

## MANITOBA PUBLIC UTILITIES BOARD

Re: PRE-HEARING CONFERENCE NUMBER 2

IN RESPECT OF MANITOBA HYDRO'S

NEEDS FOR AND ALTERNATIVES TO (NFAT)

REVIEW OF ITS PREFERRED DEVELOPMENT PLAN

HELD AT:

Public Utilities Board

400, 330 Portage Avenue

Winnipeg, Manitoba

September 4, 2013

Pages 1 to 94



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                         APPEARANCES
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 3
 4 Patti Ramage
                                     )Manitoba Hydro
 5 Marla Boyd
 6
7 Byron Williams
                                     )CAC (Manitoba)
8
 9 William Gange
                                     ) GAC
10 Peter Miller
11
12 Antoine Hacault
                                     ) MIPUG
13
14 Jessica Saunders
                                    ) MMF
15
16 Michael Anderson (np) ) MKO
17
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   --- Upon commencing at 9:04 a.m.
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                   THE CHAIRPERSON: Everybody's in
              Welcome to the second pre-hearing conference
   position.
   respecting the needs for and alternatives to, or
   acronym, NFAT, review of Manitoba Hydro's proposed
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   Preferred Development Plan, which we tend to call PDP,
   for the construction of the Keeyask generating station
   and Conawapa generating station, associated domestic
   transmission facilities, export contracts, and
10
11
   Canada/US transmission interconnection facilities.
12
                  My name is Regis Gosselin and I'm the
   Chair of the Public Utilities Board. In that capacity,
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14
   I will be chairing this pre-hearing conference as well
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   as the NFAT review panel. With me today for the
16
   conduct of the pre-hearing conference are PUB members
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   Mr. Larry Soldier and Ms. Marilyn Kapitany. Additional
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   members will also serve on the Board's NFAT review
19
   panel.
20
                   The Board will be assisted in the NFAT
21
   review process by Board secretary and executive
22
   director Hollis Singh; Board assistant secretary, Kurt
23
   Simonsen; and associate secretary, Jennifer Dubois, who
24
   is -- who is assisting us today. The project manager
25
   is Josee Lemoine. The Board's le -- legal counsel will
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- 1 be Mr. Bob Peters, assisted by Sven Hombach. And the
- 2 Board's advisors, including Roger Cathcart, Larry Buhr,
- 3 Wally Koschuk, Margaret Smith, and Jan Carr.
- I mentioned the -- this -- that this is
- 5 the second pre-hearing conference for the NFAT review
- 6 hearing in respect of Manitoba's Preferred Development
- 7 Plan. As a result of the first pre-hearing conference
- 8 on May 16th, the Board approved Intervenor status for
- 9 five (5) Intervenors: the Consumer's Association of
- 10 Canada, Manitoba branch; the Green Action Centre;
- 11 Manitoba Industrial Power Users Group; Manitoba
- 12 Keewatinowi Okimakanak; and the Manitoba Metis
- 13 Federation.
- 14 In Board Order 67/'13, which followed
- 15 the first pre-hearing conference, the Board also
- 16 encouraged unsuccessful Intervenor applicants to seek
- 17 to form a coalition with approved Intervenors on the
- 18 issues for which the approved Intervenors had been
- 19 granted status. Intervenors should update the panel as
- 20 to any coalitions that have been formed since Order
- 21 92/'13.
- In Order 67/'13, the PUB panel also
- 23 requested approved Intervenors to submit their proposed
- 24 lists of consultants and budgets. The PUB panel
- 25 reviewed the filings and granted Intervenor status --

- 1 pardon me -- granted Intervenor approvals as to
- 2 Intervenors' consultants and budgets in Order 92/'13,
- 3 all of which occurred prior to Manitoba Hydro filing
- 4 its NFAT review application on August 16th, 2013.
- 5 Now that Manitoba Hydro has filed its
- 6 application, one (1) of the purposes of this pre-
- 7 hearing conference is to ensure the participation of
- 8 Intervenors on approved issues is finalized. To that
- 9 end, each Intervenor is being asked to briefly review
- 10 today the consultants that they have retained and the
- 11 issues for which that consultant is to provide
- 12 testimony. That may assist other Intervenors in
- 13 planning their interventions.
- 14 Importantly, if any Intervenor is
- 15 proposing any change in assignments or budgets from
- 16 that approved in Orders 90 -- pardon me -- approved in
- 17 Orders 67/'13 and 92/'13, the PUB panel needs to hear
- 18 your submissions today, prior to adjudicating such
- 19 requests in the order that will follow this pre-hearing
- 20 conference. The Board did receive communications last
- 21 week from CAC, GAC, and the MMF regarding revisions
- 22 that should also be reviewed by their counsel in their
- 23 oral submissions.
- 24 As parties will know from the NFAT terms
- 25 of reference, in addition to the expert witnesses and

- 1 consultants engaged by Intervenors, the PUB panel may -
- 2 may use one (1) or more independent expert
- 3 consultants to assist in the NFAT review.
- In that regard, the PUB panel has
- 5 engaged the following consultants: Knight Piesold
- 6 Consulting, to assist in the review of construction
- 7 management and capital costing matters; POWER Engineers
- 8 to assist in the review of transmission matters;
- 9 Elenchus Research Associates Incorporated to assist in
- 10 the review of load forecasting and demand-side
- 11 management and energy efficiency matters; Potomac Eco -
- 12 Economics to assist in the review of Midcontinent
- 13 Independent System Operator market matters, the MISO
- 14 market; MMP to assist in the review of the macro-
- 15 environmental matters; TyPlan Consulting Limited to
- 16 assist in the review of socioeconomic matters; Morrison
- 17 Park Advisors to assist in the review of financial
- 18 analysis and public sector finance matters; La Capra
- 19 Associates to assist in the review of power resource
- 20 planning and economic evaluations in business case and
- 21 risk assessment matters.
- The Board has also provided for Mr.
- 23 Christian Monnin to -- to be the independent legal
- 24 counsel to the independent expert consultants, as they
- 25 require.

- 1 The terms of reference for the
- 2 independent expert consultants will -- will be
- 3 published by the Board in the next procedural order.
- 4 Parties attending the technical conference tomorrow and
- 5 Friday of this week will have an opportunity to meet
- 6 the individuals from each of these firms.
- 7 Order 92/'13 -- pardon me. Another
- 8 matter -- excuse me. The terms of reference -- the
- 9 terms of resin -- of reference also provide that these
- 10 independent expert consultants shall be available as a
- 11 resource to le -- legal counsel for registered
- 12 Intervenors, as deemed necessary by the PUB, to prepare
- 13 for the cross-examination of Hydro witnesses on
- 14 commercially sensitive information. The PUB
- 15 understands the undertakings to be executed by
- 16 Intervenor counsel to gain access to the commercially
- 17 sensitive information have been circulated. But to
- 18 date, no Intervenor counsel has executed the
- 19 undertaking and returned it to the Board.
- 20 Should that change and Intervenor
- 21 counsel also wants access to an independent expert
- 22 consultant, they can contact independent legal counsel,
- 23 Maitre Monet, directly to request access.
- 24 As for the technical conference tomorrow
- 25 and Friday, while the PUB panel will not be in

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   attendance, it is an opportunity for Manitoba Hydro to
   explain its NFAT application materials and for parties
   to raise questions and obtain information that will
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   assist them without the need for those same questions
   to be repeated through written Information Requests.
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                   The PUB panel expects the transcripts
7
   and PowerPoint will -- will be posted on the Board's
   website.
9
10
                          (BRIEF PAUSE)
11
12
                   THE CHAIRPERSON: Order 92/'13 had the
   most current PUB draft of the timetable attached as
13
   Schedule A. That draft is different from the versions
14
15
   considered at the pre -- at the first pre-hearing
16
   conference. We will want to hear from each party its
   view on the timetable, as they will be required to
17
18
   adhere to it. Parties are aware that there is little
19
    flexibility and certainly no additional time to
   complete the NFAT review.
                   In the most current draft timetable,
21
   there are two (2) dates for community hearings
22
23
   presentations. Those dates of October 8 and 10 will
24
   change. The PUB panel does want -- does want to hear
25
    from the public, but new dates for hearing public
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- 1 presentations will be confirmed at a -- at a later date
- 2 by the Board.
- 3 Public presentations are always welcome
- 4 by the Board. While a previous public notice indicated
- 5 presenters were to identify themselves by August 30,
- 6 the Board will not enforce that date as a deadline.
- 7 The Board will attempt to make reasonable accommodation
- 8 for any member of the public that seeks to make a
- 9 presentation. A number of interested persons have
- 10 already indicated an interest in making a presentation
- 11 to the Board, and more are expected. The Board will
- 12 schedule those dates for presentations on dates closer
- 13 to the commencement of the oral public hearings.
- 14 Another matter under consideration by
- 15 the panel is the conduct of the oral hearings based on
- 16 specific topics such as the ones that have been
- 17 identified for the technical conference tomorrow and
- 18 Friday. As examples, and those who have seen the
- 19 agenda for the technical conference will see, those
- 20 topics include load forecast, demand-side management,
- 21 energy efficiency, MISO matters, power resource
- 22 planning alternatives and economic evaluation, business
- 23 case and risk assessment, capital cost and construction
- 24 matters, macro-environmental and socioeconomic matters.
- The list of issues to be reviewed at the

- 1 technical conference is not considered exhaustive but
- 2 does include issues from the terms of reference that
- 3 this panel is to consider. Should any party have
- 4 comments on conducting the oral hearing to hear all
- 5 evidence from all parties based on defined topics,
- 6 please provide them to us today.
- 7 I will now turn the microphone over to
- 8 Board counsel, Bob Peters, to provide us -- provide his
- 9 opening comments and to address the procedures
- 10 applicable to our purposes today. Mr. Peters...?

- 12 OPENING COMMENTS BY MR. BOB PETERS:
- MR. BOB PETERS: Thank you and good
- 14 morning, Mr. Chair, Board member Mr. Soldier, and Board
- 15 member Ms. Kapitany, ladies and gentlemen, and perhaps
- 16 a special welcome back to Ms. Cheryl Lavigne.
- 17 For purpose of the record, my name is
- 18 Bob Peters and I'm legal counsel to the Public
- 19 Utilities Board Panel for the Manitoba Hydro NFAT
- 20 review hearing. In terms of proceedings this morning,
- 21 Mr. Chair, may I suggest that the Board call on the
- 22 Intervenors in the order that you mentioned them in
- 23 your opening comments.
- 24 That would be hearing from CAC and their
- 25 counsel, Mr. Williams, who is present today. After Mr.

- 1 Williams, then GAC. Mr. Gange is present today.
- 2 Following him, then MIPUG's counsel, Mr. Hacault. And
- 3 I presently do not see Mr. Anderson or anyone here on
- 4 behalf of MKO. If that changes, I'll bring it to the
- 5 Board's attention. And following that would be counsel
- 6 for MMF. And while we welcome back Ms. Saunders from a
- 7 new destination, I suppose would be the polite way to
- 8 say that, now associated with the law firm of Myers
- 9 Weinberg.
- 10 Now, the Intervenors, Mr. Chairman and
- 11 Board members, have been asked to provide their
- 12 submissions this morning to address various topics.
- 13 Those include, as you've mentioned, a brief overview of
- 14 their intended interventions, including the approved
- 15 issues found by the Board to be in scope. And the
- 16 Intervenors should identify the consultants that they
- 17 have engaged, including those for whom the Board has
- 18 approved funding in Board Order number 92/'13, together
- 19 with the scope of work for those consultants.
- 20 Additionally, Intervenors should present
- 21 today their requests for any revisions as to what the
- 22 Board has approved in Order 67/'13 as to in-scope
- 23 issues, as well as the budgets that have been approved
- 24 in Order 92/'13. And, lastly, Intervenors should
- 25 advise the panel of any collaborative arrangements that

- 1 they've made with other parties for the in --
- 2 information of the Board.
- Now, Mr. Chair, you mentioned three (3)
- 4 requests for revisions have been received by Board from
- 5 last Friday, all filed, I believe, August 30th, 2013.
- 6 I'm not certain that my colleagues at Manitoba Hydro
- 7 have copies of all of that.
- 8 But firstly and specifically, Mr.
- 9 Williams had his colleague file some information
- 10 respecting a revised CAC budget. And I won't speak for
- 11 Mr. Williams, but from my review of the information, it
- 12 appears that an increase of approximately \$10,000 is
- 13 sought in respect of what I'll disbursements for Mr.
- 14 Stevens to purchase what I believe Statistics Canada
- 15 data, and I believe it's related to socioeconomic
- 16 matters. But I suggest Mr. Williams speak to that when
- 17 called on this morning.
- 18 Secondly, the Green Action Centre has
- 19 filed a revised, or maybe I can call it a refined scope
- 20 of work and budget seeking to engage the firm of Power
- 21 Advisory to work with Mr. Chernick. And that work
- 22 would be on meeting the Manitoba load growth with wind
- 23 as a renewable resource option, as well as with demand-
- 24 side management savings and also natural gas resources.
- 25 And I suggest that Mr. Gange speak to the panel about

- 1 that request when it's his turn.
- I was going to ask Mr. Anderson on
- 3 behalf of MKO to advise the Board as to MKO's
- 4 intervention, including whether they have retained
- 5 legal counsel, which was an outstanding matter when the
- 6 Board issued Order 92/'13. And I'll communicate that
- 7 to him if he's not here and we'll try to get
- 8 information back to the Board.
- 9 And the -- the third request from last
- 10 week, Mr. Chairman and Board members, was from MMF.
- 11 The MMF has filed also an August 30th email containing
- 12 revisions to previous information, I believe primarily
- 13 relating to the engaging of legal counsel from the law
- 14 firm of Myers Weinberg. And I would ask Ms. Saunders
- 15 to address that request in her opening comments.
- 16 All parties have also been asked to
- 17 address the timetable that was attached to Order
- 18 92/'13. I'm not aware of any revised timetable from
- 19 any of the parties. And as the Chair has noted, the
- 20 community hearings that were scheduled for Brandon and
- 21 Thompson on October 8th and October 10th will be
- 22 rescheduled for a later date. Those community sessions
- 23 are non-evidentiary in nature but will allow the public
- 24 to voice their issues. Intervenors are not being
- 25 funded to attend those community presentations.

