



“When You Talk - We Listen!”



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

May 21, 2014

Pages 11173 to 11429

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1 --- Upon commencing at 9:03 a.m.

2

3 THE CHAIRPERSON: Good morning. I  
4 believe that we can start today's proceedings. I hope  
5 that everybody had a good evening last night. With  
6 that, I will turn the microphone over to you, Ms.  
7 Saunders, who is acting on behalf of the Manitoba Metis  
8 Federation.

9

10 FINAL SUBMISSIONS BY MMF:

11 MS. JESSICA SAUNDERS: Thank you, Mr.  
12 Chair and members of the panel. Good morning,  
13 everyone. I should first of all begin by letting you  
14 know that we will have an accompanying written final  
15 submission. It will be finalized, and so I will be  
16 speaking to just highlights of that submission today,  
17 and we will finalize it, I expect, tomorrow, or at the  
18 very latest, Friday morning so that Manitoba Hydro has  
19 it in advance of its preparations for its closing, if  
20 that's okay?

21 MS. PATTI RAMAGE: That is a concern  
22 for Manitoba Hydro because we have to finalize our  
23 argument immediately, so I -- I am not sure what I can  
24 say. If -- if we get a -- a huge amount of materials  
25 Friday, it's going to be very difficult to have any to

1 -- pulled together to address, 'cause we have a -- we  
2 have a lot to address in this hearing. So I can only  
3 say the -- the earlier the better, or we have a  
4 concern.

5 MS. JESSICA SAUNDERS: Okay. And on  
6 that note, I can just say -- I mean, we've had a lot to  
7 consider as well with the recent rebuttal evidence and  
8 a lot of various other matters, but we've -- we've  
9 endeavoured to just provide our conclusions in our  
10 written submissions based on all of the evidence that's  
11 already been heard in the proceeding.

12 So, of course, I don't think there's  
13 anything that will come as a surprise in our argument,  
14 and so I can endeavour by end of day Thursday, if -- if  
15 that's acceptable?

16

17 (BRIEF PAUSE)

18

19 MS. JESSICA SAUNDERS: Okay. So just  
20 to give you an idea of the perspective with which the  
21 Manitoba Metis Federation has approached its  
22 intervention, the Manitoba Metis Federation represents  
23 the Manitoba Metis community, and the Manitoba Metis  
24 community is an Aboriginal people as recognized within  
25 Section 35 of the constitution.

1                   And while that comes with -- with a  
2   number of various other things that should be  
3   understood, the way we've approached it is, this terms  
4   of reference in the NFAT asks the PUB to consider  
5   whether or not the plan is in the best socioeconomic  
6   interests of Manitobans overall, but also the  
7   socioeconomic impacts and benefits of the plan compared  
8   to alternatives when you're looking at those impacts  
9   and benefits to Aboriginal and Northern communities, of  
10   which the Manitoba Metis community is an Aboriginal  
11   community.

12                   And so it's -- it's with that unique  
13   perspective that the Manitoba Metis Federation has  
14   approached its intervention and will provide its  
15   closing comments.

16                   Our submission on specific issues: The  
17   MMF is concerned that there remains a vast amount of  
18   outstanding information that limits the ability of the  
19   MMF, and in some cases the PUB, to fully analyze the  
20   plan and the alternatives.

21                   While the PUB and the IECs have had  
22   access to much of the data on the financial and  
23   economic risks of the plan, transmission planning, and  
24   export contracts, the MMF was not able to access this  
25   information, as much of it was deemed commercially



1 sensitive information. That was a concern that was  
2 highlighted by our consultants, Whitfield Russell  
3 Associates, in their written evidence, as well as their  
4 testimony.

5 It has also been noted a number of times  
6 in this proceeding that most of the information  
7 available relates to the Keeyask project, that much of  
8 the information on the other projects that comprise the  
9 plan are not available. So the MMF will highlight some  
10 specific concerns in this regard.

11 The MMF submits that there has been a  
12 failure to consider the potential impacts to the  
13 Manitoba Metis community and to others. Regardless of  
14 whether it's the plan or an alternative, the MMF is  
15 concerned that there is currently insufficient  
16 information available to determine whether or not there  
17 will be impacts to the Manitoba Metis community as a  
18 result of the projects that comprise the plan, and that  
19 therefore there are a number of impacts and costs that  
20 are not being fully considered in this review.

21 Manitoba Hydro has confirmed that not  
22 all participating party costs, which include process,  
23 mitigation, transition, and implementation costs which  
24 appear in Manitoba Hydro Exhibit 91 have not been  
25 included in Manitoba Hydro -- in that exhibit with

1 respect to the Metis.

2                   In discussing Manitoba's -- Manitoba  
3 Hydro, rather, a proactive approach to partnership with  
4 CEO Scott Thomson on the opening day of the NFAT, the  
5 MMF was disappointed that Manitoba Hydro seems to  
6 arbitrarily determine on what projects and with what  
7 Aboriginal communities it will apply its proactive  
8 approach to, even when there are a number of other  
9 Aboriginal communities, including the Manitoba Metis  
10 community, in the local and regional study areas of the  
11 Keeyask project, and certainly in the Conawapa and  
12 Manitoba-Minnesota Transmission Project areas.

13                   With the vast materials available on the  
14 KCNs and the support Manitoba Hydro received from its  
15 KCN partners in the NFAT, one might wonder if the  
16 materials in the NFAT would have looked differently if  
17 Hydro had applied this proactive approach to  
18 partnership with the Manitoba Metis community and other  
19 Aboriginal communities.

