



MANITOBA PUBLIC UTILITIES BOARD

Re:

MANITOBA HYDRO
NEEDS FOR AND ALTERNATIVES TO
REVIEW OF MANITOBA HYDRO'S
PREFERRED DEVELOPMENT PLAN

Regis Gosselin	- Chairperson
Marilyn Kapitany	- Board Member
Larry Soldier	- Board Member
Richard Bel	- Board Member
Hugh Grant	- Board Member

HELD AT:

Public Utilities Board
400, 330 Portage Avenue
Winnipeg, Manitoba
March 26, 2014
Pages 3812 to 4093

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1 --- Upon resuming at 9:01 a.m.

2

3 THE CHAIRPERSON: Good morning. It's
4 nine o'clock. I think we're prepared to continue, or
5 at least we are ready to continue. Mr. Bedford, do
6 you have any documents that you wish to acknowledge?

7 MR. DOUGLAS BEDFORD: Not documents,
8 but you will remember that Mr. Wojczynski was asked to
9 report first thing this morning on the status of some
10 material that was to be filed, and he will do that
11 forthwith. And as soon as he's done, Dr. Shaffer
12 undertook to look into a couple of matters, and he has
13 the responses to those undertakings.

14

15 MANITOBA HYDRO PANEL 6 CONTINUED:

16 KAREN ANDERSON, Previously Sworn

17 TED BLAND, Previously Sworn

18 NORMAN BRANDSON, Previously Sworn

19 JANE KIDD-HANTSCHER, Previously Affirmed

20 SHAWNA PACHAL, Previously Affirmed

21 IAN PAGE, Previously Sworn

22 MARV SHAFFER, Previously Sworn

23 VICTOR SPENCE, Previously Sworn

24 ED WOJCZYNSKI, Previously Sworn

25

1 MR. ED WOJCZYNSKI: I have three (3)
2 items. First of all, I was asked as to when the
3 financials will be coming. Our schedule had said that
4 the first financials would be available on the 24th,
5 and they didn't -- and they were not available. I
6 phoned -- talked last night to Ms. Carriere and Mr.
7 Rainkie this morning, and their plan and intention is
8 to have all of the financials this Friday.

9 There is a risk they will have to be
10 redone again. What's happened should explain why they
11 were not available on the 24th, is they had done the
12 runs and there were some problems with them, and they
13 had to redo -- they're in the middle of redoing them.

14 As Ms. Carriere had testified and Ms.
15 Flynn had testified, in the process when we do either
16 the economic or the financial runs, part of it
17 obviously is we do a run; we check it and make sure
18 everything looks good. And with some frequency we
19 have -- in the checking we find there's something that
20 isn't right, and we have to redo them. And that's
21 what happened this time.

22 And so they apologize for that. And --
23 and Mr. Rainkie indicated he can give an explanation
24 of that when he's on the stand on the 4th. But they
25 will have -- their --their plan is to have all of them

1 this Friday, but there is -- there is a risk they'll
2 have to redo them over the weekend. But they -- they
3 don't think that'll happen.

4 Secondly, I was asked about whether or
5 not -- I think it was under advisement, whether we
6 could provide the -- the impact of the -- on Keeyask
7 of our partner income arrangements if they chose,
8 instead of doing the preferred, to do the common.

9 There was an IR that in -- in the
10 process that did indicate the impact on Manitoba
11 Hydro's net income statement of going with a 17 1/2
12 percent common arrangement, but that did not include
13 payments to -- that did not include the calculation or
14 the payments to the -- the First Nations. It in -- it
15 was the impact on net income.

16 So I -- I guess I might need some
17 clarity here. Was it the impact on the net income, or
18 was it the -- the dividends the KCN would be
19 receiving? I think you're probably looking for the
20 dividends to the KCN.

21 MR. SVEN HOMBACH: That's correct, Mr.
22 Wojczynski. When I was asking you yesterday, I was
23 looking at the dividends to pay to the KCN from the
24 perspective of benefits to th KCN, yeah.

25 MR. ED WOJCZYNSKI: And, so we can

1 provide that, or -- or -- probably I should back up a
2 little bit. We can calculate that, and provide that.
3 That was -- that is not automatically done when you do
4 the net income. You don't have to do that.

5 But that was not done. The last time
6 we have done the calculation of the dividends was at
7 the -- during the ratification process with the First
8 Nations.

9 So Liz Carriere -- Ms. Carriere and her
10 staff will do -- can do that. It's not CSI. But they
11 are doing all these financials first, so it's -- you
12 know, it's the same group of people. So what we'll do
13 is put it in the queue. And the priorities, as we
14 understand them right now, is finish those financial
15 evaluations.

16 Well, like you said, Mr. Chair, I
17 should maybe seek confirmation from the panel of this
18 that we're at your guidance. We understand the
19 priorities for the financial people right now is to
20 finish those -- the runs, what we call the updated DSM
21 runs. That is the different levels of DSM and the
22 different plans. And that's what we already talked
23 about, that they're targeting to have them all done
24 for Friday. That's, right now, their number 1
25 priority.

1 Their second priority was the request
2 from the panel last week, Friday I believe it was,
3 that -- Thursday, that -- what is the impact of a
4 higher Keeyask and Conawapa capital cost? That's the
5 second priority.

6 And the third priority right now would
7 be doing this dividend calculation. Does that seem
8 like the appropriate priority?

9 THE CHAIRPERSON: Yes, it would be.

10 MR. ED WOJCZYNSKI: So that -- that is
11 what we will do, and I'll relay that on to them. The
12 last item I have is panel member Kapitany had asked
13 about the operating jobs on Keeyask and the Keeyask
14 turbines. And so what we've done is calculate what
15 they are on an equivalent basis. And by that, what I
16 mean is Keeyask has 3,003 dependable gigawatt hours
17 associated with it.

18 So to put things on the same basis,
19 we've calculated what the employment number would be
20 for direct jobs on each of the resources. And Keeyask
21 is thirty-eight (38) jobs. Conawapa would be twenty-
22 seven (27). A simple-cycle gas turbine is thirty-
23 eight (38) jobs, which is identical to Keeyask. And
24 combined-cycle gas turbine is forty-seven (47) jobs.

25 So I believe that fulfills your -- your

1 request.

2 MS. MARILYN KAPITANY: You had
3 mentioned wind as well?

4 MR. ED WOJCZYNSKI: We have that as
5 well, yes. We have a range for the wind. It would
6 range from fifty-eight (58) to one hundred and fifteen
7 (115), yeah. Okay, thank you. That completes my
8 responses this morning.

9 DR. MARVIN SHAFFER: There were two
10 (2) matters that I said I would follow up with and
11 check overnight. The first concerns the share of the
12 Manitoban employment with the Northern projects that
13 would be filled by Northern Aboriginal workers.

14 And you may recall -- and this came up
15 on -- it was on page 180 of the Board counsel
16 documents, line 19. I was the one who raised the
17 concern about the 50 percent number because at the
18 very same time I was looking at a revised response to
19 PUB/MH I-245, where I had a share of 37.5 percent,
20 Northern Aboriginals' share of Manitoba wages.

21 Those two (2) numbers are in fact
22 consistent. And it was my mistake, just looking at it
23 quickly, in that the 50 percent number that's on page
24 180 of the Board counsel documents, line 19, refers to
25 the share of person years of employment that were

1 assumed to be filled by Northern Aboriginal workers,
2 whereas the 37.5 percent in Table 2 of the
3 interrogatory response refers to the share of wages,
4 the difference being an assumption about the average
5 wage of the mix of occupations filled by Aboriginal
6 workers versus the overall project.

7 In both cases, and it was consistent in
8 -- all along, the -- the net effect of what share of
9 the wages we assumed constituted net benefits for the
10 Northern constructions was in the order of 12 to 12.5
11 percent. And that's why I was satisfied it was
12 consistent. And I double checked, and it is
13 consistent. So that was the first matter.

14 The second matter is actually just a
15 page -- or two (2) pages back, page 178, Table 13.5.
16 And Board counsel was asking questions about, Well,
17 why was there a disproportionate increase, as I forget
18 the -- the -- there was a few questions about this
19 table, but wanted to understand what was responsible
20 for the -- the changes.

21 And there were a number of changes and
22 they arose because information became available
23 subsequent to the completion of this report. And some
24 of the major ones were: with respect to operations
25 and maintenance in northern Manitoba there was a

1 significant reduction you can see in Table 13.5, and
2 that was due to revised estimates of the incremental
3 O&M in northern Manitoba, associated with the Conawapa
4 project. I'm talking about the person years now.

5 Also, there was a significant increase
6 in southern Manitoba construction; that was due to --
7 for -- for a couple of reasons. The original
8 estimates didn't include transmission PYs and we put
9 those in, that's part of it. And the other, a big
10 part, from the shift from northern to southern
11 Manitoba was a re-allocation of person years of
12 employment associated with the Northern projects that
13 were really headquarter employment; in other words,
14 they would take place in southern Manitoba.

15 And those are the -- the main reasons
16 for the changes that you asked about yesterday. I
17 hope that clarifies it.

18 MR. SVEN HOMBACH: It does. Thank
19 you. Anything else?

20 MR. DOUGLAS BEDFORD: Ms. Pachal has
21 one (1) clarification from her testimony yesterday.

22 MS. SHAWNA PACHAL: Yesterday Ed and I
23 talked about when the Cree make their decision about
24 investing either preferred or common and we talked
25 about final closing. And when we checked our notes

1 last night, it's actually a hundred and eighty (180)
2 days after final closing. So six (6) months after
3 final closing. And final closing is after the last
4 turbine is commissioned at the generating station.

5 So the Cree do not have to make their
6 investment decision whether they're going preferred or
7 common until they know what all the costs are
8 associated with the construction of the project. And
9 they'll also know at that point in -- at that point in
10 time what the market is doing. So just a
11 clarification on that about when their decision needs
12 to be made.

13 MR. SVEN HOMBACH: Thank you. Does
14 that conclude the matters Manitoba Hydro has to speak
15 of?

16 THE CHAIRPERSON: I have a question, I
17 guess, just a minor question. Although, I was
18 thinking last night if I was in the shoes of a -- of a
19 Cree, I would probably want to have the -- the ability
20 to convert those preferred to common. But I guess --
21 is that -- is that something that's in -- I --
22 something that's in the contract with the -- or the
23 arrangement with the -- the partners?

24

25 (BRIEF PAUSE)

1 MS. SHAWNA PACHAL: We believe that --
2 well, subject to check, we believe they can convert at
3 the twenty-five (25) year point and again at the fifty
4 (50) year point, or... We -- but we'd have to check
5 that, but there is an opt -- option to convert at
6 twenty-five (25) years.

7 MR. SVEN HOMBACH: Okay. Mr.
8 Chairman, I -- I have some cross-examination left
9 remaining this morning. I anticipate it will be
10 approximately until the coffee break. After that it
11 will be MIPUG's turn to cross-examine followed by CAC.

12

13 CONTINUED CROSS-EXAMINATION BY MR. SVEN HOMBACH:

14 MR. SVEN HOMBACH: Good morning,
15 everyone. Yesterday we were discussing the benefits
16 to northern Aboriginal groups of the projects and I
17 took the Manitoba Hydro panel through some of those
18 benefits. And we haven't yet had an opportunity to
19 discuss the training initiative that you mentioned,
20 Ms. Pachal. And I'd like to turn your attention to
21 page 99 of Board counsel's book of documents.

22 That's an excerpt from the Joint
23 Keeyask Development Agreement, more specifically, it's
24 Article 12. And if you scroll down to the middle of
25 the page, Section 12.1.3, that sets out the funds for

1 the training initiative.

2 And, Ms. Pachal, can you please confirm
3 that that is the total sum that you're talking about
4 when you're referring to the northern Aboriginal
5 training as part of the Keeyask project?

6 MS. SHAWNA PACHAL: That's correct.

7 MR. SVEN HOMBACH: So that's
8 approximately 45 million in total?

9 MS. SHAWNA PACHAL: Sixty (60)
10 million.

11 MR. SVEN HOMBACH: How much of the
12 money set out in this section has actually been
13 expended to date?

14 MS. SHAWNA PACHAL: About 99 percent
15 of it.

16 MR. SVEN HOMBACH: So it follows,
17 then, that the training initiative is more or less
18 complete at this point, or are you upping the budget?

19 MS. SHAWNA PACHAL: No, it is
20 complete.

21 MR. SVEN HOMBACH: How many people
22 have gone through the training?

23

24 (BRIEF PAUSE)

25

1 MS. SHAWNA PACHAL: There was two
2 thousand six hundred and seventy (2,670) participants,
3 one thousand (1,000) -- so individuals who are
4 involved in the initiative. There was one thousand
5 eight hundred and seventy-six (1,876) who successfully
6 completed one (1) course, and there were three
7 thousand eight hundred and three (3,803) courses
8 successfully completed.

9 MR. SVEN HOMBACH: And can you
10 describe to the panel at a high level what types of
11 jobs you were actually training for? And if that is
12 too much for the time that's left remaining, I'd be
13 prepared to accept an undertaking that provides a
14 breakdown in table format.

15 MS. SHAWNA PACHAL: Well, it -- it --
16 we were training for -- well, first of all, it's
17 really important to understand that the training
18 initiative was designed, developed, and implemented by
19 the Cree Nation, so they made the choices in terms of
20 what areas they wanted to train for, and a lot of
21 their initial training was associated with life skills
22 training and upgrading to get individuals in their
23 community to a level where they could actually be
24 studying in a particular area that was a skilled
25 trade, or a non-designated trade, or a support trade.

1 And so, based on the -- what the
2 communities chose to do, they trained in all different
3 areas, but you have the advantage of my Cree partners
4 sitting behind me, and they ran the training
5 initiative in their communities, so they'd probably be
6 in the best position to tell you what they trained
7 for.

8 MR. SVEN HOMBACH: If you'd like to
9 defer to them, I'd certainly like to hear it.

10

11 (BRIEF PAUSE)

12

13 MS. KAREN ANDERSON: Good morning. My
14 name is Karen Anderson, Fox Lake Cree Nation. So in
15 our community, the majority of the training that we
16 provided to our members were life skills and
17 upgrading, and then we went on to the heavy equipment
18 operator training. We've had carpenters, completed
19 some of them not -- not fully to Level 4, but there's
20 been, I think, at least four (4).

21 We had some of our members training in
22 computer technology. We've had members in the food
23 service industry. I'm not sure quite the name of the
24 courses right here, but those are the major ones that
25 we had done. We had the -- a wide variety of

1 different courses that our members took.

2 MS. MARILYN KAPITANY: Mr. Hombach,
3 could I just ask a follow-up question?

4 MR. SVEN HOMBACH: Of course.

5 MS. MARILYN KAPITANY: Is there a
6 sense of the number of people who were trained for the
7 Wuskwatim project? How many still remain in the
8 communities, have built on their skills, and then will
9 be in a position if Keeyask goes forward to -- to be
10 part of the construction of Keeyask?

11 MS. SHAWNA PACHAL: Just give us a
12 minute to check that, and we'll get back to you on
13 that.

14 MS. KAREN ANDERSON: Okay. So for Fox
15 Lake, most of the trainees that were in the food
16 service industry, like the food -- levels going
17 towards the -- I just can't remember the name of it,
18 I'm sorry, but it's in the food service industry
19 because of our DNC with -- with the catering contract.
20 So that's where we had a majority of our members,
21 catering -- or training, and they've worked at
22 Wuskwatim and some have left that -- that job
23 category, and -- and then they've taken other courses
24 also, but currently, we do have people working at
25 Keeyask who have completed those courses. Thank you.

1 MS. JANE KIDD-HANTSCHER: Maybe if I
2 can just further add to that question. So we do know
3 from the reporting that a hundred and eighty-nine
4 (189) trainees under the Hydro Northern Training and
5 Employment Initiative found work at Wuskwatim,
6 specifically, and then in terms of NCN individuals, we
7 also track how many people from Nelson House are
8 working at -- on the Keeyask infrastructure project,
9 and until the end of February 2014, there are -- are
10 twenty-one (21) members from Nelson House working.

11 So the hundred and eighty-nine (189)
12 that worked at Wuskwatim, though, would be
13 representative of all participants in the program,
14 certainly not just Nelson House residents, just for
15 clarification.

16 MR. TED BLAND: Ted Bland, York
17 Factory. I'd just like to add to Karen Anderson's
18 comments there. York Factory also ran similar --
19 similar programs as -- as Fox Lake, because Fox Lake
20 is our joint venture partner in the -- the catering
21 and security portion of the contracts for DNCs.

22 We, too, ran catering and security
23 training in our community. We did run construction
24 programs, as well. We did a little bit of upgrading,
25 heavy equipment, carpentry training. We also included

1 a program through, I guess, the workforce that -- that
2 people are already in -- in Keeyask, and that's the --
3 the Red Seal Program where we have our membership
4 training to become red sealed chefs.

5 We don't have the numbers available on
6 hand, but that is something that we can access if we
7 were to get a little bit of time.

8 MR. SVEN HOMBACH: It would be helpful
9 to obtain just a table with the numbers.

10 MS. SHAWNA PACHAL: I will provide
11 them to you now.

12 MR. TED BLAND: Okay. Thank you.

13 MS. SHAWNA PACHAL: Of the two
14 thousand six hundred and seventy (2,670) participants
15 in the HNTEI initiative, five hundred and ninety-five
16 (595) completed some training in job catery --
17 categories required for Keeyask project construction,
18 designated trades, apprentices, non-designated trades,
19 and construction support.

20 The remainder of the two thousand six
21 hundred and seventy (2,670) participants also
22 undertook educational upgrading, two hundred and nine
23 (209) of them, life skills, three hundred and thirty-
24 eight (338), short programs, two hundred and fifty-
25 four (254), professional and administrative courses,

1 one hundred and sixty (160), designated pre-employment
2 training, three hundred and twenty (320) were working
3 towards becoming apprentices, and some did not
4 complete courses, seven hundred and fifty-five (755)
5 who started and didn't complete.

6 Some of these trainees, even though
7 they didn't complete, may be eligible for non-
8 construction related positions on the projects. In
9 terms of the HNTEI funds of -- of the \$60 million, 40
10 percent of the dollars were spent in community
11 infrastructure, which included administration, 17
12 percent, recruitment program development and
13 retention, 16 percent, capital, 7 percent. Capital
14 would be things like buying computers and setting up
15 training facilities and such.

16 Classroom and on-the-job training was
17 60 percent of the dollars. Of that 60 percent, 19
18 percent was funded -- was spent funding towards
19 designated trades training, 4 percent towards
20 construction support, 15 percent towards non-
21 designated training, professional and administrative
22 was 9 percent, and 13 percent was spent on upgrading.

23 MR. SVEN HOMBACH: Thank you, Ms.
24 Pachal. Would you be in a position to file that
25 information that you just read into the record by way

1 of an undertaking as a table?

2 MS. SHAWNA PACHAL: I certainly can.

3 The undertaking is to file the information on the
4 statistics associated with the HNTEI initiative and
5 the table that I just read. HNTEI, H-N-E-T-I (sic),
6 H-N-T-E-I.

7

8 --- UNDERTAKING NO. 63: Manitoba Hydro to file the
9 information on the
10 statistics associated with
11 the HNTEI initiative as a
12 table

13

14 CONTINUED BY MR. SVEN HOMBACH:

15 MR. SVEN HOMBACH: Now, would any
16 other of the KCNs like to speak to the training
17 initiative?

18 MR. VICTOR SPENCE: Hello. Victor
19 Spence, TCN. I'm representing the CNP partnership,
20 Tataskweyak and War Lake First Nation. In regard to
21 jobs and tra -- training, I'm not directly involved in
22 that process. We have a team that -- that is -- works
23 on behalf of TCN.

24 However, I can honestly say that, you
25 know, there are challenges in deal -- in dealing with

1 the process, but we -- it has worked and we pro -- had
2 training in carpentry, heavy equipment operators, and
3 mills trade, I believe that's what it's called, and
4 ironworkers. So there are a number of trainings that
5 were undertaken by the staff on behalf of the nation,
6 and regrettably, I don't have the numbers in front of
7 me, but I can provide the numbers as -- as an
8 undertaking.

9 MR. SVEN HOMBACH: Thank you. That --
10 that would be helpful to the Board, and I assume that
11 would be filed through Manitoba Hydro's counsel, an
12 undertaking to provide the numbers of people -- to
13 provide a breakdown of the number of people that have
14 undergone the Tataskweyak training initiative.

15

16 --- UNDERTAKING NO. 64: Provide a breakdown of the
17 number of people that have
18 undergone the Tataskweyak
19 and War Lake training
20 initiative

21

22 MR. SVEN HOMBACH: Did I phrase that
23 correctly, sir?

24 MR. DOUGLAS BEDFORD: It would be
25 Tataskweyak and War Lake.

1 MR. SVEN HOMBACH: And War Lake.

2 MR. VICTOR SPENCE: That's correct.

3 MS. SHAWNA PACHAL: I'd also like to
4 follow up on Ms. Kapitany's question about employment,
5 so a little bit more extensive information which I
6 will add to the undertaking that we provide with the
7 other -- how the funds were spent.

8 Of -- of the individuals who went
9 through the program, one thousand three hundred and
10 ninety-five (1,395) individuals obtained post-training
11 employment. We had a target in that initiative of
12 seven hundred and ninety-four (794), and we exceeded
13 it, because we achieved one thousand three hundred and
14 ninety-five (1,395).

15 Sixty percent of the individuals worked
16 on initiatives and at jobs in their communities. That
17 was eleven hundred and seven (1,107) of them. Sixteen
18 percent of them worked with non-community northern
19 employers. Thirteen (13) percent of them worked at
20 Hydro between Wuskwatim, the Keeya -- on Keeyask and
21 the Keeyask Infrastructure Program, and Manitoba Hydro
22 operations, and 11 percent of them worked with other
23 employers in the province and out of the province.

24

25 CONTINUED BY MR. SVEN HOMBACH:

1 MR. SVEN HOMBACH: And, Ms. Pachal,
2 let's go to page 105 of the Board counsel book of
3 documents. That's a table that shows the breakdown of
4 Aboriginal hires for the Keeyask Project, correct?

5 MS. SHAWNA PACHAL: Yes.

6 MR. SVEN HOMBACH: Can you give the
7 Board an idea as to the percentage of people that have
8 undergone the Keeyask training initiative that have
9 actually been hired to work on the Keeyask Project?

10 MS. SHAWNA PACHAL: I don't have that
11 number at my fingers. So you're saying, How many of
12 these individuals that are listed in this chart are
13 trainees from the HNTEI initiative?

14 MR. SVEN HOMBACH: Yes, and even on an
15 approximate percentage basis.

16

17 (BRIEF PAUSE)

18

19 MS. ALICE PAYNE: Well, we'll check to
20 see if -- I'm not sure if that number's available.
21 We'll check to see if we can get it.

22 MR. SVEN HOMBACH: Thank you. You'll
23 advise by way of undertaking?

24 MS. SHAWNA PACHAL: Yeah. So I'll
25 undertake to determine whether or not in -- on your

1 page 105, the -- the Table 1 that identifies the hires
2 from the Keeyask Project to date, how many of those
3 individuals were HNTEI trainees.

4 MR. SVEN HOMBACH: Thank you.

5

6 --- UNDERTAKING NO. 65: How many hires for the
7 Keeyask Project to date in
8 Table 1 on page 105 were
9 HNTEI trainees

10

11 CONTINUED BY MR. SVEN HOMBACH:

12 MR. SVEN HOMBACH: The last issue I'd
13 like to explore with respect for the training
14 initiative is the long-term prospects, and perhaps
15 let's go to page 175 of the Board counsel book of
16 documents for a moment. That's Figure 13.5 from the
17 NFAT that shows the annual construction employment.

18 And what we established is that there's
19 going to be a fairly large construction employment
20 spike for a number of years, and then it will level
21 off significantly, and I'd like to get a better
22 understanding as to what the concerns are with respect
23 to long-term prospects from the training initiatives
24 once those construction jobs are disappearing.

25 Do you expect a significant number of

1 people from the communities to have to seek employment
2 in southern Manitoba or outside the province? How is
3 that addressed?

4 MS. SHAWNA PACHAL: Well, I think the
5 communities have selected the types of training and
6 direct negotiated contracts that would associate to
7 skills that are transferrable off the construction
8 projects into their communities, so, you know, like
9 heavy equipment operator training and those kinds of
10 training, carpentry and -- and so forth, because those
11 are transferable skills into their community and into
12 other industries in the north. And, as well, in
13 security or -- yeah, security and catering and those
14 types of initiatives that would potentially provide
15 them with opportunities in some of those areas in the
16 north as well.

17 So that would be -- they've -- they've
18 looked -- that -- that's obviously one (1) of the
19 things that's the most important to consider is -- is
20 the transferability. So there's no point in training
21 somebody to, you know, do something that's only a
22 specialized trade that would only last for a few
23 months on the Keeyask project, and then they would
24 have to move out of province to utilize that skill.
25 So the communities have -- have looked at training in

1 the areas where there would most transferable skills
2 after the projects.

3 MR. SVEN HOMBACH: For Conawapa, no
4 similar training initiative has been set up yet,
5 correct?

6 MS. SHAWNA PACHAL: It's just being
7 discussed. And we've also just undertaken -- the
8 province and us have just started to roll out
9 something called the "Northern Construction Trades
10 Training Program," which is a pilot project to look at
11 individ -- taking individuals, apprentices, and
12 working with the Manitoba -- the Northern Manitoba
13 Sector Trades Council, and guaranteeing those indivi -
14 - one (1) of the challenges with the training is for
15 the apprentices to get their hours and finding them
16 the hours that they need in order to get to their next
17 level.

18 So the pilot project -- the Northern
19 Construction Trades Training Pilot Project, the
20 objective of that is to guarantee the individuals that
21 we bring into this program, and I think we're starting
22 with twenty (20) or thirty (30). I can't remember the
23 exact number. But the idea is, is that we have worked
24 with the Northern Manitoba Sector Trades Council who
25 is connected with other industries in the north, with

1 mining and forestry and so forth.

2 And so the individuals we bring into
3 that program, between Hydro and the other industries,
4 will make sure that those individuals can find
5 employment to get the hours that they need. And so
6 that's -- it's a real challenge on Hydro projects to
7 get apprentices their hours because, as you've seen
8 from all these charts, when you need them on the
9 projects is very spiky. It goes up and down, and you
10 need carpenters and then you don't, and so on and so
11 forth.

12 So it's hard on the Hydro projects to
13 get them all the hours they need through all their
14 levels. So we're partnering with these -- with the
15 Northern Manitoba Sector Council and these other
16 industries and the province to -- to try and focus
17 more concentrated, ensuring that they can get their
18 hours. And then -- and -- and then we are starting to
19 think through, working with our partners, starting to
20 think through what should we do in terms of Conawapa
21 training.

22 And we're also anticipating -- I mean,
23 there's on-the-job training on Keeyask. They'll -- I
24 talked about that yesterday in my presentation. And
25 we anticipate they'll -- they'll be a number of on-

1 the-job training opportunities and apprentices getting
2 their training if Keeyask is -- is -- gets underway.
3 A number of them will be training on Keeyask towards
4 Conawapa as well.

5 MS. JANE KIDD-HANTSCHER: If I could
6 just add a couple of other additional points as a
7 person who worked on the Wuskwatim project very
8 closely. If you look at this chart that's up in front
9 of you, although it starts with the sequence of the
10 Preferred Development Plan, if you go back to 2006
11 when we started building Wuskwatim you have,
12 essentially, twenty (20) plus years of people that
13 could be working in a particular occupation.

14 And we are seeing that in follow-up to
15 the question from Board member Kapitany, that
16 individuals who worked on Wuskwatim, say from the
17 outset, developed a skill or have got an
18 apprenticeship, have now moved on to the Keeyask
19 project. And, additionally, could finish working
20 there and -- and move on to another project after
21 that. So it's a long time span. You look at it,
22 essentially, as you -- you could build, essentially, a
23 career.

24 The other piece that's important is
25 although as we have talked about there aren't near the

1 number of jobs on the projects once they're
2 operational, there are opportunities. And we have
3 seen, with the conclusion of the Wuskwatim
4 construction project, individuals who built those
5 skill sets continuing to work either at the site for
6 Manitoba Hydro in our positions, or under additional
7 contracts that we have with the community in the areas
8 of the skills that they built while they worked on the
9 project.

10 So there's a couple of -- you know,
11 there's a couple of important points to add in terms
12 of the longevity that is possible when people get
13 these -- these training under their belt.

14 MR. ED WOJCZYNSKI: Perhaps I could
15 add something that brings together part of what I said
16 yesterday on this issue, is we were talking about the
17 definition of the Preferred Development Plan, the
18 timing of Conawapa. I recall saying that -- that we
19 had not indicated that 2026 was a likely date and that
20 it could be a few years after that.

21 I would suggest that one (1) of the
22 considerations that we would have about the timing of
23 Conawapa is that if it was slightly later - by
24 "slightly" I mean, one (1), or two (2), or three (3)
25 years, not ten (10) years - that it would mean a bit

1 more evening out of the demand on labour and -- which
2 would perhaps reduce some of the cost pressures. But
3 also that it would mean that the demand would be less
4 peaky. And -- and you would see that big peak and
5 small peak more evened out so that you had them
6 separated in time, but more -- more balanced.

7 So that is one (1) of the things that
8 would be a consideration for Manitoba Hydro in
9 addition to all the other things we've talked about.
10 And so -- so some of the concerns, and downsides, and
11 -- and risks that -- and uncertainties associated with
12 building Conawapa for 2026, if we did push it back a
13 few years, some of those would reduce and have these
14 other kinds of benefits.

15 And -- and I -- that is something that
16 is on our mind when we talk about -- about having the
17 flexibility to move Conawapa back somewhat.

18 MR. SVEN HOMBACH: Now, in terms of
19 direct distributions to the partners, nothing has been
20 agreed to with respect to Conawapa yet.

21 Did I hear Manitoba Hydro correctly
22 that for Conawapa it might not follow equity
23 participation stake, or is a similar model being
24 contemplated for Conawapa?

25 MS. SHAWNA PACHAL: For income?

1 MR. SVEN HOMBACH: Yes, for -- for
2 direct partnership income, the -- the income sharing.

3 MS. SHAWNA PACHAL: There is going to
4 be some sort of income sharing; the exact model of
5 what that looks like is still under discussion with
6 our partners.

7 MR. SVEN HOMBACH: And is it likely
8 going to be an ownership stake similar to the -- the
9 common shares?

10 MS. SHAWNA PACHAL: I can't speak to
11 that yet, because we're in negotiations and
12 discussions with our partners.

13 THE CHAIRPERSON: I don't want to
14 belabour this point, but in a discussion yest --
15 yesterday with Dr. Shaffer, I wondered about this
16 graph, because Ms. Pachal yesterday told -- told us
17 that there would be about twenty-two hundred (2,200)
18 jobs at the peak of Conawapa. And this is not coming
19 out in the graph here.

20 Conawapa is show -- you know, even
21 though that Conawapa is going to be built, it's
22 actually showing decline in employment. So there's --
23 there's something that's wrong with the graph. Either
24 one (1) piece of information or --

25 MS. SHAWNA PACHAL: They're two (2)

1 different scales. One -- twenty-two hundred (2,200)
2 is the number of human beings, like the people. And
3 this is person years. So they're different
4 calculations. That's why it doesn't add up.

5

6 (BRIEF PAUSE)

7

8 CONTINUED BY MR. SVEN HOMBACH:

9 MR. SVEN HOMBACH: Is it possible for
10 Manitoba Hydro to reconcile between those two (2) and
11 just provide a comparison table, if data presumably is
12 available?

13

14 (BRIEF PAUSE)

15

16 MS. SHAWNA PACHAL: Yeah, I think it
17 would be pretty hard to reconcile those two (2)
18 things. They're two (2) totally different measures.
19 They're completely different things.

20 THE CHAIRPERSON: It's needed.

21 MS. SHAWNA PACHAL: Thank you.

22

23 (BRIEF PAUSE)

24

25 CONTINUED BY MR. SVEN HOMBACH:

1 MR. SVEN HOMBACH: Thank you. Moving
2 on then from the issue of Aboriginal and northern
3 First Nations' benefits, yesterday I believe Mr.
4 Wojczynski was on the record indicating that the net
5 present value calculation for water rentals and
6 capital tax that was provided in Chapter 13 is only
7 with water rentals and capital tax revenue that's
8 covered by export. Is that correct?

9 MR. ED WOJCZYNSKI: I would include a
10 debt guarantee fee in that, as well. And that's over
11 the life of the project. When -- when they did the
12 NPVs of -- in the economic analysis, they're all over
13 the life of the project. And, so when -- when -- if
14 you look at the All Gas Plan --

15 MR. SVEN HOMBACH: Maybe you can
16 actually illustrate this, Mr. Wojczynski. If we go to
17 page 169 of the book of documents, the bottom of the
18 page, Table 13.3.

19 Does this -- does this table include
20 only revenues that are recovered from exports, or is
21 it on a gross basis?

22

23 (BRIEF PAUSE)

24

25 MR. ED WOJCZYNSKI: They are gross in

1 each case.

2 MR. SVEN HOMBACH: So this includes
3 money to be recovered from Manitoba ratepayers?

4 MR. ED WOJCZYNSKI: Yes. But can I
5 take the explanation further or --

6 MR. SVEN HOMBACH: Please.

7 MR. ED WOJCZYNSKI: -- were you going
8 to follow up?

9 MR. SVEN HOMBACH: I -- I was going to
10 follow up and refer you to the next chart which deals
11 with net benefits, but perhaps you can explain the
12 matter further, Mr. Wojczynski.

13 MR. ED WOJCZYNSKI: Yes. If you use
14 the chart -- Table 13.3, which has the -- the gross
15 amounts for each of the plans, what you would need to
16 do is to look incrementally the differences. So when
17 we did the NPVs in the charts that I presented, and
18 Ms. Flynn presented that showed the -- the NPV of the
19 transfers to the province, those were the difference
20 between the All Gas Plan and the Preferred Plan, or
21 the Keeyask/Gas Plan.

22 So the -- the amount of capital tax,
23 water rentals, and debt guarantee fee that's in the
24 All Gas was subtracted from the Preferred Development
25 Plan, and then we only showed the difference. And --

1 and the reason we say that that amount over the life
2 of the project comes from the exports is that when you
3 do the NPV of the total expenditures and the total
4 benefits, and compare them to the All Gas we end up
5 getting a positive numbers.

6 So -- so that would suggest that the --
7 that the increase in costs by going to the Preferred
8 Plan is more than covered by the increase in revenues.
9 So the increase in costs include both the capital cost
10 and capital tax, water rental, and debt guarantee fee.

11 So the increase in debt guarantee fee,
12 water rental, and capital tax, plus the capital costs
13 are more than covered by the increase in export
14 revenues. And that's why we say they come over the
15 life of the project from -- from the exports.

16 MR. SVEN HOMBACH: So just because I'm
17 still somewhat unclear on this issue, the numbers that
18 we're looking at, those are -- that's the NPV of the
19 total capital tax and water rental revenue over the
20 seventy-eight (78) year analytical time frame?

21 MR. ED WOJCZYNSKI: This table was
22 actually prepared in Chapter 13 by Dr. Shaffer, so I'm
23 not -- I understand it's gross but I'm not sure over
24 what time period. We would have to look to Dr.
25 Shaffer to answer that.

1 DR. MARVIN SHAFFER: The -- the water
2 rentals are the present value the -- that resource
3 planning estimated, and -- when they did their
4 analysis of the plans over the -- the period ending --
5 over the planning period through to 2047.

6 And the capital tax was over the -- the
7 same period, and it was estimated as -- by the
8 financial planning team because it's a more
9 complicated calculation, but it was over that same
10 period.

11 MR. SVEN HOMBACH: Thank you.

12 THE CHAIRPERSON: Dr. Shaffer, is
13 there a reason that the sales taxes that would be
14 generated by the projects are not included in net
15 present value calculations?

16 DR. MARVIN SHAFFER: So these charges
17 and taxes are those that are paid by Manitoba Hydro
18 either, you know, as part of its annual operating
19 expenditures or, in the case of the debt guarantee
20 fee, as part of its obligations because of the -- the
21 debt guaranteed by government, similar with the
22 sinking fund.

23 Sales taxes and income taxes, for
24 example, on employment, it -- it relates to the
25 discussion we had yesterday. And -- and the question

1 is those -- those are taxes associated with levels of
2 activity in the province. And let's just first deal
3 with the sales taxes paid by people in -- within
4 Manitoba, in other words, who -- who aren't in-
5 migrants.