- 1 And presenters will also have additional
- 2 time beyond the August 30th date to notify the Board of
- 3 their request to appear before the panel.
- 4 The timetable includes what are called
- 5 'motions days', where the PUB Panel will be available
- 6 to adjudicate requests by Manitoba Hydro, should it
- 7 seek not to answer certain Information Requests. And
- 8 there are also motion days for Intervenors to seek
- 9 further or better responses by Manitoba Hydro to
- 10 Information Requests posed by the Intervenors.
- 11 The parties seeking adjudication by the
- 12 PUB panel on Information Requests or the responses to
- 13 Information Requests need to notify the Board and all
- 14 parties of their motion in writing immediately when an
- 15 issue arises so it can be heard on the designated
- 16 motion day.
- 17 That being said, it is a new procedure.
- 18 But with the ability of Manitoba Hydro to provide
- 19 commercially sensitive information, the need for
- 20 motions days should be reduced.
- 21 Moving past the timetable, the parties
- 22 need to be aware that Manitoba Hydro will be filing
- 23 commercially sensitive. And at this time it's proposed
- 24 to be in a data room at Manitoba Hydro to facilitate
- 25 access, but in a controlled environment. Fillmore

- 1 Riley may also be setting up a secure data room for
- 2 approved persons, including the PUB panel members,
- 3 Board staff and advisors, to access commercially
- 4 sensitive information. Independent expert consultants
- 5 are required to sign non-disclosure agreements to gain
- 6 access to any commercially sensitive information.
- 7 The timetable includes timelines for the
- 8 submission of Information Requests. That's not
- 9 unusual. But the format of the Information Requests
- 10 has been changed and notice has been sent to the
- 11 parties last week. I would suggest that Manitoba Hydro
- 12 legal counsel review the new format and its features in
- 13 their comments that follow the submissions by the
- 14 Intervenors so we can all be aware as to how we are to
- 15 proceed in this NFAT hearing with our Information
- 16 Requests.
- To facilitate the review and
- 18 searchability of Information Requests, it is requested
- 19 that they be referenced by specific topics. At this
- 20 point, those topics would be the same as mentioned by
- 21 the Chair and as used as topics on the agenda for the
- 22 technical conference. There will be additional topics
- 23 that the parties will propose.
- 24 And that leads to the Chair's comments
- 25 on conducting the oral evidentiary hearing on a topic-

- 1 by-topic basis. Parties can provide their views as to
- 2 conducting the evidentiary hearing using the same topic
- 3 headings as mentioned by the chair and as included on
- 4 the technical conference agenda.
- 5 Mr. Chair, after hearing from
- 6 Intervenors on the matters mentioned, they should
- 7 include any final comments they have on any remaining
- 8 matters that haven't previously been mentioned by them.
- 9 And following Intervenor submissions, I would suggest
- 10 that Manitoba counsel, Ms. Boyd and Ms. Ramage, be
- 11 called on for their response to those submissions, as
- 12 well as providing any additional comments that Manitoba
- 13 Hydro will have at this time.
- 14 So, Mr. Chair, subject to any questions
- 15 you or your panel members may have of me, those are my
- 16 comments. I, therefore, suggest you call on the
- 17 Intervenors for their submissions, starting with Mr.
- 18 Williams for CAC, followed by GAC, MIPUG, and MMF.
- 19 Thereafter, Manitoba Hydro should be canvassed for
- 20 their submissions. Thank you, sir.
- 21 THE CHAIRPERSON: Bonjour, Maitre
- 22 Williams. Over to you.

- 24 OPENING COMMENTS BY CAC (MANITOBA):
- 25 MR. BYRON WILLIAMS: Bonjour and -- and

- 1 good morning, members of the panel. On behalf of CAC
- 2 (Manitoba), I'll -- Mr. Peters, I think, gave us items
- 3 A through 'G' to address. And I'll try and address
- 4 them in the order that he sent out in his
- 5 correspondence of -- of a week or two (2) ago.
- And just in terms of our intended
- 7 information, we have provided just a schematic. And I
- 8 -- it's very similar to the one (1) that was filed in
- 9 our June submission. So subject to any questions of
- 10 the Board, I -- I won't run you through it. We've
- 11 prettied it up a little bit, I hope, from the last time
- 12 you saw it. And it will have the same witnesses,
- 13 except for the -- the two (2) witnesses which the Board
- 14 chose not to fund. We have kept the subject areas but
- 15 just said that we will pursue those areas through
- 16 cross-examination and through argument. So it will be
- 17 very similar in format to the -- to the document that
- 18 the Board would have reviewed back in -- in June.
- 19 If you flip to the next page, you will
- 20 see the experts who have been retained by CAC
- 21 (Manitoba), and those will be the exact same list of
- 22 experts who were funded -- or approved by the Board and
- 23 in -- in its most recent order. And on the right-hand
- 24 side we flagged areas of collaboration; clearly on
- 25 financial, economic evaluation. That's a key area of

- 1 collaboration between CAC (Manitoba) and MIPUG. And I
- 2 believe that Mr. Bowman, Mr. Hacault, Mr. Williams, and
- 3 Mr. Harper will be meeting sometime today to -- to
- 4 further our discussions in that area.
- 5 We certainly anticipate, on the next
- 6 area of domestic rate increases, having further
- 7 discussions with the MMF and perhaps with the MKO. And
- 8 obviously CAC (Manitoba) has worked in close
- 9 collaboration with our friends at the Green Action
- 10 Centre, in terms of energy efficiency.
- In -- in Mr. Peters's email to us he --
- 12 he asked Intervenors to advise the PUB whether the
- 13 Intervenors are proposing any changes to the issues
- 14 they have been approved to address. And -- and
- 15 certainly our clients aren't shortening the list. And
- 16 -- and generally, they -- they are -- they intend to
- 17 proceed on the same general lines as originally
- 18 outlined. But there are -- in reviewing at least the
- 19 initial review of the filing, there are three (3) --
- 20 three (3) items that CAC (Manitoba) wishes to bring to
- 21 the PUB -- PUB's attention that probably will affect
- 22 the intensity of their scrutiny in these -- these
- 23 particular issues.
- One (1) of those is demand response
- 25 potential. And by -- by 'demand response potential',

- 1 our clients mean such items as utility load control,
- 2 customer load control, interruptible load, time-based
- 3 pricing, and perhaps backup generation.
- And our clients were, at least on their
- 5 first review of the Hydro filing, somewhat taken aback
- 6 and surprised by what appeared to be a relative absence
- 7 of discussion of de -- demand response potential in
- 8 Hydro's analysis. And that's especially the case given
- 9 the role of peak demand in -- in the Hydro integrated
- 10 resource plan.
- 11 And our clients note the growing
- 12 emphasis across North America on securing demand
- 13 response resources in other jurisdictions. And if one,
- 14 for example, were to look at British Columbia's most
- 15 recent resource plan, you would see some attention paid
- 16 to that subject.
- 17 And our clients would also note that an
- 18 initial assessment of demand response by Mr. Dunsky's
- 19 firm in a province not unlike Manitoba found achievable
- 20 potential, economic achievable potential, in the range
- 21 of 5 to 15 percent of total peak demand over a ten (10)
- 22 year period. So that's an area of great interest to
- 23 our clients.
- 24 Ms. Desorcy, who's my instructing client
- 25 from CAC (Manitoba), is away on holidays right now. So

- 1 I know it's also a matter of great concern to CA --
- 2 GAC. And so we're not in a position to make a
- 3 determination whether CAC yet would be supportive of
- 4 bringing evidence in this area, but that is an area
- 5 that both Intervenors have flagged as a concern. And -
- 6 and we await Ms. Desorcy's re -- return, from our
- 7 perspective, for further instructions.
- A second issue of significant -- okay, a
- 9 second issue of significant concern flagged by our
- 10 clients in the initial review of Hydro's filing is just
- 11 the DSM potential study, and the results from which
- 12 appear likely to be an extreme outlier within the North
- 13 American context.
- 14 And our clients are struggling in terms
- 15 of what to do with that, quite frankly. At this late
- 16 date, it's -- it's obviously too late to revisit
- 17 redoing it, so there's -- there's some challenges for
- 18 our client with that regard. And again, we await
- 19 instructions from Ms. Desorcy in that regard.
- 20 And a final comment, and -- and again,
- 21 this is based on a preliminary review of the Hydro
- 22 filing. But in terms of the preliminary Hydro filing,
- 23 at least as Mr. Williams has reviewed it, on macro-
- 24 environmental issues, our client is concerned that --
- 25 that the -- the Board may not have enough information

- 1 before it to -- to perform an adequate comparison of
- 2 macro-environmental issues as compared to alternatives.
- And again, just -- just as a couple of
- 4 quick comments, if -- if one looked through Chapters 1
- 5 and 2 of the -- the Hydro filing, to my knowledge, I
- 6 think the word 'mercury' appears only once. And again,
- 7 to my knowledge, and again this is subject to review,
- 8 there does not appear to be a mention of the concerns
- 9 by some of the Keeyask First Nations of -- of risks to
- 10 what they consider to be woodland caribou within the --
- 11 the area of -- of the Keeyask generating station.
- 12 Again, those are preliminary concerns, but those are
- 13 some issues that have -- that our client has flagged on
- 14 an early basis.
- In terms of budget revisions, that's the
- 16 third page. Proposed budget revisions, that's the
- 17 third page of the outline. And the only one that CAC
- 18 (Manitoba) is seeking, they simply -- frankly, I
- 19 inadvertently excluded in our initial application the
- 20 work of Mr. Stevens and -- and Dr. Simpson, in terms of
- 21 impacts on residential ratepayers involves the purchase
- 22 of data from Statistics Canada. I think the acronym is
- 23 SLID, or it could be SID. My -- my memory is failing
- 24 me at this point in time, and we simply failed to
- 25 include it. It will either -- certainly we would

- 1 encourage the Board to enhance our budget request by
- 2 that amount. Otherwise it will -- it will have to come
- 3 out of the existing approved fees.
- We're not, at this point in time, in a
- 5 position to indicate whether CAC would be supportive of
- 6 retaining evidence from Mr. Dunsky, in terms of demand
- 7 response. We -- again, that's because Ms. Desorcy is
- 8 not currently available.
- 9 In the event that we did solicit that
- 10 evidence and -- and presumably that would be in
- 11 collaboration with our friends at GAC, one -- one would
- 12 expect that it would be roughly twenty-five thousand
- 13 dollars (\$25,000) to do the work and then some
- 14 regulatory costs associated with it. Again, we await
- 15 instructions from -- from CAC. And -- and my friends
- 16 from GAC may have additional comments.
- 17 In terms of the timetable, from the
- 18 perspective our clients, we appreciate the Board's
- 19 flexibility, in terms of presenters notifying the
- 20 Board. And our client will certainly make some efforts
- 21 in the next little bit to -- to alert potential
- 22 presenters.
- 23 The only issue our client -- actually,
- 24 it's not our client, but one (1) of our experts has
- 25 with the timetable is that given holidays, Mr. Dunsky's

- 1 firm is hoping to file by the 16th their IRs, but they
- 2 may not be able to file them till the 19th.
- I've spoken to my friend, Ms. Boyd; she
- 4 may have some comments on this. But what we would
- 5 suggest is from the perspective of -- of CAC
- 6 (Manitoba), if -- if we could be given the extension to
- 7 file Mr. Dunsky's IRs by no later than the 19th,
- 8 certainly we would -- if Hydro needed a -- a few days
- 9 of grace to respond, we'd be supportive of that. And
- 10 any Second Round IRs from Mr. Dunsky would be on -- on
- 11 schedule. So that would be our only concern in terms
- 12 of the timetable.
- In terms of item number F, "Other
- 14 Issues," I do not currently have instructions to sign
- 15 the confidentiality undertaking. I presume my client
- 16 and others are pursuing discussions at the -- at the
- 17 legislature. I have no further update.
- 18 Finally, the Board is -- is
- 19 contemplating addressing the issues in the hearing on a
- 20 topic-by-topic basis. And our client has some
- 21 reservations about that approach. Typically, their --
- 22 they understand -- and they would be supportive of a
- 23 more typical approach, where Manitoba Hydro
- 24 orchestrated its presentations in the kind of
- 25 analytically -- in -- in the format that it's

- 1 comfortable with and then Intervenors did the same
- 2 thing.
- 3 One (1) of the concerns our client has
- 4 with kind of picking a topic-by-topic basis is, just
- 5 for example, what do we do with demand-side management?
- 6 Is it in load forecasts? Well, maybe from Hydro's
- 7 perspective it is; I -- I'm not sure. From our
- 8 client's perspective, it probably belongs in another
- 9 place.
- 10 So there's a -- our -- our client is --
- 11 is not particularly supportive of doing a topic-by-
- 12 topic; they're concerned it -- it will be artificial
- 13 and may impair the way that parties analytically design
- 14 their -- their cases, and Intervenors do. So I'm not
- 15 sure if -- if -- certainly if the Board wishes for
- 16 further comment on that, we're certainly prepared to
- 17 offer it.
- I note that in past Clean Environment
- 19 Commission proceedings, there has been some efforts to
- 20 have the -- Manitoba Hydro like have a caribou day or
- 21 days like that. But I -- I don't think the Clean
- 22 Environment Commission yet has gone to the extra step
- 23 which the -- this Board seems to be contemplated --
- 24 contemplating of, you know, perhaps having all the
- 25 experts on one (1) particular issue speak in one (1)