20                   If Hydro applied this proactive approach  
21 to partnership to its dealings with the Metis in, for  
22 instance, the Manitoba-Minnesota Transmission Project -  
23 - and while, granted, that involves transmission and of  
24 course ownership, say the way agreements and  
25 partnerships are dealt with, with respect to

1 generation, it's very different with transmission,  
2 there could have still been a coming together to find  
3 some common ground, in terms of how to approach a view  
4 to turning your minds to potential impacts that could  
5 result in the Manitoba-Minnesota Transmission Project.

6                   That's an area where a converter station  
7 has been named after a revered Metis leader, Louis  
8 Riel. And perhaps the MMF would have been appearing in  
9 a panel with Manitoba Hydro, providing the PUB with  
10 data analysis when considering the socioeconomic  
11 impacts and benefits to Aboriginal communities in that  
12 project.

13                   Even when Manitoba Hydro provides  
14 volumes of materials showing detailed and comprehensive  
15 methodologies for routing and siting, and explanation  
16 after explanation as to how it engages the public as  
17 part of its decision-making process, in presentations  
18 from community members, such as Ms. Lorna Kopelow, it  
19 appears that the MMF's concerns with Hydro's purported  
20 proactive approach to partnership and public  
21 engagements and projects are shared by others who feel  
22 left behind while Hydro marches on in implementing its  
23 plan.

24                   Perhaps when looking at these siting and  
25 routing methodologies and the various explanations

1 provided by Manitoba Hydro as to how it deals with the  
2 impacts of these plans, if there was a ver -- a  
3 different proactive approach -- and -- and Hydro does  
4 say that it -- it speaks with landowners, but similarly  
5 with the comments in how involvement with the Manitoba  
6 Metis Federation might have resulted in different  
7 information available for you here today, I think the  
8 same applies to landowners and their concerns as been  
9 outlined by Ms. Kopelow in her presentation.

10                   And these comments are not simply the  
11 grumblings of the Manitoba Metis community as an  
12 Aboriginal community that has been left out. Rather,  
13 they bring a cautionary message, and the MMF would  
14 respectfully caution that when the PUB hears Hydro's  
15 processes are comprehensive or that they've considered  
16 all potential impacts, that they've dealt with certain  
17 matters, that they examine the record carefully.

18                   For instance, when Hydro considers --  
19 rather, when Hydro testifies that it's committed to  
20 examining concerns related to Aboriginal employment on  
21 the Keeyask project and it's working with Aboriginal  
22 communities in examining those concerns, from our  
23 cross-examination of Ms. Pachal, we note that while  
24 this group will be providing recommendations on  
25 Aboriginal employment generally, there's only KCN

1 representation on that group and the voices of other  
2 Aboriginal peoples are not being heard.

3                   As another example, with transmission  
4 issues. The siting and routing methodology is  
5 discussed by Manitoba Hydro, and they speak to this  
6 methodology in attempting to, at the outset, minimize  
7 impa -- impacts, and that there's extensive public  
8 engagement to identify those impacts and try to avoid  
9 them with rerouting and other measures.

10                  In questions -- in response to questions  
11 by the Chair in terms of what can be done additionally  
12 on transmission impacts, Ms. Pachal originally offered  
13 that there are offsetting programs and -- and routing,  
14 alternative route selection, to avoid sensitive  
15 environmentally, culturally sensitive areas, and then  
16 after that, you look at mitigation and monitoring.

17                  She later qualified in questions from  
18 the Manitoba Metis Federation on cross-examination that  
19 offsetting programs apply only to generation, and while  
20 it's a mistake on her part, we believe that our -- our  
21 later discussions with Manitoba Hydro and what's been  
22 done in transmission reveal that perhaps it isn't as --  
23 as comprehensive or as -- as fully elaborated on of a  
24 process as Hydro would like for us to believe.

25                  When asked about what was done in the

1 Wuskwatim Pro -- Project Development Agreement,  
2 Manitoba Hydro responded that it was a community  
3 development initiative, that it wasn't compensation,  
4 and that there were no other provisions in the JKDA  
5 that were similar to what was done in the Wuskwatim  
6 PDA.

7 Hydro confirmed after questioning that  
8 there were, in fact, no provisions in the JKDA dealing  
9 with impacts that might result as a -- due to  
10 transmission, and when asked by the Manitoba Metis  
11 Federation to provide the details of the Wuskwatim PDA,  
12 what was done for mitigation of potential impacts for  
13 transmission in that agreement, and the amounts that  
14 have been paid under those various provisions at  
15 Undertaking 74, Manitoba Hydro originally provided a  
16 summary of those provisions.

17 And later, when the Manitoba Metis  
18 Federation asked for them to provide the additional  
19 response to that question, Manitoba Hydro provided two  
20 (2) -- I -- I believe a page and a half of charts that  
21 show payments that were made out under that development  
22 initiative to deal with transmission impacts on  
23 Wuskwatim, and those amounts were significant from 2005  
24 over a matter of -- I -- I believe a -- a few years,  
25 and we'll confirm that in our written submissions.

1 But in that Undertaking 74, there were  
2 over \$211 million that was paid out to account for --  
3 for those, whether they want to call it 'compensation'  
4 or 'community development initiatives'. To the  
5 Manitoba Metis Federation, those are significant costs  
6 that resulted in the Wuskwatim project, and we got to  
7 look at here.

8 But what we don't have is a set of  
9 information that looks at what could potentially result  
10 in transmission impacts in the Keeyask project, and the  
11 in the Manitoba-Minnesota Transmission Line Project,  
12 and in other projects that involve transmission that  
13 are a part of this plan as well.