6 The question becomes: Would they not
7 have been spending money if they hadn't been working
8 on the -- the project? Would they not -- if -- if
9 we're talking about those sales taxes associated with
10 spending by workers.

11 So the assumption was that there aren't
12 necessarily incremental sales taxes. We didn't have
13 estimates of the sales taxes paid by Manitoba Hydro on
14 its purchases, if that's what you're asking. And
15 that's why those aren't included.

16 But it really relates to what your view
17 is of the incremental economic activity in the
18 province, is it changing where people are working or
19 is it changing the amount of work taking place by
20 Manitobans.

21 As far as the in-migrants go, as I said
22 yesterday, if they're paying taxes, either sales taxes
23 on their purchases of goods and services or income
24 taxes, to some extent, to the Manitoba Government, the
25 assumption that we made, again a conservative one, is

1 that's offset by increased government expenditures
2 associated with a larger population.

3

4 (BRIEF PAUSE)

5

6 CONTINUED BY MR. SVEN HOMBACH:

7 MR. SVEN HOMBACH: Dr. Shaffer, are
8 you in a position to have Manitoba Hydro file the
9 detailed schedule supporting this table? Presumably,
10 in arriving at these numbers you used an Excel
11 spreadsheet.

12 DR. MARVIN SHAFFER: You -- you're
13 asking for the annual cashflows?

14 MR. SVEN HOMBACH: Yes, I'm -- I'm
15 looking for the schedule supporting the numbers set
16 out in Table 13.3 of Manitoba Hydro's business case.

17 DR. MARVIN SHAFFER: What -- what I --
18 I can provide, and I assume this is what you mean, is
19 -- is the annual capital tax, water rental, debt
20 guarantee fee, et cetera, over the planning period --

21 MR. SVEN HOMBACH: Yes.

22 DR. MARVIN SHAFFER: -- that led to
23 these present value calculations.

24 MR. SVEN HOMBACH: Yes. Thank you.

25 DR. MARVIN SHAFFER: I can certainly

1 provide that.

2

3 --- UNDERTAKING NO. 66: Dr. Shaffer to provide the
4 annual capital tax, water
5 rental, debt guarantee fee,
6 et cetera over the planning
7 period that led to those
8 present value calculations

9

10 CONTINUED BY MR. SVEN HOMBACH:

11 MR. SVEN HOMBACH: I'd like to take
12 Manitoba Hydro back to a slide presented by Mr.
13 Wojczynski yesterday. And, Mr. Wojczynski, it's page
14 4 of your presentation. Unfortunately, I don't have
15 the page number for the overall PDF. It is
16 the...okay. That's the chart that includes the
17 return-on-equity metric that I understand was
18 determined based on the difference between the net
19 present value at 5.4 percent and to 4.65 percent.

20 I would like an undertaking from
21 Manitoba Hydro to file the detailed supporting
22 schedules for this in a similar format to what was
23 filed in response to -- or in a similar format to what
24 was filed in Manitoba Hydro Exhibit -- I believe it
25 was 104.4.

1 MR. ED WOJCZYNSKI: Yeah, we can do
2 that. It might be helpful -- I believe it was --
3 there is an overhead in Manitoba Exhibit 95 which
4 actually shows the calculation, not for all three (3)
5 of these, but for one (1) of them, as -- if -- if that
6 would be helpful. But we can do the undertaking and -
7 - and show it later.

8

9 (BRIEF PAUSE)

10

11 MR. SVEN HOMBACH: I would still like
12 the -- the undertaking, Mr. Wojczynski. But if you'd
13 like to go to that slide for a minute, that might be
14 helpful to the Board.

15 MR. ED WOJCZYNSKI: We just have to
16 get the undertaking. It's from another panel, so I...

17

18 (BRIEF PAUSE)

19

20 MR. SVEN HOMBACH: It is an
21 undertaking to file the detailed supporting schedule
22 for the revised calculations shown on page 4 of Mr.
23 Wojczynski's Power Point presentation of March 25th,
24 2014.

25 MR. ED WOJCZYNSKI: Yes.

1 --- UNDERTAKING NO. 67: Manitoba Hydro to file the
2 detailed supporting
3 schedule for the revised
4 calculations shown on page
5 4 of Mr. Wojczynski's Power
6 Point presentation of March
7 25th, 2014
8

9 MR. ED WOJCZYNSKI: And Exhibit 95,
10 page 131. We provided this as -- for the earlier
11 presentation, and what it contains -- well, let's just
12 go to Level 2 DSM 'cause -- is the normal standard
13 WACC test says you take your weighted average cost to
14 capital, which in -- we're now using 5.4 percent, and
15 you -- and we compare -- let's just use
16 Keeyask/Conawapa right now.

17 You take the cash flows for that, you
18 compare it to the cash flows of the All Gas sequence,
19 and you get an NPV based on 5.4 percent. And as long
20 as you get a zero or more, you've pass -- well, as
21 long as you get a dollar (\$1) or more you've passed
22 the WACC test which means you have enough return to
23 the equity that is inside your WACC that -- that this
24 is beneficial.

25 The equity that is in the WACC is that

1 we have a 75:25 debt-equity ratio, and in the 25
2 percent of the -- of the equity portion, we have a 3
3 percent premium over the borrowing cost, over the debt
4 cost. So there -- when you calculate a 5.4 percent
5 you are getting that return to that amount of equity.

6 If -- if you subtract out, or take out
7 that portion of equity you come back to the Manitoba
8 Hydro's borrowing cost which is 4.65 percent. So this
9 table shows that for the -- let's say the
10 Keeyask/Conawapa Plan, that we had an NPV of 5.4
11 percent equal to 45 million. If you recalculate that
12 at only the debt cost, you get one billion three
13 hundred and sixty-four million (1,364,000,000).

14 And the difference between those two
15 (2) is the amount of return -- you get a net return to
16 the equity that's embedded in the WACC, and -- and, so
17 you subtract those two (2) numbers and you get the
18 number on the right-hand side, which is one billion
19 three hundred and nineteen million (1,319,000,000),
20 that is that embedded return on equity.

21 And we did exactly that same
22 calculation for the table that I was just asked to pro
23 -- do an undertaking on. And -- and we will provide
24 that table as an undertaking.

25

1 CONTINUED BY MR. SVEN HOMBACH:

2 MR. SVEN HOMBACH: Thank you. One (1)
3 last series of questions to Dr. Shaffer before I move
4 on to the macro environmental issues.

5 Dr. Shaffer, you used a discount rate
6 of 6 percent for purposes of Chapter 13, correct?

7 DR. MARVIN SHAFFER: That's correct.

8 MR. SVEN HOMBACH: And that was based
9 on what is called the social opportunity cost of
10 capital?

11 DR. MARVIN SHAFFER: The weighted
12 average social opportunity cost to capital --

13 MR. SVEN HOMBACH: Okay.

14 DR. MARVIN SHAFFER: -- that's
15 correct.

16 MR. SVEN HOMBACH: Have a look,
17 please, at Board counsel's book of document page 130.
18 That's the tornado diagram. It's Figure 10.1 from
19 Manitoba Hydro's business case that shows the
20 sensitivities for the overall business case.

21 And the real discount rate for Manitoba
22 Hydro's overall NPV analysis is the single biggest
23 factor, correct?

24 DR. MARVIN SHAFFER: Yes.

25 MR. SVEN HOMBACH: Does that also hold

1 true for the socioeconomic analysis conducted by you?

2 DR. MARVIN SHAFFER: As comparing
3 particularly a thermal, a All Gas Plan with a Hydro
4 Plan, the discount rate would be very important,
5 that's correct.

6 MR. SVEN HOMBACH: And it's fair to
7 say there have been different papers and different
8 opinions as to what a proper discount rate is for this
9 type of analysis?

10 DR. MARVIN SHAFFER: Yes.

11 MR. SVEN HOMBACH: And in the table
12 supporting your presentation, are you in a position to
13 change the discount rate to show what the different
14 outcomes would be?

15 DR. MARVIN SHAFFER: I -- I haven't
16 done that calculation.

17 MR. SVEN HOMBACH: But it's something
18 you're in a position to do based on the math that you
19 --

20 DR. MARVIN SHAFFER: I could. There'd
21 be some effort involved, but -- because there's a lot
22 of calculations that go into it. It's not just one
23 (1) spreadsheet with all the accounts and all the
24 numbers. But it's certainly possible.

25

1 (BRIEF PAUSE)

2

3 DR. MARVIN SHAFFER: I -- I can tell
4 you directionally what -- what it'll do.

5 MR. SVEN HOMBACH: Yes, please.

6 DR. MARVIN SHAFFER: As you lower the
7 discount rate the effect of that is -- is to give
8 greater weight to future consequences. And that would
9 mean you would give greater weight to the ongoing
10 costs associated with the -- the Gas Plans. It's
11 going to make a capital intensive alternative like the
12 Hydro projects much more favourable.

13 And so the lower the discount rate, the
14 greater would be the advantage of the Preferred
15 Development Plan, certainly over the All Gas Plan, and
16 to a lesser extent the other plans as well.

17 MR. SVEN HOMBACH: And it follows that
18 if you up the discount rate to, let's say, 8 percent
19 that would tend to favour the All Gas Plan?

20 DR. MARVIN SHAFFER: That's correct,
21 because as you increase the discount rate you'll be
22 giving less weight to the future consequences. And
23 when you're dealing with assets, Hydro assets lasting,
24 you know, up to a hundred years, obviously that has a
25 major bearing on this.

1 MR. SVEN HOMBACH: Let's turn then to
2 the subject of macro-environmental issues. Now,
3 Manitoba Hydro followed a VEC approach, a valuable
4 ecosystem components, correct?

5 MS. SHAWNA PACHAL: For our Keeyask
6 assessment we did, and that's generally the approach
7 we take for environmental assessments.

8 MR. SVEN HOMBACH: And you -- and
9 you're in the early stages for the Conawapa assessment
10 to date.

11 Is that fair to say?

12 MS. SHAWNA PACHAL: That's correct.
13 That's correct.

14 MR. SVEN HOMBACH: Now, the VEC
15 process, is that -- did you take that from the
16 valuable ecosystem component approach that's set out
17 under CEA, the Canadian Environmental Assessment Act?

18 MS. SHAWNA PACHAL: Yes, we did.

19 MR. SVEN HOMBACH: And the Keeyask
20 environmental review has been completed to date, but
21 the Clean Environment Commission has not issued its
22 report yet, correct?

23 MS. SHAWNA PACHAL: That's correct.

24 MR. SVEN HOMBACH: And can you
25 indicate when that is anticipated?

1 MS. SHAWNA PACHAL: The Monday after
2 Easter Sunday, whichever that is. Because I remember
3 putting it in my calendar. So whatever the --
4 whatever somebody -- could somebody help me looking at
5 a calendar? The Monday after Easter Sunday.

6 MR. SVEN HOMBACH: It's Easter Monday,
7 a day that we're currently trying to keep free for the
8 panel, so I -- it's in all our minds, Ms. Pachal.

9 MS. SHAWNA PACHAL: Oh, well, it's not
10 a holiday for Hydro, so it's -- I think it's April
11 21st. Does that sound right? Okay. April 21st.

12 MR. SVEN HOMBACH: And to date
13 Conawapa has not been sent to the Clean Environment
14 Commission? There's no direction from the province as
15 of yet, correct?

16 MS. SHAWNA PACHAL: That's correct.

17 MR. SVEN HOMBACH: And appreciating
18 that this panel is being asked to just look at the
19 macro-environmental issues, Manitoba Hydro filed a
20 matrix of the environmental effects in response to
21 CAC/Manitoba Hydro Information Request 1-231a?

22 MR. ED WOJCZYNSKI: Yes.

23 MR. SVEN HOMBACH: And you indicate in
24 that response to Information Request that Manitoba
25 Hydro looked at thirty-eight (38) valuable ecosystem

1 components; not all of those are addressed in -- in
2 its filing in the NFAT.

3 Can you give the panel an understanding
4 on how you selected the VECs to address in this
5 process?

6 MR. ED WOJCZYNSKI: We use judgment
7 related to what are the more prominent issues that
8 needed to be addressed. That was in part developed,
9 or in response to -- we had, I believe, it was a pre-
10 hearing conference that discussed the definition of
11 macro-environmental and socioeconomic. And then,
12 pursuant to that, we met offline with the Consumers
13 Association and -- and agreed what would be reasonable
14 for this process.

15 And -- and what we -- I -- I -- counsel
16 and myself participated with Consumers Association and
17 -- and I think it's -- I -- I think I'm being fair to
18 say we agreed that looking at every single possible
19 environmental or socioeconomic issue would not be
20 helpful for this exercise and -- and certainly was not
21 in keeping with the terms of reference, in that we
22 should pick ones that would be the more -- I'm using
23 the word 'prominent'. You can say more important, but
24 the -- so that's what we did do. And we used our
25 judgment as to what that should be.

1 MR. SVEN HOMBACH: And on the federal
2 level Keeyask is undergoing a federal environmental
3 assessment as well?

4 MS. SHAWNA PACHAL: That's correct.

5 MR. SVEN HOMBACH: And that's
6 following the comprehensive study approach, correct?

7 MS. SHAWNA PACHAL: That's correct.

8 MR. SVEN HOMBACH: Which is the most
9 stringent or the highest level of assessment that
10 exists at the federal level?

11

12 (BRIEF PAUSE)

13

14 MS. SHAWNA PACHAL: So the highest
15 level -- under -- Keeyask was filed under the old
16 federal legislation. There's new legislation now, but
17 so a CSR wouldn't be the highest level. It would be a
18 federal panel, and it -- and there's a Cooperation
19 Agreement. Well, it's now expired between Canada and
20 Manitoba, but Manitoba has had the hearing, and the
21 feds are doing a comprehensive study report.

22 MR. SVEN HOMBACH: And that study
23 report has not been released to date, has it?

24 MS. SHAWNA PACHAL: It has been
25 released to the stakeholders, not to Manitoba Hydro,

1 so our partners have -- or have it for review, and I
2 believe the other First Nations and stakeholders that
3 the federal government consulted with in their -- in
4 their process have copies of it for review.

5 MR. SVEN HOMBACH: And Manitoba Hydro
6 has not obtained a copy from its partners to date?

7 MS. SHAWNA PACHAL: Yes, we have.

8 MR. SVEN HOMBACH: Okay. Are there
9 any surprises?

10 MS. SHAWNA PACHAL: No.

11

12 (BRIEF PAUSE)

13

14 MR. SVEN HOMBACH: And perhaps to
15 clarify, by 'surprise,' I meant anything that would
16 set back the project or significantly increase
17 mitigation costs that Manitoba has not been budgeted
18 for, just to be clear.

19 MS. SHAWNA PACHAL: No, we were
20 generally pleased with the report, and it most
21 importantly had no findings of significance in the
22 context of the envir -- in -- what the federal
23 environmental legislation means in terms of
24 significance.

25 MR. SVEN HOMBACH: In terms of the

1 mitigation costs, I assume that Manitoba Hydro went
2 into the provincial CEC review process anticipating
3 certain mitigation responses, and hopefully
4 anticipating a favourable ruling by the CEC based on
5 those mitigation responses?

6 MS. SHAWNA PACHAL: Well, by
7 mitigation response, I mean, I -- I'm assuming you
8 mean our mitigation and monitoring programs, and we're
9 hoping that the -- anticipating that the CEC will find
10 the mitigation that we've proposed, and the monitoring
11 we've proposed to be more than adequate.

12 MR. SVEN HOMBACH: And the cost of all
13 those programs, has that been incorporated in the net
14 present value analysis of any project involving
15 Keeyask?

16 MR. ED WOJCZYNSKI: Yes, but I need to
17 put a qualifier on that, and as Mr. Bowen had
18 indicated at some point in his testimony, the old --
19 the -- the mitigation and compensation costs are
20 always included in our NPV analysis, and they were
21 included in our -- the analysis for this NFAT process.
22 It -- it did happen, though, that through oversight,
23 some of the mitigation costs were not in the old
24 estimates.

25 And when we did -- and -- and in one

1 (1) of our -- two (2) of our IR responses, we
2 indicated we were reviewing that, and in the -- in the
3 new capital cost estimates that we have all been using
4 the last three (3) weeks, or four (4) weeks, or, you
5 know, however long it's been, one (1) of the causes of
6 the increase in capital cost for both Keeyask and
7 Conawapa was some of the -- the putting back in the --
8 mit -- some mitigation costs that had been previously
9 accidentally left out.

10 What it is under the accounting
11 policies that we are now -- that we are using, and I'm
12 not an accountant, but that's been explained to me
13 many times now, any mitigation costs related to a
14 project, over the life of that project, have to be
15 included in the in-service cost of that project.

16 And what happened originally, the cap -
17 - the mitigation costs which happened during the
18 construction period were included in the capital cost
19 of the project, and then the mitigation costs after
20 the end of construction were identified by our
21 mitigation group, and cash flowed and everything, but
22 the construction people thought that they would be
23 including them in the -- that they would be included
24 in the NPV analysis separately, but actually, they
25 were intended to be in the capital cost.

1 So in the new capital cost that we've
2 been using and presented here include all the
3 mitigation costs now, and that was one (1) of the
4 factors that caused them to increase, and they were in
5 the tens of millions of dollars. It was not trivial.

6 MR. SVEN HOMBACH: Have you made any
7 adjustments to the Conawapa capital cost based on
8 anticipating additional mitigation measures required?

9 MR. ED WOJCZYNSKI: Yes. And the --
10 this -- what I was talking about was both Keeyask and
11 Conawapa.

12 MR. SVEN HOMBACH: In terms of
13 regulatory risk to both Keeyask and Conawapa, if you
14 had to list the top three (3) VECs, what would they
15 be?

16

17 (BRIEF PAUSE)

18

19 MS. SHAWNA PACHAL: We're just
20 consulting with our partners to make sure we're all on
21 the same page. So I think sturgeon would be
22 considered first, and then worker interaction or
23 public safety, the impact on the community --
24 communities associated with the projects, and then
25 caribou.

1 MR. SVEN HOMBACH: So let's deal with
2 lake sturgeon first. Lake sturgeon is not currently
3 listed under SARA, the Species of Risk Act, is it?

4 MR. ED WOJCZYNSKI: No.

5 MR. SVEN HOMBACH: But there's been
6 discussions about a possible listing, and Manitoba
7 Hydro has identified that?

8 MR. ED WOJCZYNSKI: Yes, and let's be
9 precise here, because this is an important issue, and
10 it's easy to get confused. COSEWIC, the Committee on
11 the Status of Endangered Wildlife in Canada, has
12 identified them as being at risk, and that does not,
13 under the Species -- Federal Species of Risk Act, that
14 -- that does not bring in a listing under SARA, the --
15 SARA being the Species of Risk Act.

16 What it then does is initiates a
17 process whereby Environment Canada for terrestrial
18 species and -- and DFO for aquatic species then
19 assesses them through a process laid out under the
20 Act, and that process has been underway for a number
21 of years now.

22 MR. SVEN HOMBACH: One (1) of the
23 concerns, if not the key concern, with respect to lake
24 sturgeon is that Gull Rapids is a spawning ground for
25 lake sturgeon?

1 MR. ED WOJCZYNSKI: Yes.

2 MR. SVEN HOMBACH: And Gull Rapids
3 will disappear with the construction of Keeyask?

4 MR. ED WOJCZYNSKI: Yes.

5 MR. SVEN HOMBACH: They'll form part
6 of the reservoir?

7 MR. ED WOJCZYNSKI: Well, the -- the
8 powerhouse and dam would be essentially situated at
9 the rapids, and then upstream of that would be the
10 reservoir, yes.

11 MR. SVEN HOMBACH: And another issue
12 is that the Keeyask dam will prevent migration from
13 Stevens Lake to Gull Lake or vice versa?

14 MR. ED WOJCZYNSKI: Migration upstream
15 would be prevented. Sturgeon would be able to communi
16 -- traverse downstream through either the spillway or
17 the smaller ones through the -- through the turbines.

18 MR. SVEN HOMBACH: Has Manitoba Hydro
19 conducted any studies that deal with turbine mortality
20 for downstream passage?

21 MR. ED WOJCZYNSKI: We have done
22 research on mortality on -- on modern turbines. We
23 had a project working with DFO at the Kelsey
24 generation station, where we're re-running Kelsey
25 and putting in new modern turbines, and did an

1 analysis on those.

2 MR. SVEN HOMBACH: And at a high
3 level, what were the findings?

4

5 (BRIEF PAUSE)

6

7 MR. ED WOJCZYNSKI: What we have done
8 is done modelling of the situation at Keeyask, and
9 with the kind of turbines we're going to be using,
10 which, I might add, the turbines have been designed to
11 be what we would call fish friendly with modern
12 modifications, and -- but the modelling has indicated
13 that over a 90 percent survival rate for sturgeon
14 going through the turbines, and we're talking about
15 the -- the adult sturbines (sic) over half a metre.

16 MR. SVEN HOMBACH: Sorry, 90 percent
17 survival rate for sturgeons bigger than half a metre?

18

19 (BRIEF PAUSE)

20

21 MR. ED WOJCZYNSKI: I misspoke. Less
22 than half a metre.

23 MR. SVEN HOMBACH: Now, without
24 wanting to go into too much detail, sturgeons are fish
25 that breed only once they're quite old, and they live

1 a long time. They live to about eighty (80) years, is
2 it, give or take?

3 MR. ED WOJCZYNSKI: Something like
4 that.

5 MR. SVEN HOMBACH: So -- and they grow
6 -- they keep growing over their life.

7 MR. ED WOJCZYNSKI: They grow for
8 quite a long time, yes.

9 MR. SVEN HOMBACH: So is there a
10 regulatory risk that if the turbines are dangerous
11 particularly to the larger fish, those are the fish
12 that would reproduce, and that increases the level of
13 regulatory risk, even if on a percentage basis, most
14 of them survive?

15

16 (BRIEF PAUSE)

17

18 MS. PATTI RAMAGE: Mr. Chair, Mr.
19 Hombach, it -- it may be of assistance to the panel to
20 know that a -- a full six (6) days was spent on this
21 topic at the CEC hearing, and so the CEC will be
22 covering this in detail. I -- I don't know that Mr.
23 Wojczynski has quite the level of information that the
24 CEC was provided, or is able to provide that.

25 MR. SVEN HOMBACH: And all I'm looking

1 is for a very high level answer, considering that
2 Manitoba Hydro identified this as the top regulatory
3 risk, Ms. Ramage.

4

5 (BRIEF PAUSE)

6

7 MR. ED WOJCZYNSKI: I -- I -- as was
8 just communicated, we -- this was dealt -- dealt with
9 extensively at the CEC, but what I can communicate,
10 for the larger fish, the ones particularly who are
11 doing -- producing the most spawn, obviously the --
12 the larger ones will produce more that, yes, there --
13 there would be a concern about losing any -- losing
14 any of them.

15 But first of all, the research
16 indicates that the larger stur -- sturgeon do not tend
17 to go down to the intake of the turbines.

18 Secondly, particularly the -- the very
19 larger ones, we -- the trash racks would prevent them
20 from going down into the turbines, and they're strong
21 enough that they can swim in -- in the stream.

22 And thirdly, what we have see -- tend
23 to seen that the -- that the large ones that do go
24 through the turbines do tend to survive, although we
25 don't believe we have a precise number for that.

1

2 CONTINUED BY MR. SVEN HOMBACH:

3

MR. SVEN HOMBACH: And as part of
filing Manitoba Hydro's metrics, Manitoba Hydro
provided a list of planned mitigation measures. Those
can be found at page 231 of Board counsel's book of
documents. And to briefly go through them, Mr.
Wojczynski, it states:

9

"The partnership will develop new
sturgeon habitat, undertake an
experimental upstream fish passage
study, install turbines that enlarge
-- that enable a large percentage of
fish to successfully pass downstream,
and then implement a regional
stocking program."

17

MR. ED WOJCZYNSKI: Yes.

18

MR. SVEN HOMBACH: These are based on
what Manitoba Hydro was walking into the Clean
Environment Commission with?

21

MR. ED WOJCZYNSKI: It wasn't Manitoba
Hydro, it was the partnership, which is the First
Nations and Manitoba Hydro, yes.

24

MR. SVEN HOMBACH: Do you -- do you
currently have any reason to doubt that this will be

25

1 sufficient, that you will be asked to undertake
2 additional measures?

3

4 (BRIEF PAUSE)

5

6 MR. ED WOJCZYNSKI: We don't believe
7 that we're going to get any surprises in there. We
8 have done -- Manitoba Hydro and its partners have --
9 have done a very extensive program of research and
10 investigation into this.

11 As we said, it was investigated
12 significantly at the CEC hearing. I -- I'll add two
13 (2) more comments to that. One (1) is that if there
14 are going to be any surprises, and surprises do
15 happen, we are having a -- a major monitoring program
16 that is part of this and we're going to be using
17 what's called adaptive management. It's a term we
18 have mentioned previously in this hearing process. I
19 don't know that we've actually discussed it.

20 What adaptive management is, you -- you
21 have a plan for doing something. You -- you monitor
22 that you're being successful. In this case it's
23 sturgeon. You moni -- we will monitor various aspects
24 of the sturgeon population and how well they're doing.
25 We're going to be having a number of measures

1 including the ones just mentioned. And -- and we will
2 be assessing -- monitoring on an ongoing basis with
3 our partners, with DFO, with Manitoba Conservation
4 Water Stewardship.

5 And if the populations don't increase
6 in the area of Keeyask as we are projecting them to do
7 and plan for them to do, we will modify our -- our
8 measures, expand them as required, so that the
9 sturgeon population is, as we've been saying, better
10 off with Keeyask than without Keeyask.

11 MS. SHAWNA PACHAL: I would also add
12 that we've been working and discussing this issue for
13 a long time with DFO and Manitoba Conservation and
14 Water Stewardship. And probably the best indicator we
15 have at this point is in the comprehensive study
16 report that the federal government has issued in draft
17 for review. They're comfortable with the measures
18 that we're taking on sturgeon.

19 MR. SVEN HOMBACH: And perhaps --

20 MR. ED WOJCZYNSKI: This -- this is an
21 important topic, so you're going to get a full
22 response. Some of the things that we have done,
23 Manitoba Hydro has, for -- for many years, befo --
24 including before we started on the Keeyask project, we
25 have had a Lake Sturgeon Enhancement Program. That's

1 not just in the Keeyask area, that's more broad.

2 We have -- we are some of the most
3 active participants in two (2) of the sturgeon boards
4 in the province, one (1) the Nelson River, one (1) on
5 Saskatchewan River. And we have been expanding those
6 programs. We have, with our partners, established a
7 Sturgeon Stewardship Committee on the Nelson River,
8 the Lower Nelson River, in -- in the reach of the --
9 not just Keeyask, but also the existing stations on
10 the Lower Nelson and poten -- and then the future
11 potentially Conawapa.

12 We have entered into agreements with
13 our partners with twenty (20) years of funding for
14 programs, and we are working with DFO and Manitoba
15 Conservation Water Stewardship on a stewardship -- a
16 sturgeon stewardship agreement. We are just
17 finalizing an MOU with -- a memorandum of
18 understanding with DFO on looking at two (2) of the
19 area -- of the designated units -- the rivers. Let's
20 just use that term now, one (1) of them being the
21 Lower Nelson where we will be identifying all the
22 measures needed to -- including research and
23 mitigation for the sturgeon to meet all the
24 objectives.

25 And the -- the sturgeon stewardship

1 agreement that we are working on with the three (3) --
2 the two (2) other entities, DFO and Manitoba, would be
3 the basis of a long-term program for sturgeon in the
4 area of Keeyask and the Lower Nelson, and eventually
5 the idea is we'd expand that to other -- other systems
6 in Manitoba. And should sturgeon be listed on -- in
7 the area of Keeyask, then this stewardship agreement
8 would become a -- a conservation agreement that would
9 be the basis of the permitting for -- for Keeyask.

10 So we have also already in place -- the
11 entity responsible in Manitoba for sturgeon
12 stewardship is Manitoba Conservation and Water
13 Stewardship. The federal government, DFO, has a
14 direct interest through the Species at Risk Act, but
15 actually it is Manitoba Conservation and Water
16 Stewardship who have that responsibility.

17 They have a -- a stewardship plan, and
18 we have signed, between Manitoba and Manitoba Hydro, a
19 -- a memorandum of understanding on sturgeon where
20 we're working together extensively on sturgeon
21 together, further enhancement of the population.

22 MR. SVEN HOMBACH: Now, MNP indicated
23 in their report that Manitoba Hydro is planning to
24 construct a temporary fish passage while determining
25 whether or not it needs to add a permanent fish

1 passage to Keeyask.

2 Is that a fair statement made by them?

3 MR. ED WOJCZYNSKI: What we're going
4 to be doing is -- a -- a form of what you -- MNP
5 described. We're not actually going to build a -- a
6 massive facility to do that. Once -- as per extensive
7 discussions with DFO and Manitoba Conservation, what
8 we're going to be doing -- and -- and based on the
9 biological information, is monitoring where the
10 sturgeon are once the project is in place. Then we're
11 going to be catching or trapping some and -- and then
12 doing some experimental capture and track where we
13 capture them and then take them upstream, and then
14 monitor what happens.

15 And then over time, as with our
16 monitoring, we will jointly assess whether or not a
17 more permanent arrangement is required or not.

18 MR. SVEN HOMBACH: And the temporary -
19 - the -- the capital cost for the temporary
20 arrangement, is that included in the most recent cost
21 estimate for Keeyask?

22 MR. ED WOJCZYNSKI: Yes, and it's
23 capital and operating cost that -- those costs are
24 included, yes.

25 MR. SVEN HOMBACH: Okay.

1 (BRIEF PAUSE)

2

3 MR. SVEN HOMBACH: If I can turn your
4 attention to page 262 of Board counsel's book of
5 documents. That's an excerpt from the MNP report that
6 deals with possible capital costs if a permanent
7 fishway needed.

8 Now, has Manitoba Hydro had an
9 opportunity to review these capital costs and does it
10 agree with MNP's conclusions of what those capital
11 costs might be?

12

13 (BRIEF PAUSE)

14

15 MR. SVEN HOMBACH: Before you answer
16 that question, in -- in fairness I should point you to
17 page 262 of Board counsel's book of documents where
18 MNP ultimately concludes that it's reasonable to
19 assume that costs will be about \$50 million.

20

21 (BRIEF PAUSE)

22

23 MR. ED WOJCZYNSKI: We've had
24 extensive work done with consultants on this issue and
25 there was discussion at CEC on this issue. First of

1 all, we don't think, based on the biology that we
2 know, that an upstre -- an upstream fish passage, or
3 downstream fish passage will be required. But we
4 recognize that if we're wrong on that that we would --
5 we would -- we are committed to proceeding with such a
6 thing.

7 Two (2) more comments. If there was a
8 requirement for taking sturgeon from downstream to
9 upstream the viable means, and the means we probably
10 wouldn't end up doing, is expanding on the capture and
11 truck approach that may involve facilities would be on
12 the -- on the low cost side. But the range of costs
13 that are presented here in the MNP report are
14 representative of the range of capital costs that
15 could possible be incurred down the road in the worst-
16 case scenario.

17 And part of our thinking of contingency
18 is that we have uncertainty in things and the
19 contingency to cover some of those kind of
20 uncertainties, although, we don't have a specific
21 number put in just for these things.

22 MR. SVEN HOMBACH: You're saying it
23 could actually be higher than 50 million, or that
24 that's the number that Hydro agrees with?

25 MR. ED WOJCZYNSKI: In the very worst-

1 case scenario it could be higher than 50 million, but
2 we think that's very unlikely.

3 MR. SVEN HOMBACH: Is there currently
4 any contingency built into the most recent capital
5 cost estimate for Keeyask to address this issue?

6 MR. ED WOJCZYNSKI: I would -- I know
7 that that was under consideration when we were doing
8 our contingency, but I would -- and I -- I believe
9 it's probably in the probabilistic, but -- but I would
10 like to doublecheck on that one. So subject to check,
11 it is in the contingency.

12 MR. SVEN HOMBACH: What is the worst-
13 case situation if lake sturgeon receive a SARA
14 designation? Does it have the potential to shut down
15 the project?

16 MR. ED WOJCZYNSKI: Our...

17

18 (BRIEF PAUSE)

19

20 MR. ED WOJCZYNSKI: This topic has
21 been explored in the interrogatories, and just CAC
22 Round 2-141 is one (1) of them. And what we have
23 concluded with the recent information from dealing
24 with DFO and the species at risk process is that we
25 think it is extremely unlikely that we would not get a

1 permit.

2 Is it theoretically possible? Yes.

3 But if sturgeon are listed on the Lower Nelson, then
4 the very likely situation is that we would take the
5 sturgeon stewardship agreement that we're in the
6 process of putting together with DFO and Manitoba
7 Conservation, and that would be the basis of a section
8 11 -- what's called a section 11 conservation
9 agreement. And on that basis, combined with a section
10 73 authorization under the Species at Risk Act, we
11 would get permits for -- for Keeyask.

12 If there were problems with the
13 permitting and that more work had to be done after the
14 sturgeon are listed, if that did happen, then what
15 would happen, there could be a delay to Keeyask of a
16 year or two (2). And -- and that would be the risk
17 that we think is a credible risk that would have to be
18 considered in the case of Keeyask. But the risk that
19 -- we think it's an essentially negligible risk that
20 we would not get a permit.

21 At an early time we were worried about
22 that. And -- but what's happened in the last couple
23 years, Environment Canada and DFO and Parks Canada
24 have been working with something called the Species at
25 Risk Advisory Committee of which I happen to be a

1 member and working at -- at -- coming up with a viable
2 permitting scheme because this legislation is
3 relatively new, the federal legislation.

4 And there was concern earlier that
5 permitting would not be a practical means to go
6 forward. But there -- there's been sufficient
7 development with Environment Canada and DFO that now
8 that concern has eased and we are confident we'd be
9 able to get permits under such a situation.

10 MR. SVEN HOMBACH: For caribou, which
11 was one (1) -- another one (1) of the top three (3)
12 factors that you identified, does -- does the primary
13 risk relate to a finding that there might be boreal
14 woodland caribou which are protected under SARA?

15

16 (BRIEF PAUSE)

17

18 MS. SHAWNA PACHAL: I don't -- I don't
19 think the issue with caribou is which herd it is.
20 There's -- there's been some debate about where
21 woodland boreal caribou are or are not, and we've
22 taken a precautionary approach and assumed that for
23 the herd that isn't listed, but people believe could
24 potentially be boreal woodland caribou, we've assumed
25 it is for the purposes of our assessment.

1 And so I think one (1) of the concerns
2 with caribou is that they'll move away from the area
3 when -- during construction, but as I mentioned
4 yesterday, from other projects and other research, we
5 -- we see caribou generally come back to those areas
6 after the disturbance has died down. So we expect
7 that to -- to happen, and so that, I think, is one (1)
8 of the primary concerns associated with the caribou.

9 MR. SVEN HOMBACH: So, Ms. Pachal,
10 when you --

11 MS. SHAWNA PACHAL: And -- and I might
12 mention, last year, when we had our Keeyask
13 infrastructure project going, I think there was
14 thousands -- I can't remember. There's some people in
15 the room who might remember how many thousands of
16 caribou came across at the -- at the Keeyask
17 infrastructure project site. It was an amazing thing.
18 Thousands of caribou right in the middle of the
19 construction site. It was quite something to see.

20 MR. ED WOJCZYNSKI: I could also add
21 to that, that unlike the sturgeon situation, the
22 federal government has, after intensive effort across
23 Canada, come up with a recovery strategy, and -- and
24 so the conclusions of that are what led into the
25 Keeyask assessment and conclusions there. So there --

1 there isn't uncertainty as to what the federal and --
2 government environmental processes concluding on
3 caribou.

4 MR. SVEN HOMBACH: So when Manitoba
5 Hydro is identifying this as a top three (3)
6 regularity risk on the environmental side, is it a
7 risk of increased capital costs and additional
8 mitigation measures, project delay, or project
9 shutdown?

10

11 (BRIEF PAUSE)

12

13 MR. ED WOJCZYNSKI: First of all, the
14 caribou issue is important in its own right, because
15 caribou are important species.

16 Secondly, they're very -- the --
17 they're very important to our -- our partners and to
18 other Aboriginal people, and so that gives it some --
19 some additional prominence.

20 And thirdly, the risk to the project
21 would be that there would be some additional
22 monitoring required, and potentially some adaptive
23 management, but we don't see it being a -- a risk that
24 the project couldn't proceed or be delayed.

25

1 (BRIEF PAUSE)

2

3 MS. SHAWNA PACHAL: Yeah. I think
4 just to reinforce, we picked it as one of our top VECs
5 because it's so important to our partners, not because
6 it's a risk to the project.