- 1 particular week. As I said, our clients are not
- 2 particularly keen on that idea.
- 3 Subject to any questions the Board may
- 4 have, those are the submissions of CAC (Manitoba).
- 5 THE CHAIRPERSON: Mr. Williams, you --
- 6 you expressed concern about the -- the paucity of
- 7 information regarding macro-environmental matters, and
- 8 specifically alluded to the fact that mercury is only
- 9 mentioned once and woodland caribou probably not
- 10 addressed very much. I didn't hear you offer any
- 11 suggestions on how to -- to address that.
- 12 MR. BYRON WILLIAMS: I -- I concede,
- 13 Mr. Chair, I -- I've got lots of complaints and not a
- 14 lot of constructive suggestions, for the first time
- 15 ever, I have to say. I wanted to keep my powder dry on
- 16 that, frankly, because one (1) of the things our client
- 17 was contemplating was making a motion seeking to compel
- 18 Manitoba Hydro to provide further and -- of an amended
- 19 filing in -- in that regard.
- 20 But I -- I don't have a lot of
- 21 suggestions right now, and I -- I certainly don't have
- 22 instructions from our client. But it is a concern. I
- 23 recognize we're all in a awkward position, because we
- 24 have an EIS ongoing. But the -- again, I can only
- 25 reiterate the concern of our client that the -- that

- 1 the underlaying of information, again, based on very
- 2 quick review, is not what -- what our client would have
- 3 liked to have seen.
- 4 So the best I can offer is, certainly in
- 5 the next couple of days, I expect to have a lot of
- 6 opportunity to talk with our -- with -- with Manitoba
- 7 Hydro and -- and other legal counsel. Perhaps Manitoba
- 8 Hydro will persuade me that I've missed something in
- 9 the filing, or perhaps we can have a -- a bit of a
- 10 discussion online. So certainly from our client's
- 11 perspective, we're not seeking a remedy at this point
- 12 in time. We're flagging a concern, and that we may
- 13 seek a remedy at a -- a later date.
- 14 THE CHAIRPERSON: Now, Mr. Williams, I
- 15 know that in the past in regular rate applications you
- 16 have assembled some clients to sort of gauge their
- 17 perception of -- of the requests being made by Manitoba
- 18 Hydro.
- 19 Have you considered that in this
- 20 particular case for any -- any issues surrounding the
- 21 Preferred Development Plan?
- 22 MR. BYRON WILLIAMS: Yes, and I -- I'm
- 23 going to have to -- I've gone -- we -- we've had some
- 24 fairly extensive discussion with CAC (Manitoba). And
- 25 if memory serves me right, and I am going off of

- 1 memory, I think we've planned at least two (2) focus
- 2 groups. One (1) would be of a -- a general consumer
- 3 population, and then one (1) we would be seeking the
- 4 perspective from a -- more of a -- a Northern and --
- 5 and First Nation perspective. So that's general
- 6 consumer focus groups.
- 7 And then our client has -- is working
- 8 with a -- to develop a advisory group comprised of,
- 9 certainly, environmental concerns, low-income concerns,
- 10 seeking some First Nation input and Aboriginal persons'
- 11 input. And so there are, to my -- if -- if memory
- 12 serves me right, at least two (2) focus groups and then
- 13 a -- there'll be ongoing advisory groups over the
- 14 course of -- over the course of the application. And
- 15 just as one (1) example, for the technical conference,
- 16 Ms. Desorcy is unable to make it, so one (1) member of
- 17 our -- our advisory group will be attending.
- THE CHAIRPERSON: Thank you very much
- 19 for those comments, Maitre Williams.
- 20 MR. BYRON WILLIAMS: Mr. -- Mr. Chair,
- 21 if I could have, at -- at a late -- perhaps in the
- 22 Board's order, just typically once we know we have a
- 23 budget, we manage -- we try to manage within that --
- 24 that budget. And I -- I just would appreciate
- 25 clarification from the Board.

- 1 What may happen, in -- in my experience
- 2 is, you put in an estimate for one (1) expert of one
- 3 hundred (100), or let's say seventy thousand dollars
- 4 (\$70,000). They came -- come in at sixty thousand
- 5 dollars (\$60,000), which we sometimes feel able to
- 6 allocate to another expert whose estimates are off the
- 7 other way.
- 8 We -- we -- it would certainly be
- 9 helpful to -- to get clarification from the Board if
- 10 that approach would be acceptable in -- in this hearing
- 11 as well. If so, that allows us to manage our budget
- 12 between experts and between legal counsel with some
- 13 flexibility. And I was assuming that was the case, but
- 14 out of an abundance of caution, it -- it would be
- 15 helpful to have that clarified.
- 16 THE CHAIRPERSON: We'll -- we'll do
- 17 that in part of the order. Thank you.
- MR. WILLIAM GANGE: Thank you, Mr.
- 19 Chair.
- 20 THE CHAIRPERSON: Bonjour, Maitre
- 21 Gange.
- 22
- 23 OPENING COMMENTS BY GAC:
- 24 MR. WILLIAM GANGE: Good morning, sir
- 25 and members of the panel. The Green Action Centre

- 1 provided to all the parties and to the Board on August
- 2 30th, 2013, a supplemental work plan and budget
- 3 application. I trust that the Board has received that
- 4 from Mr. Singh and has had an opportunity to take a
- 5 look at that.
- 6 Many of the issues that Mr. Peters
- 7 advised us on Thursday that -- that the Board wanted us
- 8 to review have been addressed in there. But I will go
- 9 through a number of -- of the issues in terms of -- in
- 10 -- in a similar fashion to Mr. Williams, responding to
- 11 Mr. Peters's outline of issues.
- 12 The -- the first one was to review
- 13 intended interventions as determined by the orders and
- 14 advise of any joint interventions that have been
- 15 arranged since Order 92/'12. And we have -- since the
- 16 -- the Order of 92 -- I -- I -- 92/'13 I quess it
- 17 should be, Green Action Centre has been in close
- 18 contact with CAC, as Mr. Williams advised, to bring
- 19 forward the evidence of Mr. Dunsky with respect to
- 20 demand-side management.
- We have also recently, as Mr. Williams
- 22 stated, had conversations with Mr. Dunsky with respect
- 23 to demand response. Those issues were not fully
- 24 developed prior to the -- the filing of -- of Hydro's
- 25 submission, partly because it was difficult to

- 1 anticipate exactly what would be in it.
- But now that Mr. Dunsky has had an
- 3 opportunity to review at length the -- or --
- 4 well, it isn't at length yet, but has had an
- 5 opportunity to review Manitoba Hydro's submission, he
- 6 has raised the -- the issue of demand response. And
- 7 you heard Mr. Williams say that he's waiting for
- 8 instructions from Ms. Desorcy with respect to that
- 9 issue.
- 10 I can advise you that Professor Miller,
- 11 on behalf of my client, Green Action Centre, is most
- 12 anxious to proceed with an analysis of that by Mr.
- 13 Dunsky. Mr. Dunsky has given to us information from
- 14 British Columbia, in terms of -- of their review of --
- 15 of demand response. And he advised us -- well, he's
- 16 provided to us the -- the BC Hydro report that's just
- 17 been issued.
- 18 Mr. Dunsky has also advised that -- that
- 19 he expects that -- that the cost of that would be
- 20 between thirty (30) and thirty-five thousand dollars
- 21 (\$35,000) to do that review. As you heard Mr. Williams
- 22 say, his client isn't certain that -- that they want to
- 23 go down that path because he hasn't been able to
- 24 discuss that because of the recent development with Mr.
- 25 Dunsky.

- 1 We certainly do wish to -- to have that
- 2 reviewed because we think that it's a very important of
- 3 the needs for analysis. We think that the DSM and --
- 4 and the demand response review that Mr. Dunsky could
- 5 provide would be very helpful for Manitoba Hydro and
- 6 for the Board in undertaking its analysis of the -- the
- 7 basis of the application.
- 8 So we are going to be asking the Board
- 9 to give consideration to that. Whether we do it alone
- 10 or whether we do it with CAC remains to be seen once
- 11 Mr. Williams has an opportunity to discuss that with
- 12 Ms. Desorcy. But from our perspective, we think that
- 13 it's a very important part of this process that needs
- 14 to be considered in depth. And -- and we -- we think
- 15 that Mr. Dunsky is the guy to do that. We --
- 16 THE CHAIRPERSON: I'm sorry, Mr. Gange.
- 17 MR. WILLIAM GANGE: Yes, sir.
- 18 THE CHAIRPERSON: Just to clarify, the
- 19 -- that proposal would incremental to the supplemental
- 20 proposal that you've provided to us?
- 21 MR. WILLIAM GANGE: Yeah, we just got
- 22 that information. And so what -- what -- the -- the
- 23 supplemental budget that we provided, Mr. Chair, has to
- 24 do with the analysis of -- of wind. And so -- and I'll
- 25 get to that in -- well, I might as well get to it right

- 1 now because we're on that topic.
- One (1) of the issues that -- that Green
- 3 Action Centre has, for some significant period of time,
- 4 been interested in is the analysis of the use of wind
- 5 within the Manitoba Hydro power grid. And so we were
- 6 hopeful that when the analysis came out and the -- the
- 7 various options were provided by Manitoba Hydro, that
- 8 there would be a -- an analysis of -- of the use of
- 9 wind as one of the alternatives to the Preferred --
- 10 Preferred Development Plan.
- 11 We don't think that's been done. We
- 12 think that it's a very important part for the Board to
- 13 satisfy itself that, in fact, the -- the 'alternatives
- 14 to' portion of this hearing is actually looked at. We
- 15 don't think that -- that right now the 'alternatives
- 16 to' have received a -- a robust examination.
- 17 And so as a result of that, Professor
- 18 Miller and I have been in contact with a -- a firm from
- 19 the United States, Power Advisory. I -- I believe that
- 20 the Board had some discussions with Power Advisory as
- 21 well. We've had quite lengthy discussions with the
- 22 senior partner in the firm, Mr. Dalton. I'll -- I'll
- 23 be candid with you, he's a little dismayed at the
- 24 approved rates that -- that the PUB has set, but -- but
- 25 at the same, you know, that's life. I suppose we all

- 1 are somewhat dismayed by that, but it's the reality of
- 2 the process.
- 3 And so we've had discussions with Mr.
- 4 Dalton and with Mr. Chernick, who also has a
- 5 significant degree of -- of knowledge with respect to
- 6 wind issues. And we've asked them to put together a
- 7 joint budget. So we asked Mr. Chernick and Mr. Dalton
- 8 to knock their heads together to try to divide up this
- 9 process to see how we could most efficiently bring
- 10 forth this kind of an 'alternative to'. And that's the
- 11 budget that we put forward for you, which totals a
- 12 hundred and seventy-seven thousand dollars (\$177,000).
- 13 And the -- the mention that I just made
- 14 of Mr. Dunsky, that number came up actually after we
- 15 had submitted the proposal because of -- of our
- 16 discussions with -- with Mr. Williams, Mr. Dunsky,
- 17 Professor Miller, Ms. Desorcy, and myself. And -- and
- 18 so we only received that number -- that would be
- 19 yesterday that we received that information. We asked
- 20 -- we asked for it from Mr. Dunsky, and -- and we were
- 21 provided with that information yesterday. So, yes, you
- 22 are correct that it is supplemental to what we have
- 23 asked for.

24

25 (BRIEF PAUSE)

- 1 MR. WILLIAM GANGE: Professor Miller
- 2 points out to me that -- that although wind is
- 3 mentioned in the -- in the proposal, it's not mentioned
- 4 in the way that we want to look at it. And -- and so
- 5 that's why we think that it's important. That -- that
- 6 -- we think that the -- that the approach that we want
- 7 Power Advisory and Resource Insight to -- to address
- 8 would be significantly different than how it's been
- 9 approached so far.
- 10 That will require, by the way, Mr.
- 11 Chair, us requesting of Manitoba Hydro to run models
- 12 for us. You will recall that -- that in past hearings
- 13 we've had discussions on why the modelling information
- 14 cannot be shared. And one of the discussions -- one --
- 15 one of the -- the insights that we've had from Manitoba
- 16 Hydro is the fact that these are very complex modelling
- 17 systems and that -- and Manitoba Hydro has -- has said
- 18 consistently for some considerable period of time,
- 19 actually pre-dating all of the -- the present members
- 20 of the Board, that if -- if Intervenors wish to have
- 21 that information, they can provide the -- the
- 22 assumptions to Manitoba Hydro and they'll run them
- 23 through their modelling. We're going to be calling on
- 24 Manitoba Hydro, if -- if approved on this wind
- 25 proposal, to do exactly that, because we're going to

- 1 need that -- that assistance from them.
- 2 We also -- Ms. Saunders has also
- 3 mentioned to me that -- that -- just this morning,
- 4 because apparently she left a -- a message on my voice
- 5 mail that I don't listen to -- yesterday -- actually, I
- 6 wasn't -- I wasn't in the office in the afternoon and
- 7 so I didn't get the message, but it -- advising that --
- 8 that some of her witnesses would like to have
- 9 discussions with Mr. Chernick and Mr. Dalton with
- 10 respect to the 'alternatives to'. And -- and so we
- 11 expect that there may -- there may well be further
- 12 collaborative efforts on that process with MMF.
- 13 And -- and of course, Green Action
- 14 Centre would be delighted to be able to bring as much
- 15 information with as -- as much support from the
- 16 Intervenors as we possibly can. So we expect that we
- 17 will have further discussions on that.
- 18 With respect to item C, the -- whether
- 19 there are any changes to the issues, we've set that out
- 20 in the letter of August 30th. And that is that -- that
- 21 -- with respect to the wind issues and also with
- 22 respect to the demand response from Mr. Chernick, that
- 23 we expect that there will be some -- or, pardon me,
- 24 from Mr. Dunsky, that there will be a slight change.
- 25 But -- but from the start, we've advised the Board that