14 We also note outstanding information in  
15 the multiple account cost-benefit analysis, and -- and  
16 we'll elaborate on this further in our -- in our  
17 submissions. We certainly appreciated the process that  
18 was involved in the multiple account cost-benefit  
19 analysis, and we realize, though, that outstanding info  
20 that would have been helpful to the Manitoba Metis  
21 Federa -- Federation in showing that the mind of -- of  
22 this government and of Hydro has been turned to, you  
23 know, looking at that -- that government account and  
24 that social account, and as to what the tradeoffs would  
25 be, that -- that's important information that the

1 Manitoba Metis Federation was looking for, and we did  
2 find some, but we did have concerns that conclusions in  
3 the social account, for instance, were very KCN  
4 focussed.

5                   There was no specific information to  
6 Metis or other Aboriginal groups, or Northern  
7 communities within that account. As well, in the  
8 environmental account, we were only able to consider  
9 information that was available with respect to the  
10 Keeyask project, and that in our cross-examination of  
11 Mr. -- of Dr. Shaffer, he confirmed that all of the  
12 information that he was relying on was that of Manitoba  
13 Hydro and its partnership as provided in the Keeyask  
14 EIS when it came to the environmental and the social  
15 account.

16                   Another issue that we -- we wanted to  
17 look at in -- in the -- in the government account, and  
18 we questioned Dr. Shaffer on this, and we -- I think we  
19 received some -- some indication in terms of the costs  
20 here, but we went through the exercise of showing in  
21 the terms of reference that while the duty to consult  
22 Aboriginal peoples, that's -- that's one that would  
23 involve whenever there's strategic planning being  
24 involved in a project, that it has the potential to  
25 impact an Aboriginal community who has rights. As



1 Section 35 recognized Aboriginal peoples, they have a  
2 right to be consulted, and we know that that's not part  
3 of this review.

4 But when we looked to, say, the  
5 government account and the costs that government would  
6 have had to have paid in association with these  
7 projects, there -- there was nothing in the government  
8 account and -- and we were a little alarmed to see  
9 that, in that in our discussion with Dr. Shaffer, he  
10 confirmed that when he looked at the information and --  
11 and asked questions about information, he was looking  
12 for information on significant costs.

13 And so we take from that that there just  
14 either wasn't information available, or those amounts  
15 were not significant enough to be considered in that  
16 government account, and we just bear -- bear note that  
17 whatever the case may be, we -- we found it helpful to  
18 go through the multiple account cost-benefit analysis  
19 in this process.

20

21 (BRIEF PAUSE)

22

23 MS. JESSICA SAUNDERS: So moving on to  
24 our highlights of the macroenvironmental  
25 considerations, the MMF has not had the -- the full

1 time, or resources in order to consult its experts and  
2 consultants regarding recent reports from the Canadian  
3 -- sorry, from the Clean Environment Commission and the  
4 Canadian Environmental Assessment Agency on the Keeyask  
5 project.

6                   We appreciate that the PUB has both --  
7 made both of these documents exhibits in this process  
8 so that parties could refer to them in closing  
9 argument. And while we didn't have the opportunity to  
10 comment in detail on these reports in oral testimony,  
11 we respectfully provide the caution that originally  
12 appeared in our pre-filed written evidence that the  
13 conclusions and recommendations to government provided  
14 to the CEC, though necessary to the NFAT, will apply  
15 only to a single component of the plan, and those plans  
16 that contain Keeyask as a component.

17                   We are unable to determine the  
18 likelihood, the significant adverse environmental  
19 effects related to other projects that comprise the  
20 plan, as detailed environmental information is not  
21 available on those projects. Further, individual  
22 projects may not have a significant effect in and of  
23 themselves, but the collective impact of all of the  
24 components that comprise the plan may very well be  
25 significant.

1                   Additionally, when a commitment has been  
2 made to carry out a regional cumul -- cumulative  
3 effects assessment, as was recommended by the CEC in  
4 the report on Bipole III, and we spoke to the in Mr.  
5 Hendriks's evidence, the availability of this  
6 information, particularly at a time when the PUB must  
7 consider Manitoba Hydro's plan to add two (2) new  
8 generation stations in the area, would have been  
9 helpful in understanding the residual effects of the  
10 existing facilities and using that information to  
11 protect the macroenvironmental -- sorry, to predict the  
12 macroenvironmental impact of the plan.

13                   As was highlighted in some of the  
14 Information Requests submitted by the MMF's consultant  
15 on macroenvironmental matters, Ms. Stewart (phonetic),  
16 the high-level summary provided by Manitoba Hydro at  
17 CAC/Manitoba Hydro IR from Round 1 231a provides no  
18 analysis of the collective consequences or collective  
19 change of the Plan and alternatives as is contemplated  
20 in the NFAT definition of 'macroenvironmental impact'.

21                   With the information we have available,  
22 the MMF submits that there is no way of determining the  
23 -- the potential significance of collective change to  
24 the environment. We believe that this is a problem  
25 faced by a number of parties, as is demonstrated in

1 some of the other analysis completed by other  
2 Intervenor.

3                   Regarding socioeconomic considerations  
4 in this same area, as was highlighted in some of the  
5 IRs submitted by MMF's consultant, Ms. Dalrymple,  
6 missing in the NFAT filing is sufficient and adequate  
7 information regarding the assessment and mitigation of  
8 potential socioeconomic effects as may distinctly be  
9 experienced by the Metis in the local and regional  
10 study areas. This would similarly be the case for  
11 other potentially affected Aboriginal communities other  
12 than the KCNs. Manitoba Hydro's high-level summary  
13 provided in CAC/Manitoba Hydro Round 1 IR 231a does not  
14 contain information specific to the Metis.

15                   Despite attempts to obtain further  
16 information on the alternatives in MMF/Manitoba Hydro  
17 Round 2 IR 40a, the MMF remains concerned that there's  
18 not enough information available on the alternatives to  
19 complete the analysis that is contemplated in the NFAT  
20 definition of 'socioeconomic impact'. As a result, in  
21 general socioeconomic terms and specific to the Metis,  
22 and perhaps other Aboriginal communities, it cannot be  
23 said that the Plan is in the best development -- is the  
24 best development option when compared to alternatives.

