ex -- the value that they
3 can bring to this proceeding, flowing from the
4 diversity of perspectives that they seek out in
5 developing an opinion, flowing from their lengthy
6 experience in these proceedings, and flowing from the
7 particular expertise that they have gathered both in
8 their legal team and -- and with their consultants.

9 And the -- if we turn to -- to page 1 of
10 the attachment, the white attachment to the document,
11 under question 7 we respond to how many que -- how many
12 members does CAC have, and we outline that. But it's
13 important to re -- recall as well that the perspective
14 of CAC (Manitoba) is -- is developed not just from the
15 members and their board, although that's the primary
16 driver, but also from their contact with many thousands
17 of consumers each year, and also from one (1) -- a
18 couple of the unique things that CAC (Manitoba) does.

19 They conduct focus group with citizens.
20 They might be low-income citizens. They might be from
21 a variety of social/economic spectrums. Indeed, on
22 this particular issue they've been doing focus groups,
23 at least two (2) over the last couple of years, and
24 they intend to do more as we -- as we move along.

25 And they also have an advisory panel to

1 seek to inform their opinion. And that advisory panel
2 is comprised of representatives from low-income groups,
3 from seniors organizations, from First Nations people,
4 and from -- from environmental perspectives.

5 So that's part of the unique -- at the
6 end of the day, it's CAC's opinion with -- with CAC
7 (Manitoba)'s -- or the eight (8) consumer rights
8 guiding it, but that is a very important part of the --
9 of the process that -- that CAC undertakes.

10 At the bottom of page 1, I just want to
11 highlight the -- there are eight (8) key principles
12 that guide all consumer organizations. And two (2) of
13 them that are most important are the right to
14 satisfaction of basic needs and the right to a safe and
15 healthy environment. And that certainly will inform
16 CAC (Manitoba)'s participation.

17 I won't dwell a lot in terms of question
18 11:

19 "To what extent are the members of
20 your organization affected?"

21 Clearly, CAC purports to represent
22 residential ratepayers. That's a particular group
23 whose interest they're -- they -- they seek to advance.
24 And clearly, given the magnitude of this investment,
25 there's very large issues at stake for residential

1 customers, not just in rate increases, not just in --
2 in risk associated with this project, but also in --
3 potentially in lost opportunities, whether the money
4 going to new financing or to -- to new capital
5 investment might be more prudently spent elsewhere.

6 In terms of the issues that are of
7 specific concern to CAC (Manitoba), a just and
8 reasonable rate is always at the heart of what our
9 clients are looking for. I know this is not a GRA, but
10 some of those principles apply. Are the investments of
11 Manitoba Hydro prudent and reasonable on their own,
12 standing on their own, and as -- as compared to other
13 alternatives?

14 And looking at -- at the broader
15 picture, going to items I and 'H' of the terms of the
16 reference, are -- are they good for the province in --
17 in the broader perspective, taking into account
18 environmental impacts, taking into account effects on
19 First Nation communities and other rural communities?

20 Our clients, in -- at page 2 of our
21 outline, I'm just going to go over from pages 2 to 4,
22 the headlines. We've set out a very detailed
23 examination of the issues that our clients think are at
24 stake. We're done so to assist the Board. But also,
25 in the future, we hope it assists in minimizing

1 duplication between parties, providing an opportunity
2 for us all to discuss, at least from our clients'
3 perspective, what they think are the big issues.

4 If you look at page 2 under, "Risks,
5 Opportunities, and Costs," really that goes to the --
6 the need for this project on its own or as compared to
7 -- to others. And on page 3 again, we highlight the
8 impact on Hydro ratepayers, and that clearly is a key
9 aspect of our client's perspective, one they certainly
10 share with our friends from MIPUG and perhaps other
11 organizations.

12 The -- the other two (2) headlines on
13 pages 3 and 4 we address alternatives to, and certainly
14 our clients are -- are eager to see whether Hydro has -
15 - has kept their eyes open and their mind open to
16 various alternatives, including the issue perhaps not
17 of -- not -- not proceeding, but of deferral.

18 And again, we highlight as well we're
19 interested in, at the end of the day, how do you assess
20 the value of these pro -- the Hydro plan against other
21 plans? There's not a lot of criteria in the terms of
22 reference. Our cli -- our -- our clients have looked
23 to what is used often in NFAT procedures federally,
24 which is a net positive contribution to sustainability,
25 suggesting that might be the -- the criteria.

1 Under item 14, nature of the proposed
2 intervention, I just want to highlight, our client is
3 parti -- is committed to participating, should
4 Intervenor status be granted -- granted, to all parts
5 of the hearing, with the possible exception of the in-
6 camera proceedings. The Board will know from the
7 letter that -- that I wrote with My Friend, Mr. Gange,
8 that our clients have deep concerns with the -- the in-
9 camera process, as -- at least as they understand it.
10 And they're certainly looking to have some dialogue
11 with Manitoba Hydro and with the Board in terms of is
12 it possible to address our client's concerns or not?
13 I'm certainly prepared to speak to that, but I don't
14 want to sidetrack the conversation too much today.

15 I do want to highlight, in terms of --
16 on pages 4 and 5, our clients have not retained any
17 experts, but we have assembled the starting point of a
18 -- a really elite team of experts. Mr. Harper -- this
19 Board may not be familiar with the -- this -- this
20 panel, but has been a -- he's got tremendous expertise
21 from Ontario Hydro and from testifying in four (4)
22 different jurisdictions in Canada.

23 Dr. Simpson this Board is familiar with
24 from the MPI proceedings, and he's a very gifted
25 econometrician who our clients think will provide a lot

1 of assistance in terms of risk analysis, especially
2 probabilistic risk analysis, which we heard Mr.
3 Wojczynski speak of earlier today.

4 We're hoping to bring back Mr. Dunsky
5 for a return engagement, and we've had some preliminary
6 discussions with our friends from the Green Action
7 Centre about jointly sponsoring. We haven't cut a deal
8 yet, but I think -- I think that's quite possible.

9 And there's a variety of other experts,
10 one (1) in particular. We haven't retained or really
11 singled in on one (1), but we certainly want to bring
12 someone with expertise from the MISO marketplace to --
13 to provide the -- the critical analysis tools that we
14 all need to look -- to look at the -- the risks and
15 opportunities associated with -- with that marketplace,
16 especially as it relates to opportunity sales.

17 Our clients -- certainly our clients
18 need -- the last point that I want to talk about,
19 mindful of Mr. Peters's ten (10) minute limitation, is
20 that one (1) of the questions the Board's asked --
21 asked is: Are you open to a joint intervention or
22 collaboration on certain witnesses?

23 And I think our clients, with the
24 exception of -- of the -- of the Manitoba Public
25 Interest Research Group, has -- has had some

1 conversations with every other group at this table or
2 their represen -- representatives, which certainly had
3 more detailed discussions, although still quite short,
4 with Green Action Centre about Mr. Dunsky, and, at a
5 very preliminary level, we've had some discussions with
6 MIPUG. So our clients are certainly open to
7 collaboration on witnesses.

8 In terms of joining interventions,
9 they're always open, but it -- you -- one always has to
10 be mindful of whether there's going to be a common
11 position at the end of the day, and whether you run the
12 risk of conflicting out the lawyer if -- if a
13 divergence appears.

14 Our clients are exploring collaboration
15 or -- or joining interventions with parties who are not
16 here today who may, if -- in the event that CAC
17 (Manitoba) is granted Intervenor status, be added to
18 the -- to the intervention, such as we've done with the
19 payday lending proceeding.

20 Subject to any questions of the panel --
21 I could go on forever, but I did in my written
22 application, and -- and Mr. Wojczynski's not applauding
23 yet, so I think I'll -- I'll stop right now.

24 THE CHAIRPERSON: You indicated that
25 you had already used some focus groups to consider the

1 plan. Now, you -- could you -- could you elaborate on
2 that, please?

3 MR. BYRON WILLIAMS: Yeah, and if -- if
4 I said to consider the plan, I probably overstated it.
5 But over the last two (2) or three (3) years, our --
6 our client has -- CAC (Manitoba) regularly does focus
7 groups for -- for the Public Interest Law Centre.

8 We've been looking at trying to get a
9 sense of -- of what -- what Manitobans are -- are
10 prepared to tolerate in terms of rate, what -- what
11 their sense is in terms of the -- the importance of --
12 of selling into that particular marketplace. Some of
13 the tradeoffs perhaps between energy efficiency
14 investments and capital investments. Those are some of
15 the discussions that our clients have just started to
16 undertake.

17 If memory serves me right there's been
18 two (2) focus groups on that to date. And then I think
19 there was one (1) discussion with an advisory group, in
20 terms of just trying to get a -- a more in depth sense
21 of -- of a person's priorities and -- and given what
22 was in the public domain, in terms of knowledge about -
23 - about these issues.

24 THE CHAIRPERSON: Is it your intention
25 to -- to try to get more of that, specifically with

1 respect to what will be before the panel?

2 MR. BYRON WILLIAMS: Our client would
3 certainly do that. It's part of their ongoing
4 participation in these hearings. So they would
5 definitely do it in two (2) different ways. One (1)
6 would be probably they would have -- with an advisory
7 group, which is kind of community members, just to
8 provide advice.

9 They would probably have me, or perhaps
10 Ms. Desorcy would give an overview of the project of
11 the opportunities and the risks and -- and see -- ask
12 some directed questions.

13 They -- they also would run it through a
14 focus group. And it's -- it's more challenging with a
15 focus group, because you can't do as much preparation
16 on the issue. But it's -- it's amazing how informative
17 and -- and how creative that group gets in -- in
18 certain circumstances if they -- they start thinking
19 about it.

20 THE CHAIRPERSON: Now, I -- we did read
21 your letter that -- the joint letter prepared by Green
22 Action Centre and -- and the Consumers' Association of
23 Canada on behalf of their legal counsel. And you
24 indicated some concern around the -- the terms of
25 reference, and in particular the access to confidential

1 -- or commercially sensitive information.

2 I guess the question is: Have you had
3 discussions with the provincial government in respect
4 of the currently set out terms of reference? Because
5 ultimately, those are the ones that the panel has been
6 tasked to respect.

7 MR. BYRON WILLIAMS: I'll just make
8 sure that -- the -- I think the plan was to advise the
9 PUB of our -- of our client's concerns first. We
10 thought that was the more courteous way to do it. And
11 then those -- as I understand it, this letter and --
12 and a -- an overarching letter will be -- be sent from
13 -- by the clients, being the Green Action Centre and
14 CAC (Manitoba), to -- to the persons responsiblei the
15 government.

16 So that -- that is coming, and I -- I
17 think we've talked about doing that next week.
18 Certainly, we'd want to have a bit more conversation
19 with Manitoba Hydro and PUB counsel to make sure that
20 we fully understand how they understand these terms of
21 reference on these specific issues.

22 And I -- I don't know if I'm going too
23 far, but certainly I wouldn't be surprised if the
24 client sought a meeting to pursue this. I can't say
25 that they will, but that's certainly been in their

1 plans.

2 And, Mr. Chair, if I can just -- just on
3 the concerns, and I think they're fairly well set out
4 in the -- the letter that My Friend, Mr. Gange, and I
5 presented, but there are -- there are three (3). And
6 again, we have to read the terms of reference on their
7 face.

8 One (1) is our clients are intimately
9 involved in -- in every step of our -- our
10 intervention. Dr. Miller and Ms. Desorcy spend many
11 hours with -- with the lawyers. And certainly, when
12 I've looked at the -- the list of documents that are --
13 Hydro has helpfully provided that might be on the blue
14 sheets, like kept confi -- confidential, there's
15 certainly two (2) or three (3) areas where I think my
16 client would be ver -- would feel it very important for
17 them to participate. So -- so that's one (1) aspect of
18 the concern.

19 A second aspect is, as I read our code
20 of professional conduct, if -- if I believe that
21 there's something relevant and material, then I have to
22 share that with my client. And so I've certainly had
23 some preliminary discussions with the Law Society. One
24 always has to be careful that one -- you know, I --
25 I've tried to provide them the -- the best information

1 I can, but that I'm providing them with full
2 information -- so we -- but we have had preliminary
3 concerns with conversations with the Law Society, and
4 this is a matter of concern.

5 And the last point I wish to make is it
6 is -- even if we're in that room, and I -- we
7 appreciate the -- the Board's offer of independent
8 experts, or -- or nominees for independent experts, but
9 at a certain point in time, we have to -- assuming
10 these independent experts are providing evidence, we
11 have to cross-examine them.

12 And -- and it -- it impairs our ability
13 to -- to properly test the evidence of the independent
14 expert if we don't have access to our own experts. You
15 know, if I want to challenge the independent expert,
16 who do I go to for advice? Manitoba Hydro? You know,
17 so that -- those are some of the practical dilemmas.

18 There's an ethical dilemma from -- from
19 my perspective and -- and also some very material
20 practical ones.

21 THE CHAIRPERSON: Thank you very much,
22 Mr. Williams. I'll turn over the microphone to Mr.
23 Gange.

24

25 APPLICATION FOR INTERVENOR STATUS BY GAC:

1 MR. WILLIAM GANGE: Thank you, Mr.
2 Chair, Board member Mr. Soldier. The -- the submission
3 with respect to the intervention is going to be made by
4 Professor Miller, so I'll -- I'll turn the microphone
5 over to Professor Miller.

6 THE CHAIRPERSON: Welcome, Professor
7 Miller.

8 DR. PETER MILLER: I was just going to
9 -- to speak to our concerns, and the -- I think the
10 procedural questions have been well presented by Mr.
11 Williams, although there -- let me start by a question
12 that arose in my own mind.

13 You invited nominations for these
14 independent experts that would be appointed by the PUB
15 and would have access to the confidential materials.
16 The terms of reference mention some specific topics
17 that they would deal with.

18 So one (1) question would be: Could
19 they deal with related topics in -- in the intervention
20 -- in other words, interpretations of questions that we
21 might have that could -- could have a bearing on that?

22 Just to be very hypothetical, suppose we
23 nominated Paul Chernick, in whom we have a lot of
24 confidence and is very familiar with the MISO market
25 and so on. Does that limit his ability to deal with

1 other questions that -- that we might have? I -- I --
2 I'm -- I -- I don't know how -- how, procedurally, that
3 would work out. So I'm just laying that down as a
4 question. I have no answer.

5 As to our positions or -- or our views,
6 we represent -- we -- we operate on principles of
7 sustainability and -- and justice and, in the new
8 lingo, we're all for green prosperity in Manitoba. We
9 strongly believe in the necessity for the health of the
10 Corporation and are concerned with issues related to
11 the health of Manitoba Hydro but, more generally, the
12 well-being of the -- the province, including economic
13 well-being.

14 So we -- we don't consider ourselves
15 representing a -- a select group of needs, but what we
16 consider public interest of benefit to all Manitobans
17 for the long range.

18 Now, to provide focus to the list of
19 concerns that I gave on paragraph 12, which ended up at
20 the end of this -- the form once I figured out it
21 wouldn't fit in the earlier section, a picture is worth
22 a thousand words. So if you -- if you look at the two
23 (2) charts at the -- at the end, this is a graphical
24 representation of a large portion of our concerns.

25 On the one hand, you have the demand

1 chart at the top of the page from Manitoba Hydro, from
2 their power resource plan, I guess. And you'll see
3 that it starts out from a 4,500 megawatt demand and
4 goes up to almost 7,500 in thirty-five (35) years from
5 now. So that's a 3,000 megawatt increase. That is
6 two-thirds ($2/3$) of the current demand being added on
7 to the -- the current demand. And, as we pointed out,
8 these are points that we made at the end of the last
9 GRA.

10 It -- a straight-line increase like that
11 is -- is not sustainably met by simply building more
12 dams, because you'll run out of capacity on the Nelson
13 and -- and so on. And in thirty-five (35) years, it
14 means that, in addition to Conawapa and Keeyask, we'd
15 need at least another Keeyask, or that's equivalent to
16 two (2) Conawapas. And -- and I'm not sure about the
17 difference between demand at generation and demand at
18 the meter, but -- and reserves, and those things that
19 go in, so it might require even more dam capacity than
20 that to -- to meet the -- this -- this load forecast.

21 So that -- Hydro uses that to justify
22 the need to do this. We -- doing nothing is not an
23 option. We agree that doing nothing is not an option.
24 But when we look at one (1) of the main alternatives,
25 conservation, that's what the bottom chart represents.

1 And you'll recognize this from Philippe Dunsky's
2 testimony before the -- the Board. And -- and what it
3 shows is that Manitoba Hydro, amongst the jurisdictions
4 considered, is just below the -- the middle of the
5 pack, and heading lower, whereas, the comparators are
6 all heading higher.

7 And we -- we think that that is
8 incompatible with that straight-line demand. Even if
9 you build all your dams, it's still not enough. And so
10 we will be focussing extensively on the -- on the
11 alternatives, namely conservation and renewable energy
12 options. And we want to explore how far those can go.
13 I was pleased to see that there -- there has been some
14 further consideration of that in looking at -- at some
15 of the options. But that's -- that's where a lot of
16 our focus will go.

17 And then on question 12, we spelled out,
18 in individual points, some of the aspects of that
19 investigation. I won't read them here, but that --
20 these diagrams provide the context for most of the
21 points in our list. That's all I have to say.

22 MR. WILLIAM GANGE: Mr. Chair, Mr.
23 Williams has indicated the concerns that our two (2)
24 organizations have with respect to the -- the
25 procedural aspects. I think that we do need to have

1 further discussions with counsel from Manitoba Hydro
2 and with Board counsel to see how the actual process
3 could work.

4 As you know, we have indi -- have, for a
5 long time, urged the Board to consider confidentiality
6 agreements. And -- and so the question is: How is it
7 implemented so that it works properly? And that's
8 really what we want to be able to do.

9 THE CHAIRPERSON: Mr. Peters...?

10 MR. BOB PETERS: Yes, thank you. I
11 assume all of the Green Action Centre's points have
12 been made, and I thank them for that. I -- I, Mr.
13 Chairman, wanted to jump in here at a point on the
14 schedule and ask permission of My Friend, Mr. Hacault,
15 to stand down if he would at this point in time to
16 allow others that are on the list to -- to go ahead of
17 him.

18 There's a scheduling and timing issue
19 that -- that my colleague at Manitoba Hydro has, and we
20 want to accommodate as best we can the timeline. So
21 I'm asking, Mr. Chairman, that Mr. Anderson speak next,
22 if he would, on MKO's, followed by Ms. Saunders related
23 to Manitoba Metis Federation. And then the last two
24 (2) on my list, KI and MPIRG, speak in that order
25 because that would allow Ms. Ramage the opportunity for

1 Hydro's response in the event she has to -- to leave.

2 So, Mr. Anderson, you're always welcome
3 on this side of the room. Certainly.

4 THE CHAIRPERSON: Thank you very much,
5 Mr. Miller -- Professor Miller and -- and Mr. Gange for
6 your contribution.

7

8 APPLICATION FOR INTERVENOR STATUS BY MKO:

9 MR. MICHAEL ANDERSON: Good morning,
10 Mr. Chair, Board member Soldier. Thank you very much
11 for the opportunity to discuss MKO's request for the
12 granting of Intervenor status in the needs for and
13 alternatives review of Manitoba Hydro's proposed
14 development plan.

15 A couple of the housekeeping matters I
16 think I'll just address right away, because they were
17 the key matters for the Board raised by Mr. Peters, is
18 that in respect of the discussion on timetable I can
19 say that MKO concurs and -- with my colleague, Mr.
20 Williams, and others, that the presentation of the
21 independent expert evidence and the opportunity to ask
22 information requests of the independent experts would
23 be of value, certainly prior to the submission of the
24 Intervenor evidence.