- 1 one of the issues that we will wish to address would be
- 2 the -- the wind question.
- 3
  I've addressed changes to budget. With
- 4 respect to a timetable, we all understand, Mr. Chair
- 5 and -- and members of the Board, that we're all going
- 6 to have to be putting in some late hours with respect
- 7 to this. And -- and our consultants are -- are aware
- 8 of that.
- 9 I should say that -- that we do -- we --
- 10 we would find it, as you can appreciate, helpful if the
- 11 Board could get its ruling with respect to changes to -
- 12 to the budgetary process out, because we do have
- 13 these people that -- that have to get working -- well,
- 14 we -- we think they're already are -- they already are
- 15 working on getting IRs ready. But we have a fairly
- 16 tight timetable and we have to be able to advise Mr.
- 17 Dalton and Mr. Chernick to get moving with respect to
- 18 their situation.
- 19 With respect to -- well, I've already
- 20 addressed 'F', that we will be testing a number of
- 21 scenarios with -- with modelling that we will need to
- 22 coor -- coordinate with Manitoba Hydro. The topic-by-
- 23 topic basis, which Mr. Peters raised as 'G', I'm -- I
- 24 have to admit I'm not really certain how that would
- 25 work. And -- and so I -- I, from my perspective, am

- 1 still a little bit puzzled by that, in terms of does
- 2 the Board -- or -- or is the question being raised, in
- 3 terms of topic by topic, that all of Manitoba Hydro's
- 4 evidence and then the Intervenors' evidence will be led
- 5 on one (1) topic and then move to the next topic and
- 6 Manitoba Hydro commence again and Intervenors bring
- 7 their evidence?
- 8 I'm just not certain on -- on that,
- 9 because in the past, of course what we have always
- 10 done, in my time with the Board, has been to listen to
- 11 Manitoba Hydro's evidence and then have our evidence as
- 12 one (1) block, to have CAC's evidence as one (1) block,
- 13 to have MIPUG's evidence as one (1) block.
- 14 And I'm not sure about the efficiency of
- 15 doing it bit by bit, because, for instance, Mr.
- 16 Chernick, we expect, is a person that's -- that's --
- 17 that -- that we're counting on for assistance on many
- 18 of the issues. He's our main guy, in terms of getting
- 19 a -- a review on this. And I don't want to have him
- 20 flying back and forth from Boston more than once.
- I don't want -- now, Mr. Dalton is a
- 22 little bit different, because he's going to be
- 23 concentrating on one (1) issue. Mr. Dunsky may be
- 24 commenting; again, there may be some overlap. Again, I
- 25 don't want to fly him in from Montreal more than once.

- 1 So that's the concern that I have on there. And -- and
- 2 I do have that issue that I'm -- I'm just not certain
- 3 how that would work. So there needs to be
- 4 clarification on that.
- 5 You raised the fact that -- that none of
- 6 the counsel have signed the confidentiality
- 7 undertaking. I have not. And we've raised, with --
- 8 with Board counsel, concerns that we have about the
- 9 confidentiality undertaking. At present time, I must
- 10 say, I -- I don't intend to sign it. And -- and I
- 11 recognize that we will not have access to that
- 12 confidential material.
- But the -- the difficulty, and -- and
- 14 the -- it -- it presents a very significant problem to
- 15 me as a lawyer and -- and having information that I
- 16 cannot share with Professor Miller. And -- and I -- I
- 17 just don't know that I can do that. And so the safest
- 18 way for me, rather than -- rather than run afoul of the
- 19 undertaking, is not to sign it and not to have access
- 20 to it. And that's -- un -- unless something changes
- 21 dramatically over the next couple of weeks, I don't
- 22 expect that I will.
- 23 I think that that addresses all of the
- 24 issues. We -- we -- as you can see, we've put in a
- 25 supplemental proposal which will -- will involve a

- 1 number of different things: least-cost loads, least-
- 2 cost supply, and wind power. And those are the issues
- 3 that we expect that we will be -- that -- that we hope
- 4 to advance to assist the Board in this analysis, Mr.
- 5 Chair.
- 6 And just -- I just have one (1) -- if I
- 7 may just have one (1) second with...

8

9 (BRIEF PAUSE)

- 11 MR. WILLIAM GANGE: In -- in term --
- 12 Professor Miller raises with me the fact that we would
- 13 expect Resource Insight Inc. and Power Advisory to be
- 14 doing simplified modelling, to -- to come up with a
- 15 basis for their analysis on wind, but that from that
- 16 simplified modelling, that's where we would expect that
- 17 we would take that information that -- that they had
- 18 developed, and then go to Manitoba Hydro for a more
- 19 thorough analysis, running -- running the Manitoba
- 20 Hydro models.
- 21 Hope that -- I hope I didn't confuse
- 22 things with my earlier comment.
- 23 THE CHAIRPERSON: Just for my
- 24 edification though, the -- the reason that you are
- 25 suggesting that would be to confirm the data -- the

- 1 results of the simplified model from Mr. Dunsky. Is
- 2 that...
- 3 MR. WILLIAM GANGE: Not from Mr.
- 4 Dunsky; from Mr. Dalton and Mr. Chernick. Yes, that's
- 5 -- that -- we -- we recognize -- Manitoba Hydro's
- 6 modelling system, as we've heard at a number of
- 7 hearings -- and actually the risk management hearing,
- 8 we -- we had a very lengthy discussion about the
- 9 modelling process. And it's pretty impressive. And --
- 10 and we understand that.
- And so we certainly don't want to be
- 12 presenting to the Board a simplistic view that could
- 13 then fall apart, un -- under -- under the closer
- 14 scrutiny and the more intense scrutiny of the Manitoba
- 15 Hydro modelling. So that what we would hope is to have
- 16 scenarios developed by Chernick, by Dalton, and then
- 17 take that to Manitoba Hydro, ask them to run the
- 18 modelling so that we can confirm or not confirm the
- 19 more simplistic analysis that would be undertaken with
- 20 -- with the resources that -- that our experts would
- 21 have.
- I should also just mention one (1) other
- 23 thing that -- that slipped my mind. We had raised the
- 24 fact that -- that we are seeking assistance in -- in
- 25 terms of technical information from -- from a wind

- 1 supplier. And -- although they will not be part of --
- 2 of the intervention, they will be one (1) of our
- 3 resource checks so that we -- we can satisfy ourselves
- 4 that -- that what we bring to the Board is realistic.
- 5 Yeah.
- 6 And if -- and if -- if -- we certainly
- 7 aren't going to be taking instructions -- I'm not going
- 8 to be taking instructions from -- from that firm, but
- 9 they may wish to present -- to -- to be a presenter at
- 10 some point. And -- and Professor Miller and I will
- 11 discuss that with them and -- and figure out exactly
- 12 how that's done.
- THE CHAIRPERSON: Now, I understand
- 14 that you will not be signing the NDA, so I -- I
- 15 conclude from -- from that that you will obviously not
- 16 be seeing any of the contracts and so on.
- But I guess the guestion is in terms of
- 18 examining the independent consultants who will be
- 19 seeing those contracts, do you -- do you expect to
- 20 examine them?
- 21 MR. WILLIAM GANGE: I -- I expect to
- 22 meet with them. I -- I expect to seek assistance --
- 23 and -- and, obviously, Mr. Chair, I'd have to be very
- 24 careful in -- in those discussions and I would make
- 25 that clear with Messr. Monet of what -- of -- of what

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1 my situation is. And so I -- I -- I'm sure that a
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- 2 protocol could be worked out with Messr. Monet to -- to
- 3 make certain that -- that they don't disclose to me
- 4 anything that they shouldn't be disclosing.
- 5 And -- and I think that's just a matter
- 6 of logistics that Messr. Monet and I can work out. And
- 7 -- and any of the other counsel who similarly have not
- 8 signed the confidentiality agreement, I suspect that
- 9 they'll be in the same boat in terms of talking to
- 10 Messr. Monet on that point.
- 11 THE CHAIRPERSON: I just had a signal
- 12 that we should probably take a few minutes. We'll --
- 13 let's take five (5) minutes. And just to signal to
- 14 Manitoba Hydro, my intention is to hear from the other
- 15 counsels and then we'll take another break at that
- 16 point and perhaps you can have a bit of time to prepare
- 17 your response.
- So let's take a first break for five (5)
- 19 minutes? Five (5) minutes.

20

- 21 --- Upon recessing at 10:03 a.m.
- 22 --- Upon resuming at 10:13 a.m.

- 24 THE CHAIRPERSON: I believe we're ready
- 25 to resume. I'll turn the microphone over to Maitre

1 Hacault. Bonjour, Maitre Hacault.

- 3 OPENING COMMENTS BY MIPUG:
- 4 MR. ANTOINE HACAULT: Bonjour, Messr.
- 5 President. Good morning all. I'll also be doing my
- 6 presentation using Mr. Peters's outline.
- 7 So the first one was to advise whether
- 8 there was anything changing in joint interventions.
- 9 There's no -- nothing additional to advise. You heard
- 10 from Mr. Williams that we are -- we have been speaking
- 11 to their group and we are meeting with him and we
- 12 continue. Even this morning, as things developed, we
- 13 heard more about the wind and the demand response, so
- 14 we were having discussions with GAC on that issue.
- The second item was with respect to who
- 16 has been retained. Nothing has changed since the
- 17 application except with respect to the public sector
- 18 finance. We were to identify that person. The person
- 19 that was our preferred expert witness was not
- 20 available. We continue to search for an appropriate
- 21 expert, and we'll file a detailed scope and work budget
- 22 submission if we're able to find somebody.
- But we also note, based on the listing
- 24 this morning, that the PUB has retained independent
- 25 experts in the public sector. And what would be useful

- 1 for us, Mr. Chair, would be to know the terms of
- 2 reference and scope so that -- again, we would want to
- 3 try and avoid duplication if we can have access to that
- 4 person or those persons and achieve the objective, we
- 5 think, which is to get you quality information.
- 6 We may be able to do that through the
- 7 independent expert. We'll really only have a better
- 8 handle on that once we have a chance to meet with them,
- 9 which we will over the next couple days, as I
- 10 understand.
- 11 And one (1) thing that will also have to
- 12 be worked out for us, because I also at this time don't
- 13 intend to sign the non-disclosure agreement -- that may
- 14 change, but it also causes me issues as to what I can
- 15 and can't communicate and -- and my concern. And --
- 16 and as recently as yesterday, I was reading an update
- 17 of a lawyer who had breached an undertaking and was
- 18 subject to significant contempt fines and disciplinary
- 19 proceedings, even though it occurred inadvertently. So
- 20 it's -- it's something that we -- we have to be very
- 21 careful of as a professional.
- 22 Moving on to the net -- next subject,
- 23 which was 'C', any changes to issues, we have no
- 24 changes to what we had identified. The previously
- 25 approved topics were impact on domestic rates,

- 1 including long-term impacts. Next, risks to domestic
- 2 customers through Manitoba Hydro's investments and
- 3 subsidiaries, export ventures, and new programs. And I
- 4 won't repeat them all, but there's nothing that's been
- 5 changed since those were outlined and approved by this
- 6 Board.
- 7 With respect to the budget, subject to
- 8 the public sector finance witness issue, MIPUG is
- 9 proposing no revisions to the approved budgets.
- 10 With respect to the draft timetable,
- 11 which is the next item, MIPUG proposes no revisions but
- 12 welcomes very much the flexibility on presentations.
- 13 And I'll explain that further because we have started a
- 14 consultation process with various groups, and those
- 15 people may, as a result of the interaction we're having
- 16 with them, wish to make presentations at some point in
- 17 time.
- 18 With respect to the new issues
- 19 identified by CAC and GAC, usually Intervenors would
- 20 not be asked to comment on new issues. But if the
- 21 Board feels it's useful, we could comment on whether or
- 22 not, in our view, some of the issues that they've
- 23 identified in further detail this morning are useful
- 24 and needed tasks for the 'need for an alternatives to'
- 25 process.