25                   The PUB attempted to assist in this

1 regard when it requested Manitoba Hydro to file an  
2 additional chart indicating the socioeconomic and  
3 macroenvironmental impacts in relation to non-  
4 Aboriginal Northern communities, and Aboriginal  
5 communities other than those communities that comprised  
6 the KCNs. Manitoba Hydro provided the response that it  
7 gave to MMF/Manitoba Hydro-40a.

8                   Moving to our summary of the financial  
9 and economic risk aspect of our evidence, you've heard  
10 from our consultants on the seventy-eight (78) study  
11 period being too long for this analysis. In its  
12 rebuttal of February 28th, Hydro maintains that it  
13 chose the seventy-eight (78) study period because of  
14 the long-lived nature of hydro assets and to best  
15 address the matter of uncertainty over that time frame.  
16 Use of this study period is longer than Manitoba Hydro  
17 uses, for instance, in its twenty (20) year projection  
18 for its financial forecast and the thirty-five (35)  
19 year period for its Power Resource Plan.

20                   MMF is of the view that the seventy-  
21 eight (78) study period was chosen as it favours high-  
22 risk hydrocentric plans that most notably require large  
23 capital investments, take a long time to build, and are  
24 projected to generate savings only after much of their  
25 initial cost is paid through depreciation. And the

1 long study period attempts to sell ratepayers on the  
2 idea that they will see lowered rates after twenty-six  
3 (26) years, while masking the need for near-term rate  
4 increases. This creates intergenerational --  
5 intergenerational inequity and would have been more  
6 apparent, the MMF believes, if a shorter study -- study  
7 period were used.

8                   On the risks associated with export  
9 revenue, for Keeyask and Conawapa to result in the net  
10 benefits that Manitoba Hydro claims, ratepayers are  
11 dependent on the magnitude of future exports and the  
12 future level of export prices. The MMF is of the view  
13 that we should be alerted when top experts in the North  
14 American energy field use words like 'disturbing' to  
15 describe volatile trends in opportunity sale volumes  
16 and prices.

17                   We know that there have been a decline  
18 in export prices since 2006 and '07. We also know that  
19 little certainty can be found in export revenue  
20 forecasts. In referring to PUB/Manitoba Hydro-158b,  
21 Whitfield Russell Associates notes that:

22                   "The overall forecast of weighted  
23 average export prices has dropped in  
24 each successive forecast since 2009."

25                   We would echo Mr. Russell's caution that

1 in 2009, the forecasted revenue in megawatt hours in  
2 nominal Canadian dollars was sixty-six point nine  
3 (66.9) and fifty-five point seven dollars (\$55.7)  
4 whereas the actual price for 2012/2013 was thirty-four  
5 point five-seven dollars (\$34.57).

6 On the declines in prices, Whitfield  
7 Russell cautioned:

8 "So when I see these kinds of  
9 declines in prices, it's kind of a  
10 red warning light. It's a -- it's a  
11 buy signal, and this is a strong sign  
12 to anybody who's developing power  
13 that if I sell, I'm not going, and if  
14 I depend on sales of my surplus, I'm  
15 looking into a diminishing market."

16 While our experts do not have access to  
17 some of the detailed information in this regard,  
18 Whitfield Russell Associates was nevertheless able to  
19 identify a substantial gap between the high level in-  
20 service annual revenue requirement to recover the cost  
21 of power for new hydro with Wuskwatim, Keeyask, and  
22 Conawapa at approximately one hundred (100) per  
23 megawatt hour, or ten (10) cents per kilowatt hour.  
24 And that's from PUB Order 5/'12.

25 And the lower prices that Manitoba Hydro

1 can expect to ser -- sell its firm and surplus hydro  
2 power in its export markets, unit sales of no more than  
3 six (6) to seven (7) cents per kilowatt hour on average  
4 firm and opportunity sales combined.

5 And Manitoba Hydro has indicated that it  
6 is working to secure contracts to sell to the export  
7 market, and other Intervenorors will comment on the  
8 detail of -- of prices in other sectors of the energy  
9 market.

10 The risks in export prices and  
11 forecasts, taken together with the fact that the export  
12 revenues may not fully recover the costs of new hydro,  
13 inspires little hope that our reliance in the export  
14 market will result in the benefits that Manitoba Hydro  
15 claims.

16 Regarding the consideration of Bipole  
17 III in the NFAT, Hydro has maintained throughout this  
18 proceeding that the shovels are already in the ground  
19 for Bipole III and has emphasized that it was  
20 specifically excluded in the NFAT terms of reference.

21 As a result of the PUB's decision in  
22 Order 22/'14, MMF was able to find -- to speak to  
23 Bipole III in relation to sunk cost issues, the general  
24 risk of reliance on the HVDC corridor, and other  
25 matters which excluded the Need For or Alternatives To



1 the delay potential for Bipole III. And as we had  
2 indicated previously, our oral and our written  
3 submissions will not include, of course, argument in --  
4 in those regards. We are thankful to the PUB for  
5 allowing us the opportunity to emphasize our client's  
6 concerns in this regard.

7                   Adding the costs of Bipole III to  
8 Keeyask increases costs. We've heard in our  
9 presentation from Whitfield Russell Associates that the  
10 incremental costs of Keeyask rise to about seventeen  
11 point three (17.3) cents per kilowatt hour when the  
12 estimated three (3) cents per kilowatt hour cost of  
13 Bipole III is added to the cents -- the ten (10) cents  
14 per kilowatt hour cost of power from Keeyask.