25 We may find ourselves otherwise

1 requesting the same from the Board, especially after we
2 have a look at the independent expert evidence, and
3 would suggest that the timetable be so revised as
4 suggested by MIPUG. I had meant earlier to say that I
5 concur with MIPUG for suggesting it, and co-concur with
6 Mr. Williams in his recommendations. I think that's a
7 -- a good process.

8 There's a lot of technical information
9 dealing with markets, available alternatives, supplies,
10 demand-side management, and more -- speaking of the
11 technical conferences, I was listening to Mr.
12 Williams's comments about who the audience might be for
13 those conferences.

14 I think, in general, when the parties to
15 a proceeding have the opportunity to get together and
16 discuss, prior to the formation of information
17 requests, some of the facts that they're all interested
18 in, to explore where we have common interests in
19 certain evidence, and to be able to get some of the
20 questions answered, or at least, as Mr. Williams had
21 often described it, pre-asked, I think if we can do
22 that, that would expect -- expedite the process and
23 certainly hopefully reduce the volume of information
24 requests by individuals taking common approaches.

25 We might find, for example, during that

1 process that the Board might ask certain questions that
2 the Intervenor all agree with. So, in essence, while
3 the Board may not be doing our job for us as
4 Intervenor, we all realize that there are certain
5 questions that are so fundamental to the proceeding
6 that we would be content with having the Board re --
7 ask them. I don't want to speak for my other
8 colleagues in that regard, but those might be the kinds
9 of things that would emerge from a technical review
10 that I would suggest.

11 I recall that, many years ago, in the
12 PUB proceedings regarding rate matters, we actually had
13 a -- a list of minimum filing requirements that were
14 circulated and developed collectively by Intervenor
15 and the Board. And so there was certain technical
16 information regarding line-item expenditures, the
17 operational and maintenance costs, and so forth that
18 were standard requests by the Board in advance. And so
19 we all had that same body of evidence that we would
20 know we would call for, so we would not need to request
21 it through an IR. So that might be something that we
22 could deal with.

23 I also would suggest that, in -- in
24 terms of the technical conferences, and again thinking
25 of Mr. Williams's comments, it might be the extent to

1 which the Intervenor recognize that one (1) of the
2 Board's chosen or selected independent experts as a
3 common expert; that is, that we all agree that that
4 individual -- as Mr. -- as we were discussing, might
5 have knowledge that we all concur is essentially
6 neutral in respect of an expertise that's unquestioned
7 and that we might all support having that individual
8 present evidence. And having a technical conference
9 with those types of individuals might assist us greatly
10 in proceeding.

11 So I would just say on that then, I --
12 MKO supports MIPUG's recommendation to have the
13 independent expert evidence filed first with inter --
14 information requests associated with that, as concurred
15 by Mr. Williams. And we also suggest that technical
16 conferences may be quite helpful, particularly if they
17 are essentially fairly high level, dealing with
18 substantive matters of common interest to all the
19 Intervenor. And MKO would like to -- would be pleased
20 to participate in exploring what those common interests
21 might be, to -- to assist in identifying that.

22 In terms of -- so those were really the
23 housekeeping matters that I had wanted to just briefly
24 discuss. For the benefit of the Board, I just wanted
25 to talk about -- I was struck by Mr. Wojczynski's

1 comment about his preparations and had thought that I
2 would add my own story to this, because it pla --
3 places our intervention in perspective, and I have some
4 following comments at the end.

5 MKO is able to contribute a valuable
6 perspective and insights to the NFAT proceedings based
7 on our long record of participation and -- and our
8 considerable investment in knowing the business and
9 operations in Manitoba Hydro, particularly as Hydro's
10 operations affect the First Nations in Northern
11 Manitoba.

12 And as I mentioned, to follow Mr.
13 Wojczynski's comments, it can perhaps be said MKO as an
14 organization has been preparing for this NFAT
15 proceeding for twenty-nine (29) years. Since 1984, MKO
16 has been an participant in regulatory matters and
17 special reviews regarding Manitoba Hydro before this
18 Board; before the National Energy Board of Canada;
19 before the Joint Environmental Review, which previously
20 looked at the Conawapa project; and to a lesser degree,
21 before the Clean Environment Commission.

22 The Manitoba -- MKO itself was
23 established in 1981 by twenty-five (25) Northern First
24 Nations in Manitoba. And just three (3) years later, in
25 1984, when MKO was based out of a tiny little office in

1 Thompson, MKO intervened fully before the National
2 Energy Board regarding the application for an export
3 licence related to what was then a proposed advancement
4 of the Limestone Generating Station in order to make
5 that sale.

6 Although not described really as an NFAT
7 process before the NEB at that time, the NEB's
8 procedures at that time required several determinations
9 that are quite NFAT-like. The NEB was statutorily
10 required to determine whether or not the proposed
11 export was surplus to domestic requirements, whether
12 the project's schedule represented an advancement of a
13 project or was otherwise required for domestic
14 requirements, or in fact whether the project was being
15 built for export.

16 Socioeconomic and environmental matters
17 were also required to be considered as part of these
18 determinations, and examination of alternatives to
19 providing the capacity and energy for the proposed
20 export were also examined.

21 So all of the full range of demand-side
22 management matters, the duration of the peak loads,
23 whether that could be shifted back and forth through
24 various measures with industrial customers, all of that
25 was explored.

1 As to the matter of benefits of the
2 proposed export, the National Energy Board worked at
3 that time to determine whether the proposed export
4 would result in a net benefit to Canada. And of course
5 at that time the NEB also had the authority to
6 establish enforceable terms and conditions attached to
7 its licences.

8 In MKO's evidence and final argument,
9 MKO recommended that the NEB adopt an evaluation of
10 benefits based on the distributive benefits to the
11 region as distinct from benefits to Canada, with a
12 particular emphasis on benefits to Northern Manitoba
13 First Nations affected by the project. And of course,
14 that's within the terms of reference of this NFAT to be
15 looking at benefits, which I read to mean benefits to
16 Manitoba, and particularly those affected by the
17 projects.

18 In fact, MKO adopted the NEB's own
19 decision regarding the Norman Wells-Zama pipeline,
20 which required as enforceable conditions -- remember,
21 this was north of 60 in the Northwest Territories --
22 enforceable conditions, a comprehensive regime of
23 social and economic measures to mitigate impacts and
24 maximize benefits to the indiginal -- indigenous
25 peoples of the Northwest Territories affected by that

1 pipeline project.

2 In its February '85 decision the
3 National Energy Board determined that the MKO
4 recommendations were, quote, "in the public interest,"
5 which in those days would ordinarily mean that it was a
6 preamble to making an order regarding those
7 recommendations. To a large extent, MKO's 1984
8 recommendations remain equally relevant today, as well
9 as the analytic approach followed by MKO and by the
10 other Intervenors in that proceeding.

11 It's my recollection that there's a very
12 interesting appendix Z to the evidence filed in that
13 proceeding prepared by Dr. Marvin Schaffer that was
14 revised at MKO's insistence, because the original
15 version of the evidence identified the value of
16 unemployed Indian labour as zero. So we thought that
17 there was some value to people splitting wood and
18 domestically harvesting fish and game and bringing it
19 in. So we ensured that the scope of the proceedings
20 and the understanding of the value of our activities
21 was heard. And so we engaged in a very detailed
22 discussion of the project's effects.

23 As the Board is aware, we've been a
24 long-term participant in proceedings before this Board,
25 beginning in the 1980s as well. We've intervened in

1 matters regarding the -- the regulation of rates, the
2 previous capital projects review, and the provision of
3 service to remote communities served by diesel
4 generators. MKO has taken an interest before the Board
5 regarding matters affecting both residential and
6 general services customers of Manitoba. And we've --
7 MKO has been the only Intervenor that represents both
8 the GS and residential ratepayers.

9 During one (1) proceeding, I also
10 appeared personally as a witness, an MKO witness, in
11 respect to demand-side management init -- initiatives
12 many years ago, prior to our work on this. MKO also
13 led a stated case to the Court of Appeal to clarify the
14 regulatory authority of the Board, in that MKO was of
15 the view, and continues to be of the view, that
16 clarifying the general regulatory authority of the
17 Board remains a significant public policy matter.

18 Of relevance in this regard would be the
19 ability to examine line-item expenditures, such as the
20 mitigation repo -- programs related to the direct
21 effects of the project. And we've discussed this with
22 this Board in many other rate proceedings, including
23 the treatment of mitigation costs in Hydro -- in the
24 rates of Hydro-affected customers. And the Board will
25 recall that it made a recommendation to examine the

1 removal of mitigation costs from the rates of Hydro-
2 affected customers. And that's still an outstanding
3 matter.

4 The Board may also be aware that MKO led
5 an action to the Court of Appeal regarding a potential
6 ack -- application of subsection 361(c) of the
7 Constitution Act of Canada, in respect of the provision
8 of electricity services to what were, at the time,
9 eleven (11) First Nations served by diesel generators,
10 all of them MKO -- all the First Nations. This was the
11 first action in Canada seeking to clarify the
12 constitutional commitment of Canada in the province to
13 provide essential public services of reasonable quality
14 to all Canadians.

15 So you can see that MKO has been
16 actively involved in rate regulation in the provision
17 of service to customers, in the application of our laws
18 and our Constitution to the regulatory framework, in an
19 effort to provide just and reasonable co -- rates, and
20 also to provide ess -- essential public services of
21 reasonable quality to all Canadians, including the MKO
22 First Nation citizens.

23 We have a very long term view of
24 Manitoba Hydro and its plans, operation, and projects,
25 which is arguably shared by our colleagues at CAC

1 (Manitoba) and MIPUG. And we look forward to sharing
2 this long-term perspective and insights in these NFAT
3 proceedings. We also have a long-term view of the
4 treaties and agreements that have been entered into by
5 several MKO First Nations affected by Manitoba Hydro
6 and -- and entered into also by Hydro, the province,
7 and Manitoba Ma -- and Canada.

8 I want to note on this point, and it's
9 important to note, that it's the expectation of MKO
10 that those First Nations which have entered into these
11 agreements will speak in their own voice regarding
12 these treaties and agreements in this proceeding. For
13 example, the prospective Intervenor Pimicikamak
14 Okimawin, in respect of the Northern Flood Agreement,
15 unless MKO is asked specifically to address the matter.
16 And that's how we've always brought these matters
17 before the Board previously.

18 MKO also notes, and consistent with
19 several of the recommendations made by MKO in 1984
20 regarding the economic benefits of the Limestone
21 project, that several MKO First Nations had -- have
22 entered into various business and other arrangements
23 with Manitoba Hydro regarding the ownership, planning,
24 construction, and operation of several of the major
25 hydroelectric projects that will be examined during

1 this NFAT proceeding.

2 Importantly and similarly in this
3 regard, it is the expectation of MKO that the First
4 Nations which have entered into these arrangements will
5 speak in their own voice regarding these arrangements
6 before this proceeding, if there's any commentary on
7 them at all.

8 So we're looking at the -- MKO's
9 interest is in the higher-level issues affecting the
10 choice of the development -- the preferred development
11 plan, those global or marketplace environmental
12 considerations which in my view include things like
13 rates and markets, changes in US energy policy, that
14 affect the market of energy, and so forth. And so we
15 want to bring our long-term view into looking at the
16 operational environment in which the preferred
17 development plan is being selected and presented as the
18 preferred plan.

19 In terms of the -- our application for
20 Intervenor status, the granting of Intervenor status,
21 the Board has had that. And I -- I take Mr. Peters's
22 comments that there's no need to read it into the
23 record. But I had just wanted to draw your attention
24 to our interest at number 11, regarding the fact that
25 the Keeyask, Conawapa stations, and their associated

1 domestic AC facilities will be constructed within
2 largely the MKO territory, the ancestral and
3 traditional lands.

4 That we have a keen interest in
5 determining the socioeconomic impacts and benefits of
6 the plan, again recalling that we'd set in motion a set
7 of recommendations that we're continuing to track since
8 the provisions and the recommendations that we gave as
9 evidence to the National Energy Board in 1984. All of
10 those recommendations -- it's not literally so much
11 blowing the dust off them and looking at them again.
12 They continue to be relevant today. So we're following
13 how they're unfolding in actual practice in Manitoba.

14 And that all of our citizens receive
15 their electricity service directly from Manitoba Hydro
16 and our Manitoba Hydro customers, and that we are
17 keenly interested, as we always have been, to determine
18 the impact on domestic electricity rates over time with
19 and without the plan and the alternatives.

20 So those are substantive interests that
21 we have. Of course, as I'd mentioned earlier and it's
22 been on the record, MKO represents the thirty (30)
23 Northern First Nations in Manitoba roughly, north of
24 Swan Lake on the west side of the province to the
25 Nunavut boundary and coming south of Island Lake

1 communities on the east of Island -- of Lake Winnipeg,
2 sixty-five thousand (65,000) treaty First Nation
3 citizens.

4 In respect of our ability to participate
5 without an award of Intervenor costs, this has been an
6 interesting matter that we've discussed with the Board
7 before. In fact, all of my own time before this Board,
8 since the late 1980s, has been funded by the Department
9 of Indian Affairs and Northern Development Canada
10 without any ability to cost recover any of it from the
11 Board.

12 Its current rules and procedures
13 indicate that, regardless of the experience that I
14 might personally bring to proceedings before the Board,
15 I'm not able to apply for an award of costs because I
16 am an employee of the Intervenor, and the rules do not
17 -- do not permit that.

18 The Board may be aware that effective
19 April 1st, 19 -- 2014, that MKO's core funding from the
20 department will be cut 80 percent. So we'll be
21 starting to really count every penny that we've got in
22 requiring to evaluate even more closely the investments
23 that we're making with the dollars that we have.

24 So on a go-forward basis, although it
25 already had been the fact, and the previous chair had

1 indicated some -- an interest in addressing this matter
2 in respect of MKO, that our ability to participate
3 fully without an award of cost is clearly there. We do
4 require cost support for experts support, technical
5 support, and our out-of-pockets and other costs. But
6 we're left wi -- in the position of essentially
7 retaining legal counsel and experts to represent us.

8 We've, of course, had Mr. Hildebrand
9 ably represent and assist us in the past as an expert.
10 And we're in the process for this proceeding in
11 retaining legal counsel so that we'll have an
12 individual present at a chair throughout the entire
13 proceeding because -- because of its significance.

14 But I leave with you that there is an
15 impact on the changes in the manner in which our
16 organization is being funded by Canada and that all of
17 our presence for all of this time was otherwise
18 actually funded by them and that we look forward to --
19 we would like to, at some point, make a formal request
20 to the Board to modify its rules and procedure in
21 respect of costs so that we can be in a position to
22 apply for an award of costs, including, for an example,
23 my time before this Board.

24 It has had an effect on our ability to
25 participate directly in previous proceedings when we

1 have been cashflow crunched as an organization and
2 which happens from time to time. I understand that Mr.
3 Singh met recently with my financial administrator to
4 in fact confirm those matters that I had issued in
5 correspondence to the Board regarding outstanding
6 matters related to the GRA.

7 So our ability to participate is very
8 closely tied to our ability not only to receive an
9 award of costs, but to expand the scope of the award so
10 that it covers all of the time and costs that we're
11 actually expending.

12 We clearly make a significant
13 contribution to the proceedings, and that's a matter of
14 record throughout the years. We participate in a
15 responsible manner and cooperate always to facilitate
16 efficiency.

17 I can confirm, Mr. Chair, that we have
18 already met with Mr. Williams about the possibility of
19 common evidence and common interests in -- in experts,
20 to reduce costs,= and also to focus our interventions.
21 And we have substantive interests affected -- we have
22 substantive interests in the matter before the Board
23 and clearly have substantive interest that are affected
24 by the outcome.

25 So in terms of the -- the four (4) basic

1 standards for the Board's award of Intervenor status to
2 MKO, I submit that we satisfy all four (4) of those and
3 look forward to participating fully in this proceeding.
4 I thank you very much for the extended time I've taken
5 providing an overview of our long record, but we're
6 eager to provide that insight and perspective to these
7 proceedings. Thank you. (ABORIGINAL LANGUAGE SPOKEN)

8 THE CHAIRPERSON: Thank you, Mr.
9 Anderson. Just you mentioned you have had discussions
10 with Mr. Williams with respect to a common submission
11 and so on, common approach.

12 Have you had discussions with the other
13 First Nations applicants for Intervenor status? I'm
14 thinking, for example, of Kaweechiwasik, and also Pimi
15 -- Pimicikamak.

16 MR. MICHAEL ANDERSON: With respect to
17 Kaweechiwasik and Inninuuk, yes, we have spoken with
18 them. That is a -- a community-based organization.
19 Essentially, it's the Elders group from York Landing,
20 Manitoba, and they have their own perspective that they
21 wished to bring before them.

22 I don't see Mr. -- Elder Saunders in the
23 room, former Chief of York Factory, but I understand
24 that they're very keen and they've contacted us for
25 information regarding the proceeding and for our

1 insights on what -- what their involvement might
2 entail. I'm advised, as of last evening, that they're
3 extremely enthusiastic about participating, and very
4 much looking forward to participating.

5 Although I hadn't been previously
6 requested to speak on their behalf regarding costs, I
7 make the same observation for them, that the Elder
8 evidence, traditional knowledge, and so forth that
9 might be brought to -- before this Board through their
10 status as an Intervenor would be unfundable under --
11 not cost-recoverable under the Board's current rules,
12 not for the Elders themselves or for any individuals in
13 the community that are affiliated with the
14 Kaweechiwasik and Inninuuk.

15 So I -- I just leave with that, that
16 they will then be retaining counsel and other experts,
17 but the -- as -- as I understand it, what they -- what
18 Kaweechiwasik and Inninuuk is keen to bring before
19 this Board is their own perspective, which they will be
20 substantially adver -- unable to do without, of course,
21 the costs -- without a cost-recovery of their direct
22 costs in doing so.

23 But we have spoken with them about
24 common interests, to answer your question, yes. In
25 respect of the prospective Intervenor Pimicikamak

1 Okimawin, no, we have not spoken with them, but they
2 are part of the MKO family. But as I said earlier, I
3 would expect Pimicikamak Okimawin to speak in its own
4 voice before this proceeding and lead its own evidence
5 in its own manner.

6 And to the extent that we would be able
7 to collaborate on common evidence, we can and will
8 explore that upon their award of Intervenor status, but
9 to this day we haven't spoken with them yet, no, but we
10 are clearly in a position to do so readily.

11 THE CHAIRPERSON: Thank you very much,
12 Mr. Anderson. I -- that's all the questions from the
13 panel. We appreciate it --

14 MR. MICHAEL ANDERSON: You're welcome,
15 Mr. Chair. Thank you.

16 THE CHAIRPERSON: -- appreciate your
17 presence here today.

18 MR. MICHAEL ANDERSON: And thank you,
19 Mr. Peters, for allowing me to borrow a corner of your
20 table here.

21 THE CHAIRPERSON: I now call on Ms.
22 Saunders to speak on behalf of the Manitoba Metis
23 Federation. Ms. Saunders, please.

24

25

1 APPLICATION FOR INTERVENOR STATUS BY MMF:

2 MS. JESSICA SAUNDERS: Good morning,
3 Mr. Chair, Board member Soldier, counsel, Public
4 Utilities Board staff, and all other representatives.
5 My name is Jessica Saunders. I'm legal counsel to the
6 Manitoba Metis Federation, and I have -- I'm new to
7 this position, holding it since last Wednesday, and so
8 luckily I'm accompanied today by Ms. Marci Riel of the
9 Manitoba Metis Federation. She's currently the MMF-
10 Hydro liaison, so it's -- it's a pleasure having her
11 here.