- 1 So I don't know if the Board can react
- 2 to that this morning, but we wouldn't propose to
- 3 comment on that this morning unless the Board wishes us
- 4 to do so. And we would prefer to do so in writing
- 5 within the next twenty-four (24) hours if that was the
- 6 Board's wish.
- 7 The next issues which was raised was
- 8 possibly conducting the hearing process on a topic-by-
- 9 topic basis. My question initially was: What was the
- 10 object in trying to do that? I know we have a very
- 11 long hearing, forty (40) days. And when we did the
- 12 lengthier risk hearing, by the time you get to some of
- 13 the Intervenor evidence, you kind of say, Well, what
- 14 exactly was said by the Hydro panel people like twenty
- 15 (20) days ago?
- 16 That concern, in my respectful
- 17 submission, can be handled with -- because we do have
- 18 the transcripts. We do have all the documents. My
- 19 experience, in the course of my legal career, is that
- 20 when we tried to segregate issues in the sense of
- 21 having Hydro present on, say, for example, DSM, and
- 22 having all other Intervenors or other people present on
- 23 DSM, that it usually, in the context of other hearings
- 24 I have done, it seems attractive, but it usually
- 25 doesn't result in very much efficiencies, for a couple

- 1 of reasons.
- 2 Usually there's -- it's done in the
- 3 context of a number of issues, and to properly
- 4 understand the issue, you -- you -- it's -- it's
- 5 intertwined with something else, so you inevitably have
- 6 to go outside that issue to better understand it and
- 7 how it fits into the entire process. You also get some
- 8 issues as to which box do you put your information in.
- 9 And then with fairness issues, you say, Well, listen,
- 10 you should have talked about that when we were talking
- 11 about DSM.
- 12 And we've heard, for example, in that,
- 13 that parties may have a different view. Some may have
- 14 a view that it's a load issue. Some people may have a
- 15 view it's more kind of a resource issue, getting closer
- 16 to wind. So do we get into some fairness issues as to
- 17 when do you put your information; when you don't put
- 18 your information in; when you have to ask questions?
- 19 When -- if you didn't ask questions in a particular
- 20 aspect, there would be -- there may be some issues with
- 21 respect to how the hearing evolves if -- if we try to
- 22 break it up, because it isn't always very easy to do
- 23 so.
- 24 The -- if the Board believes it still
- 25 wishes to go towards -- I'm going to call -- really

- 1 segregating issues, and having everybody present
- 2 evidence, which I -- I'm not sure that it'll give
- 3 efficiencies. We may have people travelling in and out
- 4 more than once, et cetera. I would very much like, if
- 5 it would be possible, and we had done this during the
- 6 risk hearing, have counsel meet together as a group to
- 7 see if -- if, and what parts, would make the most
- 8 sense, if any at all, to do that way.
- 9 It may be collectively we can come up
- 10 with some solutions that enhances the hearing process.
- 11 Everybody wants this to work as efficiently as
- 12 possible, and to have the information presented in a
- 13 very logical and thorough way. The default is -- is
- 14 usually in the -- and -- and I believe it's -- there is
- 15 a reason for it, is that the party who applies presents
- 16 its case in the way it thinks it can best explain it.
- 17 And that would be Hydro having the opportunity to
- 18 present its entire case, and show us how all the pieces
- 19 fit together. And then every Intervenor would have its
- 20 chance to present its evidence on the issues that we've
- 21 cooperated with, or specific issues.
- 22 I think it -- I would appreciate,
- 23 though, when we did the last hearing, this is my view,
- 24 I thought it went well, if the Hydro panel was finished
- 25 speaking on kind of an area, it worked fairly well for

- 1 counsel to be able to cross-examine that panel in that
- 2 area. I thought that went fairly well. But, again, I
- 3 would encourage that if there'd be some discussion
- 4 between counsel, it may be easier to kind of pick what
- 5 might make sense to do in the -- in that regard.
- 6 So those are the comments I have on the
- 7 issue of trying to make more focussed parts of the
- 8 hearing on various topics. With respect to the
- 9 consultation, I would like to update the Board as to
- 10 some of the things that have happened. And if the
- 11 Board wants further updates, we can -- we can do so.
- In the first week of August, there were
- 13 two (2) meetings with Hydro, a major account customers'
- 14 advisory group. One (1) held in Brandon; it is my
- 15 understanding nineteen (19) people attended that
- 16 hearing, so it was a fairly good turnout. I won't go
- 17 through everything that was discussed. They
- 18 represented fourteen (14) different companies and
- 19 government organizations, and in the following areas:
- 20 agriculture, oil and gas, retail, municipal services,
- 21 and provincial agencies.
- 22 And the Winnipeg meeting generated
- 23 between thirty (30) and forty (40) attendees. So that
- 24 was, again, very positive, and from various sectors,
- 25 including property management, manufacturing,

- 1 provincial agencies, and public services.
- We also -- when I say, "we," it's MIPUG
- 3 -- continues to follow consultation with the Manitoba
- 4 Chambers of Commerce. And it's proposed that there
- 5 would be a newsletter to the interested general service
- 6 customers via email. And that's why initially I said
- 7 it may be that, as a result of the kind of consultation
- 8 and information sharing, that there may be some people
- 9 that wish to make presentations at some points in time.
- 10 And MIPUG also plans to set up a meeting
- 11 with the Manitoba Chamber of Commerce following the
- 12 submission of the First Round IRs on the NFAT in mid-
- 13 September. And there is another tentative follow-up
- 14 meeting planned for later on this year with the
- 15 Manitoba Major -- Manitoba Hydro major account customer
- 16 advisory groups, both in Brandon and in Winnipeg.
- 17 Those are all my comments, members of
- 18 the Board. If there's any questions, I'd be pleased to
- 19 take them.

20

21 (BRIEF PAUSE)

- 23 THE CHAIRPERSON: Speaking personally,
- 24 one (1) concern of mine is making sure that the
- 25 concerns of business are -- are adequately ventilated,

- 1 and -- and that means business of all sizes. So I know
- 2 that you represent traditionally the -- the major users
- 3 of Man -- of Manitoba Hydro's electricity.
- 4 Are you fairly satisfied that you'll be
- 5 able to -- to canvass smaller businesses as well, in
- 6 terms of establishing what the concerns are and so that
- 7 we can make sure those ventilated in the hearing
- 8 process and addressed as part of the -- the panel's
- 9 review?
- 10 MR. ANTOINE HACAULT: I quess two (2)
- 11 things. The first thing is that you can bring the
- 12 water to the horse, but will the horse come and drink?
- 13 I'm not so sure.
- 14 But, you know, the connect -- that was
- 15 one (1) of the major reasons, at least from my
- 16 perspective, that we were integrating the Manitoba
- 17 Chambers of Commerce and -- and having, what I would
- 18 call, a newsletter on a -- on a, you know, recurring
- 19 basis. And also having the Manitoba Hydro industrial -
- 20 or the -- the advisory group; it's not just
- 21 industrial.
- So will we get all the small businesses?
- 23 I mean, do we get -- I -- I guess if -- if we -- we can
- 24 advise of the people who ended up being interested as a
- 25 result of our attempts, I don't know how, as a Board --

- 1 I mean, there's only so much we can do as -- as an
- 2 association. I don't know that we can do a lot more
- 3 that -- than -- the Public Utilities Board will be
- 4 doing some advertising and trying to generate interest
- 5 too.
- 6 If Manitobans don't take interest in
- 7 this themselves and -- and participate in the processes
- 8 that we've established, I don't know that there's
- 9 anything much else we can do, unless the Board has some
- 10 suggestions.
- 11 THE CHAIRPERSON: Did you -- I just
- 12 noticed that you focussed on the Manitoba Chamber; have
- 13 you talked to the Winnipeg Chamber at all?
- 14 MR. ANTOINE HACAULT: I'm not too sure
- 15 to what extent Dave Angus is speaking to the Manitoba
- 16 Chamber. Of course, Winnipeq Chamber is one (1) of the
- 17 members of the Manitoba Chamber of Commerce, as all
- 18 other Chambers of Commerce are throughout the province.
- 19 The size of the Winnipeg Chamber with Mr. Angus is --
- 20 they've got a bigger Chamber of Commerce than a lot of
- 21 the other cities or towns across the province. But
- 22 they are part of that Manitoba Chamber of Commerce
- 23 umbrella.
- 24 THE CHAIRPERSON: Thank you very much,
- 25 Maitre Hacault. I will now ask Ms. Sanderson, please.

- 1 I'm sorry, Ms. Saunders. I'm sorry.
- MS. SAUNDERS: Saunders. Yes, thank
- 3 you.
- 4 THE CHAIRPERSON: Sorry.

- 6 OPENING COMMENTS BY MMF:
- 7 MS. JESSICA SAUNDERS: Thank you, Chair
- 8 Gosselin, and PUB members Soldier and Kapitany. I'm
- 9 pleased to appear today on behalf of the Manitoba Metis
- 10 Federation, and I'm accompanied by Ms. Marci Riel from
- 11 the Manitoba Metis Federation.
- Before I speak to the matters that
- 13 you've asked us to consider today, I would like to
- 14 briefly note a few procedural matters. Much has
- 15 happened, of course, since our last appearance before
- 16 you on May 16th. We sent a letter on August 27th, as
- 17 counsel Bob Peters mentioned, notifying you that we had
- 18 been retained by the MMF to act on its behalf in this
- 19 process.
- The PUB, in Order 91/'13, granted the
- 21 MMF's application to review and vary and directed that
- 22 the MMF can proceed to apply for legal costs in order
- 23 to meet its legal requirements. Accordingly, we
- 24 prepared a scope of work and a budget for MMF's legal
- 25 representation in the NFAT and filed it with Secretary

- 1 Singh on August 30th for your consideration.
- 2 As we indicated to you in our submission
- 3 of August 30th, as counsel Peters also mentioned, the
- 4 MMF will be presenting and testing evidence on in-scope
- 5 matters for MMF based on an analysis of Hydro's plan
- 6 and alternatives in accordance with the PUB's direction
- 7 of Order 92/'13 regarding procedural matters that arose
- 8 in Order 67.
- 9 I just wanted to note, while I did in
- 10 the submission, I -- I feel it important to note today
- 11 for the benefit of -- of other counsel that the MMF
- 12 will be presenting and testing evidence in accordance
- 13 with your direction and the definitions you provided in
- 14 your order of socioeconomic benefit and macro-
- 15 environmental. And we will not be presenting evidence
- 16 that has already -- or that will have already been
- 17 presenting in the CEC on Keeyask.
- As a result, while the PUB was prepared
- 19 to consider a scope of Work and budget for Ms. Pat
- 20 Larcombe, we will not be calling Ms. Larcombe as we had
- 21 previously proposed.
- 22 Regarding a brief overview of our
- 23 intended intervention. As we have been very recently
- 24 retained, and while I am in some respects up to speed
- 25 on proceedings to date, our review of Hydro's filing

- 1 and technical discussions with the MMF's consultants
- 2 regarding the filing and MMF's intervention plan have
- 3 not begun until recently. Having received the filing
- 4 and the direction from the PUB in procedural orders to
- 5 date, I can advise that the MMF is refocusing its
- 6 intervention plan.
- 7 I can confirm that we have had
- 8 discussions with MMF consultants and with our client
- 9 with a view to refocusing our intervention, but that
- 10 these discussions, while we're mindful of the PUB's
- 11 timeline, are not yet complete. More time would be
- 12 needed in order to provide an overview of the MMF's
- 13 refocused intervention plan and whether or not, having
- 14 received Hydro's filing, we would be proposing
- 15 revisions to our consultants' scope of work and -- and
- 16 budgets.
- 17 Towards fast-tracking these further
- 18 discussions, however, we've asked Mr. Hendriks, our --
- 19 our generalist witness, so to speak, I guess, in our
- 20 original proposal, we have asked him to attend the
- 21 technical conference with a view to meeting with us and
- 22 our client in order to strategize and refocus our
- 23 interven -- intervention, and as well to collaborate
- 24 with -- with other Intervenors and their experts.
- In that regard, we anticipate a meeting

- 1 with the Consumers' Association, with the CAC
- 2 consultant and witness, Mr. Harper. And as you've
- 3 heard from Mr. Gange, we would also hope to arrange
- 4 another meeting with the GAC, whether or not they are
- 5 going to be present. Even if those discussions occur
- 6 over the phone, we do intend to further our discussions
- 7 in order to make sure that we can collaborate with
- 8 those witnesses as soon as possible.
- 9 So we would propose that we provide the
- 10 details of our -- of our refocused intervention plan
- 11 and any changes to our consultants' scope of work and
- 12 budgets soon after we've concluded these discussions,
- 13 by end of next week.
- 14 Regarding the other matters that -- the
- 15 other procedural matters that you've asked for us to
- 16 consider today, I did have the opportunity to speak
- 17 with our consultants and our clients regarding the
- 18 timetable. Possibly, of course, more time would be
- 19 appreciated. We understand, for instance, with the
- 20 Intervenor Information Requests, our consultants
- 21 indicated more time is always better. However, we note
- 22 that Hydro gets about the same amount to review our
- 23 evidence and then come up with Information Requests.
- 24 We get pretty much the same amount of time to then
- 25 respond to those Information Requests.

- 1 So we understand that everyone is making
- 2 their best efforts in order to make sure that we stay
- 3 within the time frame. So while more time is always
- 4 better, we note that there is a timeline that needs to
- 5 be followed.
- 6 Regarding the comments on the topic-by-
- 7 topic basis proposal, we hear the comments of -- of
- 8 other counsel on -- on these matters. And while it
- 9 seems easy for us, as we've been provided scope to
- 10 speak to a block of issues that are -- that are pretty
- 11 organized in the terms of reference items F through
- 12 'J', it might be easier for us to -- to do so on a
- 13 topic-by-topic basis. But we hear the comments, in
- 14 terms of a fulsome analysis and -- and whether or not
- 15 dealing with those items topic by topic would -- would
- 16 be efficient or not.
- 17 We do know that -- at this point, we are
- 18 hoping that Mr. Hendriks is our -- our expert that can
- 19 help facilitate a majority of our evidence. And so we
- 20 would be mindful too, as well, of his travel costs.
- 21 And -- and while we would, you know, be able to speak
- 22 to those matters if it does go by topic-by-topic basis,
- 23 he may be able to -- to stay for the whole time. He
- 24 may be required to come back. We -- we do see that
- 25 that poses some logistical problems.