15                   This is of concern because the  
16 incremental costs of the 2,000 megawatt Bipole III must  
17 be recovered on the incremental energy produced from  
18 only 630 megawatts of Keeyask output. And we will go  
19 through the chart that's provided at slide 21 of  
20 Whitfield Russell's presentation, which essentially  
21 show what -- what I've discussed.

22                   And in that slide, Mr. Russell provides  
23 the costs of Bipole III and Keeyask, and they're  
24 plotted on the forecast prices and shows that the costs  
25 are not recovered until the mid-2040s. We think that

1 that's a very notable concern.

2                   With respect to sunk costs, as Bipole  
3 III will be built to accept the output of Keeyask in  
4 2019 and Conawapa in 2026, and because the shovels are  
5 already in the ground on Bipole III, future investments  
6 in Bipole III have been treated as sunk costs. And our  
7 experts have -- have testified that that has had the  
8 effect of biassing the analysis in favour of the plan.

9                   They've noted that in considering the pl  
10 -- probabilistic analysis containing the updated  
11 capital cost for Keeyask and Conawapa, the \$3.3 billion  
12 cost of Bipole III exceeds the incremental benefits  
13 which the plan is said to produce under many scenarios  
14 compared to the benefits of the All Gas Plan. We  
15 submit that there would be considerable change in the  
16 probability analysis if the 3.3 billion cost of Bipole  
17 III were added to the net present value of the plan  
18 into those plans that contain hydro.

19                   Regarding transmission planning  
20 standards Whitfield Russell Associates provided  
21 extensive evidence on transmission planning standards,  
22 how Manitoba Hydro's reliability standards have  
23 changed, and the risks in meeting standards once new  
24 generation is added. There's been a great deal of  
25 discussion in rebuttal evidence from Manitoba Hydro

1 dated May 8th, 2014; Whitfield Russell's evidence on  
2 May 13th; and even further rebuttal evidence from  
3 Manitoba Hydro on May 16th.

4                   The fact remains the 2,000 megawatt  
5 spare capacity initially created by adding Bipole III,  
6 according to the standards used by Manitoba Hydro, will  
7 drop when Keeyask is added and disappear when Conawapa  
8 is added as part of the plan. And as part of this  
9 plan, upgrades are being made to import capacity from  
10 the US to replace the diminishing spare transmission  
11 capacity in Bipole III.

12                   But arguably, more can be done in this  
13 regard. We have suggested that the current situation  
14 involves placing too many eggs in one (1) basket. The  
15 same environmental and system related offence -- events  
16 that Manitoba Hydro believes could take out of both  
17 Bipoles I and II can take out Bipole III, trapping a  
18 high concentration of Hydro resources, cutting off  
19 revenues from export sales for extended periods of  
20 time. And as a result, in order to adjust these  
21 issues, we submit that greater emphasis should be  
22 placed on the need to improve import capability.

23                   In our submission on the alternatives  
24 and our aspects of alternatives for further  
25 consideration, we believe that there's merit to further

1 study of La Capra's No New Generation Plan 17. Even  
2 with the 4.3 billion in sunk costs from Keeyask,  
3 Conawapa, and Bipole III, despite the fact that the  
4 features of those projects add little or no value to  
5 Plan 17, that plan continues to be an economic option.

6           The MMF, as expressed by its consultant,  
7 Mr. Russell, applauded La Capra and welcomed the  
8 opportunity to step outside of Manitoba Hydro's  
9 hydrocentric box and think about better ways to meet  
10 our electricity needs.

11           For our purposes, an additional 500 kV  
12 line without any additional hydro capacity not only  
13 improves reliability, but it also increases exports and  
14 the ability to import power. La Capra and Whitfield  
15 Russell Associates spoke to the opportunities and  
16 diversity exchanges.

17           Manitoba Hydro's reluctance to consider  
18 these opportunities, and rather rebut any elaboration  
19 on opportunities is troubling, particularly given the  
20 potential benefits of this option as has been detailed  
21 in the evidence of Whitfield Russell and La Capra.

22           We've also presented evidence -- the  
23 evidence of Rick Hendriks on the macroenvironmental and  
24 socioeconomic impli -- implications of adding  
25 additional wind resources in Manitoba, and that this

1 raises doubt as to Manitoba Hydro's contention that  
2 inclusion of wind would not substantially alter the  
3 comparison of the development plans.

4                   While Mr. Hendriks qualifies that he did  
5 not have sufficient time and resources to undertake a -  
6 - a full comparative analysis based on the evidence the  
7 IECs and other Intervenor provided, and with further  
8 study, we believe that Manitoba Hydro would be proven  
9 wrong in this regard.

10                   Prior to learning of La Capra's Plan 17,  
11 Mr. Hendriks suggested that wind could be part of an  
12 optimized delay option. In speaking to this delay  
13 option, Mr. Hendriks noted that particularly if there  
14 are cost declines, wind could delay the plan until as  
15 far out as 2030, which would avoid a number of  
16 biophysical macroenvironmental impacts associated with  
17 the plan.

18                   While the window of opportunity for  
19 exports could close and there could be costs and other  
20 impacts associated in delaying Keeyask, the delay might  
21 also result in benefits in that a regional commun --  
22 cumulative effects assessment and a framework  
23 established for the Nelson River watershed would be  
24 properly established by that time.

25                   In viewing available evidence concerning

1 the macroenvironmental and socioeconomic impacts and  
2 benefits of additional wind resources in Manitoba, Mr.  
3 Hendriks provided the plan -- sorry, provided the  
4 following conclusions on the suitability of additional  
5 wind resources as part of an alternative to the plan,  
6 or as part of an optimized plan to delay proceeding  
7 with the plan.