7 MR. SVEN HOMBACH: An environmental
8 risk, per se, as opposed to a financial risk?

9 MS. SHAWNA PACHAL: Correct.

10 MR. SVEN HOMBACH: And in terms of
11 public safety that you identified, Ms. Pachal, does
12 that refer to the issue of community interaction and
13 keeping workers at the camp, or --

14 MS. SHAWNA PACHAL: Yes, it does.

15 MR. SVEN HOMBACH: Since that's a --
16 an issue we covered yesterday, I'd briefly like you to
17 -- take you to the adverse effects agreements, and I
18 believe it was you, Ms. Pachal. Yesterday you
19 indicated you do not see those as being a benefit.

20 Is that because you look at those as
21 being compensatory in nature?

22 MS. SHAWNA PACHAL: Well, more so that
23 I see them as we would -- we would enter into adverse
24 effects arrangements regardless of whether or not we
25 had a partnership. If there is some sort of impact

1 that has been identified and verified, we would enter
2 into an adverse effects arrangement regardless of
3 whether or not there was a partnership.

4 So I don't see it as a benefit, per se.
5 I see the -- the combination of the adverse effects
6 arrangements and the -- the offsetting programs within
7 those combined with the -- the benefits through the
8 partnership, the employment, the training, the
9 business opportunities, the income, all combined
10 together to create the -- the net benefit.

11 MR. ED WOJCZYNSKI: If -- if you look
12 at how worldwide the evolving approach to resource
13 development, we used to have a paradigm, twenty (20),
14 thirty (30) years ago -- fifteen (15) years ago, where
15 what you would do in projects, whether it's hydro or
16 anything else, is you would identify the negative
17 impacts through consultation and studies and whatever,
18 and then you would mitigate them so that you come to a
19 place where people are no wa -- worse off with a
20 project than without the project. That was the
21 paradigm until recently.

22 What has evolved increasingly, and --
23 and Manitoba Hydro is a strong proponent of this, is
24 that we'd like the projects to be not just that people
25 are no worse off than without the project, but they're

1 actually better off. So what the mitigation is
2 intended to do is deal with the adverse impacts, and
3 either prevent them or somehow offset them or deal
4 with them.

5 But in addition to that is to provide,
6 in various forms, benefits so that overall, the -- the
7 local people who are in the area of the project,
8 however one defines that, that overall, not only are
9 they not -- not worse off, but that there are benefits
10 which have them better off with the project.

11 MR. SVEN HOMBACH: And, broadly
12 speaking, there's two (2) components to those
13 agreements, right? There's a financial component and
14 a -- a program component? I'm looking at page 286 of
15 the Board counsel's look of -- book of documents,
16 what's currently open. That shows the -- the
17 financial payments to the First Nations?

18

19 (BRIEF PAUSE)

20

21 MS. SHAWNA PACHAL: As we mentioned
22 before, we start with the approach that we try to
23 avoid an impact at -- to start with. So as I
24 mentioned before on transmission, we have the opp --
25 much more opportunity to do that, but we do have

1 opportunities on the generation side to do that as
2 well. And so we try to design our projects in ways to
3 avoid the impact to start with. If we're not able to
4 avoid it, we try to mitigate it, and -- and so we used
5 to -- primarily, that was just a -- a matter of
6 various types of programs that the Corporation would
7 engage in.

8 And then we moved to a place where we
9 actually, in terms of mitigation, do an -- you know,
10 various types of environmental mitigation and programs
11 and activities associated with the projects. But our
12 partners -- we also fund our partners to implement
13 programs that they want to implement to mitigate the
14 impacts on -- on themselves and their communities. So
15 the adverse effects contains funding to fund programs
16 associated with those offsetting programs. And then
17 for residual effects, for impacts that we are unable
18 to mitigate, there is some residual compensation.

19 MR. SVEN HOMBACH: And, Ms. Pachal,
20 the offsetting programs that you refer to are
21 described at pages 281 through 285 of Board counsel's
22 book of documents that contains excerpts of each of
23 the four (4) adverse effects agreement.

24 And I won't ask you to describe them
25 all in detail today, but what I will ask Manitoba

1 Hydro to do is to file a high level description or a
2 matrix of each of the offsetting programs for the
3 record.

4

5 (BRIEF PAUSE)

6

7 MS. SHAWNA PACHAL: Yeah, we did that
8 for the CEC, and we can bring that back and -- and
9 provide that to you.

10 MR. SVEN HOMBACH: Thank you.

11

12 --- UNDERTAKING NO. 68: Manitoba Hydro to file a
13 high level description or a
14 matrix of each of the
15 offsetting programs per the
16 adverse effects agreement

17

18 CONTINUED BY MR. SVEN HOMBACH:

19 MR. SVEN HOMBACH: So the residual
20 compensation, and that's what we're looking at at page
21 286 of Board counsel's book of documents, it would be
22 an annual payment for Tataskweyak, for example, of
23 about 2.1 million per year?

24 MS. SHAWNA PACHAL: Yes, I -- I
25 haven't had a chance to go through that, but that's

1 what it appears to be, the -- a -- a guaranteed annual
2 amount.

3 MR. SVEN HOMBACH: And -- and these
4 payments are going to be made for as long as the
5 projects are operational, right? They will not
6 culminate at the end of the seventy-eight (78) year
7 analytical period?

8 MS. SHAWNA PACHAL: I believe that's
9 the case for Tataskweyak, War Lake, and York Factory,
10 but not for Fox Lake. I think Fox Lake has different
11 arrangements. I'm not entire -- this isn't my area of
12 expertise particularly, so.

13 MR. SVEN HOMBACH: Perhaps Manitoba
14 Hydro can clarify if any of those are currently
15 scheduled to terminate at a certain point in time, by
16 way of undertaking if necessary?

17 MS. SHAWNA PACHAL: Just -- if you
18 give me a moment to consult, I'll just get you an
19 answer right away.

20

21 (BRIEF PAUSE)

22

23 MS. SHAWNA PACHAL: I'm told in this
24 undertake -- or in this IR, this response, it shows
25 somewhere when the Fox Lake -- under the Fox Lake

1 area. So the others all go for the life of the
2 project, but the guaranteed annual amounts are on the
3 schedule here for Fox Lake. It looks like it's 2025.
4 Is that right? If I'm read -- am I reading the
5 schedule right? Jack, is that right, 2025? Yeah.
6 Yeah, 2025.

7

8 (BRIEF PAUSE)

9

10 MR. SVEN HOMBACH: I want to touch
11 briefly on the issue of greenhouse gasses, if I may,
12 or do you have anything to add on -- on this issue,
13 Ms. Pachal?

14 MS. SHAWNA PACHAL: No.

15 MR. SVEN HOMBACH: Okay.

16 THE CHAIRPERSON: Me. Hombach, we're
17 at twenty (20) minutes to 11:00. How much longer have
18 you got?

19 MR. SVEN HOMBACH: About fifteen (15)
20 minutes in total, Mr. Chairman.

21 THE CHAIRPERSON: I think we should
22 break right now, please. So let's take ten (10)
23 minutes, please.

24

25 --- Upon recessing at 10:42 a.m.

1 --- Upon resuming at 11:01 a.m.

2

3 MR. SVEN HOMBACH: Let's continue on.

4 And I understand from Ms. Ramage, who's still listed
5 as Doug Bedford on the name tag, that you have some
6 undertakings to speak to?

7 MS. PATTI RAMAGE: I am Doug Bedford.

8 I just grew my hair and got a couple years younger.

9 We have a -- an undertaking to submit this morning.

10 It is Manitoba Hydro undertaking number
11 61. I believe it will be entered as Manitoba Hydro
12 Exhibit number 132. This was with respect to
13 providing a written explanation of the distinction
14 between the six hundred and thirty (630) per person
15 years referenced in the JKDA and the total of four
16 thousand two hundred and eighteen (4,218) per person
17 years referenced in the Keeyask project EIS.

18

19 --- EXHIBIT NO. MH-132: Response to undertaking
20 number 61: A written
21 explanation of the
22 distinction between the six
23 hundred and thirty (630)
24 per person years referenced
25 in the JKDA and the total

1 of four thousand two
2 hundred and eighteen
3 (4,218) per person years
4 referenced in the Keeyask
5 project EIS
6

7 MS. PATTI RAMAGE: Now, I understand
8 Ms. Kidd-Hantscher has some comments on this that may
9 assist the Board in -- in understanding the
10 explanation, so if perhaps she could just explain the
11 undertaking?

12 MS. JANE KIDD-HANTSCHER: I assume you
13 have a copy of it by now? Okay. Thank you. So just
14 in terms of the high level -- or the high points of
15 what's in this, what we indicate here is that, and we
16 did speak to this yesterday, that the JKDA in --
17 includes this employment target of six hundred and
18 thirty (630) person years of construction employment
19 for the Keeyask Cree Nations.

20 It's important to point out that this
21 target includes their participation in construction of
22 the generating station project, as well as their
23 participation in the Keeyask infrastructure project,
24 employment opportunities, and all pre-construction
25 employment that followed the signing of the

1 Development Agreement in 2009.

2 So for illustrative purposes, we've had
3 over five (5) years of employment that is being
4 counted toward this target, and that was one of the
5 main distinctions that we were trying to make
6 yesterday, that this does not just apply to the
7 construction of the generation station project. It
8 has been being tracked, and every employment to date
9 has been included in that target.

10 We did describe this target a little
11 bit more fully in a response to the Clean Environment
12 Commission, and detailed follow-up questions and we've
13 attached that. A specific reference is Question 28.
14 So we've included that -- that in this package of
15 information.

16 We tracked this process -- or tracked
17 this measure through a separate process and
18 methodology, and that methodology is described in
19 Article 12 of the Development Agreement, and again
20 is attached for reference. We thought it would be
21 also helpful to just add a couple of other clarifying
22 points.

23 That the total person years of
24 employment that we were speaking about yesterday, in
25 the Keeyask Generation Project EIS of forty-two

1 hundred and eighteen (4,218), and the related
2 predictions is based on an estimate of the total
3 person hours of labour required to complete the
4 construction of only the Keeyask Generation Project,
5 and that estimate is based on an average of roughly
6 three thousand (3,000) hours worked per year.

7 This calculation of a person year is
8 used for the purposes of project planning and for
9 determining workforce estimates, because it
10 incorporates additional hours. So the three thousand
11 (3,000) is the additional hours typically worked in a
12 project construction environment, and it's also been
13 used for the economic analysis provided in the Keeyask
14 Generation Project environmental impact statement, and
15 the NFAT filing.

16 During the course of long-term
17 monitoring that we've already talked about that we'll
18 undertake for the project, we will monitor based upon
19 the three thousand (3,000) person year definition to
20 compare back to the EIS predictions. So we'll be able
21 to say, We predicted forty-two eighteen (4,218) based
22 on three thousand (3,000) person hour calculation.
23 What did we end up with based upon that same
24 calculations?

25 We will also be able to -- and will

1 report based on a two thousand (2,000) person year
2 calculation, and we did put that reference out there
3 yesterday about our reporting being done based on two
4 thousand (2,000) person years -- or person hours, and
5 we do that for the purposes of comparing to a typical
6 or standard work week. So that's -- that's
7 essentially an industry standard.

8 All person year figures that have been
9 publically reported for the Wuskwatim Project as a
10 point of reference were all done based upon two
11 thousand (2,000) hours.

12 So there's -- so this -- there's a lot
13 of detail in here. We wanted to walk through it
14 quickly. Of course, we can certainly answer any
15 further questions, but we hope this is helpful to
16 clarify the difference between the six thirty (630),
17 and how we projected workforce estimates for the
18 project, and how we will monitor and report on those
19 to compare back to what those predictions were.

20

21 (BRIEF PAUSE)

22

23 MR. SVEN HOMBACH: Any questions from
24 the panel, Mr. Chairman, or shall I continue?

25

1 CONTINUED BY MR. SVEN HOMBACH:

2 MR. SVEN HOMBACH: Okay. I'd like to
3 briefly touch on the issue of greenhouse gases, and
4 I'd like to take you to page 300 of Board counsel's
5 book of documents. That is Table 1 from Appendix 7.3
6 of the NFAT business case, and that shows the life --
7 the life cycle greenhouse gas emissions for each of
8 Keeyask and Conawapa, and we're seeing that it's
9 significantly higher for Keeyask and Cona -- than for
10 Conawapa.

11 Is that because more land is being
12 flooded for Keeyask?

13 MR. ED WOJCZYNSKI: No.

14 MR. SVEN HOMBACH: Then perhaps you
15 can explain, Mr. Wojczynski.

16

17 BILL HAMLIN, Previously Sworn

18

19 MR. BILL HAMLIN: This is Bill Hamlin.
20 The -- it -- it is in part due to more flooding or
21 more land use change. That is a factor for -- for
22 Keeyask, but a more significant factor is that more
23 energy is produced for Conawapa, and that lowers the
24 levelized impact for the greenhouse gas.

25 MR. SVEN HOMBACH: Thank you for that

1 clarification, and on that note I would like to take
2 you to page 11 of Board counsel's book of documents.

3

4 (BRIEF PAUSE)

5

6 MR. SVEN HOMBACH: That is Appendix
7 9.1 to the NFAT business case, and it's a high level
8 development plan comparison table. And, Mr. Hamlin,
9 if we look at the -- the section that's highlighted in
10 green, "Environmental," the cumulative greenhouse gas
11 emissions for the various plans that Manitoba Hydro's
12 putting forward is set out there, correct?

13 MR. BILL HAMLIN: Please repeat the
14 question.

15 MR. SVEN HOMBACH: What we're looking
16 at at the top line that's highlighted in green is the
17 cumulative greenhouse gas emissions projected for each
18 of the fifteen (15) development plans?

19 MR. BILL HAMLIN: That's -- that's
20 correct.

21 MR. SVEN HOMBACH: Can Manitoba Hydro
22 please file, by way of undertaking, a -- an intensity
23 based listing for the greenhouse gas emissions,
24 because I do not see that on this table? Meaning a --
25 a listing per kilowatt hour or gigawatt hour of

1 electricity produced.

2 MR. BILL HAMLIN: I don't see that
3 available on this table.

4 MR. SVEN HOMBACH: But that is
5 something they could provide?

6 MR. BILL HAMLIN: That is something we
7 could develop, yes.

8 MR. SVEN HOMBACH: Okay. Then I'd
9 like an undertaking to -- to file that in the NFAT.
10 I'm seeking an undertaking to file the intensity based
11 greenhouse gas emissions for Manitoba Hydro's
12 development plans filed in the NFAT.

13 MR. BILL HAMLIN: Yes.

14

15 --- UNDERTAKING NO 69: Manitoba Hydro to provide
16 intensity based greenhouse
17 gas emissions for each
18 development plan filed in
19 the NFAT

20

21 CONTINUED BY MR. SVEN HOMBACH:

22 MR. SVEN HOMBACH: Now, for the plans
23 that include wind, is there any type of allotment made
24 for the need to backstop wind with gas capacity, or
25 with other capacity?

1 MR. ED WOJCZYNSKI: You're talking
2 about in the calculations of the greenhouse gases?

3 MR. SVEN HOMBACH: Yes.

4 MR. ED WOJCZYNSKI: No.

5 MR. SVEN HOMBACH: And can -- can you
6 explain the reason for -- for not including that?

7 MR. ED WOJCZYNSKI: The calculation
8 was for each technology in its own right, how it would
9 -- without putting it inside a plan, because some of
10 the different technologies, like the wind, you -- you
11 could have it backstopped by hydro, you could have it
12 backstopped by gas, you could have it backstopped by
13 coal. So what we're doing is take the technology, not
14 embed it in a plan, but itself somewhat isolated.

15 MR. SVEN HOMBACH: But, Mr.
16 Wojczynski, if we're looking at the table in front of
17 us on page 11, for the plans that would include wind,
18 like Plan 3, the -- the Wind/Gas Plan, that would
19 include that, because the wind would already be to, an
20 extent, backstopped by gas generation, correct?

21 MR. ED WOJCZYNSKI: Yes, and when Mr.
22 Hamlin provides the intensity -- the GHG intensity per
23 gigawatt hour for these -- each plan, then the -- to
24 the degree there is a -- some backstopping happening,
25 I assume that -- I -- I expect that those impacts

1 would be captured in the -- that comparison you've
2 asked for.

3 MR. SVEN HOMBACH: And with the recent
4 changes to Manitoba Hydro's Preferred Development Plan
5 and assumptions influence the greenhouse gas emissions
6 at all, or would they materially influence them?

7 MR. ED WOJCZYNSKI: I belie -- you're
8 referring to the capital cost changes?

9 MR. SVEN HOMBACH: The capital cost
10 and the increased DSM.

11 MR. ED WOJCZYNSKI: The -- the capital
12 costs would not affect these. The increase in DSM
13 will affect not the emissions from an individual
14 technology per se, but the greenhouse gas intensity
15 numbers for the plans might be slightly modified,
16 because you're changing the timing of resources.

17 But I -- subject to actually seeing the
18 results, I don't expect you'd see a -- a great deal of
19 difference, because you would change -- when a new
20 resource comes in with its emissions, I'm thinking of
21 gas right now, but then you'd also have the energy
22 produced deferred, so I would expect you wouldn't see
23 big differences by changing the DSM levels in that.
24 You -- you would see a difference if you were
25 measuring it -- no, let's just leave it at that.

1 MR. SVEN HOMBACH: And, lastly, before
2 I relinquish the microphone, I'd like to touch on the
3 clean energy strategy that forms part of the terms of
4 reference that were issued to the Public Utilities
5 Board. That's found at Tab 14 of Board counsel's book
6 of documents.

7 First of all, I'd like to establish
8 that this is a strategy of the province, not of
9 Manitoba Hydro, correct?

10 MS. SHAWNA PACHAL: That is correct.

11 MR. SVEN HOMBACH: And both Keeyask
12 and Conawapa are mentioned on page 2 of the strategy,
13 which is page 330 of Board counsel's book of
14 documents, but it doesn't mandate that either of those
15 facilities is built, it merely states that they should
16 proceed to the environmental and economic review?

17 MR. ED WOJCZYNSKI: This isn't
18 something that mandates us that we have to do. This
19 is viewed by the province as a strategy, but it's not
20 -- not something because they say that, we have to do
21 it.

22

23 (BRIEF PAUSE)

24

25 MR. SVEN HOMBACH: Now, if I take you

1 to page 331 of the book of documents, on the top
2 right, you see that there's a reference to keeping the
3 rates low.

4 So you'd agree that as part of the
5 strategy, overall utility rates in Manitoba are a
6 consideration that the PUB has to take into account?

7 MR. ED WOJCZYNSKI: There's no
8 question that the rates that result from the selection
9 of plans is something the PUB should take into
10 account, yes.

11 MR. SVEN HOMBACH: And if you flip
12 over one (1) page to page 4 of the strategy, page 332
13 of the book of documents, there's a reference to the
14 development of a thousand megawatts of wind power as
15 economically viable.

16 Are you in a position to advise the
17 Board whether that's going to be proceeded with
18 regardless of which development plan is ultimately
19 chosen?

20 MS. PATTI RAMAGE: Mr. Hombach, and
21 I'm not sure if that was just the inflection, but as I
22 read that it -- it does not conclude that the -- I --
23 I want to make sure that the question was prefaced, it
24 -- the statement doesn't conclude that the wind power
25 is economically viable.

1 The -- it's to develop it as it is
2 economically viable. I just want to make sure we
3 clarify what the question was.

4 MR. SVEN HOMBACH: I appreciate that,
5 Ms. Ramage, and I -- I apologize to the extent that I
6 wasn't clear. That was my understanding, as well.

7

8 CONTINUED BY MR. SVEN HOMBACH:

9 MR. SVEN HOMBACH: Is that issue being
10 assessed outside of this process, or is that just
11 being assessed as part of the Preferred Development
12 Plan review?

13 MR. ED WOJCZYNSKI: The economics of
14 proceeding with wind is evaluated by Manitoba Hydro on
15 an ongoing basis in its resource planning process, and
16 through any information that Mr. Cormie's division
17 acquires through interacting with potential non-
18 utility generation suppliers of wind.

19 In the NFAT process, we also did
20 consider wind as an alternative, building on what
21 we've been doing in the resource planning, and we are
22 not finding it economic at this time, so we are not
23 proceeding with more wind. Sim -- somewhat similar to
24 the case with the DSM in the Preferred Plan, down the
25 road, as we find it economic, if it is economic, then

1 we would proceed with wind at that time.

2 And Manitoba Hydro's application of
3 this strategy of the 1,000 megawatts is that we would
4 like to be able to develop a thousand megawatts but --
5 of wind. We've already got our two hundred and fifty-
6 eight (258). We've had that target for a while, but
7 unless it's economic, we wouldn't be proceeding to the
8 full thousand.

9 THE CHAIRPERSON: The text, in fact,
10 is quite misleading here, because it is suggesting
11 that:

12 "There will be economic gains from an
13 investment, and there will be
14 revenues generated in rural
15 communities."

16 So it's a bit unfortunate, but it does
17 communicate that there will be savings generated from
18 -- pardon me, there will be revenues generated from
19 wind. And...

20

21 (BRIEF PAUSE)

22

23 MR. ED WOJCZYNSKI: Yeah, we -- we did
24 not -- Manitoba Hydro did not write this, obviously.
25 This is a government document. It's -- I think it's -

1 - it's -- I -- I don't know about the exact numbers.
2 If a thous -- if a thousand megawatts of wind in total
3 was developed, then there would be -- there would be
4 new investment, and there would be revenues to the
5 rural communities. Those may or may not be the right
6 numbers, but that doesn't mean they'd be economic, of
7 course, and -- but -- but then, like I said, this is
8 the government's document, not ours.

9

10 (BRIEF PAUSE)

11

12 CONTINUED BY MR. SVEN HOMBACH:

13 MR. SVEN HOMBACH: On that note, Mr.
14 Wojczynski, to the extent that the clean energy
15 strategy is discussing a window of opportunity for
16 building new hydro.

17 Is that Manitoba Hydro's phrase or is
18 that the government's?

19 MR. ED WOJCZYNSKI: It's a phrase we
20 have used and we -- we communicate with the government
21 as well as -- as the many others in the province. So
22 they're very aware of our thinking on -- on a window
23 of opportunity. So presumably, they adopted it after
24 hearing us and our concept.

25 MR. SVEN HOMBACH: Let's turn to page

1 340 of Board counsel's book of documents, which is
2 page 12 of the Clean Energy Strategy. In the top left
3 corner there, the first paragraph, you see a reference
4 to projected gas prices in the future. And if I may
5 read from it it states that:

6 "These bodies forecast natural gas
7 prices ranging from five dollars (\$5)
8 to eleven dollars (\$11) per gigajoule
9 in the coming decades."

10 Do you see that?

11 MR. ED WOJCZYNSKI: Yes.

12 MR. SVEN HOMBACH: Now, I appreciate
13 that we cannot discuss CSI in this hearing, but in
14 response to a CSI Information Request, which was
15 PUB/MH-245a, Manitoba Hydro filed a range of most
16 recent gas price forecasts.

17 Is Manitoba Hydro in a position to
18 speak to what the current expected range of forecasts
19 is in light of a range being presented here?

20 MR. ED WOJCZYNSKI: I'd have to take
21 that as an undertaking. I certainly -- we could up --
22 I -- I am -- I assume we could sub -- under advisement
23 -- take under advisement that we could update the
24 previous interrogatory, but I certainly am not in a
25 position to do that on the stand right now.

1 MR. SVEN HOMBACH: Thank you. Now...

2

3 (BRIEF PAUSE)

4

5 MR. SVEN HOMBACH: Now, as my last
6 question, there was significant discussion over the
7 past two (2) days as to the benefit of Aboriginal
8 communities. But the PUB is being asked under the
9 Terms of Reference to look at northern and Aboriginal
10 communities.

11 Aside from the breakdown into northern
12 and southern construction, has Manitoba Hydro
13 performed any breakdown that looks at the
14 socioeconomic benefits to non-Aboriginal, or non First
15 Nations' communities specifically, or even First
16 Nations that aren't Manitoba Hydro partners?

17 MS. SHAWNA PACHAL: Yes, that was
18 submitted and -- and discussed extensively at the CCE.
19 It's part of our EIS submission. The socioeconomic
20 evaluation we did looks at the partnership
21 communities, like the communities in the local study
22 area and the vicinity, and other communities in the
23 regional study area, or the -- the northern -- the
24 northern region, and then the south as well.

25 MR. SVEN HOMBACH: And perhaps what

1 I'll ask Manitoba Hydro to do is to file a high-level
2 matrix in a similar format to what was provided on the
3 environmental side in response to Information Request
4 CAC/MH-231a to describe those socioeconomic impacts.

5 MS. SHAWNA PACHAL: I'm not -- I'm a
6 little bit confused. Like the -- that's very, very
7 broad. That would be bringing eighteen (18) -- our
8 eighteen thousand (18,000) pages of our EIS here. So
9 I'm not exactly sure what you're --

10 MR. SVEN HOMBACH: Perhaps I can...

11

12 (BRIEF PAUSE)

13

14 MS. SHAWNA PACHAL: So just to
15 confirm, you want it at the same level of -- as 231a?

16 MR. SVEN HOMBACH: Yes, at a similar
17 level. A high-level matrix just to -- to summarize
18 the points that were canvassed before the CEC.

19 MS. SHAWNA PACHAL: Okay.

20 MR. SVEN HOMBACH: Okay. I'll restate
21 the undertaking for the court reporter and you'll
22 correct me if I'm misphrasing this, Ms. Pachal.

23 I'm requesting an undertaking to
24 describe the socioeconomic benefits to non-Aboriginal
25 northern communities and to Aboriginal communities

1 that aren't Manitoba Hydro partners in a matrix
2 format, in a similar style as to what was provided for
3 environmental effects in response to Information
4 Request CAC/MH-231a.

5 MS. SHAWNA PACHAL: Yeah, that's fine.

6

7 --- UNDERTAKING NO. 70: Manitoba Hydro to describe
8 the socioeconomic benefits
9 to non-Aboriginal northern
10 communities and to
11 Aboriginal communities that
12 aren't Manitoba Hydro
13 partners in a matrix
14 format, in a similar style
15 as to what was provided for
16 environmental effects in
17 response to Information
18 Request CAC/MH-231a.

19

20 MR. ED WOJCZYNSKI: I would like to
21 just add -- we will do that. But I would just like to
22 add that when we did 231a there were in various places
23 where there were benefits described that were not just
24 to the partner communities, but we did not do a
25 distinct separation like you're asking for, so just --

1 just so it's clear.

2 MR. SVEN HOMBACH: Thank you. Mr.
3 Chairman, those are all my questions to this panel.
4 I'm advised by Intervenor counsel that there's an
5 agreement between the Intervenors that Me. Hacaault
6 will start his cross-examination first.

7 And if the panel has no further
8 questions at this time I suggest we turn it over to
9 Me. Hacaault.

10 MS. SHAWNA PACHAL: My partners have
11 asked me to just correct -- when I made the
12 clarification this morning about when they need to
13 make their investment decision, they just wanted me to
14 be very clear that yesterday I think Mr. Wojczynski
15 said that would be 2019, but it would probably,
16 because I had talked about it's a hundred and eighty
17 (180) days after closing when the last turbine's in,
18 the actual date if we start construction in 2014, that
19 they have to make their investment decision is in
20 about 2022. And they wanted that to be clear for the
21 record. Thank you.

22 THE CHAIRPERSON: Thank you, Me.
23 Hombach. I'll turn the microphone over to Me.
24 Hacaault. S'il vous plait.

25 MR. ANTOINE HACAULT: Bonjour, M.

1 President, members of the Board, Hydro panel members.
2 The first thing I need to do is administrative. We
3 had distributed yesterday a book of documents, Volume
4 VI. I believe it's marked as MIPUG Exhibit 20-6.

5 MR. KURT SIMONSEN: That's correct.

6

7 (BRIEF PAUSE)

8

9 CROSS-EXAMINATION BY MR. ANTOINE HACAULT:

10 MR. ANTOINE HACAULT: I was just
11 looking at Madam Reporter to see if I was okay to
12 proceed. There is initially a couple questions as
13 arise out of a slide by Dr. Shaffer, and the plan --
14 just to clarify the plan and what analysis we have,
15 and also dealing with the concept of expected value.

16 So to start with, if Diana could bring
17 up slide 129, I think it's dash 7, that's in the...
18 That one will work, too. There's a slide... Now, if
19 we -- I just -- the thing I'm going to want to clarify
20 is that in Mr. Wojczynski's presentation the 750 line
21 wasn't absolutely tied to a decision to Conawapa, as I
22 understand it.

23 Is that correct?

24 MR. ED WOJCZYNSKI: Could you repeat
25 the question, please.

1 MR. ANTOINE HACAULT: Building the 750
2 line wasn't absolutely tied to a decision to build
3 Conawapa. In other words, we could build a 750 line
4 in one (1) of the pathways and not necessarily build
5 Conawapa. And Pathway 5 would be such an example, as
6 shown on this slide. And another one would be Pathway
7 6, correct?

8 MR. ED WOJCZYNSKI: That is correct.
9 The decision -- from Manitoba Hydro's point of view,
10 the decision to proceed with the 750 megawatt line is
11 not absolutely tied to Conawapa. But having said
12 that, we expect ultimately we will be building
13 Conawapa, and that is one (1) of the upsides for that
14 line, but -- but it is not an absolute must.

15 MR. ANTOINE HACAULT: Thank you. So
16 if we could go back in the presentation to Dr.
17 Shaffer's presentation. I think that's 129-6, for the
18 pagination, and then slide 6 of that presentation.
19 The third bullet asked the question, and I'm quoting:

20 "Is the plan with a large
21 interconnection and Conawapa
22 preferable to one with a small
23 interconnection and no Conawapa."

24 That question seemed to tie the
25 decision of whether to proceed with Conawapa with a

1 750 line and if we didn't have Conawapa we'd have to
2 go back to the small line of 250 megawatts.

3 And I really don't care who answers
4 that, but that isn't necessarily Hydro's current
5 position as shown on your end presentation, Mr.
6 Wojczynski?

7 MR. ED WOJCZYNSKI: You're -- you're
8 right. That is -- that is not probably a good
9 characterization of where we are today. I would have
10 to suggest that that was probably a characterization
11 of where we were when Dr. Shaffer was given his
12 original assignment, and -- and when we started the
13 work on the NFAT.

14 But our thinking evolved. We responded
15 to the metrics. We responded to the changes in
16 information. And, so our thinking has evolved.

17 MR. ANTOINE HACAULT: Okay. Thank you
18 for that clarification. So at least personally I'm
19 going to put a big 'X' across that question so I don't
20 ask myself that as a key question. Is that fair?

21 MR. ED WOJCZYNSKI: I -- I think what
22 you can do on your piece of paper what you want, but
23 it's -- yeah. That -- that isn't the question we're
24 facing right now. But I -- I don't know if Dr.
25 Shaffer wants to comment, given this is actually his

1 work.

2 DR. MARVIN SHAFFER: The only comment
3 is -- is to point out, This was a question that was
4 raised by the set of plans that we were looking at
5 when, as -- as Mr. Wojczynski said, I was given my
6 original instructions. Plans 5, 6, and 12 have come
7 up more recently, and deal with the question of -- of
8 different formations of the 750 megawatt with or
9 without Conawapa.

10 MR. ANTOINE HACAULT: And when were
11 you advised, sir, that the 250 megawatt line was not a
12 feable -- feasible or viable option, do you recall?

13 DR. MARVIN SHAFFER: Well -- well
14 after the completion of my -- my original report and
15 the filing of the NFAT. It was -- I don't know
16 exactly when but within the last month.

17 MR. ANTOINE HACAULT: Thank you, sir.
18 The -- if we could -- Diana, if you could bring us
19 back to 129-7, and page 2 this time.

20

21 (BRIEF PAUSE)

22

23 MR. ANTOINE HACAULT: As I understand
24 it, the Preferred Development Plan is
25 Keeyask19/Conawapa26, if that's possible, and then

1 alternatives to delaying Conawapa, correct?

2 MR. ED WOJCZYNSKI: Yes.

3 MR. ANTOINE HACAULT: Now, it may be
4 in the six thousand (6,000) pages, or the multitude of
5 undertakings to come up, but I don't see at least on
6 your latest presentation any numbers for
7 Keeyask19/Conawapa26. We see Conawapa here on this
8 slide being either in 2031 or 2030, but we don't see
9 the effect of actually building Conawapa four (4) to
10 five (5) years earlier.

11 We won't have the number for the effect
12 of building Conawapa four (4) or five (5) years
13 earlier?

14 MR. ED WOJCZYNSKI: I'm sorry, if --
15 if we're looking at this table there is a Conawapa26
16 in the base DSM column for the Preferred Plan. So
17 there is a Conawapa26 there. So I'm -- I'm not sure
18 that I understand your question.

19 MR. ANTOINE HACAULT: Okay. I'll take
20 it in small chunks. The Conawapa26 shown on -- on the
21 plan is base DSM, and we know that won't happen,
22 correct?

23 MR. ED WOJCZYNSKI: We expect we will
24 do more DSM -- significantly more DSMs in that plan,
25 so everything else being equal and including having no

1 new export contracts and no pipeline load, we would
2 see that date. But even without new exports, if we do
3 -- if we do Level 2 DSM the pipeline load -- pardon
4 me, if we do part of Level 2 DSM, not all of it, and
5 we do the pipeline load then you're getting something
6 close back to '26. And with new export contracts,
7 it's conceivable we'd go back to '26. It's more
8 likely, probably we're -- we could be talking about
9 '27, for example, but I -- I can't really say what the
10 final date would be, but it is a range of dates we've
11 talked about.

12 MR. ANTOINE HACAULT: But then I get
13 back to my question, based on the current capital
14 costs, the updated expectation on Level 2 DSM, we
15 don't have a number on the record, and we won't have a
16 number on the record with respect to economics,
17 assuming Conawapa is built in 2026, correct?

18 MR. ED WOJCZYNSKI: We -- we don't
19 have a number, and -- and this is an important issue.
20 I -- I appreciate that, and you're -- and you're
21 trying to have a discussion about here and that -- and
22 that's an important discussion to be had. We don't
23 know, in terms of Conawapa, we don't have a -- a
24 definite landing on what will be in place when we're
25 making our decisions on Conawapa.

1 Will we have finalized our negotiations
2 with SaskPower, or GRE, or somebody else such as NSP?
3 We don't know how much of Level 2 DSM will be. We --
4 we don't know -- well, the pipeline, though, it would
5 be 2,000 gigawatt hours or more or less, you know, all
6 those other things. So -- so we -- we have a number
7 of possibilities we've raised here with dif -- some
8 different in-service dates with Conawapa and different
9 circumstances that give a range of potential costs.

10 And what we have indicated, if we,
11 let's say, have the additional export contracts, we
12 expect the benefits would increase. So we don't have
13 one (1) final number that we can say, This is it. We
14 do not have that, but we have a range of numbers as to
15 what it could be, and a strong indication that the
16 benefits would be, in those scenarios, more higher
17 rather than lower, compared to what we're presenting.

18 MR. ANTOINE HACAULT: So one (1), two
19 (2), three (3), four (4) lines down, we have Plan 14,
20 base DSM. We had an NPV of three-seventy-four (374)
21 if Conawapa was built in 2026. We don't know what the
22 NPV would be Level 2 DSM in construction in 2026,
23 which would add about five (5) years of depreciation
24 interest and a host of all other costs.

25 MR. ED WOJCZYNSKI: If I understand

1 your question correctly, so I'll paraphrase it and
2 answer the paraphrased question. And -- and then you
3 -- if we were to proceed with Level 2 DSM, and the
4 pipeline load were to occur, and we had no new export
5 contracts of the kind we are talking about, and we
6 were to build Conawapa in 2026 in that case, we don't
7 have the net present value number for that today, no.

8 What I can tell you it would be -- what
9 I expect, using judgment from all the work we've done,
10 it would be less than the three-seventy-four (374),
11 and -- and that is why you see, in that Level 2 DSM
12 plan, we have deferred Conawapa to 2031, because
13 that's what the economics would tell us to do.

14 MR. ANTOINE HACAULT: Thank you.
15 Without running the numbers, are you able to tell us
16 directionally whether building Conawapa in 2026 -- I'm
17 always on the fourth line here, Plan 14, which has the
18 different levels of DSM for Plan 14?

19 Can you tell us directionally whether
20 adding the new depreciation, new interest, and other
21 costs related to an early in-service of Conawapa would
22 put further pressure on the \$45 million number that we
23 see on Level 2? In other words, would it go down
24 further from forty-five (45), because of the
25 additional costs that are incurred at an earlier date?