12 I can also advise that it is anticipated
13 that we will also be assisted by Mr. Jason Madden. He
14 was counsel to the Manitoba Metis Federation in the
15 Clean Environment Commission on Bipole 3 and on
16 Keeyask. So of course while our -- our written
17 Intervenor request form and my oral submissions today
18 were prepared of course on a very preliminary overview
19 of the MMF's view of its role in this process, my
20 comments, both in the written and in my oral
21 submissions, may be subject to further comments to --
22 to follow from Mr. Madden.

23 I can speak to the -- the -- I guess the
24 procedural matters. While I would require further
25 discussions with my client with respect to the -- the

1 schedule, as well as the technical conferences, I can
2 indicate that what we've heard so far does -- does make
3 sense, based on the common -- the discussions I've
4 already had with the Manitoba Metis Federation.

5 We agree that the -- that the schedule
6 proposed today by the other Intervenor would be most
7 be -- beneficial for all Intervenor in order to review
8 the independent expert evidence before submitting the -
9 - the following evidence. We also think that this
10 would assist in the Intervenor's task in avoiding
11 possible duplication, consistent with the terms of
12 reference.

13 And with respect to the technical
14 meetings, having been new to the process and -- and
15 hearing the comments with respect to whether this --
16 these conferences will include higher-level or kind of
17 lower-level understandings, I'm open to -- to
18 attending, whether it be both, in order to fully inform
19 myself. And I will ensure that my clients will receive
20 the benefit of any knowledge and -- and discussions
21 that are held at that level so that we're -- we're at
22 all times up to speed on all issues that we're going to
23 be required to know.

24 So with that I can also comment on the
25 terms of reference. I heard the comments spoken to

1 earlier by Mr. Williams. Regarding the terms of
2 reference, the MMF will require further time to
3 consider any issues that it may have. And in that
4 regard, I would anticipate that the MMF would arrange
5 for a meeting, as you've suggested, with the Province
6 of Manitoba in order to address those concerns.

7 So with that, mindful of the time, I
8 will briefly take you through some of the highlights of
9 our Intervenor request form and discuss further reasons
10 why the Manitoba Metis Federation should be granted
11 Intervenor status in this review.

12 You have our comments regarding the
13 introduction to the Manitoba Metis Federation, that the
14 Manitoba Metis Federation is the democratic and self-
15 govern -- governing representative body of the Manitoba
16 Metis community.

17 The Manitoba Metis community is
18 comprised of a number of rights-bearing communities
19 throughout Manitoba that possess constitutionally
20 protected rights. These rights are exercised by
21 individual members of the Manitoba Metis community but
22 are held by the collective Manitoba Metis community.

23 The exercise of these rights, in
24 accordance with the laws and regulations that's set out
25 by the Manitoba Metis Federation and the province, are

1 not limited specifically to certain geographic areas
2 but rather are exercised province-wide.

3 The Manitoba Metis Federation structure
4 at the local, regional, and provincial levels was
5 explained in our application. And to add further to
6 that, I would only add that the Manitoba Metis
7 Federation reports to its members regularly throughout
8 the year and does so through various means, one (1) of
9 which is the annual general assembly at which over
10 three thousand (3,000) Metis come together from across
11 the province, including elected representatives of the
12 Manitoba Metis Federation.

13 And I think it's important to note that,
14 while there are many levels of MMF representation at
15 the local, regional, and provincial levels involved in
16 any particular matter, the annual general assembly of
17 the Manitoba Metis Federation in 2007 passed a
18 resolution called Resolution 8, which particularly sets
19 out a process for the MMF's engagement in discussions
20 with government, industry, and others regarding the
21 interests and rights of the Manitoba Metis community.

22 As a result of the MMF's engagement in
23 so many different projects the MMF has organized in
24 order to ensure that it's able to fully participate in
25 a way that allows for the effective representation of

1 the Manitoba Metis community.

2 If granted Intervenor status, the MMF
3 intends to provide further information on Resolution 8
4 and developments that have occurred since it passed,
5 and to further demonstrate the importance of the
6 process involved in Resolution 8. Take, for instance,
7 projects involved in this preferred proposed
8 development plan. If MMF were to discuss with Hydro
9 the completion of an impact assessment on the Manitoba
10 Metis community with respect to the pre -- preferred
11 proposed development plan, Resolution 8 would guide
12 that participation of the MMF in -- in those type of
13 discussions.

14 And it's an internal process that, among
15 other things, sets out how representation information
16 sharing will occur in projects that impact the Manitoba
17 Metis Federation at the local, regional, and provincial
18 level.

19 Regarding the MMF's involvement in
20 processes such as this, involving the review of Hydro's
21 projects, the MMF is relatively new to this process yet
22 has contributed greatly. The Manitoba Metis Federation
23 participated as an Intervenor, as I indicated
24 previously, in the clean environment commission on
25 Bipole 3 and is also participating as an Intervenor in

1 the clean environment commission on Keeyask.

2 It is anticipated that much of the
3 material provided -- prepared internally by the
4 Manitoba Metis Federation for those interventions will
5 inform much of our work and our preparation as an
6 Intervenor in these proceedings.

7 And I would further like to note that,
8 in his evidence before the CAC on Bipole 3, President
9 Chartrand expressed the view, and I'm paraphrasing,
10 that the Manitoba Metis Federation is not opposed to
11 hydro-electric development and understands the need to
12 take advantage of development opportunities. However,
13 such development needs to account for the impacts to
14 the Metis and create opportunities not only for
15 Manitoba Hydro and the rest of the province, but also
16 for the Metis.

17 To the extent that the members of the
18 Manitoba Metis Federation are affected by the outcome
19 of the NFAT, you have our submissions regarding the
20 concerns of the Manitoba Metis Federation with respect
21 to the exercise of the -- the rights of the Metis in
22 the proposed development areas.

23 And I should emphasize that the rights
24 of the Metis must be upheld and protected in any
25 development that will impact the exercise of those

1 rights by the Manitoba Metis community in development
2 areas and throughout Manitoba. The MMF, as the
3 representative government of the Manitoba Metis
4 community, is the only entity that is in a position to
5 inform the Public Utilities Board in considering the
6 rights and interests of the Manitoba Metis community.

7 Regarding issues of specific concern to
8 the Manitoba Metis Federation, our Intervenor request
9 form indicated that, if granted Intervenor status, the
10 MMF intends to participate in order to advocate for the
11 protection of the rights of the Metis community in all
12 areas of section 2 of the terms of reference, however,
13 with particular regard for items F through 'J'. And of
14 specific concern to the MMF is item H, the
15 socioeconomic impacts and benefits of the plan and
16 alternatives to Northern and Aboriginal communities.

17 Perhaps if not as clearly set out in our
18 Intervenor request form, I will emphasize it here again
19 that the -- of utmost concern to the Manitoba Metis
20 Federation is ensuring that there is a comprehensive
21 assessment as to the -- how the proposed development
22 plan will impact the Metis. It is the MMF's position
23 that this has not yet been done.

24 The MMF would have difficulty
25 considering alternatives in a complete comparison of

1 the proposed development plan if the Metis are not in
2 some way included in the proposed development plan to
3 begin with. And I hear the comments of -- of Mr.
4 Wojczynski -- pardon me if it's -- it's the incorrect
5 pronunciation --

6 MR. ED WOJCZYNSKI: That's good.

7 MS. JESSICA SAUNDERS: -- okay --
8 regarding the -- the presentation at slide 15, wherein
9 they provide their review of the terms of reference,
10 that this is not to be a -- a review of the -- the
11 assessment of the impacts, but -- but to be a
12 comparison. But in the MMF's perspective, there --
13 there is some unfinished work that -- that has to be
14 done with respect to those impacts to the Metis.

15 And how we currently have structured our
16 evidence in this proceeding is to focus on having our -
17 - our experts bring that evidence on how the -- the
18 impacts of the Metis will be felt and then provide a
19 comparison. So to the extent that we're able to work
20 together in order to address those -- those issues of
21 the impacts, we -- we intend that we will hopefully be
22 able to have those discussion with Hydro and -- and
23 narrow our perspective and our -- our witnesses pers --
24 our -- our witnesses' presentation of our view to a
25 comparison.

1 And so I would, in order to further
2 demonstrate this point, refer to the letter just
3 recently of May 13th, from the Public Utilities Board
4 to Ms. Ramage on May 13th, that asks at -- that asks at
5 bullet 10 on page 2:

6 "What worker research has been done,
7 or is planned to be done, by Hydro on
8 items listed in the terms of
9 reference, including 'G', the
10 socioeconomic impacts on Northern and
11 Aboriginal communities?"

12 The question posed, in our view, to --
13 by the Public Utilities Board contemplates that Hydro
14 still may be in the process of planning to complete
15 work. To the extent that Hydro will be ensuring such
16 work is completed with respect to the Metis, as I
17 indicated earlier, the MMF is willing to discuss this
18 matter further to ensure that there is a full proposed
19 preferred development plan, and alternatives thereto,
20 that will be inclusive of the Metis.

21 This, in the MMF's view, will ensure
22 that we are able to fully contribute to this process
23 and contribute in assisting the Public Utilities Board
24 in formulating recommendations in its report to the
25 Province of Manitoba.

1 You have our written submission
2 regarding our -- our witnesses. Again, to emphasize,
3 that view that a comprehensive assessment would be
4 required, and that depending on our ability to -- to do
5 that, the testimony of our witnesses could then be
6 revised and -- and re-looked at as we proceed in this
7 process.

8 Currently, the MMF intends to call
9 President David Chartrand; the vice president of the
10 Thompson region, Julyda Lagimodiere; and MMF's Minister
11 of Hydro, Jack Park, to provide evidence on, among
12 other things, the Metis way of life, traditional land
13 use and knowledge, the role of the MMF in advocating
14 for the rights of the Metis, and relations between the
15 Manitoba Metis Federation and Hydro, as well as impacts
16 to the Metis community in the proposed development
17 areas.

18 We also intend to call Ms. Pat Larcome
19 (phonetic), of Cimbrian Consultants (phonetic), who
20 assisted the MMF in the CEC on Bipole 3. It is
21 intended that she will provide evidence on the effects
22 of the proposed development plan on Metis use and way
23 of life in the proposed development areas and assist
24 the MMF in preparing its evidence and examining the
25 evidence of the Applicant and other Intervenors.

1 The MMF also intends to retain MCES
2 (sic), Inc., Management and Solutions in Environmental
3 Sciences, to undertake an analysis and critique of the
4 preferred proposed development plans, socioeconomic
5 impact assessment, particularly as it relates to the
6 Manitoba Metis community.

7 As well, the MMF will, having reviewed
8 the -- the proposed development plan by Hydro,
9 undertake a process to review the MMF's view and
10 whether or not more witnesses need to be proposed,
11 whether some need to be removed, or -- or the -- the
12 subject matter of those witnesses' testimony needs to
13 be revised.

14 We will also provide CVs for all
15 proposed witnesses as -- as soon as available. And
16 with respect to collaboration, you have our -- our
17 points, in that the -- the Manitoba Metis Federation is
18 prepared to collaborate with any and all parties who we
19 can find some common ground with.

20 We have had very preliminary discussions
21 with Mr. Williams. And we anticipate that after this
22 conference, pre-hearing conference, we will be speaking
23 with other Intervenor in order to determine if there
24 is common ground on other areas in Section 2 of the
25 term of re -- terms of reference.

1 And just a brief comment on -- on the
2 MMF's -- the requirements -- the -- the four (4)
3 requirements that you spoke of, Mr. Chair, in your
4 introductory comments. It is the MMF's position that
5 we have a significant contribution to make with respect
6 to the issues before the Public Utilities Board.

7 We will respect this process and
8 cooperate, as I indicated, with other Intervenors and
9 other parties in order to avoid duplication. And we
10 will advance our client's position very responsibly.

11 We also have insuffi -- insufficient
12 resources in order to fully advance our case. And so,
13 having reviewed the rules and hearing that submissions
14 are -- are normally made at the end of this process and
15 -- and receiving your draft schedule, and to see that,
16 you will -- you may hear from us in -- in August and --
17 and have a budget submitted at that time. We look
18 forward to the opportunity to do so. And we will
19 organize ourselves accordingly to ensure that we have
20 everything charted out and that we can meet those
21 deadlines.

22 And, as well, we intend to bring
23 evidence regarding the substantial outcome of -- of
24 this review to the Manitoba Metis Federation. And on
25 the -- the air -- the population that the -- the MMF

1 represents and how that population will be also
2 substantially impacted by this review.

3 I believe that, subject to any questions
4 you may have, that concludes my submission.

5 THE CHAIRPERSON: I do have a general
6 question in terms of the numbers of communities that
7 are members of, or least active in, the MMF.

8 MS. JESSICA SAUNDERS: M-hm.

9 THE CHAIRPERSON: How many of them are
10 located in northern Manitoba, just -- just for my
11 personal information?

12 MS. JESSICA SAUNDERS: yes, the
13 Thompson region, I believe -- sixteen (16), okay.
14 There's -- there's a hundred and forty (140) locals so
15 far throughout the province, approximately. And so we
16 believe that there's approximately sixteen (16) locals
17 in the Thompson region.

18 And so we've -- we know that there --
19 there is a substantial Metis community in the Gillam
20 areas and in the proposed development areas. And so
21 our -- our evidence in -- in proceeding before you
22 would be to further define those substantial in --
23 interests and -- and the numbers and -- and the -- the
24 actual impacts to those communities in -- in order to -
25 - to hopefully assist you further in understanding that

1 view.

2 THE CHAIRPERSON: That's all the
3 questions that the panel has. Thank you very much for
4 your comments today and your submission. So --

5 MS. JESSICA SAUNDERS: Thank you.

6 THE CHAIRPERSON: -- we'll move on to
7 the next party that is seeking Intervenor status. I
8 hope I have got this pronounced correctly. This is
9 Kaweechiwasik -- pardon me, Kaweechiwasik. I still
10 haven't got it right, so I apologize.

11 I'll call on Mr. Saunders. Is it Mr.
12 Saunders. Oh, Ms. Saunders. Oh, he's not here.

13 MR. BOB PETERS: I believe Mr. Anderson
14 had indicated that he did not note former Chief
15 Saunders in the hearing room, and I'm not familiar with
16 him. So I -- he hasn't identified himself to me, so
17 I'm assuming he's not present at this time. And no one
18 else is here on behalf of the York Landing people, KI,
19 as I have abbreviated them.

20 So I think we will best have to then
21 turn -- well, Mr. Anderson has a comment.

22 MR. MICHAEL ANDERSON: Again, I -- Mr.
23 Chair, and thank you very much, Mr. Peters, I -- I
24 wasn't asked to speak on behalf of Kaweechiwasik
25 Inninuwuk. But I had also, just tie back to my earlier

1 co -- comment about the award of costs, they're based
2 in York Landing, Manitoba. And none of the persons
3 presently working on the filing of the submission have
4 the resources, I understand, to have travelled here
5 today. So I just make that one (1) small comment. But
6 their interest is, as I indicated, they're quite
7 excited about the prospect of being -- and hope for
8 being granted Intervenor status. Thank you.

9 MR. BOB PETERS: With that, Mr.
10 Chairman, I might suggest that we would turn to Dr.
11 Kulchyski, on behalf of the Manitoba Public Interest
12 Research Group, if he's prepared to provide the Board
13 with some brief information as well. Thank you.

14 MR. BYRON WILLIAMS: Mr. Peters, if I
15 could just interrupt, just further to the Chair's
16 question. I -- I believe I'm permitted to say this,
17 that -- that I am aware that the Elders from York
18 Factory have made some inquiry -- inquiries about legal
19 counsel. And -- and, certainly, we've provided a
20 potential list to them of -- of legal counsel that they
21 -- they may -- may consult. So just for the panel's
22 information.

23 THE CHAIRPERSON: Thank you, Mr.
24 Anderson and Mr. Williams. And over to you, Dr. Kul --
25 Kulchyski. Have I pronounced that correctly?

1 DR. PETER KULCHYSKI: That's right,
2 thanks.

3 THE CHAIRPERSON: Welcome.
4

5 APPLICATION FOR INTERVENOR STATUS BY MPIRG:

6 DR. PETER KULCHYSKI: Thank you. Well,
7 this is the -- the first time I've been involved in
8 this process, so I don't have that long of a history
9 with you. But I can say I attended residential school
10 in Cranberry Portage, Manitoba, in Northern Manitoba as
11 a non-Aboriginal person in the 1970s, when discussions
12 about the flooding of South Indian Lake were right
13 before us.

14 And I have basically spent my career
15 travelling in Northern communities and studying
16 resource development issues. And I'm now teaching in
17 Native studies. So since Mr. Wojczynski talked about
18 the -- the twenty (20) year background, I thought I'd
19 talk a little bit about the thirty-five (35) years.
20 And, of course, people living in the affected
21 communities have been living with this all their lives.
22 So all of our expertise and interest, in a certain
23 sense, pales in comparison.

24 Well, basically, what I've brought
25 before you is a proposal of a number of quite senior,

1 prominent, university based researchers, mostly full
2 professors. I, myself, have been studying and working
3 around hydro issues and have given testimony before the
4 Clean Environment Commission on the Wuskwatim process
5 and am involved in the -- the current Keeyask hearings.

6 But I thought that there are a number of
7 people I knew at the university who are experts in the
8 field, and haven't turned their attention to hydro
9 issues. And some of them are recent to the Province of
10 Manitoba, and others have been here for a while but
11 have -- have been working on other things. And I
12 thought their perspective would be very interest --
13 interesting in informing public debate around these
14 issues.

15 So I put together a proposal. And
16 because I don't -- sometimes I'm uncomfortable with the
17 kind of bloodless way we talk about these things. You
18 know, I travelled last spring to Tataskweyak, where
19 there were eight (8) houses that were experiencing E.
20 coli. And I was living with local people in the
21 community, and the picture was not very pleasant.

22 And so I thought, with the professors,
23 we would put together a team of people who are
24 independent, who aren't working for the authorities in
25 different communities necessarily, and who've been, you

1 know, living with the issue for a long time, to get
2 their perspective directly and have them meet with and
3 talk with people who are experts in the fields and can,
4 you know, see how to best make use of the knowledge
5 they would bring.

6 So we have a group of people on our list
7 who are from the communities, and we have a group of
8 people who are based at the University of Manitoba. In
9 -- in other circumstances, many of us might be called
10 as expert witnesses. But in fact, I think we would
11 prefer to have Intervenor status, so we'll have the
12 chance to question other people and, you know,
13 participate more fully in the process and bring our
14 expertise to bear.

15 I should mention, because I rushed to
16 put this together, Elizabeth Comack's name is spelled
17 without an 'R', and so it's -- even though I've worked
18 with her for seven (7) or eight (8) years, somehow I
19 got it wrong. So I apologize for that. And we also
20 have an Elder who confirmed, Michael Garson, Sr., from
21 Tataskweyak, who also had been wanting to be involved
22 and just got to me about five (5) minutes after I sent
23 off the email. So if he could be added to the list of
24 community members.

25 I don't think we will need substantial

1 costs. Most of us work on a pro bono basis. We might
2 need some small funding for expenses for meeting and
3 doing research, but we're not really looking at this as
4 a, you know, as a way of developing our organization or
5 any such thing.

6 Our organization is as new as Ms.
7 Saunders is to the Manitoba Metis Federation. We have
8 been in talks for about a year about -- and the Public
9 Utilities Board called, sort of gave us a reason to
10 think about, well, this might be an occasion for us to
11 pull our expertise together and actually start
12 something. So we hope the organization would exist
13 after this and move on to other matters, but ul -- with
14 a long-standing interest, I think, in all of the public
15 debates that will be engaged in around Manitoba Hydro.