- 1 However, we do note that there may be
- 2 some areas -- and if we do meet with counsel to discuss
- 3 this further, some areas, such as socioeconomic impacts
- 4 and benefits and -- and the consideration of -- of
- 5 those issues and whether they're kind of getting at
- 6 that overall analysis in -- in item J of the terms of
- 7 reference that could be left appropriately for the end
- 8 of -- of our -- the pre -- presenting of our evidence,
- 9 we're open to further discussions to see how things
- 10 will really be organized.
- So I believe, subject to any questions
- 12 you have, that -- those would be my comments for today.
- 13 THE CHAIRPERSON: You haven't addressed
- 14 the NDA. Have you decided --
- MS. JESSICA SAUNDERS: Oh, yes.
- 16 THE CHAIRPERSON: -- what to do about
- 17 the NDA?
- 18 MS. JESSICA SAUNDERS: In my -- and I
- 19 guess this is my involvement previously with the
- 20 Manitoba Metis Federation as kind of in-house counsel.
- 21 I did discuss with them the NDA. However, our -- our
- 22 discussions so far were focussed on getting on track
- 23 with the filing and such. I didn't have the
- 24 opportunity to canvass that with them, I guess, my --
- 25 my firm constructions in that re -- instructions in

- 1 that regard. So I will discuss with them the NDA.
- 2 But at this time, I -- I do recall our
- 3 discussions, and I explained to them the difficulties
- 4 that I would have in that. And so it would be a matter
- 5 of just confirming my -- my instructions in that
- 6 regard.
- 7 THE CHAIRPERSON: I believe those are
- 8 all the questions that the panel has. Now, I promised
- 9 a bit of a break at this point so that -- are you ready
- 10 to go? Okay, let's proceed then.

- 12 OPENING COMMENTS BY MANITOBA HYDRO:
- MS. MARLA BOYD: It's a good thing I
- 14 agreed with her. Good morning, Mr. Chair and Board
- 15 members. Just by way of introduction, we're familiar,
- 16 I think, faces to the panel, but just for the -- the
- 17 record, my name is Marla Boyd. I'm counsel to Manitoba
- 18 Hydro. With me is Patti Ramage, who's assistant
- 19 general counsel for Manitoba Hydro, and Mr. Ed
- 20 Wojczynski, who's a division manager of portfolio proj
- 21 -- projects management.
- Behind me is Ms. Dawn Nedohin, and she
- 23 is an integral part of our NFAT team. She is also the
- 24 woman that I look to when my computer doesn't do what
- 25 it's supposed to and when I have trouble with IRs. So

- 1 -- so I'm -- I'm certain she'll be familiar to all of
- 2 you by the time we're through this process.
- I did file this morning, with the Board
- 4 secretary, the affidavit of serve and publication, so
- 5 it's -- it's been on -- put on record with the Board.
- 6 If you'd care to sign an exhibit number to it, that
- 7 could be done. I haven't looked at the record, so if
- 8 you choose to do that later, that's -- that's
- 9 acceptable, as well.
- 10 MR. BOB PETERS: I would suggest we'll
- 11 -- we'll do that later, in conjunction with other
- 12 exhibits as they're filed, if that suits counsel.
- MS. MARLA BOYD: Certainly. Thank you.
- 14 With respect to Mr. Peters's agenda items, and the
- 15 first thing that he's asked us to do on the agenda is
- 16 to respond to submissions made by the Intervenors this
- 17 morning.
- 18 I was un -- appreciative of receiving
- 19 from MMF and from GAC their submissions in advance.
- 20 And I believe CAC may have had the intention to include
- 21 us, but we weren't actually provided with that
- 22 information until later yesterday.
- The information that we were provided by
- 24 CAC was only an attachment which indicated a revised
- 25 budget. As I read it and compared to the previous

- 1 material, it appeared to be lower. So I was a little
- 2 bit surprised this morning by Mr. Williams's comments
- 3 that he was actually seeking an increase of ten
- 4 thousand dollars (\$10,000) in his funding. We would
- 5 appreciate the opportunity to take that back to our
- 6 clients and to consider that more fully and to respond
- 7 in writing.
- 8 I do note that the agenda that was sent
- 9 out indicated that Manitoba Hydro could have until
- 10 September 6th, which is Friday, to respond in writing
- 11 to any of those comments that were raised today. As
- 12 the Board is aware, we are going to be fully engaged
- 13 for tomorrow and Friday in the technical conference.
- 14 So we would appreciate it if you could extend that
- 15 until Tuesday, which I believe is the 10th of
- 16 September.

17

18 (BRIEF PAUSE)

- 20 THE CHAIRPERSON: I'm looking for some
- 21 signal from Mr. Peters. Do you have any concerns, Mr.
- 22 Peters, at all with the -- before we rule on this
- 23 matter?
- 24 MR. BOB PETERS: No. The Board also
- 25 heard, I believe, more -- mostly from Mr. Gange, that

- 1 the earliest opportunity the Board can provide its --
- 2 its pre-hearing conference order that follows this pre-
- 3 hearing conference will provide guidance to his client
- 4 and his potential witnesses and consultants.
- 5 So earlier is always better, but Ms.
- 6 Boyd is correct that this week is -- is booked with the
- 7 technical conference. And if that has her occupied,
- 8 it's going to make it difficult to -- to perhaps
- 9 provide the review by the end of Friday, so.
- 10 MR. BYRON WILLIAMS: Mr. Chair --
- 11 THE CHAIRPERSON: So Tuesday it is.
- 12 Next Tuesday.
- 13 MR. BYRON WILLIAMS: And, Mr. Chair, if
- 14 I might? I was away for last week, so I certainly
- 15 apologize -- or for two (2) days of last week, so I
- 16 apologize to My Friends at Manitoba Hydro for that
- 17 oversight.
- MS. MARLA BOYD: Thank you. And thank
- 19 you, Mr. Chair.
- 20 With respect to the submissions made
- 21 this morning by MMF, Manitoba Hydro had no objection to
- 22 the material that was filed in advance. We understood
- 23 that to be an indication that MMF was prepared to
- 24 confine its intervention to the scope that had been
- 25 mandated by the Board and that the information that was

- 1 provided was the budget for legal fees which were
- 2 contemplated by the Board's Order 91/'13. We don't
- 3 have any objection or comment with respect to the
- 4 budget for legal fees that was in -- included in that
- 5 material.
- 6 There were some comments this morning
- 7 that suggest that there may be additional material, and
- 8 obviously we can't comment on that today, as we haven't
- 9 seen anything further from MMF in that regard. And we
- 10 certainly have some concern about an ongoing change of
- 11 scope and the need for Manitoba Hydro to focus its
- 12 efforts on responding to repeated submissions for
- 13 changes in scope. So that poses some concern from our
- 14 perspective. A little finality in some of those areas
- 15 is appreciated as we get ready to start answering what
- 16 we expect will be a significant volume of Information
- 17 Requests. So we'd ask the Board to be mindful of that
- 18 as -- as it considers those requests.
- 19 I'm going to turn the mic over to Ms.
- 20 Ramage to respond to the comments of GAC and the
- 21 proposed work plan that they filed, and then I'll take
- 22 it back when she's finished, if that's acceptable to
- 23 the Board.
- MS. PATTI RAMAGE: Thank you, Ms. Boyd.
- 25 GAC's work plan proposes that it be authorized to

- 1 present evidence on an additional three (3) topics to
- 2 the work approved in 92 of -- Order 92/'13. To do this
- 3 work, they're -- in their written submission, they were
- 4 seeking an additional a hundred and seventy-seven
- 5 thousand dollars (\$177,000) this morning. I hear that
- 6 number is now closer to two hundred and twenty thousand
- 7 dollars (\$220,000), which more than doubles the hundred
- 8 and ninety-five thousand dollars (\$195,000) in costs
- 9 that were approved in Order 92/'13.
- 10 GAC has submitted today that DSM and
- 11 alternate energy strategies, including wind, have not
- 12 received the attention they deserve in Manitoba Hydro's
- 13 various development plans. In particular, they
- 14 complain that there's no integrated plan or portfolio
- 15 that includes DSM and alternate energy as essential
- 16 building blocks for realizing the benefits of the new
- 17 seven hundred and fifty (750) interconnection -- 750
- 18 megawatt interconnection and the 675 megawatts of new
- 19 export contracts.
- 20 The fundamental flaw with that complaint
- 21 is that it fails to recognize that there will be no new
- 22 interconnection without new hydro resources. Mr.
- 23 Cormie made this absolutely clear during the July
- 24 technical conference, when, in response to a question
- 25 of Professor Miller as to whether Manitoba Hydro could

- 1 supply the proposed export contracts with wind instead
- 2 of Keeyask, Mr. Cormie stated, and I'm quoting:
- 3 "The simple answer is they're not
- 4 interested in wind. They have more
- 5 wind than they know what to do with
- 6 under their mandate in Minnesota."
- 7 He went on to say:
- 8 "But really, they're not interested
- 9 in anything but a hydro product,
- 10 because Manitoba wind has no
- 11 advantage to them, except -- and it
- has a huge disadvantage to them
- 13 because it's not subsidized the way
- 14 the US wind is."
- 15 And there I'm referring to transcript
- 16 page 180 from the July technical conference.
- 17 Furthermore, Manitoba Hydro has provided
- 18 the results for a wind-base plan. And here I refer you
- 19 Chapter 9 of the filing, Figure 9.3 on page 25, where
- 20 you'll see a wind plan followed by gas -- a wind
- 21 followed by gas plan, which proved to be very
- 22 uneconomic relative to an all gas plan.
- 23 And then if one was to go to Figure 9.2,
- 24 page 15 of Chapter 9, Manitoba Hydro also looked at
- 25 three (3) plans with Conawapa in 2026 preceded in each

- 1 of the plans respectively by wind, simple-cycle gas
- 2 turbines, and combined-cycle gas turbines. Again, wind
- 3 generation was much less economic than the gas
- 4 turbines.
- 5 These plans demonstrate that the
- 6 addition of gas is more beneficial than the addition of
- 7 wind. We don't need to spend a gre -- great deal of
- 8 time analyzing how wind would play into a sale
- 9 scenario, given we know the economics of wind are less
- 10 favourable than those of gas.
- In Chapters 9 and 10 of the filing,
- 12 Manitoba Hydro also provides analysis of plans with the
- 13 750 megawatt and 250 megawatt interconnections which
- 14 have Conawapa being displaced by natural gas. As is
- 15 made abundantly clear in Chapter 14:
- 16 "As the future unfolds, the timing
- and selection of resources may
- 18 change. And wind or natural gas will
- 19 continue to be evaluated as an option
- 20 Manitoba Hyd -- for Manitoba Hydro to
- 21 consider subsequent to Keeyask. But
- it's not, however, critical at this
- 23 juncture to make that decision
- 24 because optimization will be
- 25 determined as the need for the

- 1 resource draws closer."
- 2 GAC is also proposing to adjust Manitoba
- 3 Hydro's load forecast for DSM, rate design, and fuel
- 4 choice. Manitoba Hydro screened DSM -- DSM in as a
- 5 primary resource option for inclusion in its
- 6 development plans, including both the sale and non-sale
- 7 scenarios in our alternatives.
- 8 As explained in Chapter 12 in the
- 9 filing, beginning at page 14, Manitoba Hydro used base
- 10 DSM forecast along with one point five (1.5) -- a one
- 11 point five (1.5) DSM sensitivity and four point zero
- 12 (4.0) times DSM stress test.
- The objective of the NFAT is not to
- 14 design DSM programs to achieve these results. Rather,
- 15 it's to assess whether enhanced DSM has the potential
- 16 to cause Manitoba Hydro's Preferred Plan to be less
- 17 beneficial than other plans. Only if this higher level
- 18 of DSM was sufficient to change the rankings of the
- 19 plants -- of the plans would it be necessary to
- 20 consider whether such results are realistically
- 21 achievable.
- 22 As explained on page 3 of Chapter 14,
- 23 economic evaluation sensitivities demonstrate that
- 24 increasing the level of DSM with even an extreme range
- 25 for its analysis -- that's the four (4) times current

- 1 projections -- that did not change the conclusion that
- 2 the sale plans are clearly more economic than those
- 3 without the new exports or new interconnection.
- As a result, it is not necessary to
- 5 further include different levels of DSM in the detailed
- 6 evaluations and development plans to be able to assess
- 7 the attractiveness of the plans with the new
- 8 interconnections and exports.
- 9 Having said this, Manitoba Hydro
- 10 recognizes there is an interest in considering the
- 11 potential for further load reductions through DSM.
- 12 Manitoba Hydro is currently working with the recently
- 13 completed DSM market potential study to provide updated
- 14 DSM plans and sensitivities refined from those provided
- 15 in Chapter 12. It is the intent of the Corporation to
- 16 include the filing of economic evaluations of two (2)
- 17 levels of DSM similar to or approaching those in
- 18 Chapter 12, as well as pro forma financial statements
- 19 with these results.
- 20 We've previously indicated to the Board
- 21 the significant amount of time required to conduct this
- 22 type of analysis, and that hasn't changed. The
- 23 information is not expected to be available until well
- 24 into the new year, and that takes into account the
- 25 concurrent demands on staff. Notably, they're going to

- 1 be answering IRs; they'll be completing the updated DSM
- 2 Plan with consultation with government to meet the
- 3 deadline of March 31st, 2014, as required under the
- 4 Energy Savings Act; and they'll be completing the IFF.
- 5 So the timing of the new DSM evaluations will
- 6 ultimately depend on how demanding IRs are in this
- 7 process.
- 8 GAC has also made the request that
- 9 Manitoba Hydro run its plans through the Corporation's
- 10 models. That cannot be accomplished in the time
- 11 allotted in this process.
- 12 With respect to Mr. Gange's comment
- 13 regarding Manitoba Hydro's invitation to run its
- 14 models, such invitation has in fact been made, but it's
- 15 been made in the context of general rate applications
- 16 using Manitoba Hydro's financial models. It is -- it
- 17 was -- has not been made, nor is it practical, in -- in
- 18 an NFAT proceeding using resource planning models.
- 19 Manitoba Hydro, however, is confident
- 20 that the work done by the Corporation and included in
- 21 the submission will comprehensively address all
- 22 realistic alternatives. While the creation of a
- 23 variation on the scenarios presented by Manitoba Hydro
- 24 is not useful or practical, Manitoba Hydro has no
- 25 objection to GAC presenting evidence of its views

- 1 regarding wind power costs and performance.
- 2 Manitoba Hydro is also concerned with GA
- 3 -- GAC's proposal to produce evidence regarding rate
- 4 design and fuel switching. GAC sought funding to deal
- 5 with fuel switching in its July 9th budget proposal and
- 6 such funding was not approved in Order 92/'13. There
- 7 is no reason to change the rule -- the Board's ruling
- 8 in this regard, particularly given Manitoba Hydro has
- 9 provided a sensitivity analysis on its load forecast,
- 10 assuming reduced load in the 10th percentile and four
- 11 (4) times DSM, both of which demonstrate the ranking of
- 12 the plans does not change.
- 13 Furthermore, the DSM sensitivities in
- 14 Chapter 12 utilized updated 2013 load forecast
- 15 information, which includes a reduction reflecting
- 16 ongoing and planned heating fuel choice initiatives and
- 17 which are reduced to reflect reduced population
- 18 forecast.
- 19 Manitoba Hydro disagrees with the
- 20 suggestion that DSM and wind receive short shrift in
- 21 the NFAT filing and has serious concerns with GAC's
- 22 work proposal. The work is not necessary and it's not
- 23 a luxury we can afford, given the -- the work must be
- 24 accomplished prior to the Board's completion of its
- 25 recommendation to government.