1 MR. ED WOJCZYNSKI: Directionally, I
2 would expect that the \$45 million number would reduce,
3 but if you -- you're not looking at the other figures
4 that were presented short -- right after this. Those
5 numbers would -- would respond differently, and you --
6 I -- I don't know what the net of all of that would
7 be, but there would be, even with a twenty-six (26)
8 Conawapa, in that scenario you just painted, those --
9 the -- if -- if you look at the bigger picture, there
10 would still be substantial benefits, but our starting
11 point always is we start with this corporate analysis,
12 and then consider the others as well.

13 MR. ANTOINE HACAULT: And thank you
14 very much for that answer. The next thing that isn't
15 on this table and was in your previous slides, sir, is
16 the expected value.

17 Remind us again what the expected value
18 is and why that number is important.

19 MR. ED WOJCZYNSKI: That number is
20 important. The expected value -- the -- the -- what
21 we have here is the reference scenario, and the
22 reference scenario is, I would suggest, a -- a normal
23 starting point and the main focus for utilities when
24 developing their plans. It's your single best
25 estimate of what the future will be. It's the most

1 likely possibility.

2 And the planning always focusses on
3 that, and -- and uses that as the -- as the -- the
4 core of our analysis, but there is uncertainty, always
5 is uncertainty, always has been. And so we use
6 various techniques to deal with that. In -- in the
7 NFAT, we've used twenty-seven (27) scenarios, and what
8 the expected number is, we take all those twenty-seven
9 (27) scenarios and apply probabilities to them,
10 including ref/ref/ref, and the expected value takes
11 into account the full range of possibilities.

12 And -- and that, we don't have that for
13 all the updated information, but Ms. Flynn did provide
14 an updated expected value analysis and the quilt for
15 the new capital costs and for the WPS investment
16 removed from the -- from the sale package. So that
17 gives a -- a very good indication of what the expected
18 value is, but it isn't quite as updated as this
19 number.

20 MR. ANTOINE HACAULT: And remind me
21 where that expected value is -- is found. Is that...?

22 MR. ED WOJCZYNSKI: It's one (1) of
23 the exhibits provided by Ms. Flynn. I'd have to --

24 MR. ANTOINE HACAULT: Recently. Okay.

25

1 (BRIEF PAUSE)

2

3 MR. ED WOJCZYNSKI: I have a folder
4 with all of those exhibits, and I wasn't actually
5 thinking I'd need them this morning, so I apologize.

6 MR. ANTOINE HACAULT: We can deal with
7 that after lunch because --

8 MR. ED WOJCZYNSKI: No, that -- I
9 think, given the timing and all that, the -- that
10 would be appreciated. Thank you.

11 MR. ANTOINE HACAULT: Okay. Now, just
12 if we can go to Exhibit 95, page 126?

13

14 (BRIEF PAUSE)

15

16 MR. ANTOINE HACAULT: That's where we
17 were provided with expected values for -- for some of
18 the key plans, and in each case, the expected value is
19 lower than the ref/ref/ref, correct?

20 MR. ED WOJCZYNSKI: Yes.

21 MR. ANTOINE HACAULT: I believe Ms.
22 Ramage may have the document. No. The one (1) thing
23 we don't have, and -- and we've got -- we've looked at
24 -- the latest approach is Plans 5, 6, and 14.

25 Would you be able to provide us with

1 the expected values for Plans 5, 6, and 14 to the
2 extent that you've done some updates on the
3 ref/ref/ref for those plans?

4 MR. ED WOJCZYNSKI: I -- I think I
5 just heard you ask that, Here are some expected and
6 reference values with a -- a capital cost updates, and
7 -- but we've only got -- we have five (5) and fourteen
8 (14), but not six (6). Could we provide the expected
9 -- provide six (6), so we have five (5), six (6), and
10 fourteen (14) expected values and ref/ref updated as
11 much as possible? If -- if --

12 MR. ANTOINE HACAULT: Correct, because
13 I'm not going to take you through it again, because
14 I've already gone through it, but we've seen in Plan
15 14, it went from 1.7 million to the ref/ref/ref in the
16 bottom right-hand corner of close to 800 million. It
17 was seven ninety-eight (798).

18 And then the last sheet that you're
19 showing for base DSM, because you've taken out the WPS
20 investment, that seven ninety-eight (798) goes down to
21 three seven four (374).

22 MR. ED WOJCZYNSKI: Yeah. I -- I
23 believe we have for Plan 6, but that's in this
24 mysterious folder I left upstairs.

25 MR. ANTOINE HACAULT: Okay. So I just

1 wanted to make sure you understood what I was going to
2 be asking when we came back. Now, we've been
3 discussing the 750 line not necessarily being tied
4 into Conawapa.

5 Could we bring up Exhibit 118?

6

7 (BRIEF PAUSE)

8

9 MR. ANTOINE HACAULT: This was an
10 update to a slide with respect to residential
11 electricity rates, and in particular, the slide was
12 enhanced on a prior -- compared to a prior
13 presentation by adding to the right Minnesota and
14 Wisconsin rates for residential rates, correct?

15 MR. ED WOJCZYNSKI: Yes.

16 MR. ANTOINE HACAULT: And you'll
17 acknowledge, sir, that there's other views and ways to
18 present the rates in Minnesota, for example, not just
19 focussing on residential rates?

20 MR. ED WOJCZYNSKI: Yes.

21 MR. ANTOINE HACAULT: Could we go to
22 Volume V of our book of documents at page 188?

23

24 (BRIEF PAUSE)

25

1 MR. ANTOINE HACAULT: Sir, this is an
2 extract from, as you see at the bottom, Minnesota
3 Power's 2013 Integrated Resource Plan, and there's a
4 highlighted paragraph, which I'll read into the
5 record.

6 "According to 2012 statistics comply
7 -- compiled by the Edison Electric
8 Institute, Minnesota Power's total
9 average retail electric rate of five
10 point nine-seven (5.97) cents per
11 kilowatt hour was the fourth lowest
12 in the US among a hundred and sixty-
13 nine (169) providers surveyed.
14 Minnesota Power's retail electric
15 rate was the second lowest in the
16 west/north/central region (average
17 rate seven point eight-seven (7.87)
18 cents per kilowatt hour), and the
19 lowest in Minnesota (average eight
20 point zero-nine (8.09) cents per
21 kilowatt hour)."

22 So Minnesota Power, I would suggest to
23 you, is presenting a different metric for Minnesota as
24 quoted in that last sentence,

25 "At an average of eight point zero-

1 nine (8.09) cents per kilowatt hour,"
2 correct?

3 MR. ED WOJCZYNSKI: That -- that's
4 correct, but I have to comment that as Mr. Cormie
5 testified somewhere in the last four (4) weeks, that
6 Minnesota Power has an unusually high proportion of
7 their customers' base load industrial related to the -
8 - essentially, the iron industry.

9 And while I'm not especially
10 knowledgeable on Minnesota Power, I'm sufficiently
11 knowledgeable of the utility industry that what one
12 can conclude from that is that just like in other
13 jurisdictions, when you've got industrial -- a -- a
14 high volume industrial load that tends to be flat, in
15 other words, not peaky, that you have a lower resi --
16 a -- a lower utility rate on the average than you do
17 the residentials, and that's the way it should be when
18 you look at cost causation.

19 So from Minnesota Power to have
20 disproportionally high industrial load of that ilk
21 would mean they would have their -- their average
22 utility rate for all customers would be tend to lower
23 than others, everything else being equal. So it would
24 -- their number would seem to be low when you use that
25 kind of a -- an average, but it is -- it is a

1 different metric, taking all the customers, not just
2 the residential, yes.

3 MR. ANTOINE HACAULT: That's so
4 Minnesota Power's metric for all the customers -- and
5 thank you for that good explanation -- that's the
6 reason why we might see five point nine-seven (5.97)
7 cents as opposed to the average for Minnesota, because
8 they've got a profile which a -- with a lot of
9 industrial customers.

10 That's one (1) of the reasons you can
11 think of, correct?

12 MR. ED WOJCZYNSKI: Yes.

13 MR. ANTOINE HACAULT: Yeah. And this
14 is the area or the market that will be opened up with
15 the 750 megawatt line in a general way that the mark -
16 - or the area that we've identified in this paragraph,
17 sir, correct?

18 MR. ED WOJCZYNSKI: Yes.

19 MR. ANTOINE HACAULT: The next subject
20 area is with respect to the multiple account analysis.

21 MR. ED WOJCZYNSKI: A comment on that,
22 your last -- your last question in --

23 MR. ANTOINE HACAULT: Sir, if it's
24 useful for the Board, you're welcome to provide any
25 comment that you wish.

1 MR. ED WOJCZYNSKI: The -- I'm
2 concerned that leaving it just at where it is gives
3 the impression that we're selling to somebody who has
4 low cost power and -- and that we don't have as much
5 market as we might think, and that may not be the
6 impression that's there.

7 But when a utility is providing to its
8 customer base, and they -- their -- their rates that
9 they're charging, particularly if you're looking at an
10 industrial dominated utility who don't have as much
11 customer service and peaking costs, their -- their
12 incremental supply costs may be much higher than --
13 than what they're charging their customers.

14 And so what the resid -- the rate that
15 is being charged to their customers is not indicative
16 -- not necessarily indicative of what their new supply
17 cost or incremental supply cost is. So just as long
18 as we are not left with the impression, Well, this is
19 the kind of the cost of their supply, and that's what
20 we're competing against.

21 MR. ANTOINE HACAULT: Thank you for
22 that additional information, sir. It wouldn't
23 surprise me that the incremental cost is over five
24 point nine-seven (5.97) cents, as you've indicated. I
25 haven't seen projects come in at that kind of cost

1 anywhere.

2 With respect to the multiple account
3 analysis, the one (1) thing I understand, and it may
4 be Dr. Shaffer, is that really, if we did an economic
5 picture, we -- we might not stop at the benefits
6 within the Manitoba borders. We would probably, if we
7 wanted to consider economic benefits as a whole, we'd
8 look at the benefits of this project both for our US
9 counterpart and other Canadian provinces that might
10 benefit from this.

11 But your analysis was limited to the
12 borders within Manitoba, correct?

13 DR. MARVIN SHAFFER: That's correct.
14 I -- I did an -- an assessment of the advantages and
15 disadvantages from the point of view of Manitoba and
16 Manitobans.

17 MR. ANTOINE HACAULT: So if we flip
18 back in this same book of documents, at page 179, the
19 -- and -- and that place is -- is okay at the top of
20 the page. The one (1) thing you wouldn't have
21 considered is Minnesota Power's view that putting the
22 bigger line instead of the three (3) -- 230 kV line,
23 is actually a benefit to Minnesota, in its view, of a
24 cost reduction of about 10 percent from the
25 transmission cost.

1 That's not something you would have
2 considered?

3 DR. MARVIN SHAFFER: No, that's
4 correct. It wasn't considered.

5 MR. ANTOINE HACAULT: And the other
6 thing that you wouldn't have considered is the -- the
7 next sentence after the reference to the 938 Docket
8 that:

9 "Going forward, Minnesota Power
10 customers will also be responsible
11 for only one-third (1/3) of the
12 maintenance costs of the project. As
13 such, the project provides a more
14 cost-effective longer term solution
15 for Minnesota Power ratepayers."

16 That wouldn't be something that you
17 figured into your calculation as far as benefits,
18 correct?

19 DR. MARVIN SHAFFER: That's correct.
20 As -- as I said, this assessment was done from the
21 point of view of Manitoba.

22 MR. ANTOINE HACAULT: And you would
23 agree with me, sir, I believe, based on your comments,
24 that there might be different perspectives in the
25 analysis, depending on whether or not it's a ratepayer

1 perspective or a Manitoba taxpayer perspective.

2 There may be -- they may be aligned,
3 but they may be different, correct?

4 DR. MARVIN SHAFFER: That -- that is
5 correct.

6 MR. ANTOINE HACAULT: Yeah. So that -
7 - I don't know if my numbers are right. Mr.
8 Wojczynski will correct me if I'm wrong, but the large
9 industrial load represents pretty close to 25 percent
10 of the domestic load, and about 20 percent of Manitoba
11 Hydro's domestic revenues.

12 Are those numbers in the general bar --
13 ballpark, sir?

14 MR. ED WOJCZYNSKI: They sound
15 reasonable.

16 MR. ANTOINE HACAULT: Yeah. If we go
17 to Volume VI at -- or Volume V, sorry, page 20, first,
18 this is a table that was compiled by InterGroup, not
19 by Manitoba Hydro, and the table is compiled from
20 Appendix 11.4 of Manitoba Hydro documents.

21 Has anybody from Manitoba Hydro had a
22 chance to check to see whether the numbers were
23 properly transcribed?

24 MR. ED WOJCZYNSKI: The previous
25 panel, the financial panel, that -- that was -- if --

1 if I'm mis -- am I correct in -- in recalling that
2 Book V was the one that was provided to the previous
3 panel?

4 MR. ANTOINE HACAULT: Yeah, the --
5 what I want to refer yet is to the bottom number. So
6 before --

7 MR. ED WOJCZYNSKI: Yeah.

8 MR. ANTOINE HACAULT: -- referring to
9 it, I'd --

10 MR. ED WOJCZYNSKI: Yeah, I -- I --
11 you were just asking if -- if someone in Manitoba
12 Hydro checked that these were reasonable. The previ -
13 - someone -- I expect someone in the previous panel
14 checked that, but they're not here, so we'll -- I
15 think we'll have to just take that subject to check at
16 this point, because they're not --

17 MR. ANTOINE HACAULT: That's -- that's
18 --

19 MR. ED WOJCZYNSKI: -- they're not on
20 this panel.

21 MR. ANTOINE HACAULT: -- perfectly
22 acceptable, sir. Thank you very much. If we can go
23 to the bottom right-hand corner of the table, we'll
24 take this in little bites.

25 Plan 14 ref/ref/high reflects pretty

1 closely the new capital costs estimates of Manitoba
2 Hydro for Conawapa and Keeyask, correct?

3 MR. ED WOJCZYNSKI: Yes.

4 MR. ANTOINE HACAULT: And if we take a
5 cumulative difference between the two (2) tables, the
6 -- of Plan 1 All Gas at ref/ref/ref to this new
7 scenario with high capital costs, over the twenty (20)
8 years, we get a cumulative total about -- about \$3.7
9 billion, correct?

10 MR. ED WOJCZYNSKI: Subject to check,
11 but it looks reasonable.

12 MR. ANTOINE HACAULT: So that in this
13 gas plan, in addition, we have, I believe the number
14 was about \$1.4 billion of sunk costs that get written
15 off over eighteen (18) years, correct, in the All Gas
16 Plan?

17 MR. ED WOJCZYNSKI: Yes.

18 MR. ANTOINE HACAULT: So that -- and
19 the financial panel indicated that that was an
20 assumption, but in the real world, those deductions
21 might not necessarily occur, depending on whether or
22 not it was thought reasonably that Conawapa or Keeyask
23 would still go ahead, correct?

24 MR. ED WOJCZYNSKI: That's correct,
25 and that would be a -- a -- in a sense, a different

1 plan. It wouldn't be an All Gas Plan, it would be a
2 subset that says, We start with gas and we add the due
3 gas or hydro later on, and -- and that would -- so
4 under that plan, you -- you wouldn't have as many sunk
5 costs. Although, eventually, if you never built
6 Conawapa or Keeyask, you would -- you would ultimately
7 have those costs written off.

8 MR. ANTOINE HACAULT: Yes, and if we
9 can keep that -- those two (2) numbers in mind, the
10 1.4 billion, plus the three point seven (3.7), which
11 is a little bit over \$5.1 billion, and flip back to
12 sli -- Exhibit 129-7, I believe page 4. Now, on this
13 graph, which as presented this week, there was added
14 the light blue numbers with respect to the return on
15 equity imbedded in, I'll call it, WACC.

16 Is that correct?

17 MR. ED WOJCZYNSKI: Yes.

18 MR. ANTOINE HACAULT: And the -- we
19 just saw that ratepayers will pay about \$3.7 billion
20 in extra rates over twenty (20) years, and when we
21 look at the light blue, the green, and the red, the
22 total net present -- present value dollars for -- it
23 says Plan 14, but's Conawapa and thirty-one (31), it
24 would be \$3.7 billion, basically equivalent to what
25 ratepayers are paying in additional rates, correct?

1 MR. ED WOJCZYNSKI: Yes.

2 MR. ANTOINE HACAULT: And, Dr.

3 Shaffer, if the industrials, ten (10) of which I
4 represent --

5 MR. ED WOJCZYNSKI: Can -- can we --
6 can we just -- I -- it sounds like I was hesitating
7 there, and I said, "Yes," but it sounds like that may
8 be premature. Could I just have a moment to
9 contemplate that?

10 MR. ANTOINE HACAULT: Sure.

11 DR. MARVIN SHAFFER: If I could just
12 comment just on the number. The -- the numbers aren't
13 comparable.

14 MR. ANTOINE HACAULT: Because one's
15 (1) net present value and the other one isn't?

16 DR. MARVIN SHAFFER: One (1) is real
17 dollars net present value and the other is nominal
18 cumulative undiscounted, but just -- just to be clear
19 on that.

20 MR. ANTOINE HACAULT: And -- and I was
21 keeping in mind that the -- if you had net present
22 value, and I didn't do it, the \$5.1 billion that --
23 being the two (2) numbers, sir, I'm not so sure we
24 would be far off the \$3.7 billion net present value.
25 That's about 60 percent of the amount on a twenty (20)

1 year time period.

2 DR. MARVIN SHAFFER: I -- I haven't
3 done that calculation.

4 MR. ANTOINE HACAULT: Okay.

5 DR. MARVIN SHAFFER: I -- I would also
6 point out, though, as I understand, these
7 calculations, these aren't the -- from the multiple
8 account, but they relate, in some respects, to it.
9 These would be NPVs over the planning period as
10 opposed to 2032.

11 MR. ANTOINE HACAULT: Well, I'll
12 perhaps let Mr. Wojczynski continue to consult, and --
13 and maybe it might be appropriate to take a break,
14 because if -- in fairness to Mr. Wojczynski, so he can
15 provide a -- a better answer to whether or not, if we
16 look at the total of \$5.1 billion of paying for sunk
17 costs, plus the \$3.7 billion of increased rates,
18 whether that comes out pretty closely to the \$3.7
19 billion net present value shown on slide 4 of his
20 presentation.

21 MR. ED WOJCZYNSKI: Yeah, I -- I think
22 we would appreciate... What we're doing is taking
23 different calculations from a financial analysis and
24 consumers revenue, and then comparing it to NPV,
25 including transfers to the province, and we are

1 dealing with different spaces and metrics, and then
2 comparing them. And the numbers are the same, but
3 whether they're truly comparable, I'd have to do some
4 mental gymnastics to figure that one out.

5 And so it would be better to be able to
6 do that over -- over a cup of tea.

7 THE CHAIRPERSON: Mr. Wojczynski,
8 would you -- three-quarters of an hour do it to -- to
9 answer that?

10 MR. ED WOJCZYNSKI: Yes.

11 THE CHAIRPERSON: Okay. So let's take
12 a -- a forty-five (45) minute recess to have lunch,
13 and then we'll see each other again at quarter to
14 1:00.

15

16 --- Upon recessing at 12:03 p.m.

17 --- Upon resuming at 12:51 p.m.

18

19 THE CHAIRPERSON: Good afternoon. I
20 believe that we're ready to resume the proceedings.
21 And I imagine, Mr. Wojczynski, you have some things to
22 say to us?

23 MR. ED WOJCZYNSKI: I'm still drinking
24 my cup of tea but I'll proceed.

25

1 (BRIEF PAUSE)

2

3 MR. DOUGLAS BEDFORD: Before we hear
4 from Mr. Wojczynski again, Mr. Page has a more
5 thorough answer to the inquiry that was made regarding
6 our First Nation partners, and if one or the other of
7 them chose to hold their investment in the Keeyask
8 Hydro Power Limited Partnership as a preferred
9 investment, how does one, if one wishes, to change
10 that to a common equity investment.

11 So we'll turn it over to Mr. Page to
12 provide a more thorough answer.

13 MR. IAN PAGE: I'll try to be thorough
14 without being overly detailed or complicated. It --
15 it's a very complicated arrangement as under the
16 Manitoba Hydro Act we're not allowed to sell shares in
17 an asset that -- that's existing, so all these shares
18 have to be in place before -- before the project is
19 completed.

20 One of the class of shares is
21 effectively an option and -- so if a -- one of the
22 Keeyask First Nations or -- or all of them elect to go
23 preferred, the maximum equity available under the
24 preferred option is 2 1/2 percent. The maximum equity
25 available under the common option, if it's elected

1 initially, is 25 percent.

2 If the preferred option is undertaken
3 initially, the -- there's not a strict conversion
4 available but what there's -- there's sort of option
5 types of instruments can be -- can be exercised at --
6 at year ten (10), and then every year -- and then
7 every five (5) years after that. They can be -- they
8 can be activated and by activating them, there's a
9 limit of -- of those.

10 So the -- so if the preferred options
11 was undertaken initially, and then that -- all of
12 those options were exercised, the maximum available to
13 the KCN would be -- that -- that initial 2 1/2 percent
14 preferred, plus 7 1/2 percent of under common -- or
15 under that -- under those options. So there would be
16 a total ownership of 10 percent, not -- so it's not a
17 full -- full conversion to a common, but it's -- it's
18 sort of a halfway.

19

20 CONTINUED BY MR. ANTOINE HACAULT:

21 MR. ANTOINE HACAULT: I think Mr.
22 Wojczynski was going to do his best to try and provide
23 an oral explanation. And if it becomes too confusing
24 or complicated I'd suggested that perhaps it be done
25 in writing so we don't spend too much time.

1 MR. ED WOJCZYNSKI: Yes. First of
2 all, I had indicated that in my -- my -- there was
3 exhibit that had Plan 6EV reference. And -- and I do
4 have my folder with those exhibits. It turns out that
5 one is on the verge of being provided. And Ms. Flynn
6 tells me that we -- we are just finalizing it. We'll
7 check it tonight and be submitting it tomorrow morning
8 at nine o'clock, at the opening. So we -- you will
9 have that at that time.

10 Secondly, coming into the question that
11 is outstanding that I needed a cup of tea for, there's
12 a few -- there's a couple of steps in that question.
13 And I -- and so I think if I could say a few things.
14 And then I suggest the question be re-asked to just
15 carry us forward.

16 The -- the first question that I got
17 asked that I said, "No" -- pardon me, that I said,
18 "Yes," when I said, "Does that three point seven (3.7)
19 equal that other three point seven (3.7)." And I
20 said, "Yes." And then I said, "Well, I should think
21 about it some more."

22 I -- if I go -- when I went back to
23 look at page 20 of MIPUG book, Exhibit 20-5, so
24 that's, yes, that one, the three seven five one
25 (3,751), which was what I was being asked to compare

1 to the three point seven (3.7) on the other page -- on
2 the other exhibit, when I was looking at this I was
3 assuming that the three seven five one (3,751) was a
4 net present value but it's not. It's a -- it's a
5 simple sum of all the nominal dollars there.

6 And so you -- it's not equal because
7 you'd have -- you have to -- you can't compare a
8 simple sum of nominal dollars to a net present value.
9 So what -- we had one of our faster and smarter
10 colleagues than me do over lunch was a quick MPV using
11 the appropriate discount rate, and what we got was
12 \$2.260 billion.

13 MR. ANTOINE HACAULT: What was the
14 discount rate?

15 MR. ED WOJCZYNSKI: Okay, we use 4
16 percent. And let me explain why we use 4 percent.
17 Because we are also conversant now with discount
18 rates.

19 First of all, as you'll recall when
20 Manitoba Hydro did the cumulative general consumer
21 revenue, which is what I thought we were doing here,
22 we used 1.86 percent, but that was because we were
23 using a real flow of general consumers revenue. This
24 table is still a nominal dollars.

25 So you take 1.86 percent and bring back

1 in the inflation rate of 2 percent, which brings you
2 to 4 percent. And so we use 4 percent to discount
3 this general consumers revenue. And what you get in
4 2014, 2 -- \$2.26 billion. So now we have something
5 that is at least in a similar metric to -- if we go to
6 the figure who -- that -- this one. Thank you very
7 much. She's -- she's faster than I am.

8 In here now at least we're on the same
9 metric of NPV 2014 dollars. So now if I try and
10 answer the question, Are those numbers equal, so now
11 we've got a 2.2 billion -- or I'll call it \$2.3
12 billion number. And what that is really comparable
13 to, to some degree, is the lightened blue stuff.

14 Both in those general consumer revenues
15 numbers and in this exhibit here, what they are is the
16 cost to Manitoba Hydro or the cost to the ratepayers.
17 And in both of those cases, we consider the transfers
18 to the province as a cost. So the 2.2 billion is --
19 is somewhat comparable to the light blue and the dark
20 blue numbers. But the remaining difference, really,
21 is the -- the \$2.2 billion for general consumer
22 revenues only the first twenty (20) years. And this
23 number -- these numbers in this exhibit, the light
24 blue and dark blue are over the life of the projects.

25 And so my last comment on this, to

1 answer the question, is that if you took the general
2 consumers revenue and went over the -- over the -- to
3 the end of the study period, or the end of the life of
4 the projects, you would get a negative number, because
5 the -- the PV, or the general consumers revenue, I
6 don't know what it would be, it would be -- it would
7 be flipped and you'd get the Preferred Plan having
8 lower general consumers revenue than the All Gas.

9 But in the first twenty (20) period --
10 twenty (20) year period of time the consumers revenue
11 would be higher by say that 2.2 billion. And that's -
12 - so there's a degree of comparability to these
13 numbers, but not fully comparable. So that's the
14 answer to that first question.

15 MR. ANTOINE HACAULT: Thank you for
16 that explanation. So to try and be comparable what
17 we'd have to do is we'd have to look at the NPV with
18 these numbers at a 4 percent calculation over twenty
19 (20) years and then we'd have comparable metrics?

20 MR. ED WOJCZYNSKI: Well, you can't
21 really do a -- a 4 per -- you can't -- are you talking
22 -- four (4) peop -- sorry, calculating an NPV at 4
23 percent of which numbers; you mean of the economic
24 numbers?

25 MR. ANTOINE HACAULT: You've pointed

1 out, if I take it in small bites, that consumers will
2 pay \$3.7 billion over twenty (20) years. And if you
3 value that money, that's how I look at it, at 4
4 percent, really they're out of pocket 2.26, because if
5 they had 2.26 today and they invested it at 4 percent
6 over that time period they'd have a full amount of
7 3.7. Am I getting the math so far?

8 MR. ED WOJCZYNSKI: Yes. Let's --
9 I'll just say yes. Let's not be too precise about
10 things.

11 MR. ANTOINE HACAULT: Yep.

12 MR. ED WOJCZYNSKI: Yes.

13 MR. ANTOINE HACAULT: And what's been
14 done in the table that we're looking at, which is
15 slide 4 of -- the last part of the exhibit. I think
16 it's 129-7, is we actually capture some numbers after
17 the twenty (20) year time period, because we've valued
18 over the whole life of the plant which is sixty-seven
19 (67) years, correct?

20 MR. ED WOJCZYNSKI: The -- the project
21 is sixty-seven (67), but because the projects don't
22 come in for many years it's seventy-eight (78) years,
23 but yes.

24 MR. ANTOINE HACAULT: So it takes
25 seventy-eight (78) years at this discount rate, which

1 is four point six five (4.65), to arrive at these
2 numbers on the slide of --

3 MR. ED WOJCZYNSKI: Yes.

4 MR. ANTOINE HACAULT: -- 1 billion 56
5 and 1 billion 236, correct?

6 MR. ED WOJCZYNSKI: Yes.

7 MR. ANTOINE HACAULT: And -- thank
8 you. I -- I think it puts things in perspective.

9 So if -- if I was right in my general
10 numbers that the ten (10) industrials customers that
11 form part of MIPUG are about 20 percent of the
12 revenue, net present value of their investment in Plan
13 14 would be 20 percent of the two point two six
14 (2.26), which would be about \$500 million?

15 MR. ED WOJCZYNSKI: I -- I -- the word
16 "investment" -- I'm not sure I would use the word
17 "investment," but their share -- keep -- keeping those
18 ratios constant, their share of the increased
19 consumers revenue would be numbers something like
20 that, yes.

21 MR. ANTOINE HACAULT: And the numbers
22 before, assigning a 4 percent value to their money is
23 \$3.75 billion that they won't have available for other
24 projects. It'll be put into rates, but only -- well,
25 their money is 20 percent of that number, correct?

1 THE CHAIRPERSON: You know, I'm sorry,
2 you'd have to narrow out the export revenue from that
3 though. I mean, the -- correct me if I'm wrong, but
4 the -- we are talking about 2.7 billion attributable
5 to rates, aren't we?

6

7 CONTINUED BY MR. ANTOINE HACAULT:

8 MR. ANTOINE HACAULT: That's
9 incremental rates. We can look at that -- the sheet
10 and how that was calculated in -- in the number, but
11 as I understand it, it's incremental domestic rates
12 that are increased by \$3.75 billion.

13 MR. ED WOJCZYNSKI: Yes. The \$3.75
14 billion in -- in general consumers revenue is
15 incremental from the All Gas Plan to the Preferred
16 Plan, and that accounts for the additional export
17 revenues in that time period. I would like to just
18 caution, though, that the 3.75 billion -- first of
19 all, it is in nominal dollars and all that, so you
20 can't really compare to the NPV.

21 But I think, more importantly, is what
22 Mr. Rainkie and -- and Ms. Carriere had indicated, and
23 there was discussion on the record here, Mr. Chair and
24 panel, that -- that in real life there would be a
25 smoothing of rates and you would not see such a high

1 number over a twenty (20) year period of time. That
2 there -- that we would not have this big increase and
3 then a big drop three (3) years later. That there
4 would be a smoothing of those rate increases and you
5 wouldn't see such a peak as we are talking about so
6 far, but -- but that -- that -- right now what we have
7 are these numbers.

8 MR. ANTOINE HACAULT: I think to best
9 answer the Chairperson's question, if we could go to
10 page 28 of our book of documents, and on the left-hand
11 -- so this is the economics for the Preferred
12 Development Plan ref/ref, and then high capital costs.
13 Let's break it down in little chunks.

14 The revenues are broken down between --
15 on the revenue side additional general consumers
16 revenue, correct? It's Volume V of our book of
17 documents.

18

19 (BRIEF PAUSE)

20

21 MR. ED WOJCZYNSKI: Could you repeat
22 the question, please?

23 MR. ANTOINE HACAULT: I understood the
24 Chairman's question to wonder whether or not the \$3.7
25 billion included extraprovincial revenue, and I

1 brought up from our book of documents page 28 to show
2 at least my understanding of how Manitoba Hydro has
3 aggregated numbers.

4 And it first had the general consumes
5 revenue at approved rates. That's domestic revenues,
6 correct?

7 MR. ED WOJCZYNSKI: Yes.

8 MR. ANTOINE HACAULT: And then there
9 was a further line called, "Additional general
10 consumers revenue?"

11 MR. ED WOJCZYNSKI: Yes.

12 MR. ANTOINE HACAULT: And then finally
13 there's a separate line for extraprovincial revenue,
14 and we see those revenues start in 2013 at 357
15 million, and this scenario assumes by 2027 we'll be
16 just over a billion dollars of additional revenue from
17 exports, correct?

18 MR. ED WOJCZYNSKI: Yes.

19 MR. ANTOINE HACAULT: So that the
20 table took all the numbers from the line that says,
21 "Additional general consumers revenue," if we want to
22 match them for the ref/ref/high on Plan 14, correct?

23 MR. ED WOJCZYNSKI: Yes.

24 MR. ANTOINE HACAULT: And then it
25 compared that to, and if we flip to page 21, this is

1 the All Gas Plan ref/ref/ref, and there's under the
2 revenue heading additional consumers revenue, correct?

3 MR. ED WOJCZYNSKI: Yes.

4 MR. ANTOINE HACAULT: And the
5 difference between the additional revenues in one plan
6 and the other one, the total was \$3.751 billion,
7 correct?

8 MR. ED WOJCZYNSKI: Yes. And just
9 I'll -- it also includes the water rentals and capital
10 tax, and the debt guarantee fee is also being paid in
11 both cases. So the \$3.75 billion at that point --
12 because we are having rate increases still at that
13 point, that actually does include from the water
14 rental the -- the ratepayers contributing to the
15 increased water rentals and capital tax, yes.

16 MR. ANTOINE HACAULT: So I believe --

17 MR. ED WOJCZYNSKI: As you're only at
18 the twenty (20) year period, not at the life of the
19 project.

20 MR. ANTOINE HACAULT: I understand
21 we're not doing a metric of the entire project. I
22 guess the issue I was exploring was, and when I had
23 started this, is that there might a different view
24 between the ratepayers and Manitoba taxpayers,
25 generally, if you have a group of ten (10) companies

1 paying 20 percent of this \$3.751 billion as compared
2 to all Manitobans paying 20 percent of that number.

3 Would that be right, Dr. Shaffer? They
4 might have different views?

5 DR. MARVIN SHAFFER: They might have
6 different views, correct.

7 MR. ANTOINE HACAULT: Okay. You have
8 to put your mic on, I think.

9 DR. MARVIN SHAFFER: Yes.

10 MR. ANTOINE HACAULT: The next area
11 that I want to explore is the allocation of government
12 benefits. There was some questions of the panel on
13 that. And the documents that I've included in Volume
14 VI of our book of documents provides some history on -
15 - on how those were treated.

16 And if we can start, firstly, at page
17 31 of our book of documents. This is an extract. And
18 you would have been around in or about that time, Mr.
19 Wojczynski, in 1996?

20 MR. ED WOJCZYNSKI: I -- I had been a
21 witness at PUB around that timeframe and earlier. I
22 can't remember if that year I was.

23 MR. ANTOINE HACAULT: And if we go
24 down to Section 3.3.3 of the PUB's decision, does this
25 assist in having you recollect that the provincial

1 guarantee fee was actually at .5 percent at that time
2 instead of 1 percent?

3 MR. ED WOJCZYNSKI: Yes, I recollect
4 it was lower. And -- and this tells me what the
5 number was, yes.

6 MR. ANTOINE HACAULT: And the
7 statement of the PUB at that time, if I'm looking in
8 the first full paragraph, fourth line in, was, and I'm
9 quoting:

10 "The level of the fee is set as a
11 matter of government policy and there
12 is no negotiation between the
13 province and Hydro associated with
14 the fee. Hydro has no control with
15 regard to the payment of the fee."

16 Does that continue to be the case
17 today?

18 MR. ED WOJCZYNSKI: Yes.

19 MR. ANTOINE HACAULT: And rather than
20 go into different subject matters and go through all
21 the guarantee fee information, and then water rentals,
22 et cetera, water rental rates, sir, sometimes were
23 frozen and sometimes increased over time.

24 Is that a fair statement?

25 MR. ED WOJCZYNSKI: Yes.

1 MR. ANTOINE HACAULT: And if we go to
2 the next page of our book of documents, page 32.
3 Another area of payments to the government, I would
4 suggest, is the corporate capital tax. And like
5 everybody else, at one point in time, governments
6 didn't tax and, in this particular case, didn't tax
7 Manitoba Hydro under the Corporation's capital tax,
8 correct?

9 MR. ED WOJCZYNSKI: Correct.

10 MR. ANTOINE HACAULT: And that has now
11 changed where Manitoba Hydro is now subject to
12 corporate capital tax, correct?

13 MR. ED WOJCZYNSKI: Yes. And what --
14 this suggests it started in 1994.

15 MR. ANTOINE HACAULT: And if we go to
16 page 34, at the bottom of the page we see a paragraph
17 that starts with, "The Board is cognizant." And I
18 direct everybody's attention to the last full sentence
19 of that paragraph, and I'm quoting it.

20 "The Board encourages Hydro to
21 continue in its attempt to strengthen
22 its financial provision -- position
23 through improving its operational
24 efficiency and cost control and
25 this is the part I want to draw your

1 attention to] notes that the
2 Provincial Government, as a major
3 shareholder, has an important role to
4 play in this effort."

5 And later on in this decision, on page
6 35, the third recommendation to Manitoba Hydro was to:

7 "Aggressively management its payment
8 obligations to the Provincial
9 Government."

10 And do you see that?

11 MR. ED WOJCZYNSKI: I see that. And I
12 -- at this instant Mr. Page might be able to answer
13 better than me. I don't know what that means.