8                   He spoke to the relatively modest  
9 differences between the costs of wind resources and the  
10 costs of hydroelectric resources, and the likely  
11 decline in the cost of wind resources, and the  
12 imposition of the macroenvironmental impacts associated  
13 with the plan suggest that there's merit to analyzing  
14 the most appropriate strategy for delaying a decision  
15 on the plan to beyond 2030.

16                   The fact that so many wind projects have  
17 been approved in Canada, including the development of  
18 many projects in the SBC (phonetic) region of Quebec,  
19 without concerns respecting significant residual  
20 adverse environmental effects, contrasts with the  
21 findings of the environmental assessment reviews of  
22 large-scale hydroelectric projects in those same  
23 jurisdictions.

24                   Development of additional wind resources  
25 should be preceded by development of a cumulative

1 effects management framework aimed at identifying those  
2 locations most economically, ecologically, and sociably  
3 suitable for future wind energy development.

4                   This would have the effect of minimizing  
5 the potential for macroenvironmental and socio -- and  
6 socioeconomic impacts related to more intensive wind  
7 development as part of any future alternative to the  
8 plan.

9                   The review of Manitoba Hydro -- sorry,  
10 the view of Manitoba Hydro that Aboriginal interest in  
11 developing wind resources is neutral is not supported  
12 by the experience in other jurisdictions like BC and  
13 Ontario, where wind is being developed and Aboriginal  
14 communities are actively involved in such development.

15                   The development of wind in other  
16 jurisdiction supports the view of wind resources as a  
17 flexible system planning option that can be developed  
18 in short time frames, in sequence that avoids costly  
19 surpluses, and in a manner that supports the  
20 maximization of socioeconomic benefits for Aboriginal  
21 communities and for all Manitobans, growing public  
22 knowledge, and the examples of communities  
23 participating as owners in development of wind and  
24 other small-scale renewables suggest that a different  
25 approach to the one currently being utilized by

1 Manitoba Hydro with respect to these resources will be  
2 needed if we are to aim at achieving the highest levels  
3 of socioeconomic benefits for Aboriginal communities  
4 and all Manitobans.

5                   We would submit that it's not a one (1)  
6 size fits all approach, particularly when you're  
7 dealing with Aboriginal communities, and that there  
8 should be a coming together in the future to discuss  
9 what we've heard in the NFAT and potential ways at  
10 achieving those benefits in a way that means something  
11 to those individual communities and to all Manitobans.

12                   In considering the potential  
13 socioeconomic benefits to the Manitoba Metis community  
14 as an Aboriginal community developing wind resources in  
15 Manitoba, Mr. Hendriks provided a map showing currently  
16 recognized Metis harvesting zones. He testified that  
17 it is in the southern and southwestern regions of  
18 Manitoba that are depicted in that map where wind  
19 development is most like to occur and that Manitoba  
20 Hydro's current wind farms at St. Joseph and St. Leon  
21 are in close proximity to communities that comprise a  
22 part of the Manitoba Metis community.

23                   Coming together doesn't seem too far off  
24 in the future when you consider the evidence that's  
25 been provided by Mr. Hendriks. It is not something



1 that would need to develop over twenty (20) years with  
2 the Manitoba Metis community. It's something where  
3 we've got considerable information that's been provided  
4 regarding these projects in other jurisdictions. And  
5 if -- if further study is something that the Board sees  
6 there being merit to, the Manitoba Metis Federation  
7 would suggest that coming together with Manitoba Hydro,  
8 involve further study in more closer jurisdictions, say  
9 just beyond the border.

10 We will briefly comment on demand-side  
11 management, fuel switching, and impacts to ratepayers.  
12 This is an area that I think I -- I elaborated on quite  
13 -- quite a bit when I -- when I was drafting my closing  
14 submissions. And I realize it's not something that we  
15 called evidence on particularly. There are some areas,  
16 including the testimony of Mr. Genaille and Ms. Gloria  
17 Hartly in the ratepayer panel that MMF presented  
18 jointly with the Consumers' Association on wood use,  
19 for instance, as a fuel switching initiative that the  
20 Manitoba Metis Federation would support.

21 And it's something as simple as -- as  
22 looking at how wood has assisted to Metis people in  
23 their already high hydro bills and the potential that  
24 wood could -- wood, as an energy resource, could play  
25 in moving forward, particularly when we're considering

1 rate impact -- rate increases.

2                   Now, we've heard evidence, and again  
3 I'll -- I'll summarize my submissions in this regard  
4 quite quickly, but we heard evid -- evidence that there  
5 needs to be a balancing in pursuing DSM opportunities  
6 in Manitoba Hydro as part of the DSM strategy, in  
7 balancing, being fiscally responsible, and being  
8 considerate to ratepayers and to all customers.

9                   And the MMF would submit that that  
10 strategy needs to consider more fully how it is  
11 Manitoba Hydro will incorporate the need to be  
12 considerate to ratepayers and customers in moving  
13 forward, because while, you know, programs like -- like  
14 the geothermal community program initiative with the  
15 First Nation communities, Manitoba Hydro has mitted --  
16 admitted that, you know, it is a high cost and it  
17 doesn't work -- and it isn't economic for all  
18 households where it's been installed.

19                   But it is a way of looking at a new  
20 technology and partnering with people in the industry,  
21 and considering what those individual needs are of --  
22 of those particular customers. We would submit that  
23 something similar can be done with respect to wood use  
24 in the Manitoba Metis community.

25                   Particularly, we also heard in the

1 ratepayer panel from Mr. Settee that while he didn't  
2 use wood, we are aware that other Aboriginal  
3 communities particularly, and Northern communities,  
4 because it's a -- it's a means of preference. It's --  
5 you walk through a Northern community and you smell the  
6 wood burning. You know that people prefer wood. And  
7 Mr. Genaille spoke to that in his testimony, that  
8 there's a difference in -- in that form of heat than  
9 electric heat and that it's his preference to use a  
10 wood stove.