- 1 If I could also take a moment to comment
- 2 on -- as Ms. Boyd indicated, we did not receive CAC's
- 3 budget proposal, but I did hear from Mr. Williams this
- 4 morning a few comments regarding a Stats Canada data --
- 5 the purchase of Stats Canada data for Mr. Stevens's
- 6 work.
- 7 And if I could simply comment on that,
- 8 that evidence such as the Stats Canada data might be
- 9 interesting. I -- I think it might be more interesting
- 10 in a GRA context, because the purpose of this process
- 11 is to look at and evaluate alternatives to Manitoba
- 12 Hydro's Preferred Development Plan.
- The one (1) thing we heard at the
- 14 technical conference is there is no 'do nothing'
- 15 option. Manitoba Hydro fully recognizes that rate
- 16 increases are not welcome to any aspect of the
- 17 population, and we can take that as a given.
- I don't think we need to spend money on
- 19 that kind of evidence. I don't think we need to, in
- 20 this forum, look at the rate impacts from the extent of
- 21 the -- to the -- from the eye of the impact on
- 22 different segments of the population. We know they're
- 23 not welcome.
- The purpose is to look at the
- 25 alternatives to see which is the best alternative of

- 1 new generation when there is no choice but to spend
- 2 some money and put new generation in place.

3

4 (BRIEF PAUSE)

- 6 MR. PATTI RAMAGE: And I had left that
- 7 on. So I -- with that, Mr. Chairman, if you have any
- 8 questions on that piece, I'd be happy to respond.
- 9 Otherwise, we can turn this back to Ms. Boyd.
- THE CHAIRPERSON: We have no questions.
- MS. MARLA BOYD: Thank you. I'll move
- 12 on to the second item on Mr. Peters's agenda, which was
- 13 a request that we walk parties through the Information
- 14 Request form and process and provide the explanations
- 15 and samples.
- 16 I believe that the form has been
- 17 distributed by the Public Utilities Board, Ms. Lemoine,
- 18 last week. I do have copies available here if -- if
- 19 parties are wanting to see a copy of the form. It --
- 20 it's an Excel spreadsheet. It ultimately is fairly
- 21 self-explanatory, I think, once people start to work
- 22 with it a little bit. The use of items such as
- 23 keywords and topics are open to parties to add their
- 24 own descriptors into. Those will become useful to
- 25 parties as we move forward in the process.

- 1 The ultimate expectation is that
- 2 Manitoba Hydro and the Public Utilities Board will be
- 3 able to have available a share point site. It will not
- 4 be maintained on Manitoba Hydro's networks; it will be
- 5 maintained in a cloud outside of Manitoba Hydro.
- 6 Parties will have password access to it so that they
- 7 can work inside their individual organizations to be
- 8 able to draft Information Requests and, then,
- 9 ultimately decide when they're ready for them to be
- 10 shared with the greater group.
- 11 It will allow people to, then, search
- 12 using the keywords and the reference terms that they've
- 13 used in their IRs. They'll be able to search and find
- 14 responses to Information Requests, those kind of items.
- So it's viewed as something which would
- 16 enhance the efficiencies of the process and we hope
- 17 will be useful to all parties to -- to work with, what
- 18 I expect, will be a significant volume of information.
- 19 I know Ms. Lemoine has offered her phone
- 20 number and contact information to parties who have
- 21 questions and, certainly, Manitoba Hydro is prepared to
- 22 provide any assistance it can, as well, in terms of any
- 23 difficulties that parties encounter in using those
- 24 forms. The Excel spreadsheet is the first step in --
- 25 in the process, and it's our hope that, as we move

- 1 forward, parties will actually be able to go online and
- 2 to submit the questions directly online, rather than
- 3 having to use the two (2) step process that we've
- 4 started with right now.
- 5 With respect to commercially sensitive
- 6 information, we are committed, as you know, to having
- 7 as much of this process held in the public domain --
- 8 without need to resort to commercially sensitive
- 9 information or to in camera proceedings -- as we can.
- 10 There are some items which remain commercially
- 11 sensitive and -- which -- will be governed by the terms
- 12 of reference, should parties want access to those.
- 13 That includes Manitoba Hydro's power resource plans,
- 14 the electricity price forecast, and the term sheets and
- 15 power sales agreements with our export contract
- 16 customers.
- 17 We have this material available for
- 18 viewing by parties who, by terms of reference, are
- 19 permitted, or who have entered into the undertakings or
- 20 non-disclosure agreements. Consistent with our
- 21 contractual obligations, we've obtained the consent of
- 22 the export price forecasters to have that information
- 23 available. They have expressed to us their concerns
- 24 with respect to that, but have ultimately consented and
- 25 asked that we give notification of reliance in terms of

- 1 those things. We'll do that for parties who chose to -
- 2 to access it.
- In order to access the commercially
- 4 sensitive information, counsel who have exe -- executed
- 5 undertakings, or the independent consultants who have
- 6 executed non-disclosure agreements, are invited to
- 7 contact Manitoba Hydro to arrange to -- to view that
- 8 information. As Mr. Peters indicated, we have a -- a
- 9 document room set up at Manitoba Hydro where that
- 10 information is securely stored and we'd make access to
- 11 parties available.
- 12 Only authorized persons who have
- 13 executed the appropriate agreement, or otherwise are
- 14 authorized by the terms of reference, will be permitted
- 15 access to that room. And it's our intention that we
- 16 would supply blue paper for people to make notes on, in
- 17 terms of the material that they -- they access in that
- 18 room, so that in their files, once they leave the room,
- 19 there's an indication, of course, of the sensitivity of
- 20 that information.
- The comments this morning that counsel
- 22 don't intend to execute undertakings presents an issue
- 23 that I hadn't really considered very much until we
- 24 raised it today. And -- and you raised it in your
- 25 question, Mr. Chair, in terms of the independent

- 1 experts. And we'll -- we'll have, of course, the --
- 2 the caution, I suppose, that independent experts will
- 3 need to be aware that the parties that they are dealing
- 4 with haven't signed those agreements, so that they
- 5 don't fall into the category of people who are entitled
- 6 to receive commercially sensitive information. And I
- 7 think that will be the same in the -- in the room here,
- 8 as it will be in meeting, so we'll -- we'll just need
- 9 to be sure that parties are aware of the circumstances
- 10 when they engage in their discussions.
- 11 With respect to the timetable, there was
- 12 a draft timetable which was included in Order 92/'13
- 13 that I wanted just to respond to briefly. As the
- 14 Board's aware, we have some concern with the amount of
- 15 time that's allotted to the response for First Round
- 16 Information Requests. Manitoba Hydro has been quite
- 17 firm, and I think quite consistent, in its view that it
- 18 required six (6) weeks to respond to the expected
- 19 volume of Information Requests in that First Round.
- The schedule that's been put forward
- 21 allocates five (5) weeks for that, and during that
- 22 time, currently, there are scheduled two (2) motions
- 23 days, as well as community hearings. And I did hear
- 24 today that those may change, so that may eliminate some
- 25 of that concern.

- 1 Manitoba Hydro certainly intends to use
- 2 its best efforts to respond to Information Requests by
- 3 the specified deadline. We do have to caution parties,
- 4 though, that we think that that's going to be a
- 5 significant challenge. And if the -- if the Board
- 6 could see in its schedule a way where it could extend
- 7 that to six (6) weeks, we certainly would appreciate
- 8 that. It would be our suggestion that that would be
- 9 helpful. That would move the October 21st deadline to
- 10 October 28th and would, of course, require a bit of
- 11 modification of the schedule after that. We do
- 12 appreciate that the timelines are very tight here, but
- 13 we do have some significant concerns in terms of being
- 14 able to meet that October 21st date.
- With respect to the motions days that
- 16 are scheduled, we would encourage the PUB to follow the
- 17 process that's outlined in the Rules of Practice and
- 18 Procedure. Section 22 of the -- the Rules specify that
- 19 a motion should be made in writing and it should be
- 20 served at least six (6) days before the motion is to be
- 21 heard with parties wishing to respond to file their
- 22 response by 2:00 p.m. two (2) days before the motion is
- 23 heard.
- Now, we note that the Second Round
- 25 Information Requests are scheduled for November 4th,

- 1 with a motion four (4) days later. That obviously
- 2 wouldn't permit that schedule to be -- to be followed.
- 3 So we would suggest it would be more appropriate for
- 4 that date to be November 18th. That would permit
- 5 Manitoba Hydro to prepare and file its motion, if
- 6 necessary, on November the 12th.
- 7 Similarly, the December 2nd motion day
- 8 is only six (6) days after Intervenors receive
- 9 responses to our Second Round Information Requests.
- 10 And we'd suggest that that's likely not adequate time
- 11 for them to review the responses to determine whether a
- 12 motion is required, and then to prepare, file, and
- 13 serve it. So we would invite the Board to revisit
- 14 those -- those timelines.
- We would also appreciate the Board
- 16 guidance in terms of the expected commencement of the
- 17 hearing. It's not noted on the schedule. And from our
- 18 perspective, of course, it's important to understand
- 19 when the Board expects the hearing to actually
- 20 commence. It would also be useful for us to have an
- 21 understanding of the Board's intention with regard to
- 22 sitting days, if it intends to sit five (5) days a week
- 23 or some other schedule, so that we can have our
- 24 witnesses prepared and available to testify as
- 25 necessary.

- 1 The other item, just as a note, if the
- 2 Board in -- in seeking information from presenters who
- 3 wish to make presentations to the Board, we would
- 4 certainly encourage and ask that if any presenters
- 5 provide written material, that it be provided in
- 6 advance and that copies be made available to Manitoba
- 7 Hydro.
- 8 You heard several comments this morning,
- 9 I think, from all counsel with respect to the conduct
- 10 of the hearing and, you know, the consideration of
- 11 items to be done topic by topic. Manitoba Hydro has a
- 12 strong preference that it be allowed to present its
- 13 evidence through what we expect will be several panels,
- 14 each to be cross-examined prior to the commencement of
- 15 the next panel but without being interspersed with
- 16 Intervenor evidence in between.
- 17 In our view, interspe -- interspersing
- 18 Intervenor evidence between our witnesses will create
- 19 delays and will create inefficiencies, as some
- 20 witnesses will potentially have to appear more than
- 21 once to give evidence on various topics.
- 22 Having received and, we hope now,
- 23 commenced review of the NFAT filing, we hope it's
- 24 apparent to all parties that this material does not
- 25 lend itself to review on a topic-by-topic basis. One

- 1 (1) area of discussion will logically flow into
- 2 another, and we think that some of that will be lost.
- 3 It would do a disservice to Manitoba Hydro's
- 4 presentation of its case if it were to be divvyed up
- 5 and have Intervenor evidence in between.
- 6 We suggest that Manitoba Hydro ought to
- 7 be allowed to prepare its case fully and to submit it
- 8 fully to the Board and to Intervenors before it's --
- 9 they begin their cross-exam -- before they begin their
- 10 interventions. This allows all parties to have an
- 11 understanding of the Utility's submission and to fully
- 12 understand the case that we've put forward. I think it
- 13 will also provide some benefit to the experts who are
- 14 asked to testify, for them to have an opportunity to
- 15 hear the full Manitoba case, to understand the
- 16 interconnections and how items and issues interplay
- 17 before they begin to give their own evidence.
- One (1) final note, I think, to make for
- 19 the Board is that Manitoba Hydro, in the course of its
- 20 review since its filing, has noted a couple of areas of
- 21 re -- revisions that are necessary. We have filed with
- 22 the Board a letter already which has been updated, and
- 23 we intend to do the same.
- 24 We -- we've noted a few. Some of the
- 25 them are very minor in nature, things like bookmarks

- 1 that need to be corrected, those kind of items. But
- 2 there are a couple of more substantive corrections that
- 3 we wish to make, and we'll make those in the next
- 4 couple of days, before parties start posing Information
- 5 Requests.
- Just by way of example, one (1) of the
- 7 areas that we'll be addressing is the DSM potential
- 8 study. That study has -- we've identified a few spots
- 9 where different lines or tables haven't been quite
- 10 updated, so some of the numbers don't reconcile. We'll
- 11 attend to that.
- 12 And given the -- the hurry-up offence by
- 13 which Manitoba Hydro and its consultant completed that
- 14 report in order to be able to include it in the filing,
- 15 the appendices have not yet been included, and those
- 16 are coming from the consultant and will be finalized
- 17 and included with the report, as well.
- 18 Subject to any comments that you have or
- 19 any questions you have, that concludes our comments
- 20 this morning. Thank you for your time.