14 MR. ANTOINE HACAULT: But in any
15 event, whatever it meant and whatever Hydro did as a
16 consequence, we're left with three (3) things today:
17 water rate rentals...

18

19 (BRIEF PAUSE)

20

21 MR. ED WOJCZYNSKI: Okay, I'm ready
22 for your next question.

23 MR. ANTOINE HACAULT: Thank you very
24 much. I was about to suggest whatever the meaning of
25 that third recommendation was and whatever Hydro's

1 efforts were, we nonetheless find ourselves in a
2 position where today Manitoba Hydro has to pay the
3 water rentals, the capital tax, and what we're been
4 referring to as an interest guarantee fee, correct?

5 MR. ED WOJCZYNSKI: Yes.

6 MR. ANTOINE HACAULT: The next area
7 that I want to focus on is water rental rates and how
8 they have been treated in the past, and whether or not
9 there might be some pressure on rates as a result of
10 water rental fees.

11 So, firstly, if I could direct your
12 attention to page 11 of this same book of documents.
13 This was a table prepared in response to CAC Round 1,
14 question 122, to Manitoba Hydro.

15 Sir, is it fair to say that although
16 the rates increased back in 2001/2002, they're not --
17 have not been any further rate increases to date?

18 MR. ED WOJCZYNSKI: Yes.

19 MR. ANTOINE HACAULT: And previously,
20 prior to, I guess, about the doubling in 2001/2002,
21 the rate was at 9.9 per horsepower year generated,
22 correct?

23 MR. ED WOJCZYNSKI: Yes.

24 MR. ANTOINE HACAULT: Now, does
25 Manitoba Hydro have any assurances that Manitoba

1 government's going to keep this 20.32 rate flat for
2 the entire period in which the numbers are being
3 generated?

4 MR. ED WOJCZYNSKI: To the -- to the
5 best of my knowledge, there is no assurance of that.
6 We have no indication that they're going to increase
7 and we have no indication they're going to -- to --
8 like, we have no -- no commitment that they're not
9 going to increase and no commitment they're going to
10 stay the same or no commitment that they're going to
11 reduce.

12 MR. ANTOINE HACAULT: So that's one of
13 those uncertainties that we have over the life of the
14 plant. We don't know over the next sixty-seven (67)
15 years whether or not the rate is going to continue to
16 stay at 20.32, which, by that time, it would have
17 significantly deteriorated in net affected dollars,
18 correct?

19 MR. ED WOJCZYNSKI: Yes. But like I
20 said, they could go in any one (1) of three (3)
21 directions: sideways, up or down.

22 MR. ANTOINE HACAULT: Now, if we see
23 how the economic analysis in previous hearings dealt
24 with the water rates, it might help to move to page 3
25 of our book of documents, line 25.

1 As I understand it, in the Wuskwatim
2 Hearing, March 2 of 2004, there had been an
3 Undertaking to provide the history of water rental
4 rates, and then there was a series of questions that
5 followed, and Mr. Abra was asking questions, and Mr.
6 Wojczynski, you answered at lines 6 to 8 with respect
7 to what Hydro did in its economic evaluations.

8 Do you believe that this reference in
9 the transcript is correct, that when you did the
10 Wuskwatim analysis on economic evaluations, you
11 assumed that the rates would go up with the rate of
12 inflation?

13 MR. ED WOJCZYNSKI: Yes. I -- first
14 of all, I actually remember that testimony. Secondly,
15 that was accurate, that testimony.

16 MR. ANTOINE HACAULT: The -- with
17 respect to the economic analysis in this proceeding,
18 sir, has Manitoba Hydro increased water rates and
19 assumed that they go up with inflation?

20 MR. ED WOJCZYNSKI: We continue in the
21 financial analysis to assume that they remain constant
22 nominal dollars, or that is, that they stay the same.
23 They don't change in nominal dollars. In the economic
24 evaluation, we assume for the detailed study period
25 that they also stay constant in nominal dollars, which

1 means, in real dollars, they decline.

2 But at the end of the study period for
3 the very long term, we assume that at some point they
4 will escalate, and so at that point, we have the water
5 rental rate escalate at that point with inflation.

6 MR. ANTOINE HACAULT: Okay. I want to
7 try and understand what you've just said, sir. If we
8 go to page 37 of this book of documents....

9

10 (BRIEF PAUSE)

11

12 MR. ANTOINE HACAULT: Well, this is a
13 table prepared by InterGroup Consultants as indicated
14 to the top right-hand corner.

15

16 (BRIEF PAUSE)

17

18 MR. ANTOINE HACAULT: You -- if we
19 flip to the next page, page 38 at the top, we see that
20 the rate, and my understanding is this is taken
21 directly from your tables -- Hydro's tables, stays
22 consistent at 72.72 percent in the middle column. Do
23 you see that?

24 MR. ED WOJCZYNSKI: Yes, and -- and
25 that's in real dollars, if I'm -- I'm understanding

1 this properly.

2 MR. ANTOINE HACAULT: These are taken
3 directly from your -- your tables, sir.

4

5 (BRIEF PAUSE)

6

7 MR. ANTOINE HACAULT: If we flip back
8 -- no, sorry...

9

10 (BRIEF PAUSE)

11

12 MR. ED WOJCZYNSKI: Just to make sure
13 I -- I didn't use the wrong words, beyond the thirty-
14 five (35) years, we -- we, in the economics, escalated
15 the water rental in nominal dollars, and kept it
16 constant in real dollars, and if that isn't what I
17 said before, that's what I meant to say.

18

19 (BRIEF PAUSE)

20

21 MR. ED WOJCZYNSKI: Coming back to
22 page 38. Okay, so we're back to page 38.

23 MR. ANTOINE HACAULT: Yes, and I guess
24 with respect to this table, has anybody had a chance
25 to see whether the numbers have been tra --

1 transcribed properly and whether the -- the math was
2 applied properly?

3 MR. ED WOJCZYNSKI: I'll take that,
4 subject to check.

5 MR. ANTOINE HACAULT: Okay. And the
6 plans without the inflation factor show a certain
7 difference, but if we add 1.9 percent inflation after
8 the thirty-five (35) year time period, so for the rest
9 of the project's life, do you agree that we get the
10 present value, and this is under the old numbers, for
11 the Preferred Plan, and this is at the bottom of page
12 38, the centre column, 766.42 million?

13 Is the math right, sub --

14 MR. ED WOJCZYNSKI: Subject to check,
15 yes.

16 MR. ANTOINE HACAULT: Okay. And if we
17 apply the inflation to the All Gas Plan, which is Plan
18 1, where presumably, you're not adding new hydro,
19 correct?

20 MR. ED WOJCZYNSKI: Correct.

21 MR. ANTOINE HACAULT: The effect of
22 increasing the water rentals for the existing
23 hydraulic energy brings us to a total of \$589.83
24 million present value calculated at 5.05 percent,
25 correct?

1 MR. ED WOJCZYNSKI: Subject to check,
2 yeah.

3 MR. ANTOINE HACAULT: So I would
4 suggest to you that the change in methodology from
5 Wuskwatim to this hearing by removing the effect of
6 inflation for the balance of the term after thirty-
7 five (35) years is in the \$177 million range, net
8 present value at 5.05 percent?

9

10 (BRIEF PAUSE)

11

12 MR. ANTOINE HACAULT: Sorry, the
13 hundred and seventy-seven (177), just to be clear,
14 would be taking the seven six six point four-two
15 (766.42) number in the middle column at the bottom and
16 subtracting from that the five point eight-nine-eight-
17 three (5.8983) number.

18 MR. ED WOJCZYNSKI: Yeah. No, I -- I
19 understood that. I'm -- what I'm struggling with a
20 little bit is -- and perhaps you can help me interpret
21 the chart prepared by InterGroup. If we go to -- if
22 we can -- can we go back to the -- to the beginning of
23 -- or page 37? So are you -- is this chart -- I -- I
24 guess I'm not supposed to ask MIPUG questions.

25

1 (BRIEF PAUSE)

2

3 MR. ED WOJCZYNSKI: So I'm -- if I go
4 back and try and understand what's in here, I think --
5 okay, I -- I -- subject to check, my understanding
6 what you've done here is that you have taken what we
7 had done in the economic evaluation for Plan 14 and
8 Plan 1, and then said, If we had applied 1.9 percent
9 inflation for -- in Plan 14 and Plan 1, then the
10 increased water rental cost would have been the
11 numbers that are in the second column of each set that
12 starts as zero, and then the first number is three
13 point nine-five (3.95), and it goes on.

14 And then I think what you're saying is
15 that the water rental is a hundred and -- if you go to
16 Plan 14, in 2014, it's 102.98 million, but if we'd
17 applied inflation of one point nine (1.9), there would
18 have been an additional 3.95 million because of two
19 (2) years inflation, and so that's the incremental due
20 to in -- the extra inflation.

21 And then you've carried that through
22 all the way down to the very end. So now -- now I
23 have -- now that I've had more chance to look at this,
24 I -- I -- that's my understanding, and yes, we would
25 get -- subject to check on the calculations, that

1 would be the difference you'd get if you applied
2 inflation all the way through.

3 DR. MARVIN SHAFFER: Could I make one
4 (1) comment here, too? When you refer to the word
5 'economics,' you're clearing referring to the -- the -
6 - the economics from the point of view of Manitoba
7 Hydro in isolation of the Government.

8 In the -- in the benefit cost analysis,
9 whatever additional royalties government may want to
10 collect by increasing the rate at the rate of
11 inflation, or whatever it -- it decides to do.
12 Whether it increases or de -- decreases, it would
13 correspondingly affect the net benefit on the
14 government account. So there would be no change to
15 the overall net benefit -- the monetised net benefit
16 that we talked about yesterday.

17 Because this is -- clearly would be a
18 transfer to government. In other words, there would
19 be an additional cost borne by Manitoba Hydro, and
20 that would be offset by an additional benefit
21 occurring to government and to taxpayers. So the net
22 effect would be zero, at least from the broader
23 provincial perspective.

24 MR. ED WOJCZYNSKI: Subject to check
25 on the calculations, I -- I think those numbers are

1 reasonable, and I fully agree with Dr. Shaffer's
2 comment.

3 MR. ANTOINE HACAULT: So --

4 MR. ED WOJCZYNSKI: If he hadn't said
5 it, I would have.

6 MR. ANTOINE HACAULT: The numbers in
7 the economic evaluation, if they were -- I'll -- I'll
8 leave it and InterGroup can deal with it. I just
9 wanted to see the difference in methodology as to what
10 it gave us as far as a result.

11 THE CHAIRPERSON: Dr. Shaffer, are you
12 in a -- a position to comment on the -- the multiplier
13 effect from a dollar spent by the taxpayer versus a
14 dollar spent by the government -- Manitoba Government?

15 DR. MARVIN SHAFFER: If I was looking
16 at multiplier effects, and you're talking about the --
17 the direct/indirect analysis referred to yesterday, it
18 would depend on -- on what government was spending
19 that dollar on versus what a -- a sort of a typical
20 incremental spending of a dollar by a customer would
21 be.

22 Subject to more detailed information, I
23 -- I think it would be broadly similar.

24 It could be -- just -- just on
25 reflection, it's not related to the analysis I did,

1 but it could be that a government expenditure would
2 more targeted within the economy, whereas a -- a
3 dollar that -- that a household might spend would
4 include a broader basket of -- of imported goods.

5 But -- but I -- I'd have to study that
6 household expenditure basket, if you like.

7

8 CONTINUED BY MR. ANTOINE HACAULT:

9 MR. ANTOINE HACAULT: You gave an
10 example of a household expenditure basket. We were
11 branding around figures of \$3.75 billion, 20 percent
12 of which might be paid by the ten (10) companies that
13 I represent that are industries.

14 Have you considered the impact of
15 taking away a dollar from all those industries as
16 compared to government spending?

17 DR. MARVIN SHAFFER: I haven't
18 considered that, but I think it's important to say two
19 (2) things. One (1) is we're looking at what -- what
20 I called yesterday a distributional issue. So, in the
21 first twenty (20) years of the Preferred Development
22 Plan, you have higher revenue requirements, and in the
23 longer term, you have lower revenue requirements.

24 So, in some respects, you're shifting.
25 It -- it is a distribu -- distributional issue between

1 periods. And as for the industries that are affected
2 by differing electricity costs, in the shorter term
3 where they -- they pay more, in the longer term where
4 they pay less, where -- what -- how they would respond
5 would depend very much on the economics of -- of their
6 circumstances.

7 Severe case, it could -- could curtail
8 operations. In a less severe case it could simply
9 mean higher profits, which would be distributed to
10 shareholders with impacts wherever those shareholders
11 happen to -- to live.

12 MR. ANTOINE HACAULT: Thank you, Dr.
13 Shaffer. Next I'd like to turn to page 13 of our book
14 of documents. This is in response to CAC Round 1,
15 questions to Manitoba Hydro. Question 114, which is
16 to provide the quantum of water rental fees paid to
17 the province by Manitoba Hydro.

18 I guess, firstly, we see a -- a fairly
19 sharp rise between 2001 and 2002 fiscal year ends,
20 correct?

21 MR. ED WOJCZYNSKI: Correct --
22 correct.

23 MR. ANTOINE HACAULT: And that
24 corresponds with the more than doubling of rates by
25 the Province of Manitoba that we just looked at,

1 correct?

2 MR. ED WOJCZYNSKI: Yes.

3 MR. ANTOINE HACAULT: And then the
4 next point of interest was 2003/2004; that was what we
5 referred to as a drought year, correct?

6 MR. ED WOJCZYNSKI: Correct.

7 MR. ANTOINE HACAULT: And even in a
8 drought year the province collected from Manitoba
9 Hydro over \$64 million?

10 MR. ED WOJCZYNSKI: Correct.

11 MR. ANTOINE HACAULT: So although the
12 province does take a bit of a hit, it continues to be
13 in the green whereas that particular year Manitoba
14 Hydro was in the red, correct?

15 MR. ED WOJCZYNSKI: Yes, the -- the
16 water rentals are almost proportional to the amount of
17 generation. There's a more fixed component, but it's
18 dominated by the variable components. They vary
19 proportionately. It doesn't matter if we're losing or
20 making money on the net income statement. It's just
21 related to the generation.

22 MR. ANTOINE HACAULT: The next area
23 that I just want to get a bit of clarification on is
24 the benefits to the government, or costs to the
25 government with respect to some of these payments.

1 And if I go to Volume VI still, and I believe it's
2 page 18, this was part of the Chapter 13 and at the
3 bottom of page 13 there's a statement on line 12:

4 "Given that the provincial debt
5 guarantee is provided, in exchange
6 for this guarantee the multiple
7 account analysis has not included the
8 debt guarantee fees as part of the
9 net benefits..."

10 And I'm continuing on to the top of the
11 next page:

12 "...to the Manitoba government.
13 sentence] It is assumed that the fee
14 does not provide a net benefit."

15 So firstly, am I correct in
16 understanding that although this is an assumption,
17 there was never any study done on the risk to
18 government exposed by its guarantee?

19 DR. MARVIN SHAFFER: There's no
20 specific study done but I did have consultations with
21 -- with Manitoba Hydro financial experts and it was in
22 keeping with a conservative assumption that -- that we
23 wanted to take.

24 MR. ANTOINE HACAULT: You -- Dr.
25 Shaffer, did you have any discussions with the

1 government finance people on this issue?

2 DR. MARVIN SHAFFER: No, I did not.

3 MR. ANTOINE HACAULT: Okay. And am I
4 correct in understanding that it's Hydro's view that
5 it will always continue to be self-supporting and
6 that, accordingly, there is no risk to the government
7 of Manitoba that it might be called on its guarantee?

8 That's the position of Manitoba Hydro,
9 correct?

10 MR. IAN PAGE: There was testimony
11 last week that -- that the -- the fee represents a
12 fair exchange for the value that Manitoba Hydro
13 receives. And, so that -- it -- it's not just a risk
14 of default, you know, that -- as -- I think that was
15 stated numerous times last week; that's very, very
16 small -- remote possibility.

17 The majority of the value that Manitoba
18 receives on this is in terms of liquidity, access to -
19 - to the market, and access to the lower -- lower
20 interest rates, and the ability to issue debt at -- at
21 very long term that we've -- for -- such as the fifty
22 (50) years that was mentioned last week that we
23 otherwise wouldn't be able to do.

24 How that equates to the cost that the
25 government incurs, that's not for Manitoba Hydro to --

1 you know, we -- we have no knowledge as to that. But
2 we can certainly attest to the value that it provides,
3 and we did attest to that last week.

4 MR. ANTOINE HACAULT: Sir, are you
5 aware that in other jurisdictions there actually have
6 been studies done to determine what value, if any,
7 government charges with respect to loans for the
8 utility are worth?

9 MR. IAN PAGE: I am sure there have
10 been. I'm not particularly close to those right now.
11 I do know that Manitoba Hydro has periodically
12 reviewed this, and -- and determined what its credit
13 rating would be and what its access to capital would
14 be, and determined that the value is -- is fairly
15 represented by the 1 percent fee.

16 MR. ANTOINE HACAULT: Now, am I
17 correct in understanding that -- fairness is -- is an
18 easy word to use but I'll get past that, there's no
19 factual analysis that has been done and study that has
20 been done that you can present to this Board today
21 with respect to the value, correct?

22 MR. IAN PAGE: Not on this panel. The
23 previous panel might have had the expertise, and
24 perhaps on April 4th you can ask them again.

25 MR. ANTOINE HACAULT: Yeah. But, no,

1 my question is whether a study has been done with resp
2 -- on a factual basis.

3 MR. IAN PAGE: The -- the finance
4 panel would be the ones who are aware of any studies
5 or not.

6 MR. ANTOINE HACAULT: You're not aware
7 of any?

8 MR. IAN PAGE: I'm personally not
9 aware of any.

10 DR. MARVIN SHAFFER: If -- if I could
11 just add, as well, just on -- on the point that you
12 raised. The debt guarantee fee is different from the
13 -- the capital tax and the water rental in the sense
14 that it's not a simple transfer of funds. It's a
15 transfer of funds in exchange for the debt guarantee
16 fee.

17 And, you know, I can agree with you.
18 There might be some uncertainty as to the exact cost
19 to government that would keep them whole, taxpayers
20 for example, whole by providing that guarantee. But
21 there is a cost, and -- and otherwise they'd be giving
22 guarantees much more broadly and benefit -- benefiting
23 other parties if there was no cost to it.

24 And -- and that's what we were trying
25 to reflect in this analysis. You can't just consider

1 this an incremental benefit, that debt guarantee fee.

2 MR. ED WOJCZYNSKI: And I might add
3 that outside of the Chapter 13 multiple accounts
4 analysis when Manitoba Hydro in it's -- in the
5 analysis I presented, we were very careful in all
6 those charts to show the capital tax and water rental
7 in -- as one (1) set of numbers, and the debt
8 guarantee fee as an additional set of numbers so that
9 if the -- the person using these, whether it's this
10 Board or somebody else, would have the information
11 available, recognizing there is some difference
12 between the transfers to the province for the
13 guarantee fee and -- and for the -- the two (2) taxes.

14 Whether they should be fully considered
15 a benefit, partially considered a benefit, or not
16 considered a benefit, recognize that there's a bit of
17 muddy water there, and -- and, so we -- we provided
18 them separate so there's transparencies to what we're
19 doing.

20 MR. ANTOINE HACAULT: Am I correct in
21 understanding that the -- when Manitoba Hydro needs
22 money on the market it's actually the province of
23 Manitoba that's issuing the debt? It -- it signs the
24 paper. There's not very much of it that is Manitoba
25 Hydro bonds.

1 MR. IAN PAGE: That's correct.

2 MR. ANTOINE HACAULT: So although
3 we've been talking about a guarantee, the majority of
4 the debt is actually issued in the name of the
5 province of Manitoba, correct?

6 MR. IAN PAGE: It's issued in the name
7 of -- of Manitoba, but then there's a mirror
8 obligation set up on -- on behalf of Manitoba Hydro,
9 and that mirror obligation is -- that Manitoba Hydro
10 is getting those funds in exchange for that
11 obligation, and -- and that's -- that is what the fee
12 is -- is for, for guaranteeing that obligation.

13 MR. ANTOINE HACAULT: Thank you for
14 that clarification. So it's not in -- what I would
15 understand, when my child comes to me and says, I want
16 to put a mortgage on my house, that child puts a
17 mortgage on his or her house. And then the bank wants
18 a guarantee from me with respect to the child's
19 obligation. It's different here.

20 The government itself borrows the
21 money. It's not guaranteeing the obligation. It has
22 the obligation, and then transfers the money to
23 Manitoba Hydro and charges an additional 1 percent,
24 correct?

25 MR. IAN PAGE: To use your analogy,

1 this would be you going out and -- and getting a
2 mortgage on your child's house, and then setting up a
3 separate arrangement between you and your child for
4 the repayment of that mortgage.

5 And depending on how certain you were
6 that you would get repaid or as to what additional
7 costs you incurred by having to go out to get that
8 additional funds that you wouldn't have otherwise
9 needed for yourself, you might want to -- that -- that
10 would be the source of that fee.

11 MR. ANTOINE HACAULT: It's not a bad
12 analogy. Hydro's the child. So I would borrow money
13 at 4 percent, as the government. And then my child,
14 Hydro, has to pay an additional 1 percent to be able
15 to use the money that I borrowed. That's the analogy
16 that you're making, sir?

17 MR. IAN PAGE: The analogy is -- is
18 that, if we were to do that, then, yes. And we would
19 see that as being more economic than going out on our
20 own to purchase -- or to -- to acquire the funds.

21 MR. ANTOINE HACAULT: The last item,
22 it's a very -- are two (2) small items. With respect
23 to, at page 19 of Volume VI, so continuing on in that
24 page, there is capital tax. And I apologize, I'm sure
25 somebody has told me already.

1 Are the capital taxes with respect to
2 the increased net debt capitalized, sorry for the two
3 (2) words, 'capitalized,' but capitalized until the
4 generation stations are in service or are they
5 expensed?

6 MR. IAN PAGE: We'd have to undertake
7 to find that out for you. There's nobody on this
8 panel who could tell you that.

9 MR. ANTOINE HACAULT: Okay. I wasn't
10 too sure because of -- on this table it talked about
11 the capital tax, but I wasn't too sure whether or not
12 they were paid.

13 So the undertaking will be to advise
14 whether capital tax is capitalized until the
15 generating stations are in service or whether they are
16 expensed in each and every incurred.

17 MR. IAN PAGE: I -- I don't believe it
18 is, but I -- I don't want to -- I want to confirm it
19 before I state that categorically.

20 MR. ANTOINE HACAULT: Okay. No, but
21 that's the undertaking?

22 MR. IAN PAGE: Yes.

23

24 --- UNDERTAKING NO. 71: Manitoba Hydro to advise
25 whether capital tax is

1 capitalized until the
2 generating stations are in
3 service or whether they are
4 expensed in each and every
5 incurred.

6

7 CONTINUED BY MR. ANTOINE HACAULT:

8 MR. ANTOINE HACAULT: The next page,
9 and this is the last point that I want some
10 clarification on, please, is page 20. So it's the
11 next page, again, taken from Chapter 13. It may be
12 that somebody can quickly answer this question.

13 In the economics evaluation when the
14 common costs were taken out, we got a different graph.
15 Prior to the common costs being taken out, the graph
16 looked very similar to this one.

17 Do we know whether figure 13.11 is
18 based on the common costs being included in the
19 calculation?

20 MR. ED WOJCZYNSKI: Yes, this -- this
21 is still based on the previous methodology. There
22 hasn't -- there hasn't been time to go back and update
23 all of Chapter 13 with all of the new methodology.

24 MR. ANTOINE HACAULT: Could you -- and
25 maybe the table's identical. Is it identical to the

1 other table we had?

2 MR. ED WOJCZYNSKI: Yes.

3 MR. ANTOINE HACAULT: Okay. So that
4 was Exhibit 104, I forget, dash something, where we
5 updated this, I think?

6 DR. MARVIN SHAFFER: That graph and
7 the analysis in Chapter 13 is -- is prior to those
8 changes as well as prior to the capital cost changes.

9 MR. ANTOINE HACAULT: Thank you. I
10 think we'll -- and these -- it was Exhibit 104-2 where
11 these graphs were redone. So if I refer to Exhibit --
12 Exhibit 104-2, the graph that should replace Figure
13 13.11 in Chapter 13 is the graph shown on page 3 of
14 Exhibit 104-2.

15 Is that correct?

16 MR. ED WOJCZYNSKI: That is correct.
17 And also, I'll just confirm with Ms. Flynn that when
18 we provide Plan 6 tomorrow morning they will also have
19 the updated S-curve with Plan 6 as well.

20

21 (BRIEF PAUSE)

22

23 MR. ANTOINE HACAULT: The one (1)
24 thing I don't think this graph does yet is we had
25 seen, as part of Manitoba Hydro's presentation, the

1 new construction sensitivities. For example, for
2 Conawapa it went up to \$12.48 billion.

3 Does this graph include that? My
4 understanding is -- is that it doesn't include that
5 new sensitivity to construction costs.

6

7 (BRIEF PAUSE)

8

9 MR. ED WOJCZYNSKI: Actually, this
10 Exhibit 104-2 does have the new high capital cost, the
11 new low capital cost, and the new probabilities that
12 Ms. Flynn presented. So it actually does have that.
13 And tomorrow morning's will as well.

14 MR. ANTOINE HACAULT: Thank you very
15 much. Thank you. I'd like to thank the panel again
16 for answering my questions. And subject to the
17 further questions that we'll have, and I'm trying to
18 choose my words carefully, with respect to the
19 evolving numbers and plans, I thank the panel for
20 having answered these questions.

21 THE CHAIRPERSON: Merci, Me. Hacault.
22 Mr. Hombach...?

23 MR. SVEN HOMBACH: Thank you, Mr.
24 Chairman. I'm advised that Intervenor counsel have
25 agreed that the MMF would be examining next. So I

1 suggest we turn it over to Ms. Saunders.

2 THE CHAIRPERSON: Ms. Saunders,
3 please.

4 MS. JESSICA SAUNDERS: Okay. Would it
5 be possible to ask for a brief washroom break at this
6 point, or would you prefer that I go on right now? I
7 do apologize. It's more selfish. I -- I didn't...

8 THE CHAIRPERSON: No, I think we're
9 ready to keep going, please.

10 MS. JESSICA SAUNDERS: Okay. All
11 right, I'll wait. Thanks. So by way of
12 administrative matters --

13 THE CHAIRPERSON: Just -- I missed
14 that, did you -- would you like a break?

15 MS. JESSICA SAUNDERS: Yes.

16 THE CHAIRPERSON: Would you prefer a
17 break? Okay. Let's take a break.

18 MS. JESSICA SAUNDERS: I could wait
19 though if you wanted me --

20 THE CHAIRPERSON: Let's take a ten
21 (10) minute break.

22 MS. JESSICA SAUNDERS: Okay. Thank
23 you.

24

25 --- Upon recessing at 1:52 p.m.

1 --- Upon resuming at 2:00 p.m.

2

3 THE CHAIRPERSON: Ms. Saunders,
4 please. I think we're ready to resume. I think
5 everybody is in position or soon to be in position.
6 Hang on, please.

7 MS. PATTI RAMAGE: Before I give up
8 the chair, I think Mr. Page wanted to address an
9 undertaking. So while we make the switch Mr. Page can
10 do that.

11 MR. IAN PAGE: Thank you, Mr. Chair.
12 Just before the break Manitoba Hydro was asked to
13 confirm whether we, in fact, capitalized the capital
14 tax. And I -- and I can just -- I can confirm that --
15 now that we -- we -- Manitoba Hydro does not
16 capitalize its capital tax.

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: Ms. Saunders,
21 please.

22 MS. JESSICA SAUNDERS: Thank you. So
23 the -- the MMF book of documents, Volume 2, will be
24 referred to in this examination, and I do believe that
25 that would be MMF Exhibit 28-2. Thank you.

1 --- EXHIBIT NO. MMF-28-2: MMF book of documents.

2

3 CROSS-EXAMINATION BY MS. JESSICA SAUNDERS:

4 MS. JESSICA SAUNDERS: So the first
5 part of my questions are for Dr. Shaffer. In the
6 filing and in your presentation, Dr. Shaffer, the net
7 benefit for the Manitoba Government arises only for
8 capital taxes and water rentals, correct?

9 DR. MARVIN SHAFFER: That -- that is
10 based on the assumptions that I made, yes.

11 MS. JESSICA SAUNDERS: And those
12 assumptions, further in your presentation, you
13 mentioned as part of the government account, that coal
14 taxes, carbon taxes, debt guarantee fees, and taxes
15 from wages paid by those employed with the projects,
16 as well as any associated sales taxes resulting from
17 employment in the project were not considered in the
18 government account, correct?

19 DR. MARVIN SHAFFER: That's correct.
20 What I -- what I tried to identify -- and, again, it's
21 -- it's very important to think about net benefit in a
22 benefit cost analysis is, What are the incremental
23 revenues to government, revenues they wouldn't
24 otherwise receive, in excess of any incremental costs
25 that are not offset by incremental costs.

1 And throughout the analysis, I tried to
2 be conservative in -- in my estimation of that. We
3 had a discussion just now about the debt guarantee fee
4 in the sense that I didn't consider it to be a net
5 benefit because there is an offsetting obligation that
6 they're providing -- a service that they're providing.
7 It has some cost.

8 And we can go through the other -- the
9 -- the other taxes as well, if you like, as to why I
10 do or didn't include them.

11 MS. JESSICA SAUNDERS: Okay.
12 Sometimes in considering the incremental revenue to
13 government and then netting that against the costs,
14 are there costs that sometimes don't necessarily
15 measure up with a benefit?

16 So, say, other government costs that
17 would factor into that analysis?

18 DR. MARVIN SHAFFER: Could you give me
19 an example or -- what you're --

20 MS. JESSICA SAUNDERS: Okay, well --
21 well, let's -- let's try this. So I'm just getting an
22 idea -- I'm hoping to get an idea of whether or not
23 certain costs could form part of this analysis.

24 So, firstly, I'll refer to Tab 1 on
25 page 3 of the MMF's book of documents, and if you

1 scroll to the bottom, you'll see that Aboriginal
2 consultation pursuant to section 35 of the
3 Constitution Act is out of scope for the terms of
4 reference.

5 And in my cross-examination of CEO
6 Thompson, he confirmed that it was his understanding
7 that Aboriginal consultation under section 35 is a
8 separate Crown/Aboriginal process and has not been
9 included in the NFAT.

10 So would you agree these costs are what
11 the government of Manitoba would have to pay in
12 association with consultation activities with the
13 projects involved, and that these costs are not being
14 considered in the NFAT?

15 Do you confirm that that's your
16 understanding as well?

17 DR. MARVIN SHAFFER: If you'd just
18 give me a moment.

19 MS. JESSICA SAUNDERS: Okay.

20

21 (BRIEF PAUSE)

22

23 DR. MARVIN SHAFFER: As -- as you can
24 gather, I'm not the expert on Section 35, costs and
25 how they might differ across the -- the plans, but

1 there might be someone here who can help.

2 MS. SHAWNA PACHAL: Sure, I can speak
3 to that quickly. Section 35 consultations are
4 undertaken by the province and the federal government
5 and they fund their processes themselves.

6 Hydro assists them where -- when they
7 request from us technical information to assist them
8 in their consultation, so the costs associated with
9 our internal staff, but it's very, very minor.

10 Participating to provide them with some
11 technical information, or do a presentation, we would
12 do that, but the Section 35 consultation process is
13 funded from -- directly from the province and the feds
14 in their own processes.

15 MS. JESSICA SAUNDERS: Okay. So then
16 you confirm, then, that the costs are funded by the
17 government for consultation.

18 So you also mentioned Hydro's costs,
19 because Hydro also has costs for engagement of
20 Aboriginal communities and hydro projects in
21 accordance with Hydro's development principles, and
22 the proactive approach to project planning and
23 development, and, for instance, some of those costs
24 are included in Manitoba Hydro Exhibit 91 at Tab 3 on
25 page 17 of MMF's book of documents.

1 (BRIEF PAUSE)

2

3 MS. JESSICA SAUNDERS: Just go down to
4 the chart. And so based on what we've heard, Dr.
5 Shaffer, do you confirm that these are costs that
6 Manitoba Hydro pays for engagement of Aboriginal
7 communities and hydro projects?

8 MS. SHAWNA PACHAL: Yes, they are.

9 MS. JESSICA SAUNDERS: Okay. And at
10 Tab 1, page 4, of MMF's book of documents, lines 4 to
11 5, this is from page 62 of Chapter 13 of the NFAT, it
12 is indicated that:

13 "There could be some broad community
14 support for the engagement with
15 Aboriginal communities in the plans
16 with northern hydro development."

17 Do you see that?

18 DR. MARVIN SHAFFER: Yes.

19 MS. JESSICA SAUNDERS: And then at
20 lines 7 to 9:

21 "The significance from a broad
22 Manitoba perspective of the
23 willingness to pay for the
24 consequences or attributes that go
25 beyond what is already reflected in

1 Manitoba Hydro's aboriginal
2 partnership arrangements
3 discussed]."

4 Do you see that?

5 DR. MARVIN SHAFFER: Line?

6 MS. JESSICA SAUNDERS: Sorry, lines 7
7 to 9, discussing the significant from a broad
8 Manitoba perspective, and there it's discussed:

9 "The willingness to pay for the
10 consequences or attributes that go
11 beyond what is already reflected in
12 Manitoba Hydro's Aboriginal
13 partnership arrangements
14 discussed there]."

15 Do you see that?

16 DR. MARVIN SHAFFER: Yes.

17 MS. JESSICA SAUNDERS: So when
18 considering the significance of social benefits or
19 costs from a Manitoba perspective for the Manitoba
20 government account, the goal is to consider the costs
21 not already included in the capital costs or
22 expenditures, correct?

23 DR. MARVIN SHAFFER: Correct.

24 MS. JESSICA SAUNDERS: And I'm
25 referring back to the participating costs at Tab 3 on

1 page 18.

2

3 (BRIEF PAUSE)

4

5 DR. MARVIN SHAFFER: I'm having
6 trouble keeping up with --

7 MS. JESSICA SAUNDERS: I do apologize,
8 and I will slow, but I referred to this originally.

9 So these, again, are the engagement costs that Hydro
10 pays with Aboriginal communities that go beyond what
11 is already reflected in Manitoba Hydro's partnership
12 agreements, and -- and I understand that other members
13 of the panel may want to confirm that, or not.

14 DR. MARVIN SHAFFER: I -- I guess I'm
15 having difficulty understanding the questions. As I
16 understand this chart, they're costs to December 2013.

17 MS. JESSICA SAUNDERS: M-hm. So --

18 DR. MARVIN SHAFFER: So they would be
19 common to all of the plans, and so there would be no
20 difference among the plans with respect to these costs
21 in any -- wherever you put those in, and they
22 presumably would go in the market evaluation account
23 if they're Manitoba Hydro expenditures.

24 So what -- what I was, you know, trying
25 to do in the assessment is to compare alternative

1 plans, and -- and so what we would be looking at is,
2 going forward, the -- the difference in -- in
3 expenditures. In this case, what you're showing me,
4 and -- and what we've heard would be what -- that
5 Manitoba Hydro is spending. And if you're talking
6 about government consultation costs, that would go
7 into the government account if they differed among the
8 plans, and if the were significant.

9 MS. JESSICA SAUNDERS: Okay, great.
10 And that was just my point, that the government costs
11 separate from -- from these costs that factor into the
12 expenditures, as you've confirmed, those government
13 costs for consultation, those would then be suitable
14 for analysis, you would say?

15 DR. MARVIN SHAFFER: I would say if --
16 if they are significant, and if they differ among the
17 plans in a significant way, I think what you're
18 suggesting is -- is white -- right. You'd want to net
19 that out of the government account.

20 When -- when I was doing this work and
21 I asked, Are there any significant costs going
22 forward, the -- the answers I was getting was, For the
23 most part, the costs have been incurred, and we were
24 thinking of the major costs in training and the like
25 that the -- the government's entered into. And, of

1 course, when we talk about the government account as
2 well, we're talk -- I -- I was talking about the --
3 the Manitoba Government, not the Federal Government.

4 MS. JESSICA SAUNDERS: Of course, and
5 so in those indications, did you explore at all with
6 Manitoba Hydro whether or not those costs to
7 government would be significant?

8 DR. MARVIN SHAFFER: I certainly asked
9 whether there was anticipated to be significant
10 expenditures, and -- and in particular, that would
11 differ among the plans, not ongoing activities of
12 departments. It would take place, more or less, the
13 same level of -- of resourcing as -- as otherwise.