16 In the proposal, I didn't make it as
17 clear, but I think we would be specifically interested
18 in -- on your terms of reference 2-H, 2-I, and 2-J.
19 And all of our Intervenorors would probably speak to
20 those issues.

21 We have a couple of community members
22 who are here from Pimicikamak who's the community are
23 Inninuwuk who will also be presenting on their own
24 behalf. Both Tommy Munias (phonetic) and Eugene
25 Mercredi (phonetic) are on the list that you have, and

1 they -- they're here today. They're both from
2 Pimicikamak. But we have people also from
3 Nisichawayasihk, for Tataskweyak, and from Fox Lake at
4 the moment.

5 I would say we would -- certainly would
6 not want to have our representation precede any of
7 those, of the indigenous groups that are -- are coming
8 before you. We don't want to take funding, draw
9 funding away from the voice of the indigenous
10 communities directly. But we do offer you and
11 opportunity at relatively little or almost no cost to
12 get some very serious attention by some quite prominent
13 academics.

14 I -- I might mention on the list one (1)
15 person, Alan Freeman (phonetic). He happens to have
16 moved to Manitoba. He's a former senior economist with
17 the Greater London Council, so he brings some sort of
18 global economic perspective. And he's not formally
19 affiliated with the University of Manitoba, but he's
20 living in Manitoba and interested in getting engaged in
21 public debate in Manitoba, and so I thought his input
22 would be valuable.

23 I think that those are -- we likely
24 won't have interest in -- in the confidentially
25 commercially sensitive materials. I don't think that

1 necessarily will inform the kind of analysis we would
2 do. We would tend to probably be a little more
3 comparative, looking outside the jurisdiction when it
4 comes to, for example, impact and benefit agreements
5 with indigenous communities. That's -- we have some
6 expertise from outside -- from research from outside
7 the province and looking sort of at the big picture
8 communitively, in some senses, as well, but certainly
9 where these particular projects fit in within that.

10 And we would, you know, stick as closely
11 to your terms of reference, be as cooperative as we
12 possibly can, and trying to be as constructive as we
13 possibly can. I think that's my thing.

14 THE CHAIRPERSON: Dr. Kulchyski, I
15 guess the one (1) observation I would make, just a
16 question, not an observation, you know, Intervenor
17 status versus just making a presentation to the panel,
18 have you considered the other option?

19 DR. PETER KULCHYSKI: Yeah. And, I
20 mean, I guess I, but also some of the other members of
21 our group, are interested in being able to participate
22 more actively, so being able to ask some questions
23 based upon the knowledge that we have and, you know, I
24 guess, adding into the -- the cross-examination mix and
25 participating more fully in the process.

1 If we're not Intervenor, then some of
2 us will likely come along as presenters. But -- but I
3 think we could be more valuable and engage ourselves
4 more if -- if we are Intervenor.

5 I should also say I had put on the form
6 that we hadn't -- we haven't had any discussions with
7 any of the other groups. I am meeting with the -- the
8 people from York Landing. And we would be happy to
9 meet and collaborate with other groups and make sure
10 that we're not significantly overlapping, and/or maybe
11 some of our expertise will be useful to those groups in
12 some ways.

13 So we're certainly prepared and happy to
14 meet with anyone who wants to talk with us and share
15 information.

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON: Thank you very much
20 for your comments. According to my schedule -- go
21 ahead, Mr. Peters.

22 MR. BOB PETERS: Yes, thank you, Mr.
23 Chairman, for allowing me to interject at this point.
24 In light of the time commitments that one (1) of
25 Manitoba Hydro's counsel have, I wonder if this would

1 not be an opportunity to hear from her in respect of
2 the applications made so far. And then that could be
3 followed by a short recess before we finish with the --
4 the remaining numbers who are still to be heard.

5 THE CHAIRPERSON: Ms. Ramage...?

6

7 REPLY BY MANITOBA HYDRO TO REQUESTS FOR INTERVENOR

8 STATUS:

9 MR. PATTI RAMAGE: Yes, thank you. And
10 thank you for that accommodation, Mr. Peters. To
11 explain, I have a commitment this afternoon that was
12 made long before this date was set. And Ms. Boyd and I
13 had divided up reading the various -- and analyzing the
14 various Intervenors, so it won't necessarily be the ones
15 come so far, but we've got through the ones that I was
16 assigned.

17 So with your consent, I will just
18 provide Manitoba Hydro's comments only on the
19 intervention applications. Ms. Boyd will deal with any
20 that I -- the ones that I don't deal with. But she
21 will also deal with the timetable and the technical
22 conference.

23 So the first one I would like to provide
24 comments on would be MKO's. If we could turn to that.

25

1 (BRIEF PAUSE)

2

3 MS. PATTI RAMAGE: Manitoba Hydro
4 appreciates MKO has been a -- an active participant in
5 its GRAs for as long as I've been involved in them. So
6 that's -- it at least goes back twenty (20) years. And
7 I think Mr. Anderson would say he goes back further
8 than that. And so we're well aware of MKO's
9 participation.

10 We -- we do have concerns with the
11 materials as filed, and I will just run through them
12 briefly. And if we look to, for example, box 12 of
13 what MKO is proposing to be part of its intervention,
14 so -- so these are -- are scope issues, per se. For
15 example, in box 12, the concerns identified by MKO is
16 the alignment of the preferred development plan with
17 treaty and other rights.

18 There's nothing in the terms of
19 reference that ask this Board to comment to the
20 government on treaty rights or water rights or anything
21 of that nature. What is being raised, I think, might
22 be characterized as a section 35 consultation. They
23 might be matters received in the environmental process,
24 but they wouldn't be matters that would be dealt with
25 in an NFAT. So -- so we are concerned in terms of the

1 scope of MKO's proposed intervention.

2 Again, in box 13, MKO indicates it will
3 seek conditions to be placed on the PUB's approval of
4 any plan. And I think it's just worth noting that the
5 terms of reference, as you indicated, Mr. Chairman,
6 this morning, ask the PUB to make a recommendation.
7 There are no approvals being granted out of this
8 process, and that's a significant distinction.

9 And when I look down the list of the --
10 the items in box 13, when I review those items, it's
11 only the last one that actually falls within the scope
12 of the NFAT as described in the terms of reference.
13 Tho -- those items above, such as treaty rights,
14 they're out of scope. Implementation of treaties do
15 not have anything to do with this review. The
16 resolution of outstanding claims, I would suggest
17 that's a Northern Flood Agreement matter, maybe a
18 Treaty matter, but again they don't belong in the NFAT.

19 The environmental review and assessment
20 of the plan falls directly in the bailiwick of the CEC.
21 There is reference to it here, but this -- our view --
22 it's a macro. We're -- we're not trying to repeat what
23 the CEC is doing. I think the terms of reference have
24 attempted to task responsibilities to two (2)
25 tribunals. I don't believe there's any intention that

1 both tribunals will be reviewing the same type of
2 materials.

3 And dealing with that last point, some
4 of those, but not all, but some are what we are hear to
5 discuss. Socioeconomic benefits will be reviewed at --
6 at a -- at an appropriate level; revenue sharing,
7 however, will not be reviewed. That's a matter that is
8 part of the business arrangement between Manitoba Hydro
9 and its partners, and it is expressly out of scope.

10 So Manitoba Hydro isn't suggesting MKO
11 not receive Intervenor status, but Manitoba Hydro is
12 suggesting that the Board provide a very clear
13 direction, in terms of the very broad scope that MKO is
14 suggesting its intervention will be based on, and to
15 narrow that scope to what is in the terms of reference.

16 In general, Manitoba Hydro supports the
17 concept of an umbrella organization representing groups
18 with a common interest, rather than multiple individual
19 groups each advancing their own intervention, each
20 bringing witnesses, each bringing -- doing cross-
21 examinations. So I'm not -- we would support MKO's
22 participation, and in fact, as I go on, you'll see that
23 we believe that other parties should be -- should join
24 with MKO and -- and mount a joint intervention. So
25 those are my comments with respect to MKO.

1 With respect to -- the MMF is -- is
2 another one that I had in my area of responsibility
3 here. And if we turn to that -- to the written
4 application, I'd -- if I could direct your attention to
5 number 11 of the MMF's application on the -- the full
6 page.

7 And I think we heard Ms. Saunders say it
8 today, that -- that MMF is looking for a comprehensive
9 assessment as to how the development plan will affect
10 the Metis. And I think they're looking -- I think this
11 application, at least as I read number 11, for example,
12 it speaks to hunting, fishing, trapping, and the use of
13 water as rights protected, as Aboriginal rights under
14 the Constitution.

15 I would submit the NFAT isn't about
16 resource allocation. Resource allocation is dealt with
17 under the -- either the Environment Act by the CEC or
18 by the Water Power Act, which is dealt with directly by
19 the government. But that has not been part of the
20 terms of reference that have been -- that have directed
21 this process.

22 There are forums to deal with the MMF's
23 concerns, and this project won't go forward until the
24 Environmental Act and Water Power Act approvals are
25 obtained. This isn't the place to -- for these

1 concerns, and they are properly, in our view, on the
2 environmental side of the equation. And I understand
3 the MMF is an active participant on that side of the
4 equation.

5 I think the point is really drawn home
6 by the list of witnesses that the MMF has proposed.
7 And if you turn to the second-last page of their
8 application, we see the MMF is planning to bring three
9 (3) witnesses: President Chartrand, Ms. Lagimodiere,
10 and Mr. Parks, all members of the MMF, to speak to the
11 relationship between Manitoba Hydro and the MMF, and
12 the concerns in the development area. They also intend
13 to call evidence with respect to Metis traditional
14 knowledge and the Metis way of life.

15 These are matters that are being
16 considered in the CEC process, and, as I said, the MMF
17 is an Intervenor in that process. If there's any doubt
18 that the MMF's concerns are being dealt with in that
19 process, I'd suggest looking at the application for
20 participant funding in the Keeyask CEC process.

21 The -- their application was headed --
22 and we can provide a copy if the Board likes, but it's
23 headed, "Evidence in Submission on Metis Traditional
24 Knowledge and Metis Way of Life." They have been
25 accepted as a participant in that process.

1 The witness, Ms. Larcombe, which the MMF
2 is proposing to call -- and here I would direct your
3 attention to the last paragraph of that -- of the
4 second-last page:

5 "Ms. Larcombe is to provide evidence
6 on a traditional land use and
7 knowledge study."

8 And if -- if I could -- for a moment, if
9 you would read that -- if we go to -- I'm just looking
10 at the page.

11 "In the CEC process, Ms. Larcombe
12 [and I'm quoting] will be retained to
13 be part of an expert panel put
14 forward by the MMF on the effects of
15 the proposed project on Metis use and
16 way of life in the study area.
17 Specifically, Ms. Larcombe is
18 anticipated to present on the results
19 of the MMF's traditional knowledge
20 and land use on the project."

21 It certainly appears that the MMF is
22 pros -- proposing to be -- present the same evidence to
23 the PUB, and that's already part of the CEC process.
24 If you look at the last page, the first full paragraph,
25 and that's the one that deals with providing assistance

1 to legal counsel, and if you would just take a moment
2 and read through that paragraph.

3 And if you have, I'm going to read
4 what's been proposed at the CEC for evidence, and if
5 you could follow along. And this is the CEC proposal:

6 "Ms. Larcombe will also provide
7 assistance to MMF legal counsel, as
8 required, throughout the CEC hearing
9 process in order to prepare for
10 effective cross-examination of
11 Manitoba Hydro's evidence on
12 Aboriginal traditional use generally
13 and Metis use specifically. Further,
14 she will assist in developing the
15 MMF's submissions with respect to
16 suggested mitigation measures,
17 monitoring, et cetera. If the
18 project is ultimately approved."

19 Okay. The other witness that the MMF
20 intends to call is a consulting firm called ME -- MSES.
21 And they refer to that in the second paragraph on that
22 last page. And if you take a moment to read that
23 paragraph, I'm going to now read from the CEC
24 application form, and if you would follow along. At
25 CEC they had not yet determined the identity of their

1 witness, but they discuss the evidence that they will.

2 And I think you'll -- you'll see a connection.

3 "The MMF will retain an expert to

4 undertake an assessment and critique

5 of the EIS's socioeconomic impact

6 assessment, as it relates to the

7 Metis community and Aboriginal

8 peoples in the local and regional

9 study area that are not partners in
10 the project.

11 This will involve identifying the

12 demographics and characteristics of

13 non-Keeyask partner Aboriginal

14 communities, \ and assessing whether

15 the socioeconomic methodology

16 employed by the Proponent is adequate

17 in order to assess impact on the

18 Metis community and other Aboriginal

19 peoples in the region."

20 Again, it appears to be the same

21 evidence. And I think we heard from Ms. Saunders this

22 morning that they were going to draw on that evidence.

23 And it's very clear that these are important issues to

24 the MMF. I'm in no way trying to discount them, but

25 this isn't the forum to -- to deal with those issues.

1 And -- and we -- we are counting on the
2 CEC to be dealing with those issues in an in-depth
3 manner. And I -- I do not believe the terms of
4 reference were intended to have parties go to one (1)
5 forum and then repeat that same evidence in a second
6 forum, and certainly at the same level of detail.

7 The intent in the NFAT process is to
8 look at socioeconomic benefits at a high level to the
9 Northern and Aboriginal communities generally, not to
10 specific groups. That, I would suggest, is a CEC
11 matter. I also understand that in the CEC process the
12 socioeconomic analysis that Manitoba Hydro has provided
13 presents an entire volume of materials. And that's not
14 something that we're proposing to do in this process.

15 Finally, the MMF did indicate it intends
16 to call a witness regarding the financial and economic
17 risks of the preferred development plan with respect to
18 the Manitoba Metis community. A review of financial
19 and economic risk is exactly why we are here. But I
20 fail to see how those risks impact the Metis in any
21 manner different from the rest of the province.

22 The majority of what has been described
23 in this intervention is out of scope. It would not
24 seem unreasonable that the MMF be required to form a
25 coalition with other groups representing Manitoba

1 residential customers in order to advance their
2 concerns - CAC, for example. It would reduce the
3 number of witnesses and the number of cross-
4 examinations and would facilitate getting through the
5 schedule in the time that's been allotted.

6 I would add, as to concerns of parties,
7 generally with respect to having their voice heard,
8 Manitoba Hydro, even with a coalition, wouldn't object
9 to individual parties raising their own voice in final
10 submissions and making their own final submission.
11 It's the concern of getting, for example, if all
12 parties are approved, nine (9) sets of IRs and nine (9)
13 cross-examinations, and nine (9) different parties
14 submitting evidence when the interests do not
15 significantly differ from each other.

16 Those parties can, at the end of the
17 day, in Manitoba Hydro's view, each advance then their
18 own final argument if that's what they desire. But we
19 don't see it as an efficient process when we don't see
20 separate interests on the matters that are in the scope
21 of this hearing. So that's our -- our position on MMF.

22 Then I guess I -- I do want to comment -
23 - I know -- I'm going to call them KI, is not here.
24 But they did make a -- a submission. And, again, if we
25 turn to that one, I think we have the same concerns

1 with KI's submission, or similar concerns. And I'd
2 like you to turn to box 12 of that submission.

3

4 (BRIEF PAUSE)

5

6 MR. PATTI RAMAGE: And if we look at
7 box 12, and we've all seen the terms of reference --
8 and we've heard Mr. Wojczynski this morning about
9 what's going to be in Manitoba Hydro's file -- filing.
10 And if we follow down line by line, there will be no
11 scientific studies in the NFAT.

12 There will be no studies related to the
13 effects on the Lower Nelson or the Nelson River
14 estuary. There will be no scientific studies on the
15 engineering or design of the actual generating
16 stations. The effects on caribou will not be dealt
17 with, nor will there be studies on the effects of Lake
18 Sturgeon.

19 Those are matters, the Sturgeon and the
20 caribou, that are -- and the effects on Lower Nelson
21 are all being dealt with at the CEC. And again, I
22 understand this group is participating at the CEC. And
23 those are matters that are in Manitoba Hydro's
24 environmental impact statement, and that's the core
25 document to the CEC hearing.

1 And so it appears to Manitoba Hydro that
2 the reason these -- this party has misunderstood the
3 purpose of the NFAT, which is really focussed on
4 economics and finance, and -- and that's the main goal.
5 And there's really nothing in here that suggests that's
6 what their interest is.

7 It -- they also discuss in box 12 at the
8 last point the individual or Abo -- Abor -- Aboriginal
9 interests. They want to test studies that will
10 negatively impact our rights and interests, and that's
11 also not what this panel has been empowered to do or
12 asked to make recommendations on to government.

13 Manitoba Hydro's position is that KI
14 might want to group with another group. And -- but an
15 intervention on this basis, if they have some matters,
16 I'm sure someone like Mr. Williams could provide
17 guidance on what is appropriate in the terms of
18 reference, or MKO, for that matter.

19 We have two (2) active participants
20 who've -- who've actively participated before this
21 Board before. And I think they could choose one (1) of
22 them to somehow group with. And again, if at the end
23 of the day they want to advance their final argument,
24 they can. But I -- I am very concerned about the idea
25 of nine (9) Intervenors being here.

1 Turning lastly now to the Manitoba
2 Public Interest Research Group, or this is the last one
3 on my list. This is a group that has been in existence
4 for, according to the filing, one (1) month, and it has
5 twelve (12) members. The NFAT is being conducted
6 pursuant to the PUB processes and under its act and
7 rules. Therefore, it's instructive to look at earlier
8 PUB experience and rulings regarding Intervenor
9 representation.

10 And here I turn to Order 136/07. And in
11 that case, the PUB rejected an Intervenor. And here
12 I'm quoting from page 10 of that order.

13 "Approving Intervenor status for an
14 individual representing only his or
15 her intere -- interest risks extra --
16 extraordinary regulatory costs and
17 time commitments for the Board,
18 Manitoba Hydro, and other parties.
19 For -- for this and future hearings,
20 it's not considered to be in the
21 public interest."

22 The Board, in that case, suggested the
23 rejected Intervenor provide his specific issues to
24 another approved Intervenor for consideration. And
25 again, we appro -- we suggest perhaps an umbrella

1 organization, such as MKO. We -- we're suggesting --
2 or pre -- or, as -- as was mentioned during the
3 comments made by the applicant, a presenter role in
4 this hearing.

5 We're also suggesting that, on the basis
6 of the issues raised by the Manitoba Public Interest
7 Research Group in their -- in their application, on
8 page 2 of their application, in box 12, they set out
9 their specific concerns. Environmental and social
10 consequences is -- is the first one I see, and that's a
11 CEC matter.

12 Economic arrangements between First
13 Nations and Manitoba Hydro. The terms of reference
14 specifically exclude the business arrangement between
15 Manitoba Hydro and First Nations. The impact on
16 Aboriginal and treaty rights and concomitant cultural
17 impacts. Again, that's beyond the scope of the terms
18 of reference. Another was traditional knowledge and
19 traditional ecological knowledge in the planning and
20 management of projects. Again, traditional knowledge
21 and traditional ecological knowledge and -- and
22 information in -- in those areas are being dealt with
23 at the CEC process.

24 Box 13, we see more of the same.
25 There's economic arrangements are referenced, and those

1 are expressly out of scope. Social and cultural
2 impacts and environmental impacts. And, again, those
3 belong, for any sort in-depth look, at the CEC. So for
4 this applicant, we would suggest either joining in with
5 another group just to offer assistance, or presenter
6 status.