11 And -- and we think, and we put to  
12 Manitoba Hydro in cross-examination of the DSM panel,  
13 that wood as a fuel switching initiative accomplishes  
14 the same broader picture goal that Manitoba Hydro is  
15 trying to achieve when it's looking at fuel switching  
16 with respect to natural gas in the South and that how  
17 they've -- they've structured their education campaigns  
18 to -- to deal specifically with, say, homeowners and  
19 home builders and fuel switching and geothermal, you  
20 know, that campaign is important in that regard.

21 But we think there's a unique  
22 opportunity in an area -- in areas in the North where  
23 there's high reliance on electric heat and the need to  
24 reduce that reliance and free up load. That there's a  
25 unique opportunity with respect to wind that -- that

1 should be looked at when it comes to Northern and  
2 Aboriginal communities.

3

4 (BRIEF PAUSE)

5

6 MS. JESSICA SAUNDERS: We also believe  
7 that there's a need for Manitoba Hydro to broaden its  
8 approach to Aboriginal markets to include the Manitoba  
9 Metis community and -- and to give fuller consideration  
10 to that Aboriginal market when discussing target areas  
11 for greater penetration with its -- its Power Smart  
12 programs.

13 Manitoba Hydro testified that it looks  
14 at its markets and whether or not it's -- it's getting  
15 that response in that particular area, and it will make  
16 additional efforts, like advertising in -- in  
17 newspapers and on the radio, in an attempt to get at  
18 those communities.

19 As part of their efforts, Manitoba Hydro  
20 spoke to how it has specific data on the efforts that  
21 it makes with First Nation communities targeted under  
22 its Manitoba Hydro First Nation Community Program. As  
23 part of those efforts, Manitoba Hydro in that program  
24 offers energy assessments on First Nation owned and  
25 operated buildings to explore potential energy

1 efficiency opportunities and incentives to implement  
2 those opportunities.

3                   When asked broadly about Aboriginal  
4 communities, Hydro responded with information about  
5 First Nation communities. And we've -- we've seen this  
6 before. It's -- it's a response that's all too common,  
7 I think, for the Manitoba Metis community. And Hydro  
8 was not able to speak to the efforts with respect to  
9 other Aboriginal communities, like the Manitoba Metis  
10 community. And we suggest that that needs to change.

11                   In returning to the discussion on the  
12 marketing of the Power Smart Program, Manitoba Hydro  
13 indicated that it's having these focus groups in order  
14 to get at the messages and key theme and identify which  
15 those -- which of those messages and themes best  
16 connects with customers in order to encourage further  
17 participation in Power Smart initiatives.

18                   And it should be noted that only one (1)  
19 of the fifty-nine (59) participants in those focus  
20 groups in Winnipeg, Brandon, and Thompson, identify as  
21 having Aboriginal ancestry. Only eight (8)  
22 participants were within the income brackets of under  
23 thirty thousand (30,000) to sixty thousand (60,000).  
24 And the remaining fifty-one (51) participants were  
25 within the income brackets of sixty thousand (60,000)

1 to a hundred and fifty thousand (150,000).

2                   This is just a note that -- that we draw  
3 to your attention in that if -- we're hearing Manitoba  
4 Hydro is making efforts in its Power Smart Program, and  
5 we're hearing that they're implementing various  
6 education campaigns with respect to the South and fuel  
7 switching, you know, to -- to natural gas, we think  
8 that more attention should be paid to the North and to  
9 Aboriginal communities, and to low-income individuals  
10 who most arguably would need to benefit from such  
11 education campaigns and initiatives, particularly in  
12 light of rate increases that are coming in the next few  
13 years.

14

15                   (BRIEF PAUSE)

16

17                   MS. JESSICA SAUNDERS: So based on the  
18 evidence and updated information submitted by the  
19 Intervenor and the other parties in the NFAT, the  
20 following appears justified to the Manitoba Metis  
21 Federation.

22                   Manitoba Hydro should pursue Level 2  
23 demand-side management and other energy efficiency  
24 measures in order to put in place effective load  
25 reduction. As evidenced by the La Capra No New

1 Generation Case, Plan 17, Manitoba Hydro should  
2 actively seek to extend and seek out new opportunities  
3 for diversity exchanges.

4 A second 500 kV interconnection to the  
5 US should be pursued, whether it be proposed -- whether  
6 it be with the proposed Manitoba-Minnesota Transmission  
7 Project or an alternative 500 kV line to Fargo -- in  
8 the Fargo, North Dakota, area.

9 With these elements put in place -- that  
10 being the DSM diversity exchanges, a second US 500 kV  
11 interconnection, and including planned construction for  
12 Bipole III -- Manitoba Hydro should then review its  
13 time line for new genera -- generating resources  
14 needed. The La Capra No New Generation case indicates  
15 that these elements, coupled with greater reliance and  
16 firm imports, will enable Manitoba Hydro to push its  
17 need for new in-Manitoba generation out until early to  
18 mid-2030s.

19 Careful consideration should be given to  
20 deciding between the next generation addition,  
21 focussing primarily on adding wind generation, as well  
22 as gas alternatives and Keeyask. Keeyask should be  
23 pursued only if its relative economics improve and  
24 present low discount rates remain unchanged, higher  
25 export prices and capital costs are contained,

1 independent entities offer to buy Manitoba Hydro's  
2 share in the Great Northern Transmission Line. It is  
3 our view that deferring Keeyask by any amount of time  
4 will save ratepayers money.

5                   And Manitoba Hydro should also begin a  
6 careful transmission study and cost-benefit analysis to  
7 determine the benefits of changing its planning  
8 criteria to increase its reliance on imports. With  
9 completion of a second interconnection to the US, the  
10 reliability of imports will have been increased, and  
11 Manitoba Hydro's ability depend on its -- to depend on  
12 its interconnections will have also been increased.