14 MS. JESSICA SAUNDERS: Okay. So then
15 to confirm, then, the -- I'll ask Ms. Villegas to go
16 to page 16 of Chapter 13, and my apologies, it's not
17 included in the MMF book of documents. Oh, but there
18 it is.

19 When you look to the government
20 account, and then the "Indicators" column, so then,
21 what has been indicated for the present value of
22 incremental revenues to government, net of incremental
23 costs, the significance of those other costs wouldn't
24 have formed part of this analysis?

25 DR. MARVIN SHAFFER: It formed part of

1 the analysis, but the -- the judgment was that there
2 weren't incremental costs of -- of -- that would
3 different among the plans in a significant way.

4 MS. JESSICA SAUNDERS: Okay.

5 DR. MARVIN SHAFFER: And that was the
6 -- the basis. The numbers are based on that --

7 MS. JESSICA SAUNDERS: Okay.

8 DR. MARVIN SHAFFER: -- judgment.

9 MS. JESSICA SAUNDERS: And those
10 judgments --

11 DR. MARVIN SHAFFER: Certainly --
12 certainly the questions were asked, yeah.

13 MS. JESSICA SAUNDERS: For sure. And
14 so, based on those questions and this process of the
15 judgments and what was included and not included, is
16 there a list or any other additional information that
17 could be provided regarding that process?

18 DR. MARVIN SHAFFER: I don't think
19 there's a -- a list, per se. There is discussion in
20 the report about what I relied on and what assumptions
21 I made, and if there's areas like this where you
22 require further clarification, we -- and, you know,
23 we'll do that here, and -- and we try to do it in the
24 interrogatory response when people have questions
25 about that.

1 I -- I should say though, with respect
2 to the -- the net benefit to taxpayers, I think the
3 assumptions we've made, by and large, are -- are
4 purposely conservative. And -- and you -- you
5 mentioned them and the Chair mentioned it. We didn't
6 include, for example, sales taxes. It's a complicated
7 area, sales taxes, whether they're incremental or not,
8 but we didn't include them.

9 We didn't include any of the
10 incremental taxes that might be paid by in-migrants,
11 so. And -- and again, because it's complicated to
12 know, we had to make some judgments in -- and in the
13 analysis here, as opposed to the analysis that -- you
14 know, some people like to do analysis where they get a
15 -- a really tight number, even though it's wrong, and
16 -- and I was trying to do an -- an analysis that
17 provides some judgment as to the relative advantage or
18 disadvantage, and -- and, in some sense, using the
19 numbers for relative significance.

20 MS. JESSICA SAUNDERS: Okay. So
21 moving on to -- still with you, Dr. Shaffer, but
22 another area. So from the filing in your
23 presentation, I understand that the focus of
24 considering the environmental account in the analysis
25 is not to focus on the impacts themselves, but on the

1 external net benefits or cost to Manitobans, correct?

2 DR. MARVIN SHAFFER: That's correct.

3 MS. JESSICA SAUNDERS: Okay. And in
4 identifying the net benefits and costs to Manitobans
5 for the environmental account, you relied on Manitoba
6 Hydro and the Cree Nation partners' assumptions based
7 on information provided in Chapter 2, specifically,
8 the environmental assessment of the Keeyask Generation
9 Project, correct?

10 DR. MARVIN SHAFFER: Certainly that
11 was a major input, and -- and this analysis, of
12 course, is very much at an overview level, not at the
13 detail of -- of the environmental assessments that
14 were done.

15 MS. JESSICA SAUNDERS: Okay. And you
16 indicated a major input, so in identifying the net
17 benefits and costs here, what other information, if
18 any, in addition to the environmental assessment of
19 the Keeyask Project did you consult?

20 DR. MARVIN SHAFFER: There were --
21 well, first of all, in the emissions, we -- we had
22 estimates from -- from the simulations that Manitoba
23 Hydro ran as to GHG emissions and CEC criteria or
24 contaminant, in particular, NOx and -- and particulate
25 emissions, so we had that data.

1 There were also project summaries
2 available for Conawapa, and at a -- at a fairly high
3 level of detail, some -- some environmental attribute
4 data for gas plants, some -- some discussions we had
5 around transmission lines.

6 MS. JESSICA SAUNDERS: Okay. And
7 regarding the projects as part of the plan and
8 alternatives that have not yet been subject to
9 detailed environmental assessment, arrangements with
10 directly affected communities, can you explain to what
11 extent, if any, the residual impacts from those
12 projects have been considered in the environmental and
13 social accounts?

14 DR. MARVIN SHAFFER: They've been
15 considered to -- to this extent -- and -- and are --
16 are you referring to projects other than Keeyask now?

17 MS. JESSICA SAUNDERS: Yes.

18 DR. MARVIN SHAFFER: So they've been
19 considered -- if we're talking about Conawapa --

20 MS. JESSICA SAUNDERS: Conawapa.

21 DR. MARVIN SHAFFER: -- is a -- is a
22 major project, based on the available project
23 information and summaries of the nature of the -- the
24 consequences, the measures that Manitoba Hydro plan
25 to, much like in Keeyask, to -- to minimize adverse

1 effects. There are plans to -- to provide
2 compensation, both specific to adversely affected
3 individuals as well as broader plans.

4 And -- and the judgment that -- as --
5 as was made with Keeyask, that the residual impacts
6 would be fairly of limited duration and minimized to
7 the extent possible during, and particularly the
8 construction phase, when they will be more
9 significant.

10 MS. JESSICA SAUNDERS: Okay. Can the
11 same be said for the 500 kV line?

12 DR. MARVIN SHAFFER: The 500 kV line,
13 the interconnection line?

14 MS. JESSICA SAUNDERS: Yes.

15 DR. MARVIN SHAFFER: We had some
16 discussions. I had discussions with the transmission
17 people. It's more difficult because the -- the nature
18 of the impacts would vary depending on the routing,
19 and in particular, the extent to which you were
20 crossing farmland and forest, or -- or parkland, non-
21 agricultural land, if I could leave it at that, and
22 I'd say that's at a much more general level.

23 But again, as -- as I said in the
24 report, the consideration was that the design of that
25 and the routing of that would be made to minimize

1 adverse effects, and that is a -- leave it as a non-
2 monetized uncertain consequence that would be
3 confirmed in -- in more detailed Environmental
4 Assessment processes.

5 MS. JESSICA SAUNDERS: Okay. Before I
6 move on, just to confirm, so for Conawapa and the 500
7 kV line, you relied upon Hydro's analysis for those
8 projects?

9 DR. MARVIN SHAFFER: Well, the
10 information Hydro provided, which would be their
11 analysis, and I presume the consultation of -- of --
12 and in particular, the case of Conawapa, consulting
13 reports.

14 MS. JESSICA SAUNDERS: Thank you. And
15 so I understand from Chapter 13 in your presentation
16 that the assessment in the multiple account cost
17 benefit analysis does not have to be entirely in
18 dollar terms, and the consequences all aggregate to a
19 bottom line.

20 And as -- I do apologize, I'm -- I'm
21 new to this, but the purpose is to identify adv --
22 advantages or disadvantages of the alternatives and
23 the key trade offs for the different parties and
24 interests that are affected, information that
25 judgments could be made about the preferred

1 alternatives.

2 Is that correct?

3 DR. MARVIN SHAFFER: You know, I might
4 express it a little bit differently --

5 MS. JESSICA SAUNDERS: Then please do.

6 DR. MARVIN SHAFFER: -- but I think by
7 and large, it's correct. I, you know, I think it's --
8 it's trying to recognize as opposed -- put it this
9 way, if I tried to do a -- a traditional benefit cost
10 analysis where we're trying to monetize the
11 willingness to pay for all positive consequences, and
12 the compensation demanded to offset all negative
13 consequences, you would rightfully -- or not you,
14 others, in -- including myself, would rightfully be
15 concerned that, first of all there's some uncertainty
16 about projects that are still to be designed and
17 routed.

18 Secondly, very difficult to estimate in
19 monetary terms some -- some -- in particular,
20 environmental attribute consequences. Now, I'm not
21 talking about specific resource use and -- and things
22 of that nature. And so, what you do is you -- you use
23 the traditional tools, if you like, to monetize what
24 you can, and certainly, Manitoba Hydro incremental
25 expenditures and revenues you can do that for,

1 government revenues you can do that for.

2 We might differ on some of the
3 assumptions. You can do that for the economic -- the
4 employment benefits and GHG -- 'G' consequences. When
5 you get into the -- the environmental and social
6 consequences, you can do two (2) things.

7 In -- in the case of Keeyask where you
8 have project partners who are willing participants in
9 the project, they've obviously made some judgment that
10 the residual effects have -- will be managed to a
11 point, where the benefits to them exceed. In other
12 words, there is a net gain to them, so that tells you
13 something about that.

14 To other consequences and to other
15 parties, there could be positive or negative. What
16 you're left with is a trade-off, so if -- if we're
17 talking about the trade-off of -- of non-monetised
18 environmental or social consequences to other
19 communities, some of which, of course, would be
20 positive, but some could well be negative.

21 The way in which you would use this
22 kind of analysis is to say: Is there reason to
23 believe that they're of a magnitude that in -- in the
24 latest analysis that -- that I put up yesterday with
25 the capital costs sensitivities and -- and without the

1 WPF's investment, are they of a magnitude of a billion
2 dollars?

3 Because that's what they'd have to be
4 worth. That's what you'd have to -- that's the
5 critical value. That's what they'd have to be
6 monetised at to cause you to want to abandon, if you
7 like, what appears to be a -- a -- a preferable
8 project on -- on the basis of what you've monetised.

9 MS. JESSICA SAUNDERS: Okay.

10 DR. MARVIN SHAFFER: So that's --
11 that's the nature of the -- the -- the rationale for
12 this kind of approach recognizing that there are some
13 consequences that are still high level in terms of
14 their definition and, in any event, very difficult to
15 monetize.

16 MS. JESSICA SAUNDERS: Okay. So,
17 you've discussed quite a bit on the monetised matters,
18 but going to the -- the main non-monetised issues you
19 said with respect to the environmental and social
20 impacts.

21 You indicate in your presentation that
22 those impacts do not indicate major residual effects,
23 and that those impacts would be considered in the
24 environmental reviews.

25 So I'm just wondering, do you have a

1 list as part of this process of what those non-
2 monetised issues may be?

3 DR. MARVIN SHAFFER: Some of the -- if
4 I could call them the higher level concerns or issues
5 particularly coming out of Keeyask and, to a lesser
6 extent, Conawapa, are discussed in the report, but at
7 -- at a very high level.

8 But I think it's also important to
9 recognize that this report isn't done in isolation.
10 You know, there -- there are volumes of material on --
11 on the environmental and social consequences of
12 Keeyask, and -- and that is where you're going to get
13 the -- the information that was used to make the
14 judgment that people feel the residual impacts will be
15 minimized, limited in duration, and manageable.

16 MS. JESSICA SAUNDERS: And we could go
17 to those other documents, as you say, but it's
18 important to note that this process -- the multiple
19 account cost benefit analysis, as you've said, departs
20 from that more traditional sense and tries to kind of
21 consider more of these non-monetised matters.

22 You've indicated that those matters are
23 going to be considered in the environmental reviews,
24 and I'm wondering: Is a multiple account cost benefit
25 analysis completed in the environmental review of a

1 per -- of a project?

2 DR. MARVIN SHAFFER: Is it completed --

3 MS. JESSICA SAUNDERS: Yeah.

4 DR. MARVIN SHAFFER: -- in -- in the
5 review?

6 MS. JESSICA SAUNDERS: Yeah. Is -- is
7 there -- is there another opportunity, other than what
8 we have here, for another multiple account cost
9 benefit analysis as it re -- relates to these -- these
10 issues here?

11 DR. MARVIN SHAFFER: Well, I -- I
12 think the two (2) process are in -- in some sense,
13 parallel -- often confused, but parallel -- in this
14 sense.

15 As you go through the Keeyask process,
16 for example, you know, you -- you would -- you would
17 have this kind of information and then you could put
18 those environmental -- more detailed environmental and
19 social findings in the context of what we know about
20 the -- the monetised net benefits.

21 And when those processes are complete,
22 you -- you -- you could have a more fulsome discussion
23 of -- of what they are within -- within this
24 framework.

25 MS. JESSICA SAUNDERS: Okay.

1 DR. MARVIN SHAFFER: But they seem to
2 be the most practical way to try to take a -- a -- a
3 broad view of all of the consequences, including the
4 environmental and social, because the point is to try
5 to capture consequences to everyone who's affected in
6 -- in -- at least at a high level.

7 And the major consequences were
8 summarized in Chapter 13, though not anywhere near the
9 level that you'd want for an environmental assessment
10 or social impact assessment.

11 MS. JESSICA SAUNDERS: Okay. So
12 moving back again to the social account, on page 57 of
13 the filing, that's Chapter 13 at line 12 -- oh, is
14 that page 57 of the filing -- of the Chapter 13?
15 Okay. I may have that wrong, just a second.

16

17 (BRIEF PAUSE)

18

19 MS. JESSICA SAUNDERS: I do apologize.
20 I'll take you to page -- oh, it says page 57 of
21 Chapter 13. This is the --

22 MR. SVEN HOMBACH: Ms. Saunders, if it
23 helps, there's two (2) versions of this chapter.
24 We're currently looking at the one that has black
25 lining on it.

1

2 CONTINUED BY MS. JESSICA SAUNDERS:

3

MS. JESSICA SAUNDERS: Right. Yeah.

4

So I'm looking at the August 2013 version, and if we

5

could just stick to that now. I don't believe that --

6

I did review the changes from the updated verison. I

7

don't believe -- in fact, I've confirmed it doesn't --

8

it's not changed from the August one. But, thank you,

9

Ms. Villegas.

10

So in line 12:

11

"The project developments in the

12

Preferred and Alternative Plans would

13

have a wide range of social and

14

economic effects for three (3) groups

15

specifically, and so it can be said

16

1) project partners, 2) local and

17

regional communities, and 3)

18

Manitobans as a whole."

19

You see that?

20

DR. MARVIN SHAFFER: Yes.

21

MS. JESSICA SAUNDERS: And, so

22

regarding --

23

DR. MARVIN SHAFFER: Yes.

24

MS. JESSICA SAUNDERS: And, so

25

regarding the local and regional communities, how

1 would you describe what groups of people fall into
2 this category?

3 DR. MARVIN SHAFFER: I don't have the
4 regional boundaries as -- as well defined as you would
5 in an environmental assessment process with local
6 areas and regional areas defined. It -- it simply
7 meant to be those communities that are affected either
8 -- either through population influx and worker-related
9 -- population-related and worker-related impacts, or
10 those communities that are affected by -- through
11 resource impacts and consequence resource use effects.

12 So it wasn't meant to be defined
13 specifically to an area as you would in, let's say, an
14 EIS. It was more a conceptual. There -- there are
15 local and regional communities that are affected both
16 because -- on the positive side because of new
17 employment and income opportunities, and on the
18 negative side to the extent that there are negative
19 consequences with a large project in -- in a fairly
20 remote area --

21 MS. JESSICA SAUNDERS: Okay.

22 DR. MARVIN SHAFFER: -- and -- and all
23 of the things that goes with it.

24 MS. JESSICA SAUNDERS: So while
25 there's the project partners kind of considered

1 separate from this local and regional communities,
2 presumably based on the description you've just
3 provided, though, local and regional communities could
4 refer to the -- the KCNs, as well as other Aboriginal
5 groups in this area?

6 DR. MARVIN SHAFFER: Yes. Or in the
7 area of any of the projects, yes.

8 MS. JESSICA SAUNDERS: And in
9 identifying the net benefits and costs to Manitobans
10 for the social account, you relied on Manitoba Hydro
11 and the Cree Nation Partners' assumptions based in the
12 information provided in Chapter 2, specifically the
13 environmental assessment of the Keeyask generation
14 project, correct?

15 DR. MARVIN SHAFFER: Yes.

16 MS. JESSICA SAUNDERS: And again the
17 same line of questioning but: Were there any other
18 documents or information that you relied on in your
19 assessment?

20 DR. MARVIN SHAFFER: I think -- I
21 think we went through this before but I did have
22 project summary information, which is -- provided a
23 description of environmental attributes and, to some
24 degree, social attributes.

25 I did have discussions with parties

1 responsible for the environmental assessment of -- of
2 alternative projects.

3 So I -- I reviewed the information that
4 was available, more -- more at a summary level and
5 then the detailed EIS level, but at a summary level on
6 all of these projects and discussed with the experts
7 responsible for these projects, or at least in the
8 environmental assessment and social assessment of
9 these projects --

10 MS. JESSICA SAUNDERS: Okay.

11 DR. MARVIN SHAFFER: -- what the
12 consequences would be.

13 MS. JESSICA SAUNDERS: And at slide 9
14 of Manitoba Hydro Exhibit 129 in your presentation,
15 the impacts to affected community section in the
16 social account cites:

17 "Major commitments and plans to
18 minimize adverse residual effects
19 with extensive mitigation, monitoring
20 compensation, and partnership
21 arrangements.

22 So is this referring to the information
23 from the environmental assessment for -- for Keeyask
24 with respect to the Keeyask Cree Nations, correct?

25 DR. MARVIN SHAFFER: That would

1 certainly apply to Keeyask, and not just with respect
2 to the -- the partners but also mitigation and
3 monitoring for the broader impacts as it -- as I'm
4 sure you're aware for -- for the project. And others
5 could speak to it better than myself.

6 It also reflects the plans with any of
7 these projects, even the gas plants included, in terms
8 of the site-ing, in terms of the emissions, in terms
9 of all aspects of that. The -- the plans would be to
10 minimize any residual effects.

11 MS. JESSICA SAUNDERS: But only for
12 those with extensive mitigation monitoring
13 compensation and partnership arrangements in place,
14 correct?

15 DR. MARVIN SHAFFER: Not in place.
16 The assessment was -- is basically saying that when
17 any of these projects take place, some of which are to
18 be defined in -- in the plans, like future gas plants
19 as an example, the intention would be, and -- and
20 you're seeing it in the practice with -- with Keeyask
21 and certainly the plans for Conawapa should it go
22 ahead and whatever preliminary plans there are for
23 transmission -- new transmission, there would be
24 extensive mitigation and monitoring and -- and efforts
25 to minimize residual effects.

1 The compensation and partnership
2 arrangements would -- would not necessarily apply in
3 the same way as Keeyask, obviously.

4 MS. JESSICA SAUNDERS: Okay. Thank
5 you, Dr. Shaffer. I believe those are all my
6 questions for you.

7 DR. MARVIN SHAFFER: Thank you.

8 MS. JESSICA SAUNDERS: Moving to
9 employment and training opportunities. In your
10 presentation, Ms. Pachal, on employment opportunities
11 you discussed the goal in the Keeyask Project of
12 seeking to maximize Aboriginal employment, correct?

13 MS. SHAWNA PACHAL: That's correct.

14 MS. JESSICA SAUNDERS: And in your
15 presentation you referenced the Keeyask Advisory Group
16 on employment to monitor, report, and make
17 recommendations to Hydro as the Keeyask project
18 manager, correct?

19 MS. SHAWNA PACHAL: Correct.

20 MS. JESSICA SAUNDERS: I'll refer you
21 to Tab 2; that would be MMF Exhibit 282, page 10. And
22 at the bottom, this is Section 12.5 of the JKDA, where
23 it is explained that:

24 "The Advisory Group on employment
25 [which I'll refer to as the AGE]

1 provides a form for addressing
2 employment-related issues, in
3 particular, Aboriginal employment, in
4 accordance with AGE Terms of
5 Reference."

6 And then on pages 12 to 13 that follow
7 this page we have the terms of reference for the AGE.
8 And you'll note below if you scroll down at item 2E,
9 there we go, one (1) purpose is:

10 "To monitor and provide
11 recommendations to the project manager
12 -- manager regarding Aboriginal
13 employment associated with Keeyask,
14 including under the BNA job referral
15 process."

16 And so you agree that includes
17 Aboriginal peoples other than those belonging to the
18 KCNs, correct?

19 MS. SHAWNA PACHAL: Yes.

20 MS. JESSICA SAUNDERS: And also at
21 Section 2F it says, "Monitor employment for members."
22 And that refers to the KCNs, correct?

23 MS. SHAWNA PACHAL: That's correct.

24 MS. JESSICA SAUNDERS: And as well as
25 employment of Aboriginal people from other

1 communities, correct?

2 MS. SHAWNA PACHAL: Correct.

3 MS. JESSICA SAUNDERS: So when we turn
4 to the next page, the terms of reference deal with
5 membership right there, at -- at Section 3.

6 You can confirm that the KCNs have
7 representation on the Advisory Group, correct?

8 MS. SHAWNA PACHAL: Yes, they do.

9 MS. JESSICA SAUNDERS: And looking at
10 this list, you can also confirm that there's no
11 specific representation for Aboriginal people from
12 communities other than KCN communities, correct?

13 MS. SHAWNA PACHAL: That is correct.

14 MS. JESSICA SAUNDERS: And I want to
15 discuss the Hydro Northern Training Employment
16 Initiative referred to as HNTEI. It's been referenced
17 a few occasions already.

18 This, of course, as we know, was -- as
19 focussed on creating skilled labour positions related
20 to Manitoba Hydro projects and, as well, other
21 northern Manitoba employment opportunities, correct?

22 MS. SHAWNA PACHAL: Correct.

23 MS. JESSICA SAUNDERS: And the
24 Wuskwatim and Keeyask Training Consortium, or the
25 WKTC, was a nonprofit company that acted as the

1 representative -- sorry, as the administrative and
2 coordinating body for HNTEI.

3 Is that correct?

4 MS. SHAWNA PACHAL: That's correct.

5 MS. JESSICA SAUNDERS: And the
6 duration of HNTEI was from 2005 until 2009 and '10,
7 correct?

8 MS. SHAWNA PACHAL: Subject to check,
9 that sounds about right. I think it might have been a
10 bit earlier, but...

11 MS. JESSICA SAUNDERS: Okay. And we
12 heard among others that the KCNs and my client, the
13 MMF, were Aboriginal partners in this initiative. And
14 we heard that HNTEI was funded by a number of parties.

15 And in discussing this initiative with
16 the PUB counsel this morning, the PUB referred to PUB
17 Manitoba Hydro IR 2-423c, and this is included, Ms.
18 Villegas, at MMF Exhibit 28-2, page 23.

19 And Ms. Pachal, you provided a clear
20 breakdown of Hydro's funding contributions and have
21 undertaken to indicate how many of the hires of this
22 chart for Keeyask were HNTEI trainees.

23 Is that correct?

24 MS. SHAWNA PACHAL: Yes. People are
25 working on that as we speak.

1 MS. JESSICA SAUNDERS: So, I believe
2 my questions on that will be dealt with in the
3 Undertaking, but I do have a few other questions.

4 As part of Hydro's \$20 million funding
5 commitment that you discussed this morning, did
6 Manitoba Hydro have any initial targets set for the
7 number of HNTEI hires that it wanted for Keeyask?

8 MS. SHAWNA PACHAL: Manitoba Hydro
9 worked with its partners as well as the MKO and the
10 MMF to develop what we call the ASEPP proposal --
11 Aboriginal Skills and Employment Program and Proposal
12 -- to apply for federal funding.

13 So, sort of to give you a little bit of
14 background on -- on HNTEI is it started with Manitoba
15 Hydro making a commitment to say, We're going to put
16 some money into a training initiative associated with
17 Wuskwatim and Keeyask.

18 And we use that to leverage money from
19 the Province and the Feds to say, We're going to put
20 up this money and the Province came to the table with
21 some money and then it was Western Economic
22 Diversification from the Federal government, as well
23 as the Federal government opened a program, which was
24 very timely for us, the Aboriginal Skills and
25 Employment Training Program.

1 And so, all the organizations I
2 mentioned and the partner First Nations worked
3 together to submit the ASEPP proposal, and development
4 of that ASEPP proposal is where we all work together.

5 And the communities and organizations
6 themselves did their own assessments and worked with
7 Hydro and the other funders to -- at that time, which
8 was just Manitoba and Manitoba Hydro, to set targets.

9 So, primarily, the initial targets that
10 were set for HNTEI were set through the -- the
11 submission of the ASEPP proposal.

12 MS. JESSICA SAUNDERS: And, so, in
13 that proposal, is there a clear indication of what
14 those initial targets that you worked on with the
15 partners were for Keeyask?

16 MS. SHAWNA PACHAL: Well, you could
17 find those in the ASEPP proposal.

18 MS. JESSICA SAUNDERS: Okay. So, the
19 funding commitments and funding amounts provided to
20 each Aboriginal partner you reference are indicated in
21 Manitoba Hydro Exhibit 91, and this is in response to
22 Undertakings 5 and 6 related to the breakdown of First
23 Nation and Metis costs in the projects, and that's
24 included at MMF Exhibit 28-2 at Tab 3, page 23.

25 Oh, my apologies. You had it right,

1 Ms. Villegas. It was the last page you were at -- 19
2 -- yes.

3 When you look at the amounts for HNTEI,
4 you can confirm that approximately half of the HNTEI
5 funding, about 32 million, was provided to the KCNs.

6 Would you agree?

7 MS. SHAWNA PACHAL: That sounds about
8 right, just looking at it quickly.

9 MS. JESSICA SAUNDERS: But it's fair
10 to say that certain amounts from other Aboriginal
11 organizations like MKO or MMF would have gone to
12 training northern Aboriginal residents that could be
13 hired as northern Aboriginals.

14 Would you agree?

15 MS. SHAWNA PACHAL: Your question is:
16 Could the MMF or the MKO have used the dollars that
17 they received to train members in the north as well as
18 the south?

19 MS. JESSICA SAUNDERS: Yes.

20 MS. SHAWNA PACHAL: Yeah, for sure,
21 yeah.

22 MS. JESSICA SAUNDERS: And if you
23 included those --

24 MS. SHAWNA PACHAL: Oh, hang on. I
25 might -- hang on one (1) second.

1 (BRIEF PAUSE)

2

3 MS. SHAWNA PACHAL: I believe my
4 answer is correct. We'll -- if it's wrong we'll --
5 somebody's going to double-check on that, but I
6 believe it could be for both. Like, I think it didn't
7 just have to be MMF members in the north.

8 MS. JESSICA SAUNDERS: Okay. But
9 presumably there -- when you look there -- there's a
10 good chance that, of course, a lot of them were
11 northern --

12 MS. SHAWNA PACHAL: I -- I can't -- I
13 don't -- we'd have to check that. I don't know if
14 somebody would know the residency of which -- where
15 they were.

16 MS. JESSICA SAUNDERS: Okay.
17 Regardless of that though --

18 MS. SHAWNA PACHAL: I'm assuming the
19 MMF would have those stats yourself about whether or
20 not -- like where your members were from that you
21 trained. I'm assuming you would have that. I -- I
22 don't have that at -- at my fingertips, for sure.

23 MS. JESSICA SAUNDERS: Okay. And in
24 look -- going back to the training dollars for HNETI,
25 and that over half of them were for the KCNs, you can

1 agree then that over half of the total training
2 dollars were aimed at training in preparation for
3 Keeyask. Is that fair to say?

4 MS. SHAWNA PACHAL: No, it was for
5 Wuskwatim and Keeyask, and the hope was that some --
6 whether people were from Nisichawayasihk or from Cree
7 Nations or from one of our partners on Keeyask that
8 there would be potentially opportunities for them to
9 gain experience on Wuskwatim.

10 MS. JESSICA SAUNDERS: Is it fair to
11 say in looking at the Manitoba Hydro breakdown there
12 noted of the 20 million contribution, 15 million was
13 allocated to the Keeyask project, and 5 million to the
14 Wuskwatim project.

15 So is it fair to say that Hydro was --
16 was preparing in this initiative for -- for Keeyask in
17 -- in great part?

18 MS. SHAWNA PACHAL: That's in terms of
19 how we budgeted the dollars for the projects.

20 MS. JESSICA SAUNDERS: Okay.

21 MS. SHAWNA PACHAL: Not necessarily
22 where people were going to get their train -- which
23 project people were going to get their training on.

24 MS. JESSICA SAUNDERS: I'll refer back
25 the chart from IR 423c; that's at page 23. If we

1 could start at actually page 22, my apologies.

2 This question posed by the PUB asked
3 for First Nation employment by community, but Manitoba
4 Hydro provided Aboriginal employment which included a
5 large number of Metis hires. And, so the table on the
6 next page indicates actual Aboriginal employment by
7 community for Keeyask up to September 30th, 2013.

8 Can you confirm, When would hiring have
9 begun for the individuals in this table?

10

11 (BRIEF PAUSE)

12

13 MS. SHAWNA PACHAL: We'll check that
14 for you, and get back to you after the break on that
15 one. We're assuming based how the question was worded
16 that it's just the Keeyask construction project but
17 what I'm struggling with is that a number of -- of
18 people, particularly from our partner First Nations,
19 have been working on the project for a long time,
20 working on the Keeyask project so I don't know if
21 they're included in the numbers.

22 So we'll just get our staff to check
23 that. If it's just the people who've worked on the
24 Keeyask infrastructure construction project, or if
25 it's since -- employment on Keeyask since we've been

1 working on -- in the planning phase on Keeyask.

2 MS. JESSICA SAUNDERS: Thank you. Ms.
3 Pachal said she -- she would look and get back to us
4 after the break if -- not necessarily an undertaking,
5 but just how you -- okay. Thank you.

6 And the heading identify the community
7 on this chart is Aboriginal community group. And so
8 almost all in this list indicate to First Nation or a
9 Cree Nations except for the reference to the ninety-
10 seven (97) Metis hires which denotes an Aboriginal
11 group.

12 Are you able to indicate the
13 communities that the Metis hires resided in?

14 MS. SHAWNA PACHAL: No, we're not.

15 MS. JESSICA SAUNDERS: Okay.

16 MS. SHAWNA PACHAL: Would you like me
17 to explain why we're not?

18 MS. JESSICA SAUNDERS: Please.

19 MS. SHAWNA PACHAL: Well, in our -- in
20 our system, when individuals get hired on to a project
21 they need to self-declare and they -- they need to
22 self-declare to the -- they need to -- this is a very
23 complicated issue. When -- when they applied to the
24 JRS and they want to get to hired to a project through
25 preference, they have to provide proof of their

1 status. So they have to provide proof through the JRS
2 system.

3 When they go to work on -- with the
4 contractor if they are hired and they fill out the
5 forms for the contractor, they only have to self-
6 declare. And I believe they self-declare by
7 community, but for Metis it's just Metis, so it's --
8 then it's self-declared. And so I don't believe it
9 identifies which Metis community they're from.

10 MS. JESSICA SAUNDERS: Okay. And so,
11 of course, there would be no way of telling if it's
12 north or south?

13 MS. SHAWNA PACHAL: I don't believe
14 so.

15 MS. JESSICA SAUNDERS: Okay. And in
16 the breakdown you're providing in the undertaking to
17 the PUB when this chart was discussed this morning, is
18 Hydro able to tell whether or not any of those Metis
19 hires in this chart would have successfully completed
20 training as part of HNTEI?

21 MS. SHAWNA PACHAL: I'm -- that's what
22 we are checking on, whether -- that's what I
23 undertook, to check to see if we're able to match this
24 chart up with -- we run into a lot of challenges
25 sometimes with privacy legislation in terms of what

1 information we can and cannot get from which systems.
2 So we'll see if we're able to crosscheck this to the
3 HNTEI. That's what they're working on right now,
4 seeing if they can do that.

5 MS. JESSICA SAUNDERS: Okay. And my -
6 - my question, to be fair, was just on, I -- I guess,
7 clarification from this morning on what was asked
8 specifically of HNTEI. Because I know in your
9 presentation you had mentioned there was people who
10 would have not -- started out with HNTEI or were
11 involved in HNTEI but didn't necessarily complete the
12 training as part of their involvement in it.

13 So, of course, I was just wondering
14 what particular information on the participation of
15 the individual hires noted here would have been noted
16 for HNTEI, whether it was successful completion or
17 just involvement in?

18 MS. SHAWNA PACHAL: Right. Again,
19 that's what we're checking. But for the Metis, the --
20 the Manitoba Metis Federation would actually have far
21 better records than we would. So you would be able to
22 see for your members much better than we would where
23 they were from and who they were.

24 MS. JESSICA SAUNDERS: M-hm.

25 MS. SHAWNA PACHAL: You would have

1 much more complete information than we would.

2 MS. JESSICA SAUNDERS: But we don't
3 have information on all of these hires though,
4 correct, because these are Manitoba Hy --

5 MS. SHAWNA PACHAL: Oh, I just meant
6 in terms of your HNTEI individuals.

7 MS. JESSICA SAUNDERS: Unsuccessfully
8 training, yeah. But on the hires, the -- the part
9 where Manitoba Hydro is looking at these -- these
10 people who've been hired --

11 MS. SHAWNA PACHAL: Right.

12 MS. JESSICA SAUNDERS: -- and their
13 process of determining whether or not these people
14 have successfully completed HNTEI, that's not
15 something my client would know. So I'm just wondering
16 if that was --

17 MS. SHAWNA PACHAL: That's what we're
18 checking.

19 MS. JESSICA SAUNDERS: Okay.

20 MS. SHAWNA PACHAL: Yeah.

21 MS. JESSICA SAUNDERS: Perfect. Thank
22 you. So -- and I -- I am going to attempt another
23 area, and it's likely something that you've discussed
24 this morning, but it's probably just going to be an
25 easy clarification for you.

1 But you indicated that there was a
2 target of a hundred and eighty-two (182) hires for
3 operational jobs for the KCNs over a twenty (20) year
4 timeframe in your presentation.

5 And were those -- was that target for
6 the operational jobs just for Keeyask or was that
7 related to other projects, existing projects, as well?

8 MS. SHAWNA PACHAL: It's for -- it
9 could be for our operations, not for projects, so it's
10 related to the -- our operations, so it could be in
11 Killarney or Steinbach, or Thompson, or the The Pas,
12 wherever, in any of our six thousand (6,000) plus jobs
13 across the province.

14 MS. JESSICA SAUNDERS: In a number of
15 different projects?

16 MS. SHAWNA PACHAL: Well, not -- it's
17 not --

18 MS. JESSICA SAUNDERS: Operations
19 might not be --

20 MS. SHAWNA PACHAL: -- it's in
21 operations, right.

22 MS. JESSICA SAUNDERS: Yeah, okay.

23

24 (BRIEF PAUSE)

25

1 MS. JESSICA SAUNDERS: You also
2 indicated that there was an additional amount
3 allocated to ongoing job training in your
4 presentation.

5 Other than HNTEI, is there any ongoing
6 training with respect to Keeyask?

7 MS. SHAWNA PACHAL: There's no pre-
8 project training. There'll be on-the-job training at
9 Keeyask.

10 MS. JESSICA SAUNDERS: Okay.

11

12 (BRIEF PAUSE)

13

14 MS. JESSICA SAUNDERS: So other than
15 on-the-job training, there's -- and then HNTEI,
16 there's no other training initiatives involved for
17 Keeyask?

18 MS. SHAWNA PACHAL: I talked this
19 morning about the nor -- the pilot pro -- the Northern
20 Construction Trades Training Pilot Project that we're
21 working on with Manitoba -- the Northern Manitoba
22 Sector Council.

23 MS. JESSICA SAUNDERS: And that's
24 particular to apprenticeship hours, correct?

25 MS. SHAWNA PACHAL: That'll be

1 specific to apprentice designated trade positions,
2 yeah.

3 MS. JESSICA SAUNDERS: Thank you. And
4 your work with that, does -- is that specific to KCN
5 jobs with Keeyask or is that all Aboriginal?

6 MS. SHAWNA PACHAL: My recollection,
7 subject to check, is that the KCN would have a
8 preference in terms of it would be weighted. When
9 we're looking at finding the best candidate and who we
10 think would be the best candidates for these trial
11 positions, being a member of our partner community
12 would -- would be a weighting factor in that, for
13 sure.

14 MS. JESSICA SAUNDERS: Okay. So thank
15 you. I believe I will now move on to another area.
16 On --

17 MS. SHAWNA PACHAL: Can I just add --
18 sorry, Ms. Saunders, I just wanted to add on the -- so
19 far on the Keeyask on-the-job training opportunities
20 to date on the Keeyask infrastructure project there
21 have been a hundred and thirty-five (135) on-the-job
22 training opportunities to date.

23 DR. HUGH GRANT: Could I -- before you
24 leave this topic, I'm wondering if I could just ask a
25 question about this table we're looking at.

1 I think the request was for information
2 on employment and this refers to hires. And I'm just
3 -- I guess as much as I'm interested in the transition
4 from the training to the hiring stage, and I
5 understand why that data is sort of easier to collect.