7 And I think those are the ones that --
8 that I was responsible for. So I -- I've made those
9 comments. I think Ms. Boyd was having a heart attack
10 next to me at the thought of me leaving with -- with my
11 being responsible for those. So I appreciate everyone
12 in the room giving me the opportunity to -- to speak to
13 those four (4) out of order. I leave it Mr. Peters to
14 carry on. I'm going to be able to stay for a few
15 minutes anyways to -- on. But anyway, I -- I do want
16 to thank the Board for the accommodation.

17 THE CHAIRPERSON: Before you go, I have
18 a question in relation to a comment you made about the
19 MMF specifically. You said -- you know, you -- you
20 said, you know, you were concerned about the nine (9),
21 having nine (9) interrogatories, and so on. But you
22 said Me -- Me -- the MMF could participate in giving
23 its -- like, I -- I didn't understand that -- that.
24 You said --

25 MS. PATTI RAMAGE: Well --

1 THE CHAIRPERSON: -- there was another
2 opportunity they -- they could use?

3 MS. PATTI RAMAGE: Well, I -- I'm not
4 sure exactly at what point I was talking about -- there
5 is the idea that the MMF can advance their concerns at
6 the CEC process. There's that concept.

7 There's also the concept that if they
8 are part of a -- a joint intervention or an umbrella
9 group is formed to advance, where we have one (1)
10 witness, and that -- that Manitoba Hydro would have no
11 objection to the groups to that umbrella organization
12 each making their own final argument, is what -- so
13 that we didn't have multiple witnesses to get there.

14 Because, from our perspective, we don't
15 see a lot of difference in -- when we deal with the
16 actual in-scope items. And that's, you know, the
17 economics and the materials that Mr. Wojczynski
18 covered, that whether you're part of the MMF, or
19 whether you're one (1) of Mr. Williams's constituents,
20 that those interests and the risks to those -- to those
21 customers of Manitoba Hydro will be different, as tho -
22 - those are customers of Manitoba Hydro dealing with
23 the economics of this plan, in -- in our view.

24 And they're -- I believe it would be all
25 of the residential class that would be covered. So if

1 a group like that was formed, then they could each
2 advance their own argument at the end of the day.

3 THE CHAIRPERSON: Thank you for that
4 clarification. Any questions? Given the time, I
5 suggest we take approximately ten (10) minutes and
6 resume after the -- of standing down for a few minutes.
7 Thank you. Ten (10) minutes.

8

9 --- Upon recessing at 12:33 p.m.

10 --- Upon resuming at 12:53 p.m.

11

12 THE CHAIRPERSON: I would now call on -
13 - I now call on Mr. Mike Sutherland, on behalf of
14 Peguis First Nation.

15

16 APPLICATION FOR INTERVENOR STATUS BY PEGUIS FIRST
17 NATION:

18 MR. MIKE SUTHERLAND: Hello. Good
19 afternoon, Mr. Chair. I actually started out making my
20 notes good morning, so -- but we're in the afternoon.
21 And, Mr. Soldier, nice to see you again. Never seen
22 you for a while. Anyhow, my name is Mike Sutherland.
23 I'm a band council from the Peguis First Nation. I am
24 also -- I hold the portfolios land and natural
25 resources, traditional use areas consultation. And I

1 would like to bring it to your attention as to why --
2 why we're here today and also requesting Intervenor
3 status.

4 You know a little bit about history, I
5 guess, going back in -- in history with -- with our
6 community. You know, Peguis has suffered long and hard
7 in regards to flooding, combatted flooding as a result
8 of the dams in the North and the levels of Lake
9 Winnipeg, you know. And one (1) of the biggest areas
10 that we suffered is social and economic benefits, you
11 know. And I think, in total, we're looking at damages
12 well over \$300 million in the last twenty-five (25)
13 years or so, you know. And so that's just a bit of a
14 history.

15 But we also want to make everyone aware
16 of the -- you know, the fact that Peguis, even though
17 we -- we're in the Interlake, we're actually signatory
18 to Treaty 1 and also recognize other treaties and --
19 and land statuses that -- that are in the affected
20 areas, you know.

21 And there's Treaty 1817, Treaty 1876.
22 We have a TLE notification zone that comes right up to
23 the southern part of the province here, but also a
24 traditional territory, you know. And Peguis's
25 traditional territory, it's huge and it's vast.

1 And one (1) of the things, if you go
2 back to Treaty 1, there's a non-distinguishing clause
3 there that gives our people the right. We didn't give
4 up the right of any land whatsoever when we signed
5 treaty. So whether we live here, Thompson, Brandon, or
6 wherever, we have that right to the land.

7 And I heard what Manitoba Hydro said
8 earlier on in regards to Section 35 and -- and
9 consultations, you know. And I -- I pondered that
10 because, you know what, regardless of, you know, your
11 NFAT or the need for alternative -- whatever the need
12 is or the source of it, if it's going to be a wind
13 farm, if it's going to be solar panels or anything,
14 wherever things -- wherever it's constructed, if it's
15 in traditional territory Section 35 comes into play,
16 you know what.

17 And that -- and there -- and it's not --
18 that's not a question, you know. It's -- it's what the
19 Supreme Court of Canada stated, you know. And one (1)
20 of the things that is frustrating us in this whole
21 process, that CEC doesn't want to hear about Section
22 35, the Clean Environment Commission, you know. And
23 the environmental assessments that are done, they're
24 done even before Section 35 is -- is done.

25 So, you know, we're -- we're left to be

1 last, you know, and yet we -- we suffer the social and
2 economic opportunities in our communities. You know,
3 and it's -- like I said, whether it be the
4 environmental assessment CEC hearings or the NFAT
5 process, the point being made here is, whatever
6 happens, Section thirt -- it's going to affect us.

7 You know, if you're looking for
8 alternative for -- for hydro development it's going to
9 affect us. If it happens within our traditional
10 territories we have to be consulted. And the fact of
11 the matter is that, you know, Manitoba Hydro wants to
12 leave Section 35 out of this is -- is irrelevant. It -
13 - it's going to be a part of it anyway, you know, our
14 TLE notification zone, you know, the Riel station.
15 You're -- and you're talking about -- you're talking
16 about energy going south, you know.

17 And the Riel station is in the heart of
18 our traditional territory. It's right in -- within our
19 TLE notification zone, you know. And what we're
20 looking at here, too, is oppor -- lost opportunity.

21 You know, Peguis, we -- we've been doing
22 some research in regards to forestry operations for our
23 local forest programs. And -- and we're looking within
24 our traditional territory, which means the whole
25 southeastern part of Manitoba. You know, there would

1 be the Agassiz Forest, Marchand, or Sandilands, or so
2 on. You know, we're -- we're in there and that's our
3 traditional territory, you know.

4 And -- and the -- and the amount of
5 energy you're going to export down to the United States
6 over the next few years is going to go right through
7 that, so how could you not consider Section 35, you
8 know.

9 And one (1) of the other things that --
10 that's going to affect us, you know, with -- with the
11 future of Manitoba Hydro's projects is -- is Section
12 35, the use of the land. We hunt, trap, fish, gather
13 in that whole area. You got to remember ten (10) -- we
14 have ten thousand (10,000) people in Peguis. We have
15 four thousand (4,000) on the reserve. We have another
16 pretty good chunk up here in the southern part of
17 Manitoba, probably another two (2) or three thousand
18 (3,000). But we also have people in Thompson and many
19 other First Nations scattered throughout Manitoba, so
20 our population is vast.

21 And our traditional use area is --
22 encompasses the whole province. We go as far south as
23 Red Lake, Minnesota, as far east as Garden River,
24 Ontario, you know. And -- and all that information is
25 gathered within your own archives here in the Province

1 of Manitoba.

2 So these are the things that have to be
3 considered. But these are the things that we see
4 that's always being left out. So when it comes to
5 Peguis and being a part of this whole process, we feel
6 that we could be a tool that could be used to help
7 educate Hydro and everybody else as we move forward in
8 these projects because they have to be addressed, you
9 know.

10 And the Supreme Court of Canada states
11 that. And I know I heard Hydro stating that it's all
12 about economics and so on. What about our social
13 programming within our community? Traditional use of
14 the land, you know, and -- and the right to still
15 acquire, and hunt, trap, and fish. And that's what
16 happens with many of our people, whether it be in
17 Winnipeg, Peguis or wherever.

18 You know, and -- but one (1) of the
19 things as we move forward, though, we can't do it
20 without the funding. You know, and in order for us to
21 participate and participate to the fullest extent, we
22 need that support as well. You know, when we went
23 through the CEC hearings they didn't provide us a
24 penny. You know, but yet we stayed there and we
25 participated in those hearings. We are going to be

1 participating in the Keeyask hearings and there we will
2 require the funding to -- to participate.

3 But I think Hydro is starting to
4 understand now that, you know, Peguis is not just in a
5 small corner of Manitoba. Peguis is all over. You
6 know, and we're a part of Treaty 1, and we have a
7 traditional use area that's vast. You know, we've --
8 we've also approached Manitoba Hydro a couple of years
9 ago. And we were turned away about wind farms, as one
10 (1) of the things that we wanted to proceed. And here
11 we're talking about alternative energy. Yet Manitoba
12 Hydro turned us away.

13 Yet when you look at the plans that are
14 presented here today, that alternative energy is a part
15 of that. So it doesn't make sense to me if we're
16 sitting here today in this NFAT talking about
17 alternative energy. You've got a First Nation that --
18 that solidifies this as their traditional territory,
19 and one (1) of the -- one (1) of the Treaty 1 First
20 Nations, as a part of their traditional territory, have
21 an opportunity for -- are presented an opportunity for
22 alternative energy and were turned away. You know, we
23 -- we want to be a part of those economic opportunities
24 as well.

25 You know, and I think that it's

1 important for this panel, you know, and -- and Manitoba
2 Hydro as well, to ensure that Peguis participates in
3 these hearings and this process, to ensure that people
4 that are involved are educated to the extent that they
5 need to be. Because whether it be Peguis or any other
6 First Nations in Manitoba, if something happens within
7 their traditional territory, they have to be
8 recognized, and they have to be spoken to. With that,
9 I'll turn the technical part over to our -- our
10 consultant here, Ms. Whelan Enns. Thank you very much,
11 Mr. Chair, and Mr. Soldier.

12 MS. GAILE WHELAN ENNS: Good afternoon.
13 Some of us are definitely learning today, in the last
14 few days in terms of the PUB. And that's showing a
15 little bit too. It may -- it may well be evident in --
16 in comments that I'm going to make, but it's worth sort
17 of, shall we say, pushing the refresh button a little
18 bit on what Councillor Sutherland has just said.

19 From our perspective in our office,
20 Peguis First Nation has basically made a fairly
21 fundamental decision that's based on culture,
22 socioeconomic issues, the economy overall, certainly
23 rights, certainly their future. The decision they've
24 made is to be participants and to inform and contribute
25 to every proceeding with respect to hydro development.

1 And that's what they're doing. And I do believe that
2 there's a great deal that this First Nation can
3 contribute.

4 The approach we take in our office is
5 one of continual learning, and then ability to support,
6 technically and otherwise, First Nation clients. And -
7 - and I -- I think I'm going to spend ten (10) years
8 learning in -- in terms of what Peguis has in its
9 history and its culture, but also what it has to
10 contribute to our province.

11 I think it's also clear from the
12 Manitoba Hydro presentation today that -- that the PUB
13 will benefit from Peguis knowledge, experts, and their
14 participation regarding social, cultural, and economic
15 impacts from the plan. And I would be inclined to
16 point out and add to that that there's a very
17 significant environmental content in these terms of
18 reference. Now, there's a variety of things -- and I
19 said this to the Board counsel yesterday -- that were a
20 surprise to see. But there they are. They're in the
21 terms of reference.

22 A beginning, or a start, on
23 identification of experts for Peguis First Nation's
24 application to be an Intervenor here has begun. And
25 you can see that from what was filed as an application.

1 But we are coming up to some issues and it is again a
2 function, perhaps, of being in the room for the first
3 time at a pre-hearing conference for the PUB. But I'm
4 hearing some things that I think are issues because
5 this is an NFAT hear -- process, and we've never done a
6 full NFAT in this province with respect to hydro
7 development before.

8 As a survivor, like, for -- for instance
9 some of the Hydro people across the room from me, of
10 the Wuskwatim proceedings, and as a director of an
11 organization that was funded for all four (4) aspects
12 of that review, including the two (2) NFAT reviews, I'd
13 have to say this is the first time. And it's extremely
14 important for the future of Manitoba for this NFAT to
15 be really thoroughly fulfilled.

16 So the issue that I think I'm hearing is
17 about the effort and the value of the effort in order
18 to be able to contribute to this NFAT review and
19 finding a way so that the NFAT proceedings and hearings
20 are not basically fully dominated by review of the
21 Hydro filings. That is, there's a great deal then that
22 Intervenors can begin work on now, can contribute,
23 while still fulfilling their responsibilities in terms
24 of review of the filings.

25 And there are some aspects, in --

1 including -- and particularly in terms of the Peguis
2 expert contribution here that -- where the work would
3 need to start right away. So by this we mean that we
4 have to start soon and in va -- in -- in advance of the
5 filings.

6 Put simply, if Manitoba Hydro is provi -
7 - providing filings for the period of time between now
8 and August, then the Intervenor should in fact have
9 full opportunity to prepare their analysis, their
10 technical reports, and their submissions that will in
11 fact be as independent or freestanding in the
12 proceedings, in the hearings, as the filings are when -
13 - when they come from Manitoba Hydro.

14 Now, again, I'm new to the process, but
15 this is -- we only have a year. And the -- it's not
16 making sense that we would start in August, including
17 in terms of the schedules. It was good to see the --
18 the technical conference possibility sooner in the PUB
19 schedule.

20 I want to give an example that's
21 concrete from the application from Peguis First Nation
22 to what I'm saying, and that is Mr. Flanders
23 (phonetic), who is the landscape architect from DPI and
24 from UBC (phonetic), the work that -- that's in --
25 intended and that Peguis hopes to do to contribute to

1 this overall involves historic to current projected
2 future water flows from the Rockies to here.

3 The technology now exists to be able to
4 go back as far back as you can find data and/or maps
5 that -- that can be re-digitized. I'm not the
6 technical person, so I'm basically going to say that
7 now. These are layperson's terminology.

8 Mr. Flanders will be doing similar kinds
9 of work within the CEC Keeyask proceedings. And it
10 looked to me, from looking at the terms of reference,
11 as something quite relevant to contribute, and we
12 discussed it.

13 The words 'drought', the words 'climate
14 change' are there in the terms of reference. So that's
15 an example where it will take a lot of time to do this
16 well for proceedings for the PUB, for everybody
17 involved. I think you need to start in June. That's
18 my guess.

19 I wanted to also say that legal counsel
20 -- and it's there in the application, has been
21 identified for Peguis First Nation, cannot be named
22 yet, and it's a matter of being out of town all this
23 week and, also, that the -- the firm needs to do their
24 -- their conflict review and so on. We're -- we're
25 fairly sure it's fine, but that's why that's missing

1 information.

2 The Peguis First Nation ability to be an
3 Intervenor here is dependent on funding. And
4 Councillor Sutherland has basically described the --
5 the challenge that was Bipole 3. And that can't be
6 repeated, the resources are just not there.

7 So the -- the comment also from Mr.
8 Peters in terms of the potential for costs or awards
9 through the year-long process is also relevant. That's
10 a two (2) part necessity in terms of being able to be
11 an Intervenor.

12 There's also two (2) applications before
13 you so far requesting a coordinator, Intervenor
14 requesting a coordinator. Our observation would be
15 that this can actually really cut costs, and also
16 parallel activity and -- and help with timelines in
17 terms of the kinds of assistance to everybody in a team
18 as an Inter -- as Intervenor that comes from having a
19 coordinator overall. Every -- everything basically is
20 smoother and moves quicker.

21 So that's also here then in terms of the
22 -- the sort of situation as of today for Peguis First
23 Nation, an ability to be an Intervenor here.

24 There is also a need to do further
25 exploration in terms of experts needed and -- and

1 research needed. So what you have is an application in
2 front of you is basically best effort in relatively
3 short time from decisions to, in fact, apply to being
4 able to put the -- the documents together.

5 A comment that I've been asked to make
6 is a small, little reminder for all of us. And that is
7 that everything to do with treaty rights and, if you
8 will, traditional or Aboriginal land use is relevant
9 for an NFAT review in that it is highly economic
10 activity. It's cultural and social activity, and it is
11 economic activity. So there's a challenge before you
12 in this respect, but I -- I think that it's worth
13 adding that to comments.

14 Now, Peguis First Nation is experienced,
15 impacted, and knowledgeable, and building a -- building
16 all of the time its knowledge base to be able -- in
17 terms of Manitoba Hydro developments enable -- in terms
18 of being able to then contribute here. There has been
19 some preliminary discussion with other applicants to --
20 to be Intervenor. But that has largely had to do with
21 advice, in terms of the first step to be an Intervenor
22 before a PUB hearing, and also in -- just in terms of
23 the fact that this is an NFAT and it's new and it's
24 different.

25 So there's been some very early

1 exchanges of conversation. Collaboration has real
2 possibilities. And at this point we're not -- we're
3 not consciously -- or have not consciously identified
4 any duplication, in terms of what Peguis has put in its
5 application.

6 The -- the second expert, or the other
7 experts, if you will, in the Peguis application include
8 Phil Raphals, who is the CEO of the Helios Institute in
9 Montreal and very experienced in -- across Canada and
10 in the Northeastern United States in a range of things
11 to do with both -- both environmental, technical, and
12 economic reviews to do with the whole range of sources
13 of energy. He's certainly had a lot to do with the
14 National Round Table and with Hydro Quebec and is very
15 interested in contributing here.

16 I've been told quite firmly a couple of
17 different ways that it's also relevant to say a couple
18 of things about the expertise and the knowledge in our
19 office with respect to Manitoba Hydro.

20 And also, for disclosure, I'm a director
21 of -- I am the director of a -- of a small Manitoba
22 environmental organization, Manitoba Wildlands. And
23 that organization was a funded participant, as I
24 referred to earlier, in the Wuskwatim CEC joint NFAT
25 proceedings.

1 We are recovering from nine (9) weeks of
2 Bipole 3 hearings, like a lot of other people, and are
3 also -- the environmental organization is also
4 registered as a -- as and funded as a participant in
5 the Keeyask CEC proceedings.

6 Overall though, what happens -- and this
7 will be a question back of people's minds, I believe,
8 in the room -- we usually begin our learning and our
9 involvement in terms of the early days in Manitoba
10 Hydro development on a volunteer and non-profit basis
11 through the environmental organization; so with respect
12 to Keeyask, because we're already four (4) years in.
13 The same is true with Bipole 3 in terms of the -- the
14 advanced stages of -- of various reviews on a public-
15 interest basis.

16 Then what happens in our office is that
17 we find ourselves, usually with discussions from a
18 First Nation client, and through our social enterprise,
19 Whelan Enns Associates, in discussions in terms of the
20 impacts on the interests that may be affected and the
21 relevance then or wish to participate where that First
22 Nation community wishes to in fact fully participate in
23 decision making and reviews and hearings.

24 So and I wanted to just close, because
25 that in fact may be there on people's minds. I'm going

1 to stop, and if there's any questions, let's do that.

2 THE CHAIRPERSON: Thank you both for
3 making that submission, and I appreciate your coming
4 down to -- to the -- to this room to -- to make your
5 point to the panel.

6 So now I call upon Mr. Darwin Paupanakis
7 on behalf of Pimicikamak.

8

9 APPLICATION FOR INTERVENOR STATUS BY PIMICIKAMAK AT
10 CROSS LAKE:

11 MR. DARWIN PAUPANAKIS: Good afternoon.
12 Thank you, Chair, Mr. Soldier. Thank you for having us
13 here today. And I'd like to, first of all, I guess,
14 give you little bit of a background on -- on where --
15 where I come from. My name is Darwin Paupanakis. I'm
16 a secretary to the four councils of the Pimicikamak
17 Okimawin. For your information, it's not -- I'm the
18 keeper of the laws. I'm not the -- the secretary that
19 takes notes and keeps minutes there. So I'm keeper of
20 the laws there.