21

22 (BRIEF PAUSE)

- 24 THE CHAIRPERSON: On the issue of the
- 25 modified system for IRs, keeping track of them and so

- 1 on, I -- I haven't heard any comments from anybody, and
- 2 I -- my sense is that that's acceptable to all the
- 3 parties? We can make an immediate ruling on that,
- 4 unless I hear objections. In fact, I think it should
- 5 be applauded for having implemented that change. I
- 6 think it's going to make things much more efficient.
- 7 So thank you very much for doing that.
- 8 I think that I would like to pause for
- 9 about five (5) minutes so that we consult Mr. Peters,
- 10 and we'll come back after those five (5) minutes.
- MR. BYRON WILLIAMS: Mr. Chair, we --
- 12 sorry.
- 13 THE CHAIRPERSON: Mr. Williams?
- 14 MR. BYRON WILLIAMS: Certainly we would
- 15 probably need about three (3) minutes for a brief reply
- 16 to Hydro's submissions.
- 17 THE CHAIRPERSON: Okay.

18

19 (BRIEF PAUSE)

20

- 21 THE CHAIRPERSON: I -- I -- perhaps we
- 22 could do that right now, then, if you don't mind?

- 24 REPLY BY GAC:
- MR. WILLIAM GANGE: Mr. Chair, perhaps

- 1 I'll jump in first, as -- as Ms. Ramage commented at
- 2 length with respect to the -- the GAC proposal. And
- 3 this hearing is considering the construction of two (2)
- 4 dams. And -- and the scenarios, the Preferred
- 5 Development Plan, deals with that. And -- and, yes,
- 6 the -- Ms. Ramage made the comment that there is no
- 7 inter-tie connection with respect to wind. It's with
- 8 respect to hydro power. We recognize that. We heard
- 9 Mr. Cormie make those comments.
- 10 However, it -- it certainly was not my
- 11 understanding, nor Professor Miller's understanding,
- 12 that -- that -- that the inter-tie connection was
- 13 dependent upon both dams. And so the analysis that we
- 14 want to undertake is if there is -- if there is
- 15 construction -- some -- some dam construction, does --
- 16 do you need both dams? Or can you, as an alternative,
- 17 if you have that inter-tie connection, what is the
- 18 process -- what -- what are the options available with
- 19 looking at wind power?
- 20 And so that's -- and that has not been
- 21 considered in -- in the current plan. The -- the -- as
- 22 -- as we said in -- in the letter of August 30th, that
- 23 -- that what we want to be able to do is look at the --
- 24 the use of wind in the context of the transmission to
- 25 inter-tie. And how does that -- how -- is -- is there

- 1 something that can be done that is more beneficial than
- 2 what is being put forward in the Preferred Development
- 3 Plan?
- With respect to DSM, what we said was
- 5 that employing higher levels of DSM as a stress test,
- 6 in comparison of other portfolios, is not the same as
- 7 constructing a portfolio out of aggressive DSM resource
- 8 acquisition and alternative energy strategies. And
- 9 that's the process that we want to have Resource
- 10 Insight and Power Advisory take a look at.
- 11 So that it's -- it's not quite as -- as
- 12 -- well, it's not in -- in any way, as -- as simple as
- 13 Ms. Ramage has -- has stated in -- in the comments.
- 14 That -- that we do believe that we can bring forward to
- 15 the Board an analysis that is going to challenge the
- 16 Preferred Development Plan. And that's what our role
- 17 is, in order to assist you in your analysis of the
- 18 Preferred Development Plan.
- 19 If there is no alternatives, if there is
- 20 no alternative that is brought forward to you, then
- 21 this hearing is -- is missing a part of its mandates,
- 22 the needs for and the alternatives to. We think, and -
- 23 and well, we -- we think that we're the only
- 24 Intervenor that's -- that's bringing forward th
- 25 alternatives to -- to you.

- 1 It -- it may be that after all of that
- 2 analysis, the Board says, Yes, we're satisfied with the
- 3 Preferred Development Plan. That's fine. But you will
- 4 have done your job in saying, Okay, we ac -- we've come
- 5 to this conclusion. Or you may come to the conclusion
- 6 that -- that there are different alternatives. But
- 7 unless you analyze those alternatives, unless you have
- 8 something here before you as an alternative, then the
- 9 process is only half done.
- 10 And -- and so we think that -- that
- 11 contrary to what Manitoba Hydro is urging upon you, we
- 12 think that the -- that the process that we've put
- 13 forward is very important.
- 14 With respect to the comment that we are
- 15 doubling the budget, yes, that's true. That was
- 16 contemplated in 92/'13, when -- when the Board
- 17 specifically said, We want you to take a look at this
- 18 and bring forward a proposal with respect to Power
- 19 Advisory and -- and consultants on this process. So
- 20 from my perspective, this -- where we're at now is
- 21 something that the Board contemplated in 92/'13.
- 22 THE CHAIRPERSON: Mr. Williams...?

- 24 REPLY BY CAC (MANITOBA):
- MR. BYRON WILLIAMS: Yes, thank you.

- 1 Just in terms of the importance outlined by the Green
- 2 Action Centre in terms of constructing a portfolio with
- 3 an im -- important energy efficiency component, our
- 4 clients would note that a flaw in the Wuskwatim
- 5 proposal which was flagged by the Clean Environment
- 6 Commission so many years ago was the -- the absence of
- 7 early consideration of energy efficiency. And -- and
- 8 that same concern exists for our client, and clearly
- 9 for GAC, in this proceeding. So that -- that part of
- 10 the -- of the -- the concern flagged by -- by the Green
- 11 Action Centre is -- is very important from our client's
- 12 perspective.
- 13 We've got the additional challenge when
- 14 we look at -- at the Hydro DSM potential study. And
- 15 it's -- it's interesting and, our clients would
- 16 suggest, an implicit admission of the -- the initial
- 17 flaws in the -- the Hydro alternative analysis that
- 18 they are looking at doing some additional work with the
- 19 DSM potential study, which they tell us will be
- 20 available early in the new year.
- 21 Our client's concern -- our client
- 22 certainly applauds what they consider to be Hydro's
- 23 implicit admission that -- that there was flaws in the
- 24 initial resource planning analysis. They are concerned
- 25 though about the damaged vehicle for conducting this

- 1 analysis. And our clients are -- are of the view that
- 2 a critical analysis of that potential study in the
- 3 course of this hearing will reveal it to be an extreme
- 4 outlier within North American analysis, drastically
- 5 below expectations and studies coming out of many other
- 6 parts of North America.
- 7 So the question then becomes, given --
- 8 given Hydro's interest in -- in walking down -- further
- 9 down this analytical path, what remedy we might -- we
- 10 might consider in terms of this flawed -- fundamentally
- 11 flawed, we're -- we're like to conclude DSM potential
- 12 study.
- 13 And -- and certainly it would be helpful
- 14 if Hydro could outline in writing what they're
- 15 proposing to do in terms of their additional analysis.
- 16 And our clients would appreciate the opportunity to
- 17 consult with our experts to -- to suggest what they
- 18 would consider more realistic potential based upon
- 19 other -- other jurisdictions for -- for inclusion in
- 20 that analysis.
- 21 I had to listen -- I -- I had to listen
- 22 with admiration to My Friend, Ms. Ramage's, comments
- 23 about the budget for Mr. Stevens, because she -- she
- 24 certainly expressed her resistance on behalf of
- 25 Manitoba Hydro to that budget initially. And -- and

- 1 the -- and -- and certainly I thought it was clever
- 2 that she tried to reintroduce her resistance to that
- 3 budget this morning. And I -- I applaud her legal
- 4 creativity. I'll have to keep that in my back pocket
- 5 for the next time I do a reply.
- 6 The simple fact is that, in the initial
- 7 proposal for Dr. Simpson and Mr. Stevens, we expressly
- 8 put in a research task to prepare and submit a res -- a
- 9 request for special tabulations of Statistics Canada.
- 10 I think in -- at that time we were
- 11 looking at the LAD, L-A-D, Longitudinal Administrative
- 12 Database (sic). I think, upon reflection, we are
- 13 looking at SLID, and I can't remember -- S-L-I-D for
- 14 the reporter. I can't remember what that -- that
- 15 means. But that -- that need for Stats Canada data was
- 16 recognized from the start. It's integral to the
- 17 analysis of Dr. Simpson and Mr. Stevens.
- 18 And that analysis is important because
- 19 it goes to the impacts upon ratepayers; and that's an
- 20 important part of the socioeconomic impacts. And not
- 21 all plans have the same impacts. And not all plans
- 22 have the same impacts, certainly, over the next twenty
- 23 (20) years. And that's -- that type of analysis is
- 24 central to the CAC (Manitoba) -- the CAC (Manitoba)
- 25 alternatives analysis.

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90
                  Just a final point. The oversight, in
1
   terms of putting in that request, was legal counsel --
   legal counsel's oversight. It wasn't contemplated from
3
   the start. We apologize for the oversight, but the
   need for that investment to do Dr. -- Dr. Simpson and
   Mr. Stevens's work is nonetheless there. Thank you.
7
                  THE CHAIRPERSON: Maitre Hacault or Ms.
   Saunders, any -- any concerns? Does Manitoba Hydro
9
   want to add anything?
10
11
                         (BRIEF PAUSE)
12
13
                  MS. MARLA BOYD:
                                     Thank you. Sorry.
   We're -- we're fine. We have nothing to add.
14
15
                  THE CHAIRPERSON: I'd like to have this
   proceeding stand down for a few minutes, so that we can
   consult with Mr. Peters. We'll be back as soon as we
17
18
  can. Thank you.
19
   --- Upon recessing at 11:18 a.m.
21
   --- Upon resuming at 11:39 a.m.
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23
                  THE CHAIRPERSON: Thank you for your
24
   patience in this -- this matter. We have had a chance
25
   to caucus and -- and have some -- made some decisions.
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- 1 Start -- starting with the first one.
- 2 We have considered the suggestion -- or the request by
- 3 Maitre Hacault in respect of having Intervenors comment
- 4 on the other Intervenors' submissions and we've decided
- 5 that we will not do that. We'll follow the regular
- 6 practice.
- 7 We have also decided that we will agree
- 8 to allow Manitoba -- the Manitoba Metis Federation to -
- 9 to submit its revised focus -- scope focus document
- 10 by September 13th. I'm not expressing myself very
- 11 well. But to -- to submit a document that refreshes
- 12 its scope perspective, and do that by September 13th.
- 13 And we will also provide that Manitoba Hydro has two
- 14 (2) business days following that to respond to that
- 15 submission from the Manitoba Metis Federation, which,
- 16 by my calendar, would make it September 17th. And the
- 17 Board then will -- will submit its order as soon as
- 18 possible after that date.
- 19 Now, we have made some immediate
- 20 decisions. We have decided that that written order
- 21 will confirm our approval to -- approval of the
- 22 expenditure of ten thousand dollars (\$10,000) for the
- 23 Stats Canada study. So that's a green light, Mr.
- 24 Williams. And then we'll confirm that in the written
- 25 order.

- 1 As well, we also will confirm in that
- 2 order our approval for the expenditure of thirty
- 3 thousand dollars (\$30,000) to complete the demand
- 4 response potential study by Mr. Dunsky. So that,
- 5 again, Mr. Williams, will be -- Mr. Williams, Mr.
- 6 Gange, will be confirmed in the written order that we
- 7 will issue.
- 8 And in respect of Manitoba Metis
- 9 Federation's request to be allowed to submit its IRs by
- 10 September -- by -- pardon me, for an additional time to
- 11 submit their IRs, we would expect Manitoba Metis
- 12 Federation to -- to follow the schedule, which is to
- 13 submit the First Round IRs by September 16th.
- 14 MS. JESSICA SAUNDERS: Oh, excuse me,
- 15 Mr. Chair? I bel -- I -- we didn't ask for an
- 16 extension regarding the First Round of Information
- 17 Requests.
- THE CHAIRPERSON: I'm sorry. You're
- 19 right.
- 20 MS. JESSICA SAUNDERS: My apo -- my
- 21 apologies.
- 22 THE CHAIRPERSON: I quess I'm -- I --
- 23 MS. JESSICA SAUNDERS: Yeah, I think it
- 24 was CAC that had asked for an extension for the First
- 25 Round of Information Requests? We just commented on

- 1 the timetable. Yeah.
- 2 MR. BYRON WILLIAMS: I -- I think I had
- 3 actually just said, with regard to Mr. Dunsky, we were
- 4 -- were requesting till the 19th.
- 5 MS. PATTI RAMAGE: If it's of
- 6 assistance, Mr. Chairman, Manitoba Hydro doesn't have
- 7 an objection to that, given -- assuming that the Board
- 8 allows Manitoba Hydro the same grace period on the
- 9 other end, as suggested by Mr. Williams.
- 10 THE CHAIRPERSON: Okay. Let me clarify
- 11 my -- we are in agreement. I apologize for the
- 12 confusion.
- 13 And, finally, on the other issues,
- 14 you'll have to wait for the written decision of the
- 15 Board to address the balance of the decisions. And as
- 16 I indicated earlier, the order of the Board will be
- 17 issued as soon as possible after the September 17th
- 18 date. And that, I think, is the end of business for
- 19 today, unless I have objections from anyone in the
- 20 room. There being no objections, we stand adjourned.
- 21 Thank you very much, everyone.

22

23 --- Upon adjourning at 11:43 a.m.

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 1 Certified Correct,
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7 Cheryl Lavigne, Ms.
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