6 Do you have information in terms of
7 hires and their length of employment? So in other
8 words, if the question was: Could you provide the
9 same table with person days of employment, would that
10 exist?

11

12 (BRIEF PAUSE)

13

14 MS. SHAWNA PACHAL: I would have to
15 check with our -- our inde -- the -- my colleagues in
16 the construction area who collect this data, whether
17 or not that would be something we would have. Jane's
18 just pointing out it could be a bit of a challenge
19 because some of them are still working, and then -- so
20 we don't actually get -- it -- it's some technical
21 type issues. But let me check with the -- the
22 individuals to see if that's something we could
23 potentially do.

24 DR. HUGH GRANT: I mean, the reason...

25 MS. SHAWNA PACHAL: So I'll undertake

1 to determine whether or not on this table, Table
2 PUB/MH-2-423c, because -- to see if we would be able
3 to re-frame this in terms of person years as opposed
4 to hires. Yes. We'll -- we'll talk to individuals to
5 see if we can do that.

6

7 --- UNDERTAKING NO. 72: Determine whether or not on
8 Table PUB/MH-2-423c if
9 Manitoba Hydro would be
10 able to re-frame this in
11 terms of person years as
12 opposed to hires

13

14 DR. HUGH GRANT: I'm -- I'm just --
15 sort of failing that, I guess what I'm just trying to
16 get a sense of is if you just look at this, it would
17 appear that non-Aboriginal hires make up about a third
18 of total hires. And -- and that -- what I'm trying to
19 get a better sense of is in terms of total employment,
20 basically whether one (1) group is drawing a -- a more
21 sort of casual labour and the other a more permanent
22 labour. That's what --

23 MS. SHAWNA PACHAL: My -- my thought
24 would be that's not necessarily going to be a case,
25 because a lot of this is on the direct negotiated

1 contracts which -- which are our partners. So my --
2 my sense would be that's not going to be the case.
3 These numbers will -- would probably line up fairly
4 closely with -- in terms of the one-third (1/3) isn't
5 getting two-thirds (2/3) of the hours.

6 But we'll check and see what we can do
7 on that.

8 DR. HUGH GRANT: And -- and so just a
9 last point, again, failing the ability to get this
10 information, would it be your impression that the non-
11 partnered groups would be less likely -- I mean, the
12 intensity of employment would be less for those
13 groups, or not?

14 Someone from War Lake, for example, a -
15 - a hire there may tend to work -- have more
16 employment hours than someone from under the Metis
17 category, for example?

18 MS. SHAWNA PACHAL: I -- I don't think
19 we could say that.

20 DR. HUGH GRANT: Okay, thanks.

21

22 CONTINUED BY MS. JESSICA SAUNDERS:

23 MS. JESSICA SAUNDERS: Thank you, and
24 then before I leave this, I guess what you had last
25 indicated to me was the hundred and thirty (130) --

1 the amount of a hundred and thirty-five (135) for on-
2 the-job training for the Keeyask infrastructure, those
3 -- that amount is -- can -- can you go back to that
4 again, just to clarify the one hundred and thirty-five
5 (135) on-the-job training?

6 What -- what was that amount for?

7 MS. SHAWNA PACHAL: That -- that's
8 right. It's a -- a total trainees hired to date on
9 the Keeyask project has been one hundred and thirty-
10 five (135).

11 MS. JESSICA SAUNDERS: And so they're
12 going to be getting on-the-job training, and are you
13 able to identify how much of those are -- those one
14 thirty-five (135) so far for the Keeyask
15 infrastructure are going to be getting that -- that
16 training and -- and have been hired, the breakdown
17 between Metis and -- and KCNs -- or other Aboriginal
18 groups, I should say, versus KCNs?

19 MS. SHAWNA PACHAL: The KCNs have a
20 hundred and one (101) of those opportunities, and the
21 other thirty-four (34) are made up of -- from other
22 groups. So the -- the Keeyask Cree Nations have a
23 hundred and one (101) of those opportunities.

24 MS. JESSICA SAUNDERS: And the other
25 groups, it's just kind of other, or is it other

1 Aboriginal?

2 MS. SHAWNA PACHAL: It's just other.

3 MS. JESSICA SAUNDERS: Other? Okay.

4 So now moving on, I'll refer back to the chart at Tab
5 3 on page 18 of MMFs book of documents.

6 And Mr. Wojczynski, we know from PUB
7 counsel's questions to you this morning that updated
8 information on mitigation was included in the capital
9 cost estimates for Keeyask and Conawapa that haven't
10 already been provided in the NFAT, correct?

11 MR. ED WOJCZYNSKI: Correct.

12 MS. JESSICA SAUNDERS: Have those
13 revisions to the capital costs for Keeyask and
14 Conawapa with respect to mitigation been reflected in
15 this chart?

16

17 (BRIEF PAUSE)

18

19 MR. ED WOJCZYNSKI: The -- the --
20 these costs in here do includ -- include all of the
21 mitigation costs at that point. The costs that were
22 missing that I was referring to earlier today were the
23 ones after construction was completed. In -- in the
24 case of Keeyask, after Keeyask construction was
25 completed in about '22, Conawapa when it was completed

1 in about '28.

2 But all the mitigation costs prior to
3 those two (2) dates were all included, and these are
4 the costs to date of December 13. So they -- the --
5 all the costs that should have been included are
6 included in here.

7 MS. JESSICA SAUNDERS: Thanks for
8 clarifying that. And again on this chart, the
9 participating party costs are noted as including
10 process, mitigation, transition and implementation
11 costs to December 2013.

12 And so, firstly for Conawapa, and --
13 and then I guess, secondly, for Keeyask, you've just
14 indicated that all of the costs are included here to
15 December 2013, and this may be asking for a bit too
16 much, but have there been any updates to these numbers
17 that you're aware of since December 2013?

18

19 (BRIEF PAUSE)

20

21 MS. SHAWNA PACHAL: No. In my book,
22 those are the date -- the numbers I have are up till
23 tho -- the December 31, 2013 are the most current that
24 I have in front of me.

25 MS. JESSICA SAUNDERS: And, so, while

1 the participating party costs include mitigation, if
2 you look to, for instance, the amount indicated for
3 the Manitoba Metis Federation for Keeyask, there's no
4 mitigation measures in place with respect to the MMF
5 for Keeyask, correct?

6 MS. SHAWNA PACHAL: Well, actually, I
7 -- I wouldn't say that. There's a number of
8 mitigation measures associated with the project, that
9 if there is a Metis resource user in that area, they
10 would benefit from that sort of a mitigation.

11 So, for example, one (1) of our
12 mitigation measures is waterways management, and that
13 takes place regardless, and so that would be a
14 mitigation measure that's a cost included in the
15 project, and anybody from another community or a Metis
16 resource harvester would benefit from -- from that
17 sort of a mitigation measure.

18 MS. JESSICA SAUNDERS: Right. And so
19 you've included -- you've discussed general measures,
20 but these costs in this chart refer specifically to
21 the costs for Metis and First Nation involvement, and
22 so it -- it might perhaps assist me further if you
23 could just explain, then, what is included in the
24 Manitoba Metis Federation costs indicated for Keeyask
25 there, and whether or not those include mitigation

1 costs?

2 MS. SHAWNA PACHAL: Well, I don't
3 believe that to date, Manitoba Hydro has received the
4 MMF's study of traditional land use and knowledge
5 study of the Keeyask area, and so at this point, based
6 on all our research and our knowledge, and based on
7 the federal government's assessment as well in the
8 CSR, they believe we have all the mitigation in place
9 that we need to have for the project. They're
10 satisfied with what we have in place, and so I don't
11 envision any additional mitigation for that project
12 specifically.

13 And in terms of -- for Keeyask
14 specifically, in terms of the process costs that are
15 on there, we are -- the cost with Keeyask and Conawapa
16 with the Manitoba Metis Federation, this won't be an
17 exhaustive list, but it would include things like
18 paying for the traditional land use and knowledge
19 study, funding different processes that Manitoba Hydro
20 has with the MMF to meet and talk about the projects,
21 Ms. Marci Riel, who's sitting beside Ms. Saunders, is
22 the Manitoba Hydro liaison officer, and Manitoba Hydro
23 funds her salary.

24 So those are the kinds of costs that
25 you would see portions of that we -- we allocated to

1 different projects, but portions of that would be seen
2 across the -- in those costs. Now that -- I won't
3 have included everything, but that would be sort of
4 probably the big chunks that make up those dollars.

5 MS. JESSICA SAUNDERS: Okay. And you
6 mentioned the federal process, and that you indicated
7 Hydro is likely -- well, Hydro is satisfied that
8 mitigation, say with respect to the Metis, has been
9 somewhat dealt with, but in the event that the MMF
10 disagrees, or that there's the need for additional
11 mitigation measures, those, of course, are measures
12 that aren't included in here.

13 And I know you had indicated that the
14 partnership was committed to considering that
15 information, but at this current time, there --
16 there's no mitigation measures right now, and -- but
17 there may be at -- at some point in -- in the future.
18 Is that correct?

19 MS. SHAWNA PACHAL: Well, this chart
20 is actual cost to-date, and so I -- I think in terms
21 of the MMF, there is -- is -- my -- my recollection
22 that none of the dollars associated with the Manitoba
23 Metis Federation to date include mitigation.

24 MS. JESSICA SAUNDERS: Thank you. And
25 moving to another area, and I do believe it's my last

1 one, Chair Gosselin questioned the panel on how
2 effects are dealt with in transmission projects, and
3 the panel explained that there was a difference in how
4 effects under generation and transmission are dealt
5 with, correct?

6 MS. SHAWNA PACHAL: That's right.

7 MS. JESSICA SAUNDERS: And the panel
8 confirmed that routing or siting, specifically
9 consultation on particular -- or on potential routes
10 is an option for dealing with any potential effects at
11 the outset, correct?

12 MS. SHAWNA PACHAL: That's correct.

13 MS. JESSICA SAUNDERS: Further, that
14 once the line is constructed, and if there are any
15 other effects, monitoring is then done to see what
16 effects are, and then offsetting programs are looked
17 at, correct?

18 So it goes routing -- routing and
19 siting, at the outset, and then if there's anything
20 beyond that, offsetting programs would be looked at,
21 as well as ongoing monitoring.

22 Is that fair to say?

23

24 (BRIEF PAUSE)

25

1 MS. SHAWNA PACHAL: I was just trying
2 to get my -- my correct words, so they've been emailed
3 to me, because they -- the other day when I said,
4 "offsetting," we use that terminology in our company
5 to refer to specific programs associated with our
6 adverse effects arrangements under generation. And so
7 that's not the nomenclature the transmission people
8 use, and so I was getting beaten up upstairs for a
9 while over that. So I wanted to make sure I got it
10 right today.

11 The -- so that's -- the -- it's right,
12 but it -- what -- what you said is correct. It's
13 primarily what we try and do is look for an alternate
14 route selection to avoid a sensitive environmental
15 area, and then -- or a culturally sensitive area, and
16 then we look at mitigation and monitoring.

17 MS. JESSICA SAUNDERS: Okay. Can you
18 confirm what, if anything, is being done in the JKDA
19 for any potential transmission impacts for Keeyask?

20

21 (BRIEF PAUSE)

22

23 MS. SHAWNA PACHAL: I -- none of us
24 could think of anything, but it's been a few years
25 since we negotiated that, but I -- can anybody think

1 of anything?

2

3 (BRIEF PAUSE)

4

5 MS. JESSICA SAUNDERS: Yes. What, if
6 anything, is being done to deal with any potential
7 impacts? I know that the transmission, of course, is
8 different from the Keeyask project, but...

9

10 (BRIEF PAUSE)

11

12 MS. SHAWNA PACHAL: So the -- there is
13 nothing in the JKDA, we're just confirming that,
14 associated with Keeyask transmission, and there are
15 activities underway right now looking at Keeyask
16 transmission and the associated issues with that, and
17 -- and dealing with that.

18 MS. JESSICA SAUNDERS: Are you able to
19 say what kind of activities?

20

21 (BRIEF PAUSE)

22

23 MS. SHAWNA PACHAL: We -- I need to
24 just double check on where the -- on that -- on the
25 answer to that specifically, so I will do an

1 undertaking to get back to you after the break on what
2 exactly is going on, on Keeyask transmission right
3 now. I'm not fully up to speed on it.

4 MS. JESSICA SAUNDERS: Would I also be
5 able to ask, then, for any activities being undertaken
6 for considering transmission impacts for Conawapa, and
7 then, as well, the 500 kV line, so the components that
8 make up the PDP?

9 MS. SHAWNA PACHAL: So you're asking
10 what activities for each of those components is
11 underway right now?

12 MS. JESSICA SAUNDERS: To deal with
13 potential transmission effects.

14 MS. SHAWNA PACHAL: Okay. So I'll
15 undertake to find out what on -- what on Keeyask,
16 Conawapa, and the 500 line are -- activities are
17 currently underway to look at what we're doing it --
18 with associated impacts. Okay.

19 MS. JESSICA SAUNDERS: Thank you.

20

21 --- UNDERTAKING NO. 73: Manitoba Hydro to find out
22 what activities on Keeyask,
23 Conawapa, and the 500 kV
24 line are currently
25 underway, looking at

1 associated impacts

2

3 CONTINUED BY MS. JESSICA SAUNDERS:

4 MS. JESSICA SAUNDERS: And can you
5 explain what model was utilized for dealing with
6 transmission effects in Wuskwatim?

7 MS. SHAWNA PACHAL: Sorry, I -- I need
8 you to repeat that.

9 MS. JESSICA SAUNDERS: Can you explain
10 what model, I guess, was utilized for dealing with
11 transmission effects in Wuskwatim?

12 MR. ED WOJCZYNSKI: When you say,
13 "model," could you explain what you mean by that -- by
14 the term 'model'?

15 MS. JESSICA SAUNDERS: Yeah. Well, we
16 discussed -- well, Ms. Pachal, in her presentation,
17 and just now, we discussed that there was routing and
18 siting at the outset that would hopefully deal with
19 any potential issues in avoiding certain significant
20 areas, that there's the ability to do that.

21 But then as well, I'm just wondering
22 what, if anything, was done in Wuskwatim in terms of
23 dealing with transmission effects?

24 MR. ED WOJCZYNSKI: Well, we -- we --
25 there's two (2) issues. One is with the Wuskwatim

1 transmission, we would -- we use the same process of
2 consulting on what the impacts would be, and -- and
3 the -- the best routing of the transmission. And I
4 recall that, actually, the routing of the transmission
5 and the access road was significantly influenced by
6 the feedback and input we got. So that's one (1)
7 issue, and that would be the same as we'd be doing for
8 the Keeyask generation outlet, or Conawapa outlet
9 transmission for that matter.

10 But I also believe you also include the
11 word 'PDA' in that, and so I -- I -- that's why I was
12 wondering. The -- the approach we used would have
13 been similar in terms of impacts of transmission.

14 MS. JESSICA SAUNDERS: So in the PDA,
15 is there anything else other than the routing that was
16 dealt with in terms of compensation for transmission
17 impacts?

18

19 (BRIEF PAUSE)

20

21 MR. ED WOJCZYNSKI: Yeah, in the -- in
22 Wuskwatim, and this is different than the JKDA, we did
23 include the transmission as a -- I don't want to call
24 it -- it's almost a side issue in the PDA, but the
25 issue we are dealing with there wasn't compensation.

1 It was -- it was the development fund, and it was the
2 -- the development fund portion of -- associated with
3 NCN, so it was convenient to include those at that
4 time in the one (1) agreement rather than separately,
5 but that wasn't compensation. That was a development
6 fund.

7 MS. JESSICA SAUNDERS: Can you explain
8 a little bit about, then, what was involved with the
9 development fund?

10 MR. ED WOJCZYNSKI: Just in the
11 broadest terms, and we'd have to get some other
12 expertise here to recall the details of that, but what
13 there was was depending on the length of the
14 transmission line, that is in the area of the
15 community that we're referring to, there is a certain
16 portion of -- certain portion of money provided to the
17 loc -- I'm hearing voices.

18 MS. JESSICA SAUNDERS: You're on a
19 role, don't stop now.

20 MR. ED WOJCZYNSKI: There's a certain
21 portion -- it's not somebody whispering in my ear
22 either. A certain portion of money allocated to the
23 community that is in the vicinity of that portion of
24 transmission line that is used by that community for
25 community development of some sort, but I -- I don't

1 remember the quantums. I don't remember the -- the
2 terms and conditions associated with it, and that's
3 done on an annual basis.

4 And as I recall, it wasn't just NCN.
5 There were other communities who -- down -- down the
6 road on the transmission line who also have a similar
7 arrangement, but those would not have been covered in
8 the PDA, because this was -- the PDA is between
9 Manitoba Hydro and NCN.

10 MS. JESSICA SAUNDERS: Okay. And so
11 you've confirmed that there's nothing of this sort in
12 the JKDA right now, but would this potentially be
13 something that would be discussed for Keeyask and
14 Conawapa and the 500 kV line as part of the PDP?

15

16 (BRIEF PAUSE)

17

18 MS. SHAWNA PACHAL: The Company's
19 currently assessing what its options might be in
20 regards to the other -- other lines.

21 MS. JESSICA SAUNDERS: Okay. Would it
22 be fair to ask for an undertaking to provide further
23 information on what was done with respect to
24 transmission impacts in the PDA for Wuskwatim? And of
25 course, I would only do that if it's of any

1 assistance, but I just want to get an -- an
2 understanding of -- there's currently nothing in the
3 JKDA that deals with transmission effects, and nothing
4 yet for Conawapa or the 500 kV line. I just want to
5 get a sense of what has been done in previous projects
6 with respect to considering transmission effects.

7 MR. ED WOJCZYNSKI: Previous projects
8 being Wuskwatim, or -- or -- Wuskwatim?

9 MS. JESSICA SAUNDERS: Wuskwatim, yes.
10 The PDA.

11 MR. ED WOJCZYNSKI: Yeah. Yeah. We
12 can...

13

14 (BRIEF PAUSE)

15

16 MS. JESSICA SAUNDERS: And further,
17 before I -- terms and quantum as well within that.

18

19 (BRIEF PAUSE)

20

21 MR. ED WOJCZYNSKI: Well, we can
22 provide a brief summary of what the arrangement was on
23 Wuskwatim, and I -- I stand corrected that a -- a
24 slight tweak what I said earlier about Wuskwatim and -
25 - and the transmission.

1 We -- we have -- we talked about the
2 development fund in there, but there was also some
3 discussion separately -- it's -- it's not for the
4 development fund itself, but in terms of transmission
5 issues, there was also some discussion in the PDA.

6 But we'll give a -- a brief summary of
7 -- of what was done there as an undertaking. Yes, the
8 undertaking is Manitoba Hydro will provide a -- a
9 brief summary of what was said in the PDA -- Wuskwatim
10 PDA regarding transmission.

11

12 --- UNDERTAKING NO. 74: Manitoba Hydro to provide a
13 brief summary of what was
14 said in the Wuskwatim PDA
15 regarding transmission,
16 including details of the
17 financial arrangements on a
18 yearly basis

19

20 CONTINUED BY MS. JESSICA SAUNDERS:

21 MS. JESSICA SAUNDERS: I may be asking
22 for too much again, but would I be able to have
23 included in that undertaking, details of the financial
24 arrangements on a yearly basis?

25 MR. ED WOJCZYNSKI: That's -- that is

1 all part of the record. In any event, we'll -- we'll
2 give a brief summary of that in there.

3 MS. JESSICA SAUNDERS: Okay, thank
4 you. Those are all my questions.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON: Thank you, Ms.
9 Saunders. Appropriate time, I think, to take a break.
10 Let's take ten (10), and then we can turn the
11 microphone over to Mr. Williams.

12

13 --- Upon recessing at 3:19 p.m.

14 --- Upon resuming at 3:33 p.m.

15

16 THE CHAIRPERSON: I believe that we're
17 ready to resume the proceedings. Are there documents
18 to acknowledge or...?

19 MR. BYRON WILLIAMS: Yes, good
20 afternoon, Mr. Chair.

21 THE CHAIRPERSON: Mr. Williams, before
22 you start --

23 MS. PATTI RAMAGE: Oh, Ms. Pachal has
24 something just to clean up with the MMF's questions.

25 MS. SHAWNA PACHAL: I -- oh, there's

1 Ms. Saunders. So, Ms. Saunders, in terms of that
2 table that you'd referenced on page 23 of your book of
3 documents, the table with the MMF and the other
4 twenty-one (21) First Nations, it includes employment
5 for the KCNs in the pre-construction phase in some of
6 the DNCs, as well as the Keeyask infrastructure
7 project, and for everyone else, it is for the Keeyask
8 infrastructure upgrades -- Keeyask infrastructure and
9 PR 280 upgrades. Okay.

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON: There's one (1)
14 other matter that I would like to address before I
15 turn over the microphone to -- to Mr. Williams.

16 Manitoba Hydro has indicated to the
17 panel this morning that it does not expect to file the
18 updated financial information until tomorrow or, at
19 worst, this Monday. Ah, sorry, at worst -- until this
20 Friday -- sorry, thank you -- and, at worst, Monday.

21 The panel has some concerns around that
22 timing. Currently, the Manitoba Hydro panel is
23 scheduled to come back on April the 4th to meet with
24 the panel. However, that was based on the assumption
25 that the financials would be filed on March 24th.

1 The panel urges Manitoba Hydro to file
2 the information as soon as possible so that the
3 parties have an opportunity to digest the information,
4 have the expected review and analysis completed, and
5 to prepare to cross-examination.

6 Currently, the hearing schedule does
7 not have any spare days at all in case the return date
8 from Manitoba Hydro's financial panel is moved. So if
9 we have to move the -- the date of that session with
10 the panel, there are no -- no other days available
11 unless we sit on a Saturday.

12 We're quite prepared to sit on a
13 Saturday if that will allow us to thoroughly review
14 the information, so I'll put the parties on notice
15 that if we have to, we will sit on a Saturday to -- to
16 examine the -- the new information that will be
17 received. Hopefully that will not be necessary, but
18 that depends on when the information is received.

19 MR. ED WOJCZYNSKI: Mr. Chair, on
20 behalf of Manitoba Hydro, let me say that we do
21 appreciate that us not being able to provide the --
22 the first batch of financial analysis on the 24th, and
23 then the others, as per the schedule, and that it's --
24 let's just say it is this Friday that that does
25 decrease the amount of time available for people to

1 analyze that before the cross-examination day of the
2 4th, and we apologize for that, and -- and do
3 understand the difficulty it creates.

4 And I will relay on to the team working
5 on it, too. I -- I know they feel -- understand and
6 appreciate the importance of getting it done as
7 quickly as possible, but I will reconfirm that for
8 them.

9 THE CHAIRPERSON: Thank you, Mr.
10 Wojczynski. Over to you, Mr. Williams.

11 MR. BYRON WILLIAMS: Yes, thank you,
12 Mr. Chair. I have just two (2) exhibits that I'd like
13 to introduce, I'm assuming with the consent of
14 Manitoba Hydro. One is CAC Exhibit 45-7, which is --
15 should have two (2) tabs in it, the Deloitte Wuskwatim
16 Training and Employment Initiatives Evaluation Report,
17 as well as an addendum.

18
19 --- EXHIBIT NO. CAC-45-7: Deloitte Wuskwatim Training
20 and Employment Initiatives
21 Evaluation Report plus
22 addendum

23
24 MR. BYRON WILLIAMS: And secondly, a -
25 - a less thick volume, Exhibit CAC-45-8, which should

1 include eleven (11) -- eleven (11) tabs. So we'd ask
2 that those be marked as exhibits.

3

4 --- EXHIBIT NO. CAC-45-8: Volume with eleven (11)
5 tabs

6

7 (BRIEF PAUSE)

8

9 MR. BYRON WILLIAMS: We'll just let
10 Hydro get its paper copies distributed.

11

12 (BRIEF PAUSE)

13

14 MR. BYRON WILLIAMS: And Mr. Chair, I
15 -- I actually have some -- I don't think it's a fan
16 club -- club for me. I think they all wanted to hear
17 Ms. Saunders speak ahead of me, but my client, Ms.
18 Desorcy, is here in -- in my back row. My colleague,
19 M. Aimee Craft, is -- is here. You'll be seeing her
20 later in the -- in the hearing when we present some of
21 our witnesses.

22 Joelle Pastora Sala, our articlings --
23 one (1) of our articling students-at-law is a visitor
24 today. And also, I think we have Mr. Kelly Olson,
25 who's a student at the Faculty of Law, and he's got

1 the much sought after public interest law centre
2 internship, for credits, I might add. I think that's
3 why he's here.

4 So I welcome them all, and I hope Ms.
5 Saunders put on an appropriate show, so -- giving me
6 far too much to live up to.

7

8 CROSS-EXAMINATION BY MR. BYRON WILLIAMS:

9 MR. BYRON WILLIAMS: The panel may
10 have noticed that I was not here for all of this
11 morning. I just want to assure the panel that my
12 colleague, Ms. Menzies, was sending me regular updates
13 on Twitter, or whatever it was, and I'm certainly
14 familiar with Ms. Kapitany and Mr. Hombach's
15 discussion with Hydro on training, and I'm going to
16 ask a few more questions about that.

17 But I think that Mr. Hombach did cut
18 down on a lot of my sturgeon questions, so I'm sure
19 Mr. Wojczynski and -- will be very grateful for that
20 as well. There might be a couple, just -- just for
21 fun.

22 And -- and just finally, to Elder
23 Spence, Mr. Bland, and -- and Ms. Anderson, I have
24 some questions for you later on. Some of my original
25 -- early questions will be for the -- the other Hydro

1 witnesses. If you feel that you want to chip in and,
2 you know, take some shots with me or have me -- or
3 give me some friendly evidence, you're -- you're
4 always welcome to -- to participate.

5 Ms. Kidd-Hantscher, you'll recall you
6 had a discussion with My Learned Friend Mr. Hombach
7 yesterday about employment years. You recall that
8 conversation?

9 MS. JANE KIDD-HANTSCHER: Yes.

10 MR. BYRON WILLIAMS: And you provided
11 to us today the very helpful exhibit, Manitoba Hydro
12 Exhibit 132, earlier today, agreed?

13 MS. JANE KIDD-HANTSCHER: Yes.

14 MR. BYRON WILLIAMS: And I was -- I
15 was there for that part of the conversation, but I'm
16 going to ask you to assist me a bit further in this
17 conversation, but one (1) of your points from
18 yesterday was that the understanding of the employment
19 year in the JKDA may be somewhat different from the
20 way that term is used elsewhere by Manitoba Hydro.

21 Would that be fair?

22 MS. JANE KIDD-HANTSCHER: Yes.

23 MR. BYRON WILLIAMS: And in addition,
24 one (1) of the points you made today was that when
25 you're looking at employment years within the JKDA,

1 you were referring both to the Keeyask Generation
2 Project as well as the Keeyask Infrastructure Project,
3 agreed?

4 MS. JANE KIDD-HANTSCHER: Agreed, as
5 well as other work that's gone on since 2009 that
6 predated the Keeyask Infrastructure Project.

7 MR. BYRON WILLIAMS: And just as I try
8 and follow the marching employment year definition, I
9 would be correct in suggesting to you that for the
10 purposes of Wuskwatim, you were using the definition
11 of two thousand (2,000) hours being the equivalent of
12 -- of one (1) employment year?

13 Would that be fair?

14 MS. JANE KIDD-HANTSCHER: For
15 reporting purposes, yes, that would be fair.

16 MR. BYRON WILLIAMS: And when we come
17 later to the Deloitte report, we will -- when we see
18 employment years in that context, that will be based
19 on that two thousand (2,000) hours as the equivalent
20 of one (1) employment year, agreed?

21 MS. JANE KIDD-HANTSCHER: Yes, that's
22 correct.

23 MR. BYRON WILLIAMS: And then in some
24 of the reporting that Manitoba Hydro will be doing
25 with regard to the Keeyask Generation Project, it will

1 be using a -- a definition of an employment year
2 employing the three thousand (3,000) hours.

3 Am I correct for that?

4 MS. JANE KIDD-HANTSCHER: Well, as I
5 indicated in the undertaking, we're going to do both
6 the three thousand (3,000) and two thousand (2,000)
7 person year -- or -- or hours per year reporting for
8 the Keeyask Project.

9 MR. BYRON WILLIAMS: But when I see
10 that figure of four thousand two hundred and eight
11 (4,208) associated with employment years for Keeyask,
12 that indeed is based upon the three thousand (3,000)
13 hours, agreed?

14 MS. JANE KIDD-HANTSCHER: Agreed.

15 MR. BYRON WILLIAMS: Which leaves us
16 with the definition in the joint Keeyask development
17 agreement in terms of employment year, and I know
18 you've helpfully applied it in Exhibit 132, and so I
19 wonder if we can turn to page one (1) -- 109 marked in
20 the bottom right-hand corner of that exhibit.

21 MS. JANE KIDD-HANTSCHER: I have it.

22 MR. BYRON WILLIAMS: And before us,
23 Ms. Kidd, and that's very -- that's perfect, where --
24 the -- where the page is presented, we -- we see part
25 of Section 12.6.3 of the JKDA, being the Joint Keeyask

1 Development Agreement, agreed?

2 MS. JANE KIDD-HANTSCHER: Agreed.

3 MR. BYRON WILLIAMS: And if we focus
4 for a moment just on (d), am I correct in suggesting
5 to you that when we're looking at person years of
6 employment on the Keeyask Project, those shall be
7 calculated as any twelve (12) individual months of
8 employment by one (1) or more members, regardless of
9 whether such months of employment are consecutive or
10 not, and are -- are in the same job or different jobs?

11 Am I right there?

12 MS. JANE KIDD-HANTSCHER: You are
13 right in the context of this negotiated target number,
14 not in the context, as I had already explained, of
15 overall reporting on the project.

16 MR. BYRON WILLIAMS: But when we're
17 seeking to understand what the target of six hundred
18 and thirty (630) employment years means, this is
19 integral to its defin -- definition, Ms. Kidd?

20 MS. JANE KIDD-HANTSCHER: It is
21 integral to its definition in terms of whether we meet
22 this target, yeah, in the context of it being in the
23 development agreement.

24 MR. BYRON WILLIAMS: Yes. So when we
25 look at whether you've met this target, this will be -

1 - this will -- this Section 12.63 will -- will provide
2 the definition of employment year, agreed?

3 MS. JANE KIDD-HANTSCHER: In terms of
4 meeting this target, yes.

5 MR. BYRON WILLIAMS: Thank you. If we
6 could just flip to page -- the previous page, being
7 one-o-eight (108), marked in the bottom right-hand
8 corner, and scroll down just a little bit on the
9 screen. That's perfect.

10 I know Ms. Pachal does not like to use
11 the word 'target,' but there we see it articulated.
12 So, Ms. -- Ms. Pachal, you'll forgive me if -- if I
13 use the words from the JKDA, and here we see the
14 commitment to a total of six hundred and thirty (630)
15 person years of employment as defined in the JKDA,
16 agreed?

17 MS. JANE KIDD-HANTSCHER: Agreed.

18 MR. BYRON WILLIAMS: And if we scroll
19 down just a little bit more on this page, please, to -
20 - right towards the bottom. Keep going, please.
21 Perfect. Thank you. We see here that the -- the
22 target -- or let me explain my understanding to you.

23 That target relates to the Keeyask
24 Infrastructure Project, the generation projects, and
25 any other work undertaken prior to the initiation of

1 the -- between the signing of the JKDA and the -- and
2 the initiation of the infrastructure project.

3 Do I have that right?

4 MS. JANE KIDD-HANTSCHER: Yes. As I
5 indicated in the undertaking this morning, it would be
6 any employment since 2009, when the Development
7 Agreement was signed under those various categories.

8 MR. BYRON WILLIAMS: And when we're
9 looking at -- at -- it would include work performed on
10 the direct negotiated contracts, agreed?

11 MS. JANE KIDD-HANTSCHER: Absolutely.

12 MR. BYRON WILLIAMS: It would include
13 work for a contractor under a tendered contract as
14 well, correct?

15 MS. JANE KIDD-HANTSCHER: Yes.

16 MR. BYRON WILLIAMS: And obviously, it
17 would include work for the project manager.

18 Is that right?

19 MS. JANE KIDD-HANTSCHER: Yes.

20 MR. BYRON WILLIAMS: So the six
21 hundred and thirty (630) person years of employment
22 target contemplates work under the direct negotiated
23 contracts, or under the tendered contracts, agreed?

24 MS. JANE KIDD-HANTSCHER: Those as
25 well as the others listed in (iii) through (v).

1 MR. BYRON WILLIAMS: And for the
2 purposes of generating estimates of the person years
3 of employment for the -- I'm going to use the acronym
4 KCN, from the Keeyask project, Manitoba Hydro will
5 look to estimates both from the DNC, the direct
6 negotiated contracts, and the tendered contracts,
7 agreed?

8 MS. JANE KIDD-HANTSCHER: I'm sorry,
9 could you repeat that question?

10 MR. BYRON WILLIAMS: Probably I can
11 repeat it better than I asked it. Hopefully that will
12 help. But when you're -- you're reporting back on
13 meeting the target, you will include, among others,
14 results from the direct negotiated contracts as well
15 as the tendered contracts, correct?

16 MS. JANE KIDD-HANTSCHER: Correct.
17 Everything that's included in this list will be
18 included in the calculation as to whether we have met
19 the target.

20 MR. BYRON WILLIAMS: Okay. If you can
21 go to the next page at the top, please. And that next
22 page is page 109 of Manitoba Hydro Exhibit 132,
23 Attachment 1. Now, here we have sub (b) and sub (c).
24 And I want to just break it down, Ms. Kidd-Hantscher.

25 MS. JANE KIDD-HANTSCHER: Hantscher.

1 MR. BYRON WILLIAMS: Hantscher, and I
2 apologize for that. I can't see your nameplate with
3 all the... But I want to break it into little pieces.
4 So am I correct in suggesting to you that if it is
5 employment under a direct negotiated contract, or DNC,
6 if -- if a member is employed in any job for one (1)
7 day or more, but thirty (30) days or less in each
8 consecutive thirty (30) day period, they will be
9 considered to be employed for the month.

10 Is that correct?

11 MS. JANE KIDD-HANTSCHER: That's
12 correct.

13 MR. BYRON WILLIAMS: And they --
14 again, each month would be counted towards the person
15 year, agreed?

16 MS. JANE KIDD-HANTSCHER: Agreed.

17 MR. BYRON WILLIAMS: And so, for
18 example, if -- if someone worked twelve (12) days in
19 month A and seventeen (17) days in month B, am I
20 correct in suggesting to you that that would be two
21 (2) months of employment?

22 MS. JANE KIDD-HANTSCHER: Yes.

23 MR. BYRON WILLIAMS: Okay. Similarly,
24 focussing still on sub (b), am I correct in suggesting
25 to you that if a KCN member is under a -- a con -- a

1 different contract, for example, a tendered contract,
2 where the request for employment was for less than
3 thirty (30) days, if they're employed in any one (1) -
4 - any job for one (1) or more, but thirty (30) days or
5 less in each consecutive thirty (30) day period, that
6 will be considered to be employed for a month.

7 Is that correct?

8 MS. JANE KIDD-HANTSCHER: I'm sorry,
9 can you repeat that? I -- I think it might not have
10 been quite what the agreement says.

11 MR. BYRON WILLIAMS: With reference to
12 sub (b), if it's, for example, a tendered contract and
13 where the -- it was for less than thirty (30) days,
14 each member employed in any such job for one (1) day
15 or more, but thirty (30) days or less in each
16 consecutive thirty (30) day period, will be considered
17 to have been employed for a month?

18 MS. JANE KIDD-HANTSCHER: Well --

19 MR. BYRON WILLIAMS: Or do I have the
20 thirty (30) days mixed up?

21 MS. JANE KIDD-HANTSCHER: I -- I think
22 that there's just -- there's a lot of detail in this--

23 MR. BYRON WILLIAMS: Yes.

24 MS. JANE KIDD-HANTSCHER: -- part of
25 the agreement, and it is quite confusing, so what it

1 is, is if -- if you work for one (1) to fifteen (15)
2 days, it's counted as a half of a month, and sixteen
3 (16) to twenty-nine (29) days is a month. And
4 anything greater -- sorry, yeah.

5 MR. BYRON WILLIAMS: Now, Ms. Kidd, I
6 just -- I apologize, but that's under sub (c).

7 MS. JANE KIDD-HANTSCHER: Oh, I'm
8 sorry. You were -- you were still under (b).

9 MR. BYRON WILLIAMS: So, I -- yes, I
10 actually think I'm right here, but let's walk our way
11 through it. So we've already discussed direct
12 negotiated contracts under Sub (b), correct?