21 And first I'd like to start off with, I
22 guess, our -- our mandate coming from our people and
23 our relationship with the rest of our -- all our
24 relations here in -- in Canada.

25 First of all, Pimicikamak Okimawin is

1 sovereign people. We make our decisions based on
2 internal consultation. We have relationships with
3 Canada through treaties. We have relationships with
4 the Province of Manitoba through treaties. And we also
5 have relationships with Manitoba Hydro through --
6 through treaty.

7 I just want to make a correction on an
8 earlier comment that was made by MKO. Pimicikamak
9 Okimawin has no affiliation whatsoever with that
10 family, as he calls it. We are independent. We make
11 our decisions. And we make those decisions based on
12 internal consultations with our people. We don't go
13 outside of our mandate. So I just wanted to make that
14 clear, that Pimicikamak Okimawin is not associated with
15 Manitoba Keewatinowi Okimakanak.

16 With that said, we are here today to --
17 to assist this process. From our submission, you can
18 see that we are here as -- as people who want to
19 contribute valuable information that we have. We have
20 extensive knowledge, both in international forums and
21 domestic forums here locally as well in Manitoba, in
22 sharing information about our people.

23 And with the NFAT hearings, we are
24 hoping that we can be granted Intervenor status as well
25 as being funded, as we are not -- we don't have a

1 funding source. We are not funded by the Government of
2 Canada, per se. We are not funded by Manitoba.

3 But we want to contribute in ways that
4 we have in the past. We have experience in talking
5 about economics in the United States regarding the
6 public utilities board over there. We have managed to
7 convince to change laws in the United States with this
8 information that we shared with them.

9 We have a lot of relationships with
10 consultants that will be developed. And hopefully that
11 with this participation here we can assist in
12 determining how best that you could use that
13 information because we, as a people, have always been
14 tho -- that kind of people. We share stuff. We share
15 information. We share our values. We share our
16 knowledge. And we share our land.

17 And the way we share our land with --
18 with the rest of the world is through economic
19 decisions. Our survival is our mandate, so economic
20 decisions are made through entering into treaties. I
21 cannot see any way we can dissect that fact.

22 So with that economic sustainability
23 that we're going to be talking about that you're going
24 to be dealing with, we have participated with Manitoba
25 Hydro in different forums, and also in negotiations in

1 trying to deal with economic ramifications about the
2 project.

3 First of all, we have beared the brunt
4 of all the economic decisions that have been made by --
5 by Manitoba by granting Lake Winnipeg regulation and
6 CRD, Churchill River Diversion. We pay the price. We
7 pay a very high cost through -- through lands that have
8 been destroyed. Our economy has been decimated to
9 almost a point where it's hopeless. And the fact is
10 that our people are -- are paying the human cost as
11 well. And that human cost is -- can be associated with
12 the -- the economics of -- of Manitoba's decisions.

13 So we want to help out the process.
14 We're here to give the -- the process all that we can
15 to help out in sharing information, factual
16 information. We're also involved in some processes
17 with the -- the CEC process, where we're not funded.
18 We're involved in the Bipole 3 process, where we get
19 some funding.

20 And with the information that we get
21 from there through sharing of information, we can make
22 -- certainly make the statement that there is a
23 certainly high-level lack of factual information in the
24 -- all the submissions that Manitoba Hydro has
25 submitted regarding land use and how the effects are

1 determined in those submissions.

2 They do not speak of our people. Our
3 people have a vast area as well of traditional
4 territory, which stretches from past the borders of
5 Saskatchewan to past the -- the Ontario border. And
6 it's -- it's a fact that -- that's there. It's -- as a
7 matter of fact, it was -- it was submitted to the Order
8 in Council of Canada back in 1876, somewhere around
9 there I believe, shortly after the treaties were
10 signed. The ma -- the map that was submitted by -- the
11 Surveyor General at that time signed that map, and --
12 and the information is there.

13 So with that, we also have technical
14 requirements. We have experts that we want to help us
15 out in determining what -- what it is that we're
16 dealing with. We have a consultants and -- and we have
17 legal team that we work with. We want to have the
18 resources available to -- to take on the tasks. And if
19 there's anything else I forgot, I'm sure Gaile will --
20 will help me out here. So, Gaile, if you want to take
21 over for now.

22 MS. GAILE WHELAN ENNS: Thank you.
23 Gaile Whelan Enns, Whelan Enns Associates, again. If I
24 was sitting at the Manitoba Hydro table this afternoon,
25 or sitting with the Chair or Mr. Soldier at that table,

1 I would be thinking about the potential contribution
2 from the Pimicikamak to these reviews, proceedings, and
3 the hearings.

4 I said it earlier; this is the first
5 time, and the most complete, review of this kind done
6 in Manitoba. The only thing I could think of is, you
7 know, what was commissioned in ni -- late 1970s, after
8 the fact. And there's a lot of things in the
9 Commission -- Commission Report that are still relevant
10 today. But it still doesn't compare. It's a different
11 time and this is, in fact, an opportunity before the
12 plan and before the development.

13 So the Pimicikamak's knowledge, their
14 experts, their contribution, and what they have, in
15 fact, assembled as a foundation in experience and
16 knowledge and study with respect to hydro projects, is
17 basically available to the PUB, to the other
18 Intervenors, to Manitoba Hydro, to the Manitoba
19 government in this pro -- in this process. And the
20 contribution would be thorough, and it would regard --
21 be regarding social, cultural, and economic risks and
22 impacts from the plan.

23 We have had the first steps taken, in
24 terms of the identification of experts, as you can see
25 from the application for Intervenor status, though

1 there are -- there's certainly more work to do with
2 respect to the work plan. And you can tell that, of
3 course, from -- from the previous remarks.

4 The direction to myself on sort of short
5 notice though, last week, was to put the time and the
6 energy to find referrals to specifically seek a company
7 in the United States who was knowledgeable on most
8 everything of a regulatory, costing, pricing,
9 construction, sale, and public-policy basis with
10 respect to energy in the states where, in theory, the
11 sales of energy would go.

12 And I would -- had good fortune in terms
13 of having referrals from -- from associates and
14 colleagues in -- in Minneapolis. And the Synapse
15 Energy Group have been quite extraordinary to deal with
16 so far, and they very much would like to contribute.

17 And you can tell from their website and
18 from some of the materials that are on the application
19 that their client base is extraordinarily wide, but
20 also fairly deep, in terms of the whole range of civil
21 society and community organizations, but also the --
22 the whole range in terms of government organizations
23 and regulators and adjudicators and so on.

24 The situation for Pimicikamak is the
25 same, in terms of not having the ability to go forward

1 without funding and the need for funding through the
2 period of time of the proceedings. There's a
3 worthwhile comment to make. I know I made it
4 previously with respect to Peguis First Nation, but
5 coordinators can make a significant difference in
6 turnaround and time use, but also in cost, so it's
7 worth thinking about.

8 You know that the legal counsel is in
9 place for Pimicikamak from the application. There's
10 also -- also a range -- and this is in both
11 applications, but more specific to the Pimicikamak.
12 There's a range of public policy audits and reviews and
13 potential submissions in relation to the terms of
14 reference that pertain to the activity that would come
15 from Whelan Enns Associates.

16 Small comment: Because of being in the
17 learning mode today, I -- I'd have to say that it's
18 very clear perhaps from the perspective of new people
19 in the room, someone like myself with clients who are
20 seeking to be new Intervenor in a PUB hearing, that
21 the PUB probably does need new Intervenor and new
22 independent experts to fully -- to fulfil the NFAT
23 terms of reference; that there's -- and this is not a
24 criticism, but there is a -- perhaps a potential risk
25 in the room of conducting business as is -- and I'm not

1 talking about procedure here so much as content, but
2 conducting hearings and business as it has been when
3 it's been rate hearings in the past.

4 So the potential is here, and there's
5 certainly very good offers in the room from new
6 Intervenorors, new expertise, new independent experts,
7 and so on to assist the PUB and Manitoba Hydro, in
8 terms of the NFAT terms of reference.

9 Now, I think it's been said eloquently
10 before me, so I'm not going to say again all of the
11 good reasons why Pimicikamak wish to be Intervenorors. I
12 wanted to say I was glad to hear what legal counsel
13 wanted to make sure was said in the record, which is
14 that Pimicikamak is, including -- based on Manitoba
15 Hydro acknowledgement and statements, the most impacted
16 community from Hydro projects in our province.

17 Again, the discussions, in terms of
18 other Intervenorors and other applicants for Intervenor
19 status, have largely been in preparation for today, the
20 application filing itself, information needed to -- in
21 terms of how PUB proceedings operate, and so on. So
22 there's been very, you know, early and preliminary
23 kinds of -- kinds of discussion.

24 I have not heard today -- and, like Ms.
25 Ramage, I haven't yet managed to read all of the

1 applications. I was scanning some of them last night.
2 But I'm not hearing duplication. I'm not seeing
3 duplication. I'm seeing and hearing some things in
4 terms of con -- contributions and independent experts
5 and analysis, where there may need to be some
6 direction. But I'm not hearing or seeing much
7 duplication.

8 I think we've been clear enough, in
9 terms of the twelve (12) years or so of -- of
10 participation in Manitoba Hydro reviews and proceedings
11 of one (1) kind or another from our office, and then
12 also the ongoing participation from the Pimicikamak,
13 and the same intent, which is to be part of, to
14 contribute, to share, and so on. Thank you.

15 THE CHAIRPERSON: Thank you very much
16 for coming in and speaking to the panel. I appreciate
17 your submission, and I appreciate your comments. So
18 thank you very much for taking the time to come and
19 visit with us.

20 MS. GAILE WHELAN ENNS: Thank you.

21 THE CHAIRPERSON: I'll now call upon
22 Mr. Hacault, who'll be speaking on behalf of the
23 Manitoba Industrial Power Users Group. Bonjour, Mr.
24 Hacault.

25 MR. ANTOINE HACAULT: Merci, Messr.

1 President, member Soldier.

2

3 APPLICATION FOR INTERVENOR STATUS BY MIPUG:

4 MR. ANTOINE HACAULT: I think we've
5 dealt with the technical problems, Messr. President,
6 and I guess Hydro may be the only next thing standing
7 between lunch. But I'll try and go through my
8 presentation on behalf of MIPUG fairly quickly.

9 I -- we have filed a fairly detailed
10 application, and I don't propose to repeat anything
11 that's in that application, to the extent possible.
12 Just for the record, here with me today are two (2)
13 members of Intergroup Consultants, who provide advice
14 to Manitoba Power Industrial Users Group, which is an
15 association of ma -- major industrial companies
16 operating in Manitoba.

17 Mani -- MIPUG represents the majority of
18 the load and the general service large, which is over
19 100 kV rate class, as well as more than 50 percent of
20 the load in the 30 to 100 kV rate class. The members
21 purchase in excess of 5,000 gigawatt hours of
22 electricity at an annual cost of over \$200 million per
23 year. So this represents nearly a quarter of all the
24 energy sold by Manitoba Hydro to its domestic
25 customers.

1 With respect to the issue on technical
2 conferences, my comment is quick. I have nothing
3 further to add to CAC's comments and MKO's comments.

4 Moving next to the views on the NFAT
5 itself, MIPUG members have been among the parties
6 recommending that this review occur, and we're very
7 pleased that it's the PUB that is going to be
8 conducting this review as a result of its unique
9 expertise and understanding the public interest as it
10 relates to the power system and impact on the rates.

11 MIPUG hasn't been around as long as the
12 PUB or -- or other people, but we have been around for
13 twenty-five (25) years, and it was an active
14 participant in the Conawapa NFAT in 1990.

15 MIPUG's concern in this NFAT remain the
16 same. Hydro's proposals need to be reviewed based on,
17 firstly, least-cost supply for Manitoba domestic
18 customers, and, secondly, the benefits expected to
19 arise to domestic ratepayers who will inherently carry
20 the financial risks for Hydro's developments.

21 We see some differences with the 1990
22 Conawapa NFAT. We've seen that, over the last few
23 years, power markets have changed markedly, and there's
24 uncertainty about possible future changes. Natural gas
25 prices are low, they've proven hard to predict; load fa

1 -- forecasts have dropped; pricing of carbon is
2 uncertain. And over the last dec -- decade, Hydro has
3 seen challenges in estimating the costs of its
4 projects. We've seen those estimates increase
5 substantially.

6 Manitoba Hydro now forecasts sustained
7 climbing prices for its domestic customers over the
8 next two (2) decades. From our perspective, this
9 serves to mean that there's less room for error.

10 With respect to the process itself, I'll
11 be dealing with four (4) points. Firstly is the
12 schedule. I won't add to much to that. The gist of
13 what we were trying to achieve in the alternative
14 schedule -- and it doesn't have to be that schedule
15 exactly; it was just something that people could look
16 at, at least -- was that we identified that -- what we
17 thought was a very productive way of dealing with
18 things when we did the risk hearing a couple of years
19 ago.

20 And that was a process where the
21 independent expert had filed -- Kubursi and Magee had
22 filed their reports, there was an opportunity for IRs
23 from the Intervenors, and then the Intervenors filed
24 their evidence. We found that that enhanced the
25 quality of information. It enhanced the focus before

1 we came to the hearing.

2 If we didn't have that, my concern would
3 be that the first time we would be raising some issues
4 or questions, or have the opportunity to do that, would
5 be in the context of a hearing. And if we can do that
6 before, we think that we can make the hearing process
7 more efficient and more effective.

8 So we hope that what we've suggested, or
9 some variation of it, can be retained. What we tried
10 to do in this alternative schedule is to make sure
11 Manitoba Hydro still has about a six (6) week time
12 period to answer its IRs. It's going to be a very
13 intensive process for Manitoba Hydro. We understand
14 that. The alternative we've proposed cuts three (3)
15 days into that six (6) week process.

16 We don't suggest any -- cutting into any
17 time for Manitoba Hydro to file its rebuttal. That's
18 been left untouched. The only thing we do is we try to
19 squeeze in some time for the ability to file our
20 reports, not at the same time as the independent
21 experts, but after, and a small time for some IRs
22 between there.

23 So we hope that the Board will view this
24 suggestion with favour. We think that it will increase
25 the efficiency and the productivity of this proceeding.

1 The second point -- I said there were
2 four (4) procedural points -- was the access to
3 independent experts. Not much as been said so far with
4 respect to that. We found it very useful in the
5 previous hearing, the risk hearing, to have access to
6 the independent experts before they were considered as
7 a resource so we had a chance to meet with them. We
8 found that that process enhanced the quality of the
9 reports that were prepared by the independent experts,
10 because they had some idea of what the parties were
11 thinking of before they completed their report and had
12 an opportunity to enhance their reports that way.

13 And we think it's important that they be
14 considered as a resource and/or seek some advice with
15 respect to Intervenor with respect to the non-
16 confidential portion of the hearing, if possible. We
17 think that this will en -- enhance again the quality of
18 information as it proceeds.

19 THE CHAIRPERSON: Could you enlighten
20 me about when that occurred and how that was done?

21 MR. ANTOINE HACAULT: It was more an
22 informal basis on -- at the risk hearing. Parties were
23 invited to contact the experts, so we did, and we met
24 with them independently and -- and separately. It
25 wasn't as a group that we had done it.

1 So, for example, Kubursi and Magee had a
2 chance to meet with us and our consultants and the
3 clients and -- and get some feedback and information.
4 And -- and we thought that that was -- that informal
5 process -- it wasn't part of the schedule -- it worked
6 very well and -- and helped us enhance the quality of
7 the information.

8 The next point procedurally that I -- I
9 raise is with respect to costs. As the Board knows,
10 MIPUG has not, in GRAs, made any cost claim and with
11 respect to the more long-term and more general and
12 policy-oriented hearings. However, there has been a
13 request for costs by this association. We believe that
14 the association represents not only the interests of
15 its members, but that -- and I'll get in a little bit
16 more detail about that -- that the positions that we
17 advance are general positions that benefit not only the
18 specific industrial group, but the industrial sector
19 generally and Manitobans generally.

20 In the previous hearings, such as the
21 1990 Conawapa capital hearing, there was an award made.
22 We also participated in the 1999 and 2002 Centra Gas
23 hearings. One (1) was for a purchase review and was
24 for -- one (1) was for the integration review.

25 The point that I wish to make at this

1 time is that we'd like to see, if possible, a
2 preliminary process to deal with only one (1) part of
3 the costs issue, and that would be 43(c). That is the
4 criteria that talks about the financial ability to make
5 a -- the meaningful contribution. So that would leave
6 open all other criteria for the discretion of the
7 Board. So it would just be seeking a ruling in -- in
8 advance on the very narrow issue of the criteria in
9 43(c).

10 We suggest that this might occur by
11 MIPUG meeting -- making written comments on this matter
12 within a week, and for Manitoba Hydro having the
13 opportunity to reply, and then that the Board could
14 make a determination, but only on that issue. The
15 other two (2) issues would be left to be determined in
16 accordance with the usual procedures that the Board's
17 going to apply to all other parties.

18 THE CHAIRPERSON: I'm sorry, 43(c) is
19 referring to the terms of reference or --

20 MR. ANTOINE HACAULT: No. That's the
21 Board's rules.

22 THE CHAIRPERSON: Oh, I see. Okay.

23 MR. ANTOINE HACAULT: That's the -- the
24 rules of the Board, Rule 43, has the criteria which
25 sets out four (4) different criteria with respect to a

1 costs award. And the -- the criteria (c) deals with
2 the insufficient financial resources to present the
3 case adequately without an award of costs. I think
4 that's the wording that's used.

5 So it would only be on that very
6 specific criteria that we'd like some assistance of the
7 Board ahead of time, because the members have to make a
8 decision on what and to what extent they can make a
9 contribution to this hearing. And that information or
10 predetermination would assist greatly in helping the
11 members make that decision of the extent of their
12 participation.

13 THE CHAIRPERSON: I'm not sure -- are
14 you -- are you -- since you've mentioned it just a few
15 lines ago, you indicated that your contribution would
16 have impact to other industrial users, I guess,
17 commercial and industrial users, general service users
18 of -- of electricity.

19 Do you actually -- do you actually seek
20 out their -- their input -- the input?

21 MR. ANTOINE HACAULT: I -- I can't
22 answer that question for sure as to what and to what
23 extent they have a consultation process. We certainly
24 are open to doing that. We believe that, given that
25 we've got members from some of each group, even though

1 they aren't part of the association because -- how to
2 put this politically right -- but some people are
3 willing to contribute financially to the process, and
4 some people would rather see others contribute to the
5 process but benefit from the process.

6 So we believe that, given that we've got
7 a cross-section of members that are actually in those
8 areas, even though we don't go to see every one of
9 them, that we have the ability to represent that
10 sector. I mean, you've -- you'll have the, you know,
11 apartments, the hospitals. Their consumption of hydro
12 is less, as far as a percentage of their total
13 operational costs. It's not quite as intensive, but it
14 nonetheless, for manufacturing facilities, you know,
15 they're just smaller and not part of the association as
16 such.

17 So we're certainly open to asking them,
18 by way of consultation, as to, you know, what a small
19 manufacturing facility may think. Do they have a
20 different perspective? We don't think they would, but
21 it certainly is a good point that you're -- you're
22 making, Mr. Chair.

23 THE CHAIRPERSON: But -- but if you --
24 if they had a different perspective than your regular
25 MIPUG users -- you know, you do a consultation, you get

1 a different perspective from them than you would from
2 your -- your members, who admittedly are the largest
3 consumers of Hydro -- amongst the largest consumers of
4 electricity in Manitoba, would that be an issue for
5 you?

6 MR. ANTOINE HACAULT: Well, my
7 understanding of the way the associations has
8 proceeded, Mr. Chair, is that we proceed by way of kind
9 fo a consensus. And if there's one (1) member --
10 there's always -- and that might have happened, for
11 example, if we had proceeded with the cost of service
12 review. There might be one (1) member that doesn't
13 share the same position as the association. Well, then
14 they would have to make their presentation separately
15 to this Board as a separate member.

16 We can't be -- and I would suspect it
17 would be the same thing with respect to residential
18 consumers. If you surveyed each residential consumer,
19 you might have a different position for people that are
20 all electric that live up North than people who live in
21 Winnipeg. But I think the Intervenors that are before
22 you try to do the best job to represent the main
23 concerns, the macro concerns, that are of concern to
24 the group as a whole. And we believe that we can do
25 that fairly for the consumers.

1 Does that answer your question?

2 THE CHAIRPERSON: Well, I think it
3 helps. You know, the -- the... The same question I'm
4 asking -- I'll ask you the same question that I asked
5 to Mr. Williams.

6 You know, to what extent do we -- can --
7 can we expect that CAC will give us a fairly broad
8 based view of -- of the -- the development plan. And -
9 - and certainly, my concern is making sure that if we
10 hear from commercial users that we get a fairly broad
11 perspective, that encompasses -- that encompasses the
12 concerns of the majority of the -- the majority of
13 users, commercial users. And so -- and it's open to --
14 it's open, for example, to the Green Action Centre, as
15 they told us today, to -- to vary from cons -- the
16 Consumers' Association of Canada on particular topics,
17 and they'll let us know about that.

18 So I -- I guess what I'm -- what I'm --
19 what I'm -- where I'm getting at is if -- if we expect
20 MIPUG to -- if we allow MIPUG to have costs in this
21 matter, I want to make sure that we have as -- as
22 broadly based a view of -- of the development plan from
23 the commercial users as possible. And I want to make
24 sure, as well, that we -- we -- you know, if it's not a
25 MIPUG view, it doesn't get to this table.

1 MR. ANTOINE HACAULT: That's a very
2 good point, Mr. Chairman and member Soldier. And
3 perhaps the best way to -- to deal with that is for us
4 to provide this Board within, say, a week, with written
5 details of how we believe the association can do that
6 and address your concerns. That would allow me to
7 speak to the interim chair of MIPUG and to get
8 something in writing from the association that could
9 provide some assistance to the Board and then allowing
10 it to make a decision and take that factor into
11 consideration.

12 That would be my suggestion. If it
13 needs to be one quicker, we could do it quicker. I'm
14 just suggesting a week, because we're Thursday, and...

15 THE CHAIRPERSON: Yeah, we can
16 appreciate that part.

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: No, I don't think --
21 in this case, I don't think it's necessary. It's not a
22 formal hearing. It's -- so I'm listening to the
23 commentary from counsel. So it's a commitment, I
24 guess, at this stage.

25 I do -- I'm sorry. Go ahead.

1 MR. ANTOINE HACAULT: Yes. So we'll do
2 that, Mr. Chair. Thank you for those questions. We
3 really appreciate having your initial thoughts and
4 reactions on that point.

5 So the next point that I was going to
6 deal with is the confidentiality and in-camera portion.
7 It's been a long-standing view of MIPUG that one (1) of
8 the strengths of this Board's process is that it's a
9 public process and provides an open and transparent
10 review. And we certainly prefer that all documents be
11 made public as much as possible; that if documents
12 can't be made public, that the Board, to the extent
13 that it is possible, try to rely as much as possible
14 only on the public documents in reaching its
15 conclusions.

16 We think the transparency to the public
17 and the public understanding the reasons for decision,
18 understanding why the Board gets there and how it gets
19 there, and its ability to look at public documents is a
20 very important part of the process. We understand that
21 there will be a need to look at some confidential
22 matters.

23 One (1) of the advantages of the
24 approach, as I said, is they can -- any member of the
25 public -- and it will be a big decision affecting the

1 public -- will be able to look at the Board's
2 conclusions and understand fully how it came to its
3 recommendations to -- the government.

4 So there is an in-camera process. MIPUG
5 isn't going to comment too much on -- on that and the
6 undertaking. You -- we didn't participate in this
7 letter that was written; that we do have questions and
8 issues, but we prefer to see the process evolve, to see
9 how people are able to deal with that issue.

10 And if at all possible, probably MIPUG
11 would restrict itself to the public portion of the
12 hearing, but we have yet to make a final decision on
13 that.

14 I do have one (1) more specific comment
15 on confidential information. One (1) of the terms of
16 reference lists Hydro's internal load forecasts as one
17 (1) of the documents that's considered commercially
18 sensitive. MIPUG has never seen this document.
19 However, its understanding is that it contains
20 substantial information on the plans and forecasts of
21 some of its members and of prospective future
22 customers, which was shared with Hydro on a
23 confidential basis, and it was for Hydro's use only.

24 Hydro -- or MIPUG does not object -- I
25 want to make that clear -- to the Board or its direct

1 staff being provided with this information. However,
2 it does consider that it may be detrimental to the
3 commercial exis -- interests of existing and
4 prospective customers who -- to have this information
5 shared with others who are presumably able to
6 participate in the in-camera hearings.

7 It is our view that, under the mandate
8 section of the terms of reference -- at least on my
9 copy it's item B at the tota -- top of page 2 --
10 there's different powers given to the panel members.
11 And item B, and I quote, says that:

12 "The panel has discretion over the
13 access of any person to commercially
14 sensitive information."

15 And that is kind of an overriding
16 preliminary clause that then -- there's a follow-up
17 with a schedule on -- on how we might further deal with
18 commercially sensitive information.

19 We believe -- also, we note, and we're
20 not too sure how this ties in, but at slide 14 of
21 Hydro's presentation this morning, there were a list of
22 documents to be filed in confidence. And the third
23 bullet at page 14 -- or at page 14, it was indicated
24 that a consent was required with respect to input
25 consultant export price forecasts.

1 So we view this information, private
2 plans of companies that might be coming in or going
3 forward with respect to potential expansions or et
4 cetera, to be the client's confidential information.

5 And we note that if the same type of concept is
6 happening for ICF or some forecaster that considers its
7 analysis and its content as private, confidential
8 information, we would urge the Board to deal with it in
9 the same way.

10 And if we need to bring a motion or take
11 some procedural step, it's -- my instruction is to
12 communicate to the Board that we're instructed to do
13 what needs to be done to protect that information.

14 Also, it's critical in our view, for
15 Hydro's planning for future loads, that this
16 information be available and shared in an open manner
17 with Hydro and its customers or prospective customers.
18 It's not apparent that there's any benefit to the
19 process to have such confidential information disclo --
20 disclo -- outside the PUB itself.

21 If there's a concern that such
22 information ay be disclosed in a manner in which it
23 cannot be prevented by the customer when it provided
24 it, the customers may simply refuse to provide that
25 information in the future to Hydro. And we don't think

1 that that would be very productive or useful for Hydro.
2 It wouldn't have a very key information that allows it
3 to make decisions on load forecasts if the companies
4 say: Well, you know, you're going to make this all
5 public? Well, we're just not going to share it with
6 you. There's nothing requiring us to share it with
7 you.

8 So it may be a disincentive for those
9 customers to provide information that probably Hydro
10 feels is very useful in its planning process. And we
11 urge the parties to try and find a solution to that
12 issue which respects the confidential nature of that
13 information.

14 THE CHAIRPERSON: Now, just clarify
15 with me, you do have -- you have concerns around legal
16 counsels for Intervenorors who have signed off on non-
17 disclosure agreements being ex -- seeing this
18 information in a -- in a in-camera session?

19 MR. ANTOINE HACAULT: Well, seeing -- I
20 don't purport to have fully analyzed that, Mr. Chair.
21 But if counsel has an ethical obligation under the Code
22 of Conduct to provide relevant information and not hide
23 it from his client, how do we deal with that? And
24 there's -- if -- if you have a lot of parties that have
25 the information and there's some -- I'm not too sure

1 whether the undertaking is going to allow counsel to
2 speak to any of it.

3 But it -- if there's an ethical
4 obligation -- and that's one (1) of the concerns that
5 Mr. Williams expressed -- yes -- the short answer is,
6 yes, we do have an issue, even with the counsel having
7 it because of the uncertainty at this point in time as
8 to whether or not that information will go beyond
9 counsel, whether it will get out at one (1) point in
10 time. The counsel will have that information and --
11 and suggest certain courses of action, indirectly or
12 otherwise.

13 We don't think that that's -- that
14 particular piece of information, which is confidential,
15 needs to go beyond the -- the Board. And that's why I
16 referenced the initial term of reference in the
17 mandate, which it -- the wording at the very beginning
18 of that page 1, it says:

19 "For greater certainty in conducting
20 the NFAT, panel members who are
21 designated by the Chair to conduct
22 the review [full colon]:"

23 So there appears to be some emphasis
24 that, for greater certainty, we're not taking away the
25 exercise of discretion of the panel over access of any

1 person to commercially sensitive information. I think
2 that's still within the purview of the -- the Board.

3 Subject to any questions the Board has
4 of me, that completes my presentation.

5 THE CHAIRPERSON: Now, you didn't speak
6 about the -- the experts you intend to use. You -- you
7 -- I'm assuming that you will be using the services of
8 -- of InterGroup Consultants?

9 MR. ANTOINE HACAULT: Yes. It's the
10 intention of -- of having the resources of InterGroup
11 Consultants available for the Intervention. And the
12 final decision on whether or not there would be anybody
13 else has not been made.

14 As we had in -- in past hearings, Mr.
15 Chair -- and I think you've observed that during the
16 last hearing -- we always have discussions with other
17 counsel to make sure there's no overlap. If other --
18 other counsel has appropriate experts or expertise and
19 -- and we don't know the full slate yet of the Board's
20 experts -- I think it's prudent to wait to make a
21 decision on whether or not there might be additional
22 expertise brought to bear by seeing exactly what
23 develops with respect to the experts that the Board
24 will have, because there's no use creating overlap.

25 If the Board is going to be getting very

1 useful information from the people it has selected,
2 then there's no need to add additional people, apart
3 from InterGroup, who -- who you know from the previous
4 hearing. Mr Bowman, who's sitting to the right of me,
5 has acted on behalf of utilities going through the same
6 process. So -- and acted for util -- either users or
7 utilities across the country. So there's quite a bit
8 of expertise within those consultants to deal with this
9 hearing.

10 THE CHAIRPERSON: The -- the question I
11 have is in relation to the -- the relationship that
12 InterGroup Consultants, bundled together, has with the
13 Utility.

14 MR. ANTOINE HACAULT: Thank you for
15 that. Manitoba is a very small community. And I can
16 assure, Mr. Chair, that we've had discussions not only
17 at MIPUG, but at -- at our office, with respect to the
18 issue that you raise.

19 We've -- our view is that if we're
20 presenting here and InterGroup is presenting --
21 InterGroup presents a case objectively and represents,
22 when it appears here, the interests of the group that
23 it has been retained to represent, and that if at any
24 point in time that would affect the objectivity of the
25 presentation, we would certainly advise this Board and

1 make the decisions that need to be made with respect to
2 that.

3 And our office also has a long-standing
4 relationship with Manitoba Hydro. It has provided
5 advice on those issues. But that -- and I think it
6 will have been clearer when we did the hearings here --
7 our representation of MIPUG at Thompson Dorfman
8 Sweatman and InterGroup's representation of MIPUG with
9 respect to the GRA was not in any way compromised. And
10 we think that we presented an objective and fair case
11 of the way we saw the facts and tried to provide the
12 most assistance we could to this Board, which we hope
13 was of assistance to it.

14 So I know it's a roundabout way of
15 answering your -- your question. But if there are any
16 issues with respect to perceived or potential
17 conflicts, we will certainly advise the Board
18 immediately. And the discussion would have to happen
19 also with Manitoba Hydro so that the Board can be
20 assured that it will receive good, independent
21 information for the decision-making process which it
22 will make.

23 THE CHAIRPERSON: Now -- now, is
24 InterGroup providing any kind of support to the work
25 that's already being done on Keeyask and -- and

1 Conawapa by Manitoba Hydro?

2 MR. ANTOINE HACAULT: InterGroup is not
3 prov -- providing any assistance on economic or
4 financial aspects to Manitoba Hydro, is -- is my
5 understanding. And if that's the focus of this
6 hearing, you know, the -- it's the same thing with our
7 office. There's other proceedings. There's CEC
8 proceedings and different focuses on proceedings. In
9 those proceedings, there may be, by our office, some
10 assistance, but none with respect to the economic and
11 financial portion.

12 THE CHAIRPERSON: Now, we will be
13 looking at high-level environmental considerations as
14 part of this -- this examination that we're going to
15 conduct. And I -- I -- could you comment? I mean,
16 I...

17 MR. ANTOINE HACAULT: We don't expect
18 to be -- the MIPUG spoke -- scope of intervention to
19 deal with that high-level discussion. Our intervention
20 would be on economic and financial matters. As -- as
21 you saw even for the last hearing, we worked with other
22 parties to make sure there wasn't overlap.

23 And we -- I believe that -- my
24 understanding of the instructions I have from MIPUG is
25 that our focus is on the economic and financial aspect,

1 not on the other matters. And as long as the Board
2 feels it's getting proper information from Green Action
3 or the other participants, hopefully it gets the
4 information it needs to make the recommendations it
5 needs to make. So we don't think we need to be
6 involved in that and it's not our intention to be
7 involved in that.

8 THE CHAIRPERSON: Okay. Thank you very
9 much. Thank you very much. I would call on Manitoba
10 Hydro but do you -- do you need a -- do you need five
11 (5) or ten (10) minutes just to collect your thoughts
12 or do you -- are you prepared to proceed?

13 MS. MARLA BOYD: I'm ready to proceed,
14 but if you'd like a break we could do that, as well.

15 THE CHAIRPERSON: No, let's -- let's
16 proceed.

17 MS. MARLA BOYD: Thank you, Mr. Chair.
18 Good afternoon, Board member Soldier.

19 I wanted to start to clarify a couple of
20 housekeeping things. First of all, appreciating that
21 it's not evidence, Mr. Wojczynski made a presentation
22 this morning and I -- I posed the question to the Board
23 of whether you'd like it marked in some fashion for
24 identification or whether you prefer it to have it not
25 marked.

1 MR. BOB PETERS: It probably would be
2 helpful, Mr. Chairman, because the transcript will be
3 posted as soon as the Board obtains it and the
4 presentation by Mr. Wojczynski relates to it. So how
5 about we just mark it as Exhibit A and if anybody wants
6 to deal with it further it would have to become part of
7 the formal evidentiary process, meaning the information
8 requests or the filing of the utility itself, so thank
9 you.

10 THE CHAIRPERSON: Thank you for that --
11 that advice, Mr. Peters.

12 MS. MARLA BOYD: Thank you.

13

14 --- EXHIBIT NO. A FOR IDENTIFICATION:

15 Presentation by Mr. Wojczynski

16

17 MS. MARLA BOYD: I might also note that
18 during the course of some of the breaks some of our
19 staff have been asked about that exhibit being, or that
20 document being provided electronically and we are
21 certainly prepared to provide it to the Board and to
22 distribute it to parties electronically if that's the
23 wish.

24 That being the case, I understand that
25 there's two corrections that will be made to it. Slide

1 4 is missing a reference to the Wisconsin Power Sale in
2 one of the bullets, and on slide 5 in the reproduction
3 of it I understand that a bullet's been cut off the
4 bottom, and it may have been picked up through Mr.
5 Wojczynski's oral presentation but we will update the
6 slides, as well.

7 MR. ED WOJCZYNSKI: Just one (1)
8 second.

9 MS. MARLA BOYD: Mr. Wojczynski's been
10 proofreading as I talk. So on slide 12, I believe it
11 is, table of contents also makes reference to chapter 4
12 and the reference to, it says 2013 DSM, it should be
13 2012 DSM. So we'll correct that, as well.

14

15 REPLY BY MANITOBA HYDRO TO REQUESTS FOR INTERVENOR
16 STATUS:

17 MS. MARLA BOYD: So you've already
18 heard from Ms. Ramage today with regard to the
19 applications for Intervenor status of MKO, MMF, KI, and
20 MPIRG. And I also want to thank the Board for the
21 accommodation in allowing her to speak to those, as
22 well as Board counsel, and that's mainly because I
23 feared having to read Ms. Ramage's handwriting as we
24 proceeded today.

25 So that leaves me to address the

1 remaining five (5) Intervenor applications, and I'll
2 deal first with the one that we heard from first this
3 afternoon, which was Peguis.

4 Councillor Flanders identified today
5 that Peguis First Nation is not a northern community,
6 is in fact a southern community and, as such, the
7 impacts of the project, the proposed projects won't
8 impact that First Nation in a manner that's unique from
9 other members of Manitoba in the south.

10 It's important to note that the
11 generating stations are not within the area and the
12 transmission line that's contemplated by the project is
13 not within the Interlake area that covers Peguis First
14 Nation.

15 So we would suggest that the information
16 to be brought forward by this group won't be different
17 from that that would be brought forward by the
18 Consumers Association and we would encourage that the
19 Peguis First Nation cooperate with CAC in having their
20 interests represented.

21 The evidence that's purported to be
22 advanced through Mr. Flanders relating to resource
23 projection and resource use is the subject of the CEC
24 proceeding. According to the biography that's filed in
25 the CEC, Mr. Flanders specializes in land use planning

1 and modelling. This is more appropriately considered
2 in that CEC proceeding and is not the subject of this
3 NFAT.

4 I would caution that some of the areas
5 that are referenced in the intervention application are
6 outside of the scope of the NFAT and submit that to the
7 extent that the Peguis First Nation has raised issues
8 relevant to the NFAT, that those issues are similar to
9 those raised by CAC. And as the PUB has found in the
10 past, in -- and I reference here Order 17/'10, at page
11 10 of that order -- that if the Intervenor hasn't
12 demonstrated that the evidence or the information
13 proposed to be brought forward will not be different
14 than that of other Intervenors, that they ought not to
15 be granted that separate status. And the Board has, in
16 the past, has rejected an Intervenor application where
17 that test was not met.

18 So, we would suggest that CEC be the
19 appropriate representative and as Ms. Ramage noted
20 earlier, and I've leave the wind is picking also noted
21 it in Green Action Committee's application, Manitoba
22 Hydro doesn't object to Peguis First Nation or others
23 making their own final submission but our concern is
24 that if we end up with a large number of Intervenors
25 posing questions and having their own experts, that

1 this process will simply become unmanageable in the
2 time that we have available.

3 I should also note that Counsellor
4 Sutherland referenced the Lake Winnipeg impacts and I
5 do note that specifically in the terms of reference,
6 the impacts of past development are specifically
7 excluded from this process.

8 I also note Ms. Whelan Enns made a
9 couple of references both in respect to the Peguis
10 intervention and the Pimicikamak intervention; that
11 this was the first NFAT and Mr. Wojczynski was very
12 quick to remind me that, in fact, this Board heard a
13 full NFAT as related to the 1990 Conawapa transaction.
14 And Wuskwatim was also a full NFAT. It covered all of
15 the areas that are of concern here. It combined it with
16 the CEC process but, nonetheless, was a very thorough
17 process.