13 MS. JANE KIDD-HANTSCHER: Yes.

14 MR. BYRON WILLIAMS: Now I want to
15 look at tendered contracts or other contracts other
16 than a direct negotiated contract under sub (b), sub
17 (ii) where the request for employment was for a
18 duration of thirty (30) days -- excuse me -- other
19 than a job where the request for employment was for a
20 duration of thirty (30) days, okay?

21 MS. JANE KIDD-HANTSCHER: So you had
22 said if it was one (1) to thirty (30) days worked, it
23 was one (1) month? That is correct.

24 MR. BYRON WILLIAMS: Okay. And,
25 again, under that, if I worked fifteen (15) -- fifteen

1 (15) days in month A and twelve (12) days in month B,
2 that would be two (2) months of employment again?

3 MS. JANE KIDD-HANTSCHER: Correct.

4 MR. BYRON WILLIAMS: Okay. Now let's
5 move to (c), and I apologize for being unclear. So
6 this, again, could contemplate a tendered contract
7 where the request for employment was for less than
8 thirty (3) days, agreed?

9 MS. JANE KIDD-HANTSCHER: Agreed.

10 MR. BYRON WILLIAMS: And in that case,
11 each member employed for one (1) day or more, but
12 fifteen (15) days or less, in each consecutive fifteen
13 (15) day period will be considered to be employed for
14 one-half of one (1) month, correct?

15 MS. JANE KIDD-HANTSCHER: Yes, that's
16 what I had -- I had jumped ahead and indicated that
17 previously.

18 MR. BYRON WILLIAMS: That's okay.
19 You're probably pretty proud of me though for figuring
20 that out. I'm not getting that from you. Okay.

21 So any two (2) such half months should
22 count -- shall count as one (1) month of employment.

23 Is that correct?

24 MS. JANE KIDD-HANTSCHER: Correct.

25 MR. BYRON WILLIAMS: So in such a

1 circumstance under a tendered contract, if I work for
2 five (5) days out of the first fifteen (15) days and
3 ten (10) days in the next fifteen (15) days, that
4 would be a month, agreed?

5 MS. JANE KIDD-HANTSCHER: Can you
6 repeat that please?

7 MR. BYRON WILLIAMS: If I work for
8 five (5) days in the first fifteen (15) days, that
9 would be half a month?

10 MS. JANE KIDD-HANTSCHER: Yes.

11 MR. BYRON WILLIAMS: If I work for ten
12 (10) days in the second fifteen (15) days, that would
13 be half a month, agreed?

14 MS. JANE KIDD-HANTSCHER: I believe
15 so. I -- this -- as I said, this is a very
16 complicated structure, so I'm doing the best I can
17 with -- and if I'm not got it quite right, we'll
18 report back on that, but...

19 MR. BYRON WILLIAMS: So this is
20 subject to check.

21 MS. JANE KIDD-HANTSCHER: Subject to
22 check, yes.

23 MR. BYRON WILLIAMS: Under the
24 scenario I've presented to you; working five (5) days
25 in the first half of the month, ten (10) days in the

1 second half of the month, that counts as a month,
2 agreed?

3 Two (2) halves equals a -- equals a
4 whole month.

5 MS. JANE KIDD-HANTSCHER: Subject to
6 check, agreed, yes.

7

8 (BRIEF PAUSE)

9

10 MR. BYRON WILLIAMS: I'll give you a
11 couple of moments if you need it.

12 MS. JANE KIDD-HANTSCHER: No, I'm
13 fine, thank you.

14 MR. BYRON WILLIAMS: Ms. Pachal, I
15 wonder if I could ask you to turn to CAC Exhibit 45-8,
16 Tab 2, page 5, please.

17 And, Ms. Pachal, if you're not the
18 right person, you'll -- you'll chastise me and you'll
19 -- you'll refer me to the -- the correct person?

20 MS. SHAWNA PACHAL: It will be my
21 pleasure.

22 MR. BYRON WILLIAMS: I seem to recall
23 that. Just to -- you'll agree with me that what we
24 have before us here is a -- a very small excerpt from
25 the voluminous filings of Manitoba Hydro and the

1 Keeyask Environmental Impact Statement, agreed?

2 MS. SHAWNA PACHAL: Agreed.

3 MR. BYRON WILLIAMS: And, indeed, this
4 is an excerpt from Chapter 4 of the -- the response to
5 EIS guidelines.

6 You'll accept, subject to check?

7 MS. SHAWNA PACHAL: Agreed.

8 MR. BYRON WILLIAMS: And Ms. Pachal,
9 I just -- we're going to come to Table 4.6 at the top
10 of that page in just a second, but it's fair to say
11 that when we look at the job categories associated
12 with Keeyask, we can generally categorize jobs
13 associated with its construction into four (4) general
14 categories.

15 Would that be fair?

16 MS. SHAWNA PACHAL: Yes.

17 MR. BYRON WILLIAMS: And when we come
18 to Conawapa, I'm going to assume that we'll be able to
19 do the same thing.

20 Would that be that -- your expectation
21 as well?

22 MS. SHAWNA PACHAL: Without knowing
23 exactly how they're planning to build it, I wouldn't -
24 - if it -- it's going to be similar, I would expect a
25 similar breakdown.

1 MR. BYRON WILLIAMS: And at the top,
2 under section -- or Table 4.6, you see a reference to
3 designated trades in the top lefthand corner.

4 Do you see that, Ms. Pachal?

5 MS. SHAWNA PACHAL: I do.

6 MR. BYRON WILLIAMS: And am I correct
7 in suggesting to you that that would involve
8 occupations having formal apprenticeship programs,
9 including carpenters, electricians, and ironworkers?

10 MS. SHAWNA PACHAL: Yeah, that's a few
11 of them, for sure.

12 MR. BYRON WILLIAMS: And when I look
13 to non-designated trades, immediately below the
14 designated trades, that would include, among others,
15 activities such as labourers, truck drivers, and heavy
16 equipment operators, agreed?

17 MS. SHAWNA PACHAL: Yes.

18 MR. BYRON WILLIAMS: And under
19 'construct' -- 'construction support', one would find
20 items such as catering, security, and administrative
21 staff.

22 Would that be fair?

23 MS. SHAWNA PACHAL: I believe that's
24 right.

25 MR. BYRON WILLIAMS: And, Ms. Pachal,

1 if you do need to check, and I don't -- I think you
2 can trust me on this; I think you could go to your
3 supporting materials, page 3-86, if you -- if you need
4 it.

5 But I'll ask you to accept it, subject
6 to check.

7 MS. SHAWNA PACHAL: Yes, that's fine.

8 MR. BYRON WILLIAMS: And again, we see
9 the -- the fourth category, being 'Manitoba Hydro and
10 contractor supervisory'.

11 Do you see that?

12 MS. SHAWNA PACHAL: I do.

13 MR. BYRON WILLIAMS: Amongst these
14 four (4) classifications or job cage -- categories,
15 Ms. Pachal, would it be fair to say that we would
16 expect the classifications of designated trades and
17 supervisory to be the -- tend to be the highest paid?

18 MS. SHAWNA PACHAL: That would be my
19 expectation.

20 MR. BYRON WILLIAMS: Thank you for
21 that. Now, this is the Corporation's estimate, at
22 least for the Keeyask EIS, in terms of the person
23 years of employment associated with the construction
24 of the Keeyask generating station and associated
25 facilities, agreed?

1 MS. SHAWNA PACHAL: Agreed.

2 MR. BYRON WILLIAMS: And if we move to
3 the middle column, being the persons year column, am I
4 correct in suggesting to you that the -- amongst the
5 individual categories, the highest, in terms of person
6 years, would be the designated trades, at one
7 thousand, three hundred and forty-six (1,346)?

8 MS. SHAWNA PACHAL: Yes.

9 MR. BYRON WILLIAMS: And second to
10 that would be the Manitoba Hydro and contractor
11 supervisory, involving one thousand and sixty-eight
12 (1,068) person years of employment, agreed?

13 MS. SHAWNA PACHAL: Agreed.

14 MR. BYRON WILLIAMS: And if I moved
15 you over to the right-hand side, under the 'percent of
16 total', we see that, in terms of person years of
17 employment, the designated trades account for 32
18 percent of the total estimated employment years,
19 agreed?

20 MS. SHAWNA PACHAL: Agreed.

21 MR. BYRON WILLIAMS: And the Manitoba
22 Hydro and contractor supervisory comes in at 25
23 percent, correct?

24 MS. SHAWNA PACHAL: Agreed.

25 MR. BYRON WILLIAMS: So if we look at

1 that, those two (2) classifications, being designated
2 trades and Manitoba Hydro and contractor supervisory,
3 account for 50 perce -- 57 percent of the estimated
4 person employment years presented in Table 4.6,
5 agreed?

6 MS. SHAWNA PACHAL: Agreed.

7

8 (BRIEF PAUSE)

9

10 MR. BYRON WILLIAMS: Again, Ms. Pachal
11 or Mr. Wojczynksi, this may be premature, but would
12 expect a similar split for Wuskwatim -- or, excuse me,
13 for Conawapa, in that we would expect the -- the
14 largest two (2) job categories to be in the designated
15 trades and Hydro and contractor supervisory?

16 Would that be a fair expectation?

17 MS. SHAWNA PACHAL: I think -- I think
18 it would. Again, that would be -- the caveat, of
19 course, is that you haven't advanced far enough to
20 know exactly how they're building it. So -- but I
21 would think that would be fair.

22 MR. BYRON WILLIAMS: Okay. And I
23 thank you for that -- that assistance. Ms. Pachal,
24 you had a discussion a little bit this morning about
25 apprenticing, with Mr. Hombach.

1 You recall that?

2 MS. SHAWNA PACHAL: I do.

3 MR. BYRON WILLIAMS: And a little bit
4 this afternoon, I think, with My Learned Friend, Ms.
5 Saunders?

6 MS. SHAWNA PACHAL: I did.

7 MR. BYRON WILLIAMS: And we can agree
8 that apprenticing is a key mechanism for upgrading
9 skee -- skills and for achieving journeyman status.

10 Would that be fair?

11 MS. SHAWNA PACHAL: Yes.

12 MR. BYRON WILLIAMS: And we'll come to
13 it later, but will you accept, subject to check, that
14 for Wuskwatim the partnership had a target of 20
15 percent of -- of the pur -- of the designated trad --
16 designated trades being apprenticeships?

17 MS. SHAWNA PACHAL: Subject to check,
18 I'll accept that.

19 MR. BYRON WILLIAMS: And you can refer
20 to Exhibit 45-7, page 6, probably if you're checking
21 up on that.

22 Now, in terms of the target for
23 Keeyask, in terms of apprentices, could you -- could
24 you share that with me in terms of the construction
25 employment?

1 (BRIEF PAUSE)

2

3 MR. BYRON WILLIAMS: And so, Ms.

4 Pachal, just to -- just to make sure that we -- we

5 know what I'm -- I'm talking about, within the

6 designated trades category one would expect to see

7 both journeymen and apprentices, agreed?

8 MS. SHAWNA PACHAL: Agreed.

9 MR. BYRON WILLIAMS: And that there

10 would be a -- a mix in terms of the composition of the

11 -- that labour force with a certain percentage being

12 from journeymen and a certain percentage being from

13 apprentices, agreed?

14 MS. SHAWNA PACHAL: Yes, there's -- by

15 law there's a required ratio of journeymen to

16 apprentices.

17 MR. BYRON WILLIAMS: Okay.

18

19 (BRIEF PAUSE)

20

21 MR. BYRON WILLIAMS: And -- and

22 certainly -- and, Ms. Pachal, we'll come to this later

23 again, but certainly one (1) of the objectives in

24 Wuskwatim was to -- as part of the training

25 development exercise was to -- to have a significant

1 proportion of apprentices as -- as a way to give
2 people a hands-up in terms of entering the trades,
3 agreed?

4 MS. SHAWNA PACHAL: Agreed.

5 MR. BYRON WILLIAMS: And so what I'm
6 trying to figure out in -- in terms of Keeyask, first
7 of all, is there a specific target in terms of
8 apprentices as part of the designated trades job
9 category?

10 MS. SHAWNA PACHAL: Not that I'm aware
11 of.

12 MR. BYRON WILLIAMS: Okay. And, Ms.
13 Pachal, you'll get back to me if -- if in further
14 inquiries you become aware of that?

15 MS. SHAWNA PACHAL: I will.

16 MR. BYRON WILLIAMS: Yeah. And I'm
17 not seeking an undertaking. That's -- Ms. Pachal's
18 very good at getting back if she has additional
19 information.

20 And, Ms. Pachal, would I be correct in
21 suggesting that with regard to Conawapa there is at
22 this point in time, to your knowledge, no target in
23 terms of apprentices as a percentage of -- of the
24 designated trades category?

25 MS. SHAWNA PACHAL: That's correct.

1 MR. BYRON WILLIAMS: Mr. Wojczynski, I
2 believe you mentioned yesterday, and you might have
3 again this morning, that as a result of the new
4 capital estimates there are more employees associated
5 with Keeyask.

6 Do you recall making that statement,
7 sir?

8 MR. ED WOJCZYNSKI: Yes.

9 MR. BYRON WILLIAMS: And would the
10 Corporation have updated estimates as compared to the
11 ones we see on Table 4.6, based upon the new capital
12 estimate and separated by classification?

13 MR. ED WOJCZYNSKI: I would be very
14 surprised if we did. I -- I would have to say the
15 answer is, no.

16 MR. BYRON WILLIAMS: So the
17 information that we currently have is -- in front of
18 us is represented in Table 4.6 is the most current
19 information to your knowledge, sir?

20 MR. ED WOJCZYNSKI: It is the most --
21 subject to check, it is the most current information
22 that has this kind of detail. We may have some number
23 that gives some overall person years, but without the
24 kind of detail we have here.

25 MR. BYRON WILLIAMS: So, Mr.

1 Wojczynski, I'm going to break this into two (2)
2 requests. The first of all is to make inquiries as to
3 whether you can update the total estimated person
4 years associated with the construction of Keeyask
5 based upon the new capital estimates.

6

7 (BRIEF PAUSE)

8

9 MR. ED WOJCZYNSKI: We will -- I will
10 check whether we can provide an update on the total
11 number of person years. I would suggest if we can
12 provide one it would be an approximate one, not the
13 kind of detail that would have been done in the first
14 instance for something like this. But I suspect for
15 the purposes of what you're looking for, an
16 approximate update would probably be good enough.

17 MR. BYRON WILLIAMS: Mr. Wojczynski,
18 that would be helpful. So you are going to undertake
19 to provide a revised rough estimate of the expected
20 total person years of employment associated with
21 construction of the Keeyask generating station?

22 MR. ED WOJCZYNSKI: Yes, but the front
23 part to that was to, first of all, check whether we
24 can do it. I expect we'll be able to do it, and then,
25 assuming that we can, then we would do that.

1 MR. BYRON WILLIAMS: I skipped a step,
2 and I apologize for that.

3 MR. ED WOJCZYNSKI: Thank you.

4 MR. BYRON WILLIAMS: I was hoping you
5 weren't listening, sir. I'm just teasing you.

6

7 --- UNDERTAKING NO. 75: Manitoba Hydro to provide a
8 revised rough estimate of
9 the expected total person
10 years of employment
11 associated with
12 construction of the Keeyask
13 generating station

14

15 CONTINUED BY MR. BYRON WILLIAMS:

16 MR. BYRON WILLIAMS: Mr. Wojczynski,
17 the second part of my request is in -- and this does
18 not need to be an undertaking, but if it comes to your
19 attention that the rel -- the relative split between
20 these categories is likely to material change, you'll
21 -- you'll bring it to -- to our attention?

22 MR. ED WOJCZYNSKI: As part of the
23 undertaking, while in discussion with the construction
24 people, I'll ask them for their informed judgment as
25 whether there would be reason to think there would be

1 a substantial change in the ratios here.

2 MR. BYRON WILLIAMS: Thank you for
3 that. And, Mr. Wojczynski, is -- is Conawapa far
4 enough along to have employment estimates, much less
5 revised employment estimates?

6 MS. SHAWNA PACHAL: I think we
7 provided some estimates of person years on Conawapa
8 yesterday. I don't think there's anything additional
9 to that at this point.

10 MR. BYRON WILLIAMS: Okay. Thank you.
11 If we can turn to CAC Exhibit 458, Tab 3, page 12,
12 please? Ms. Pachal, you'll recall a conversation with
13 the Chairperson, I believe it was yesterday morning,
14 in terms of peak employment related to Keeyask.

15 Do you recall that con -- conversation?

16 MS. SHAWNA PACHAL: I do.

17 MR. BYRON WILLIAMS: And in your
18 response, you quite properly focussed on the number of
19 persons. Do you remember that?

20 MS. SHAWNA PACHAL: For the question
21 related to peak employment, yes.

22 MR. BYRON WILLIAMS: One could also
23 look at that issue from a perspective of person years
24 of employment, agreed? Well -- or, Ms. Pachal, just
25 one could get a sense of the peak person year --

1 person years of employment as well, agreed?

2 MS. SHAWNA PACHAL: Yeah, that's --
3 yes.

4 MR. BYRON WILLIAMS: And indeed, that
5 is what we have before us, which, you'll agree with
6 me, is an excerpt from the Keeyask EIS being Figure
7 3.21, agreed?

8 MS. SHAWNA PACHAL: Correct.

9 MR. BYRON WILLIAMS: And as we absorb
10 the lovely colours, you'll agree with me, starting at
11 the -- the bottom in the purple, that is to reflect
12 the person years of employment in any particular year
13 associated with construction support, correct?

14 MS. SHAWNA PACHAL: Correct.

15 MR. BYRON WILLIAMS: And as we move up
16 the chart, we see the gold to -- is designed to
17 reflect the person years of employments associated
18 with non-designated trades, agreed?

19 MS. SHAWNA PACHAL: Agreed.

20 MR. BYRON WILLIAMS: And moving
21 upwards, we see the green equals designated trades,
22 correct?

23 MS. SHAWNA PACHAL: Correct.

24 MR. BYRON WILLIAMS: And blue is the
25 contract supervisory and Manitoba Hydro site staff,

1 correct?

2 MS. SHAWNA PACHAL: Yes.

3 MR. BYRON WILLIAMS: And we see the
4 peak in terms of person years being, you'll agree with
5 me -- or you'll agree, the year 2016 at someone over -
6 - somewhat over nine hundred (900) person years,
7 correct?

8 MS. SHAWNA PACHAL: Correct.

9 MR. BYRON WILLIAMS: And a similar --
10 similar high level in 2017, again, over nine hundred
11 (900) person years, agreed?

12 MS. SHAWNA PACHAL: Yes.

13 MR. BYRON WILLIAMS: And we also see
14 that in green, in the year 2016, of the four (4)
15 categories associated with Keeyask construction, it is
16 the green or the designated trades that is in the
17 highest demand in both the 2016 and 2017 years,
18 correct?

19 MS. SHAWNA PACHAL: Correct.

20 MR. BYRON WILLIAMS: And if we can
21 scroll down to the bottom of this page for just one
22 (1) second, the page being page 3 -- page 12 of CAC
23 Exhibit 95 -- excuse me -- 45-8.

24 Again, Ms. Pachal, you'll see in the
25 last bullet assess -- suggestion that the higher

1 skilled occupations account for a -- a larger
2 percentage of total employment as compared to the
3 relatively lower skilled occupations. Would that be
4 fair?

5 MS. SHAWNA PACHAL: Yes.

6 MR. BYRON WILLIAMS: Just -- if we
7 could turn to page 13 of the same exhibit, CAC-45-8?
8 Ms. Pachal, this is a very small point, but just if
9 anyone's wondering where that big 'X' is from, you'll
10 -- you'll recall that we had an offline discussion
11 with your staff yesterday about this table.

12 MS. SHAWNA PACHAL: Yeah, there was a
13 typo. They had "Designated Trades" and "Construction
14 Support" flipped.

15 MR. BYRON WILLIAMS: So, what -- what
16 you would recommend is that one pay attention to Mr.
17 Williams's very messy 'X' and not pay attention to
18 this table, and instead, that actual same information
19 is -- is provided at page 5 --

20 MS. SHAWNA PACHAL: Correct.

21 MR. BYRON WILLIAMS: -- of this same
22 exhibit. Thank you.

23 If we could turn to page 15 of this
24 same exhibit, please, and scroll up just a bit?
25 Perfect.

1 Ms. Pachal, again, you'll agree this is
2 an excerpt from the Keeyask EIS?

3 MS. SHAWNA PACHAL: Yes.

4 MR. BYRON WILLIAMS: And -- and what
5 it ass -- attempts to do, and you might have to scroll
6 up just a little bit further and -- scroll down just a
7 little bit further. Yes, thank you. Keep going,
8 please.

9 Ms. Pachal, you'll agree what this
10 represents is the breakdown of the direct negotiated
11 contract estimates of Manitoba Hydro by person years
12 of employment?

13 MS. SHAWNA PACHAL: Yes.

14 MR. BYRON WILLIAMS: And if we can
15 scroll up a little bit just so we can see the whole
16 graph? Thank you.

17 And, so, in ter -- in terms of the
18 direct negotiated contracts, they are a important,
19 indeed, critical mechanism by which Hydro and its
20 partners seek to achieve meaningful employment
21 representation for their -- for the Cree Nation
22 partners as well as for business income and capacity.

23 That would be agreed?

24 MS. SHAWNA PACHAL: Yeah, they're --
25 they're telling me, "Yes."

1 MR. BYRON WILLIAMS: And what this pie
2 chart, if I can describe it as that, reflects, is the
3 mix of expected person years of employment divided
4 between three (3) job categories, being construction
5 support, non-designated trades, and designated trades.

6 Would that be fair?

7 MS. SHAWNA PACHAL: Yes.

8 MR. BYRON WILLIAMS: And so, here we
9 see that construction support in the purple accounts
10 for 59 percent of the total, or an estimated six
11 hundred and seventy-five (675) person years, agreed?

12 MS. SHAWNA PACHAL: Agreed.

13 MR. BYRON WILLIAMS: And it -- it is
14 by far the -- the largest part of the DNCs in terms of
15 person years of employment?

16 MS. SHAWNA PACHAL: That's what the
17 graph is saying, yes.

18 MR. BYRON WILLIAMS: And then we see
19 under 'designated trades', they come in at 23 percent,
20 or an estimated two hundred and sixty (260) person
21 years, agreed?

22 MS. SHAWN PACHAL: Agreed.

23 MR. BYRON WILLIAMS: And then the non-
24 designated trades at 18 percent are two hundred and
25 seven (207) person years.

1 Would that be fair?

2 MS. SHAWNA PACHAL: Agreed.

3 MR. BYRON WILLIAMS: Now, you did
4 mention over the -- the last couple of days that there
5 are revised estimates of the values of the -- of the
6 directly-negotiated contracts up to around 390
7 million.

8 Is that correct, Ms. Pachal?

9 MS. SHAWNA PACHAL: That's correct.

10 MR. BYRON WILLIAMS: Is there a
11 revised breakdown of the expected person years of
12 employment associated with the direct negotiated
13 contracts, or is this the most current information?

14 MS. SHAWNA PACHAL: I do -- I don't
15 know. I would have to check for you if this was the
16 most current information --

17 MR. BYRON WILLIAMS: Okay.

18 MS. SHAWNA PACHAL: -- or not.

19 MR. BYRON WILLIAMS: So I'm going to
20 ask you by way of undertaking to just report back on
21 whether this is the most current information or not?

22 MS. SHAWNA PACHAL: Okay. I will
23 undertake to determine if Figure 323 from the MMF's
24 Exhibit 45-8, 45-8, the CAC Exhibit 45-8 is up to
25 date.

1 MR. BYRON WILLIAMS: Okay. Thank you
2 for that. Now just as -- as we look at the big
3 picture --

4 MS. SHAWNA PACHAL: Well, I actually
5 can give you an answer because they just emailed me,
6 the constriction folks upstairs, telling me that it is
7 the most current info they have.

8 MR. BYRON WILLIAMS: Well, thank them
9 very much.

10

11 (BRIEF PAUSE)

12

13 MS. SHAWNA PACHAL: So can I get my
14 name off that undertaking?

15 MR. BYRON WILLIAMS: Yes.

16 MS. SHAWNA PACHAL: I want to go to
17 bed a little bit earlier tonight.

18 MR. BYRON WILLIAMS: We consider the
19 undertaking fulfilled, and that is a record, I
20 guarantee you.

21 MS. JANE KIDD-HANTSCHER: It would've
22 been even faster but I got heck earlier for whispering
23 in her ear, so now I'm just trying to motion to her,
24 so.

25 MR. BYRON WILLIAMS: If -- if we would

1 compare the -- the categ -- the breakdown of person
2 years of employment of the direct negotiated contracts
3 as compared, Ms. Pachal, to the overall picture of the
4 person years of employment would I be correct in
5 suggesting to you that the DNCs as compared to the
6 overall person years of employment are
7 disproportionately aligned with construction support?

8 There's more, relatively there's way
9 more construction support within the DNCs than one
10 would see in the same percentage for the overall --
11 for the overall project.

12 MS. SHAWNA PACHAL: Yes, I would say
13 that's right.

14 MR. BYRON WILLIAMS: And the corollary
15 of that is that for the designated trades, they occupy
16 a relatively smaller percentage of the DNC contracts
17 as compared to the overall construction picture,
18 agreed?

19 MS. SHAWNA PACHAL: Agreed.

20 MR. BYRON WILLIAMS: If we could just
21 move on for a couple pages, to page 17 of this Exhibit
22 CAC-45-8.

23 Ms. Pachal, here we -- you'll -- you'll
24 agree that here we have the same information but
25 presented for the tendered contracts, agreed?

1 MS. SHAWNA PACHAL: Agreed.

2 MR. BYRON WILLIAMS: And to cut to the
3 chase, here we see for the tendered contracts roughly
4 54 percent associated with the designated trades,
5 correct?

6 MS. SHAWNA PACHAL: Correct.

7 MR. BYRON WILLIAMS: And 9 percent
8 associated with construction support?

9 MS. SHAWNA PACHAL: Correct.

10 MR. BYRON WILLIAMS: And I think I
11 know what your folks at -- on -- is this, Ms. Pachal,
12 to your knowledge, the most recent information that
13 you have in terms of the split?

14 MS. SHAWNA PACHAL: Yeah, subject to
15 check I'm assuming it is, yes.

16 MR. BYRON WILLIAMS: If we can turn to
17 -- staying within CAC Exhibit 45-8, and move to page
18 19 in the bottom right-hand corner, and I believe this
19 is for Ms. -- Ms. Kidd-Hantscher, and hopefully I got
20 your name correct this time. I apologize for
21 previously.

22 What we see here is -- is Table 3-22
23 from the Keeyask EIS supporting materials, you'll
24 agree with me?

25 MS. JANE KIDD-HANTSCHER: Yes.

1 MR. BYRON WILLIAMS: And recognizing
2 the caveat that you provided both yesterday and today,
3 Ms. Kidd, in terms of the employability person years
4 comparability, what this -- what this does is provides
5 an estimate of the employment participation by KCN
6 members in the Keeyask generation project, and it does
7 not involve the infrastructure project, agreed?

8 MS. JANE KIDD-HANTSCHER: Agreed, and
9 three two two (322) is the high employment estimate,
10 yes.

11 MR. BYRON WILLIAMS: And by the high
12 employment estimate, the consultants retained in the
13 EIS did both the low estimate which appears on the
14 next page and a high estimate, and this is the
15 application of the high estimate to the -- as compared
16 to the total demand associated with Keeyask.

17 MS. JANE KIDD-HANTSCHER: Correct.

18 MR. BYRON WILLIAMS: Okay. And again,
19 this is measured in person years, correct?

20 MS. JANE KIDD-HANTSCHER: Yes.

21 MR. BYRON WILLIAMS: And we wouldn't
22 have the JKDA issue, Ms. Kidd, this is person years to
23 person years based upon the estimate of -- of three
24 thousand (3,000) hours equalling a one (1) person
25 year, agreed?

1 MS. JANE KIDD-HANTSCHER: Yes, this is
2 more -- much more straightforward.

3 MR. BYRON WILLIAMS: Okay. Thank you.
4 And if we go to the column, "Construction Support," we
5 see the estimate being, total KCN participation being
6 three hundred and twenty-five (325) as compared to
7 over -- total overall project demand of eight hundred
8 and fifty-two (852).

9 Am I correct there?

10 MS. JANE KIDD-HANTSCHER: Yes.

11 MR. BYRON WILLIAMS: Moving over to
12 non-designated trades we see the high employment
13 estimate suggest one hundred and seventy (170) person
14 years of employment as compared to the total demand of
15 nine hundred and fifty-two (952) person years of
16 employment, agreed?

17 MS. JANE KIDD-HANTSCHER: Agreed.

18 MR. BYRON WILLIAMS: And moving over
19 to the designated trades, we see the estimated person
20 years of employment under the high employment estimate
21 for the KCNs being ninety-five (95) as -- as compared
22 to the total expected demand of one three four six
23 (1,346), agreed?

24 MS. JANE KIDD-HANTSCHER: Agreed.

25 MR. BOB PETERS: And then we see also

1 a comparison in terms of MH and super -- supervisory
2 between the KCN and total demand.

3 Would that be fair?

4 MS. JANE KIDD-HANTSCHER: Yes.

5 MR. BYRON WILLIAMS: And just out of
6 curiosity, and -- and if you can't answer it, perhaps
7 someone from the -- the KCN, there's apparently a
8 great chef associated with one (1) of the -- the Cree
9 Nations who's in -- who's occupying one (1) of these
10 management positions.

11 Am I -- am I --

12 MS. JANE KIDD-HANTSCHER: That's
13 actually -- if my understanding is correct, that's a
14 chef who is from Nelson House --

15 MR. BYRON WILLIAMS: Nelson House.

16 MS. JANE KIDD-HANTSCHER: -- who
17 received his Red Seal apprenticeship while working at
18 the Wuskwatim project, who's moved on to work on the
19 Keeyask project, if it's the same person that I'm
20 thinking of, so.

21 MR. BYRON WILLIAMS: And he's a real
22 success story, and -- or she or he is.

23 MS. JANE KIDD-HANTSCHER: So -- yes.

24 MR. TED BLAND: I just wanted to add
25 to that, York Factory also has a Red Seal chef there,

1 as well, so we do have two (2) Red Seal chefs.

2 MR. BYRON WILLIAMS: I -- I remember
3 Mr. Bland telling me about a Red Seal chef previously,
4 so. There's a couple great chefs from the Cree
5 Nations in this total. And finally, under the total
6 we see total KCN participation of six hundred (600)
7 person years of employment as compared to the total
8 estimated demand of four thousand two hundred and
9 eighteen (4,218).

10 Would that be fair?

11 MS. JANE KIDD-HANTSCHER: Yes.

12 MR. BYRON WILLIAMS: And
13 mathematically, that works out to be about 14 percent
14 of -- of the expectation of total demand?

15 MS. JANE KIDD-HANTSCHER: Yes.

16 MR. BYRON WILLIAMS: And would it be
17 fair to suggest that in terms of the total KCN
18 participation, it tends to be significantly higher in
19 the non-designated trades and construction support as
20 compared to the designated trades and the MH and
21 supervisory.

22 Would that be fair?

23 MS. JANE KIDD-HANTSCHER: Yes, the
24 numbers are indicative of that.

25 MR. BYRON WILLIAMS: And I think I

1 know the answer to this, but have these figures been
2 updated to -- to your knowledge, Ms. Kidd-Hantscher?

3 MS. SHAWNA PACHAL: The information
4 that we have here from the EIS are the most up-to-date
5 numbers that we have in this regard.

6 MR. BYRON WILLIAMS: I thank you for
7 that. Mr. Chair, I'm moving to a -- a new subject
8 matter and I can keep going, although I do have a
9 commitment at the University of Manitoba. So if I
10 could beg the indulgence of the Board and -- and
11 finish a couple minutes early I'd be very
12 appreciative.

13 THE CHAIRPERSON: Absolutely, Mr.
14 Williams. I think unless there's some other business
15 to conduct I will be adjourning the session for today.
16 Our intention is to -- oh, Mr. Bedford, please.

17 MR. DOUGLAS BEDFORD: This will take
18 but a moment. When Mr. Spence arrived yesterday to
19 address you he came with a prepared written statement
20 to read. It probably escaped your observation, but
21 Mr. Spence has reached a stage in his life where he
22 struggles with his eyesight. So he spoke
23 extemporaneously managing to cover some of the topics
24 in his prepared written statement, but he found he was
25 unable to read it. It runs for about eleven (11)

1 pages. And with your indulgence I would like to file
2 the written statement as an exhibit. I think we are
3 at MH-132, Mr. Simonsen, or --

4 MR. KURT SIMONSEN: One thirty-three.

5 MR. DOUGLAS BEDFORD: -- 133. I was
6 close. So if we may do that. I'll have my colleague
7 distribute the copies of the statement.

8

9 --- EXHIBIT NO. MH-133: Presentation by Victor
10 Spence

11

12 THE CHAIRPERSON: Obviously, the panel
13 will accept that as an exhibit, that statement as an
14 exhibit.

15 MR. DOUGLAS BEDFORD: And I'm advised
16 that Ms. Kidd-Hantscher has one (1) matter to -- to
17 enter.

18 MS. JANE KIDD-HANTSCHER: Oh, no, I
19 don't want to come back to that this afternoon. We'll
20 do it -- we'll do an easier one. I think that, if we
21 understood your statement perhaps that you made, or
22 question, it was with respect to some information that
23 was in the Deloitte evaluation about, I think you may
24 have said, a target on apprentices for the Wuskwatim
25 Project.

1 So we've just checked that and on page
2 46 of that document, as you did reference 20 percent,
3 and 20 percent is the right number, but that's not a
4 target, it was a northern Aboriginal apprentice hire
5 actual results for the project. And in the paragraph
6 above, it -- it indicates that targets were not
7 identified for Aboriginal apprentice numbers, but
8 based on data provided by Manitoba Hydro.

9 So -- so 20 percent is the actual
10 number of northern Aboriginal apprentice hires on the
11 project.

12

13 CONTINUED BY MR. BYRON WILLIAMS:

14 MR. BYRON WILLIAMS: And, Ms. Kidd-
15 Hantscher, I'm -- I'm going to -- when we resume our
16 discussion tomorrow just have -- ask your folks to
17 look at page 6 of CAC Exhibit 45-7 and see if we're --
18 we're talking the -- the same information, and we'll
19 come back to it. And could you just remind me of the
20 page that you cited, please?

21 MS. JANE KIDD-HANTSCHER: Okay. So I
22 cited page 46. And I see that you're indicating on
23 page 6 -- this was below the EIS prediction of 20
24 percent of all hires would be apprentices. That is
25 what you're referencing, Mr. Williams?

1 MR. BYRON WILLIAMS: Yeah, and --

2 MS. JANE KIDD-HANTSCHER: I think that
3 maybe it's the -- it's a prediction versus a target.
4 Maybe that's just the fine distinction there, so.

5 MR. BYRON WILLIAMS: Okay. That's
6 fair enough. But if I can just go to the line in --
7 and it's -- while we're here, it's CAC Exhibit 45-7
8 and page 6 in the bottom right-hand corner. Yeah,
9 right there.

10 Ms. Kidd, you'll see the suggestion on
11 the first line of that last paragraph that the actual
12 hires at just under 15 percent of the total were
13 apprentices, which the suggestion is -- and I thank
14 you for correcting my words, was below the EIS
15 prediction of 20 percent of all hires.

16 And so is that consistent with your
17 understanding or are we at odds?

18 MS. JANE KIDD-HANTSCHER: I think --
19 and perhaps the -- the difference was I think we heard
20 you say the word 'target' as opposed to 'prediction'.
21 And so this isn't a target. It is a EIS prediction,
22 so --

23 MR. BYRON WILLIAMS: And I thank you
24 for that. And just for Ms. Pachal to ponder for
25 tomorrow, is there a prediction of the percentage of

1 hires in the designated trades which will be
2 apprentices associated with Keeyask?

3 And I apologize for using the word
4 'target' instead of 'prediction'.

5 THE CHAIRPERSON: Thank you. I think
6 with that we have completed today's business. So have
7 a good evening, everyone. We'll see each other again
8 tomorrow morning at nine o'clock sharp. Thank you.

9

10 --- Upon adjourning at 4:29 p.m.

11

12

13

14 Certified Correct,

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19 _____

20 Cheryl Lavigne, Ms.

21

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