18 Turning to the intervention application
19 of Pimicikamak, I think it would be useful for the
20 Board to be clear on the distinction between PCN and
21 Cross Lake. These are the same communities and, as I
22 understand it, MKO as an umbrella organization
23 represents PCN and I did note the comments today that
24 that was not the case. However, the MKO member First
25 Nations' affiliations list as of September 2012

1 identifies PCN as one of their members. So, there's --
2 there's clearly some confusion there in terms of a
3 representation and I further understand that the eight
4 thousand (8,000) members that are referenced in the PCN
5 intervention application, are also included in the
6 sixty-five thousand (65,000) members that are
7 referenced by MKO. So, you may end up with some of the
8 same individuals being represented under more than one
9 -- one (1) heading there.

10 There are issues identified in the PCN
11 intervention at paragraph 12 relating to lack of social
12 and cultural analysis, to benefits of Northern and
13 Aboriginal communities regarding energy conservation
14 and an analysis of regulatory economic and energy
15 systems in the US. Those are also referenced in the --
16 the discussion this morning. Those matters are all
17 outside of the scope of this review.

18 Impacts to specific aboriginal First
19 Nations and mitigation of those matters will not be
20 addressed within this hearing. They will be addressed
21 either through the CEC process in the environmental
22 impact statement or in the Section 35 consultations by
23 the federal government and the provincial government as
24 it relates to specific projects. That is also true of
25 the Winnipeg -- Lake Winnipeg regulation matter which

1 is to be the subject of a CEC review.

2 Regarding the witnesses that were
3 identified in the PCN application, Mr. Biewald is
4 identified there and it's indicated that he is
5 intending to focus on a US analysis including
6 socioeconomic impacts in the US. And I want to be
7 clear, and I'd appreciate the direction from the Board
8 ultimately in your process Order, that our
9 understanding of the terms of reference is that we
10 would consider a high level summary of the potential
11 effects to people in Manitoba.

12 It's our respectful submission that the
13 consideration of socioeconomic impacts and the
14 regulatory and legislative regime in the US are not
15 relevant to this application.

16 I also note that a couple of times in
17 the presentation it was indicated that PCN had been
18 identified by Manitoba Hydro as the most affected First
19 Nation. I'm not able to source that to a Manitoba
20 Hydro representative; in fact, Manitoba Hydro would
21 note that there are several First Nations that are
22 impacted by our operations and while PCN is one of
23 them, we certainly would not identify them as being the
24 most affected. So, I don't want to leave that
25 misstatement on the record certainly from Manitoba

1 Hydro's perspective.

2 Turning to the application for
3 intervention by MIPUG, Manitoba Hydro doesn't have an
4 objection to MIPUG participating in the process. There
5 was a couple of specific items that were identified by
6 Mr. Hacault this afternoon; one in particular, was a
7 request to the Board that there be some kind of process
8 to determine one (1) portion of the criteria as it
9 relates to cost and certainly Manitoba Hydro wouldn't
10 object to the process as it has been outlined by Mr.
11 Hacault such that he would provide comments in writing
12 and Manitoba Hydro would it be given an opportunity to
13 respond. We don't view that as being a determinate of
14 whether or not MIPUG would be entitled to costs at the
15 end of the day but, merely, an indication that that one
16 (1) particular criteria which generally would be one
17 that I think MIPUG would struggle to meet could be
18 considered in advance.

19 With regard to the applications for
20 Intervenor status of Consumers' Association of Canada,
21 and the Green Action Centre, Manitoba Hydro does not
22 object to those applications as they've been stated
23 today.

24 There is the matter of the letter of Mr.
25 Williams and Mr. Gange and I'm, I guess, seeking

1 direction from the Board. I can speak to that in
2 detail if you'd like. I didn't hear from My Friends
3 this morning much of a detailed discussion and I think
4 there's probably some benefit in leaving that for
5 another day. There's certainly an opportunity for the
6 parties to consider the issues once the application is
7 filed and people understand what exactly it is that we
8 are dealing with. And at that point I think we can
9 have some further discussions among counsel and perhaps
10 bring the issue to a resolution that is satisfactory to
11 all without having to seek the involvement of the Board
12 at this point.

13 So if that is acceptable, I will just
14 turn to the timetable. The timetable in this process
15 is difficult because we're faced with two bookends:
16 The first is Manitoba Hydro's filing of the
17 application. Its submission will be made on August
18 16th of 2013 and the other bookend - which I understand
19 to be immovable - is the requirement in the terms of
20 reference that the Board's report be available no later
21 than June 20th of 2014. So whatever process is going
22 to occur, it needs to occur within that defined
23 parameter.

24 I'm going to start my comments by
25 reference to the Board's schedule that was circulated

1 earlier. With respect to the technical conference, it
2 would be Manitoba Hydro's view that the most useful way
3 to use a technical conference -- I'm sorry, do you have
4 it available?

5 Thank you. The most useful format for a
6 technical conference, from our perspective, would be to
7 have a two-day conference. Rather than splitting it
8 out over the time, we would suggest that we have a two-
9 day conference. In discussion with my clients, we
10 would propose that that be held on the 15th and 17th of
11 July, that's a Monday and Wednesday I believe. That
12 will allow us sufficient time to have the application
13 more firmed up to be able to have a discussion and will
14 also allow us a two (2) day time period in order to
15 provide information.

16 The filing would then be made on August
17 the 16th and while we're not certain whether or not a
18 second technical conference would be necessary, or
19 desired, we would certainly leave that to the Board to
20 look at that at that point once the filing is made.

21 If the goal of a second technical
22 conference would be to reduce the number of Information
23 Requests that flowed, we'd suggest that it would have
24 to follow fairly shortly after the August 16th filing
25 in order to be made before the Information Requests

1 started to be formatted by the parties.

2 With regard to receipt of first round
3 Information Requests, we note the Chair's comments
4 about the timeline this morning and the fact that
5 adherence to those timelines is critical to the process
6 and, as such, we suggest, respectfully, that those
7 timelines need to be very realistic. Manitoba Hydro
8 expects that there will be a significant volume of
9 Information Requests. The number of potential
10 Intervenor is large and we -- we expect that that will
11 also increase the number of Information Requests.

12 Also given the nature of this
13 submission, it's expected that the nature of the
14 questions will be more difficult, will require more
15 time to answer than those that might otherwise be
16 expected in a typical GRA. It is, therefore,
17 essential, from our view, that we have a full six (6)
18 weeks to respond to those questions.

19 When I look at the Board's timetable as
20 it was circulated, that would suggest that Information
21 Requests should be submitted on September the 9th. I
22 note you had two (2) dates in there, September 9th or
23 16th and we certainly would be encouraging the Board to
24 use the first of those dates if this is the timetable
25 that you advance at the end of the day.

1 I note that the MIPUG timetable
2 suggested that that could be reduced by a half a week,
3 to five and a half (5 1/2) weeks and I know three (3)
4 days doesn't sound like very much but I can assure you
5 that when you are working long, long hours to answer a
6 lot of Information Requests that those three (3)
7 working days will be very important to Manitoba Hydro
8 and we would be encouraging the Board to -- to grant us
9 the full six (6) weeks to be able to provide our -- our
10 responses.

11 With respect to the Second Round
12 Information Requests, the schedule contemplates three
13 (3) weeks. And I just want to note for the record that
14 it doesn't change in MIPUGs. But to note for the
15 record, that from our perspective, it is critical that
16 if that time line is to be met, that those questions
17 need to be restrained to be questions of clarification
18 coming out of First Round Responses.

19 And we'll be seeking a direction from
20 the Board to ask all parties to actually quote the
21 information that they're seeking from the First Round,
22 seeking clarification, and then pose their question in
23 order that we can directly look to what's being asked
24 and to provide a clarification.

25 You talked this morning about the

1 community hearing days, and Manitoba Hydro understands
2 that the Board will desire a day in Thompson, and
3 perhaps a day in one other community. And we would
4 suggest that the Board gauge the interest, whether or
5 not there's sufficient interest to warrant attending in
6 those communities.

7 It has been Manitoba Hydro's experience
8 in the past that Winnipeg in the south and Thompson in
9 the north represent a good distribution of the -- the
10 community interest. But should the Board wish to hold
11 another day in a community such as Brandon or
12 elsewhere, we would certainly be willing to oblige.

13 As for the dates of those community
14 hearings, it would be our preference that they occur
15 between the First and Second Round of Information
16 Requests, rather than occurring during the time when
17 we're trying to answer those requests. So with
18 reference to the Board's schedule, that would suggest
19 community hearings somewhere between October 22nd and
20 November 1st.

21 There was a suggestion today from some
22 of the Intervenorors and support -- it was from MIPUG,
23 and supported by other Intervenorors, that it would be
24 useful to receive the independent expert evidence prior
25 to the filing of Intervenor evidence. And depending on

1 the nature of the evidence that's going to be filed,
2 that view is not without some merit. I see some
3 significant practical concerns to that, however.

4 There are some tweaks, if you will, that
5 could be made to the front end of the schedule that
6 MIPUG has proposed that would fit our requirement to
7 have six (6) weeks to answer First Round IRs.

8 However, I don't think you can expect
9 that parties will be able to receive multiple pieces of
10 evidence, and there could be upwards of eighteen (18)
11 pieces of evidence, based on the number of
12 interventions that you've heard today, and the plans
13 for experts that will be engaged to be received on
14 January 20th, and to have the parties turn around IRs
15 on -- on what is likely to be a significant volume of
16 information in one (1) week. So from our perspective
17 that -- that portion of that schedule is just not
18 reasonable.

19 I would suggest if the Board were to
20 agree to this two (2) stage process that it would delay
21 the start of the hearing by approximately two (2)
22 weeks, and likely more, given that the MIPUG schedule
23 reduces the time for Interveners to respond to those
24 IRs from three (3) weeks, in the original schedule, to
25 one (1) week.

1 So I -- I -- I leave with the Board the
2 thought that it will be necessary that you weigh any
3 potential benefit that comes from having a two (2)
4 stage process, wherein the independent expert files has
5 evidence ahead of the Intervener evidence, with the
6 difficulty of having to complete this hearing that
7 would start, not with a nine (9) or ten (10) week
8 period, but perhaps with a seven (7) or eight (8) week
9 period.

10 And that certainly is a matter that will
11 be one that the Board will have to be mindful of. And
12 perhaps as we get closer with some of the interventions
13 more clearly defined, we'll be able to determine how
14 many hearing days are actually required and whether
15 this is more likely to be a ten (10) week hearing or a
16 seven (7) week hearing.

17 So subject to any questions you might
18 have of me, that concludes my comments this morning.

19

20 (BRIEF PAUSE)

21

22 MS. MARLA BOYD: I'm sorry. If you'll
23 indulge me for just one (1) more minute. Mr.
24 Wojczynski would like to just make a point of
25 clarification with regard to one (1) of the slides that

1 was filed this morning.

2 MR. ED WOJCZYNSKI: Yeah. My colleague
3 and I were re -- reconsidering how we portrayed slide 4
4 from the package this morning. So perhaps -- I
5 apologize that we hadn't -- we -- we -- we tried to
6 keep the information brief here and not too much -- too
7 -- too much detail. But in retrospect we probably
8 should have put one (1) more layer of detail in for
9 understanding sake.

10 So if you go to slide 4, and we -- the
11 first sequence there, it says 750 megawatt tie, and
12 MP/WPS sales, that sale there is, as we say in an
13 earlier overhead, 300 megawatts. So I -- I -- we'll do
14 this on an electronic version. But if I could ask you
15 to just write 300 next to WPS, or above it.

16 The next sequence has MP, and we're
17 going to -- it should also have WPS in it, that's 100
18 megawatts, not 300. They're two (2) different
19 contracts, it's...

20 And then the next two (2) sequences that
21 have WPS below that, all -- each also should say one
22 hundred (100) above the WPS. So the top sequence has
23 300 megawatts for WPS, and the bottom three (3) -- the
24 -- the next three (3), pardon me, have 100 megawatts.
25 The -- the Minnesota Power one's the same in all of

1 them.

2 So it -- it may not be important to
3 people right now, but just so down the road there isn't
4 some confusion. Thank you.

5 THE CHAIRPERSON: Thank you very much.
6 I'm assuming that there are no further comments. Mr.
7 Williams, I can see you've got -- your finger is itchy.

8 MR. BYRON WILLIAMS: I'll be quite
9 short, and we appreciate the Board's patience, as -- as
10 well as Manitoba Hydro's comments.

11 I -- I did have a couple of additional
12 comments from my client in terms of the -- the
13 schedule, and one (1) concern my client has raised is
14 in terms of the time frame for the filing of persons
15 seeking presenter status.

16 Now, obviously, our client is -- is
17 intervening, but they're aware already of some persons
18 who may be seeking to -- to appear as presenters, and
19 my client is concerned that having that for August 30th
20 is too short of a time frame and -- and too summer
21 orientated, and that certainly there should be a -- a
22 couple of weeks into September in terms of -- to enable
23 people, when they get back from the lake or -- or
24 elsewhere, to -- to be aware of that. So that --
25 that's a suggestion from my -- my client.

1 And we have a question of clarification
2 in terms of presenters as well. Does the panel
3 anticipate that there will be presenters in -- in
4 Winnipeg, and would that be during the -- the course of
5 the oral proceeding, or -- or when would that -- that
6 be?

7 THE CHAIRPERSON: We certainly envisage
8 that there would be an opportunity to make
9 presentations in Winnipeg. We haven't decided when
10 that would be. It's likely that, depending on the
11 level of interest, we may have to schedule extra days
12 to hear from the public, but, again, that will depend
13 on the level of interest.

14 And I -- and I appreciate your
15 suggestion regarding extending the time frame, so I
16 think that we -- we'll see what we can do to
17 accommodate that.

18 MR. BYRON WILLIAMS: And just -- my
19 client had one (1) additional question about presenter
20 status -- well, the term 'presenter status' and is
21 there -- is there a -- a criteria to be applied, or
22 does -- by registering, does one acquire presenter --
23 by registering to present, does one acquire presenter
24 status?

25 THE CHAIRPERSON: Well, I think that we

1 would be guided by previous decisions in this -- you
2 know, in this -- deciding who is a presenter or a valid
3 presenter. I -- I -- you know, we'd look into previous
4 decisions. So, unfortunately, I -- I'm -- we'll look
5 to our counsel to give us advice here in this -- in
6 this area as well, so --

7 MR. BYRON WILLIAMS: I'll -- we'll
8 canvass that with him at a -- offline. I did -- one
9 (1) comment that Manitoba Hydro -- I always hesitate to
10 agree with them, but in terms of Second Round
11 Information Requests, the suggestion that they be
12 followup to the First Round and questions of
13 clarification.

14 Certainly, generally, my -- my clients
15 are supportive of that suggestion, the -- the point
16 being that, if people want to get in an original
17 question, that's for the First -- First Round, and then
18 the second one is kind of narrowing the -- the scope of
19 the -- the inter -- interrogatories. So my clients
20 would be supportive of that.

21 MR. MICHAEL ANDERSON: My Chair, if I -
22 - if I might, just on a narrow point on MKO's
23 organizational structure, I would be remiss if I did
24 not make it very clear: Pimicikamak Okimawin is a
25 self-recognized entity. It is a nation of its own

1 under its own laws, under -- governed under its first
2 law, as they describe it, if I have that correctly.

3 Mr. Paupanakis mentioned he was
4 secretary of the four (4) councils. Those are
5 governance structures established by Pimicikamak
6 Okimawin under their first law.

7 On -- on our website, on MKO's website,
8 it does say Pimicikamak Cree Nation, but essentially
9 that's similar to the Cross Lake First Nation. Those
10 are -- that's an Indian band established under the
11 Treaty, governed under the provisions of the Indian
12 Act.

13 Pimicikamak Oginaw -- Okimawin is not
14 such an entity. I just wanted to make that very clear
15 that they are here as a separate nation under their own
16 law.

17 My comment about being prepared, of
18 course, for MKO to collaborate and cooperate on the
19 minimizing of evidence, finding common ground, and so
20 forth is the same that we would share with any
21 Intervenor and it was in that context that I made those
22 comments. I wanted to be crystal clear that we were
23 not suggesting that we represent, in any way,
24 Pimicikamak Okimawin because MKO does not and I just
25 wanted to make that very clear, Mr. Chair, thank you.

1 THE CHAIRPERSON: Thank you for that
2 clarification. In closing, I would just -- go ahead --

3 MR. MIKE SUTHERLAND: I'd like to make
4 a comment as well in regards to Manitoba Hydro's
5 statement that Peguis is in the Interlake and that
6 statement is wrong. We have five (5) actual First
7 Nation communities, there's Peguis A, Peguis 1B, 1C,
8 1D, 1E, 1F throughout southern part of Manitoba, as
9 well as the Interlake. We have three thousand five
10 hundred (3,500) people residing on the First Nation
11 community in Peguis and the rest of the community
12 resides within the Treaty 1 area of Selkirk, Winnipeg
13 and the land bases that we have here in the southern
14 part of the province.

15 And please note that we have 170,000
16 acres of land to acquire under our TLE and we are
17 requesting Intervenor status because we can claim
18 170,000 acres of land down the southeastern part of
19 Manitoba. Thank you.

20 THE CHAIRPERSON: Thank you for that
21 clarification. Yes, go ahead.

22 MS. JESSICA SAUNDERS: Oh hello, Mr.
23 Chair. Again, Jessica Saunders for the Manitoba Metis
24 Federation.

25 We weren't provided the opportunity to

1 respond to any of the concerns raised by Hydro for your
2 further consideration and so I know that I -- I had
3 indicated to you previously that my client would likely
4 have some issues with respect to the terms of reference
5 and some of the further issues highlighted in that
6 regard.

7 And so rather than, you know, maybe
8 address further concerns that we may have for you to
9 consider right here and now, I may be suggesting to my
10 client that they maybe respond by way of letter just
11 for further consideration before any decision is made
12 with respect to their Intervenor status.

13 And as well just to advise that --
14 advise fully the Public Utilities Board of my client's
15 position with respect to the terms of reference and the
16 ongoing process that they will then undertake with the
17 province regarding discussions on the terms of
18 reference. Thank you.

19 THE CHAIRPERSON: Thank you very much.
20 I'm scanning the crowd, is there anybody else that
21 wants to speak before I close the --

22 MS. MARLA BOYD: I'm sorry, Mr. Chair,
23 my -- my nod was a suggestion that I wanted the
24 opportunity to respond to Ms. Saunders' comments rather
25 than --

1 THE CHAIRPERSON: Please go ahead.

2 MS. MARLA BOYD: -- indicating my
3 agreement with them.

4 And I am concerned that -- that this
5 process today has been for the Intervenor to speak to
6 their applications, Manitoba Hydro was given the
7 opportunity to respond and that should be the matters
8 that the Board adjudicates on and if we allow this
9 process to continue with response after response, then
10 we are going to end up in a process where we've very
11 quickly lost track of what's going on and who's going
12 to have the final say in these applications.

13 So -- so I would discourage the practice
14 of filing additional information, and filing additional
15 comments on terms of reference subsequent to this
16 process.

17 THE CHAIRPERSON: Thank you for that.
18 We will -- we will caucus and decide on the
19 applications before us. We may seek clarification, I
20 just want to leave the door open for us going back to
21 clarify the information that we have heard or that we
22 have received on paper. So, we leave the door open to
23 going back to you for further clarification.

24 I wish to thank all of you for your
25 contribution today and your submissions. I realize

1 that this is a -- this is not an easy process and I
2 appreciate the time and commitment that you have
3 demonstrated by submitting the application and also
4 coming to speak to us. So thank you very much, it's
5 been a long day. God speed to you on your safe return
6 home for those of you who are out of Winnipeg.

7

8 --- Upon adjourning at 2:33 p.m.

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13 Certified Correct,

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16 _____

17 Cheryl Lavigne, Ms.

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