13                   You've also heard from us at great  
14 length on aspects of -- of what we're suggesting there:  
15 the ability, if Keeyask is deferred, to pursue wind  
16 generation and what that means for Aboriginal  
17 communities.

18                   We also spoke in our evidence to what  
19 the impacts may be if Keeyask is delayed, particularly  
20 to Aboriginal communities. We highlighted that some of  
21 the employment opportunities, such as operational jobs,  
22 may be able to be maintained, but that taking a broader  
23 view will be more encompassing of the needs of  
24 Aboriginal communities and Northern communities. And  
25 we think that, and we're hopeful that, a lot of your



1 rec -- your recommendations will assist in any process  
2 that may result in this regard.

3                   So subject to any comments or questions  
4 you may have, that summarizes the MMF's involvement in  
5 this process, in this hearing process, since -- since  
6 March. We're very thankful to the PUB for its many  
7 indulgences of us as a new Intervenor, and we're  
8 thankful that we were -- that we were able to submit  
9 the evidence of Rick Hendriks and Whitfield Russell  
10 Associates, and involve our consul -- and involve our  
11 consultants from MSES in testing Manitoba Hydro's case.  
12 So we thank you very much for your consideration.

13

14                   (BRIEF PAUSE)

15

16                   DR. HUGH GRANT: I have to say, I -- I  
17 shared your curiosity with the naming of the Riel  
18 Station. And it caused me a couple of weeks ago to  
19 look up Dorsey to find out if he was some obscure --

20                   MS. JESSICA SAUNDERS: Northern  
21 Manitoba pioneer? Never -- never know.

22                   DR. HUGH GRANT: But apparently --  
23 apparently an engineer.

24                   MS. JESSICA SAUNDERS: Oh, okay. He's  
25 really important, yeah.

1 DR. HUGH GRANT: But I do find it  
2 curious. I think it's probably an improvement that,  
3 instead of naming Radisson, Henday, you know, for the  
4 Northern European fur traders, that the intention was  
5 probably good. But it does raise an irony when -- I'm  
6 not sure if it's an appropriation of something, but  
7 that they'll name a station. And yet, when it comes to  
8 concerns over socioeconomic matters, maybe not a  
9 priority.

10 So I guess my question was: I -- I  
11 don't quite understand the process, and maybe someone  
12 will correct me, but it does seem to be a sort of  
13 flawed process if -- let me put it this way.

14 I think Hydro's entitled to seek out  
15 whatever commercial partners they wish.

16 MS. JESSICA SAUNDERS: M-hm.

17 DR. HUGH GRANT: But when it comes to  
18 socioeconomic matters and you're worried about adverse  
19 effects, then presumably there's some social obligation  
20 now in this duty to consult.

21 And I'm just wondering, do you  
22 understand offhand how that process is supposed to  
23 transpire? Or if there's nothing that necessarily  
24 obliges Hydro to do a thorough canvass, what sort of  
25 legislative initiatives might be appropriate?

1 MS. JESSICA SAUNDERS: M-hm. Thank you  
2 for that question. It's been one of concern to the  
3 Manitoba Metis Federation, and I think why we ask  
4 questions, notwithstanding the fact that the duty to  
5 consult is outside of the terms of reference for the  
6 NFAT.

7 But we're confused somewhat in that we  
8 know that there's a separate Crown process involved in  
9 looking at the impacts to these projects to Aboriginal  
10 communities like the Manitoba Metis community, and Mr.  
11 Thomson, in our cross-examination of him, confirmed  
12 that that's his understanding as well.

13 But we also know that Hydro has this  
14 proactive approach to partnership, and we heard about  
15 that in Hydro's panel. And Ms. Pachal and others in  
16 this regard have testified that, you know, the Manitoba  
17 Hydro that negotiated the flooded -- the Northern Flood  
18 Agreement of 1977, is a very different Manitoba Hydro  
19 that negotiated the JKDA with its Keeyask Cree Nation  
20 Partners.

21 And we echo your -- your comments in  
22 that Keeyask -- Manitoba Hydro can enter into any  
23 commercial arrangements it sees fit, and for these  
24 projects, it entered into partnership agreements with  
25 its KCN partners, and we -- we believe that when you --

1 when you look at the record, Manitoba Hydro has come a  
2 long way in that regard.

3 But what's troubling to us is that you  
4 look at that proactive approach to partnership and how  
5 it was applied with their KCN partners, and -- and we  
6 spoke to that theme with -- with CEO Thomson on the  
7 opening day, when we asked him and he confirmed that it  
8 was the Keeyask Cree Nation partners, as a result of --  
9 of the headway they were making in -- in this  
10 partnership that chose the name -- that chose to change  
11 the name from Gull -- Gull to -- to Keeyask, the Cree  
12 word for gull.

13 And -- and we -- Hydro has viewed that  
14 as significant in order to highlight that in -- when it  
15 goes out and explain what this plan's about. You know,  
16 and -- and that's why we highlighted, as kind of the,  
17 you know, overarching theme at play here in that when  
18 you look at Riel in that area, there are Metis in that  
19 area, and -- and if -- and if Hydro or if anybody  
20 doesn't quite understand that, they have enough  
21 dealings with the Manitoba Metis Federation to know  
22 that they can come to the table any time to confirm  
23 that.

24 And that nevertheless, the Riel  
25 converter station was -- was named Riel, but it's not

1 reflective of any type of proactive approach to  
2 partnership, and it's not reflective of a coming  
3 together in order to plan as thoroughly as Hydro says  
4 it does on these plans with respect to mitigating  
5 potential adverse impacts.

6                   So we think that the headway that Hydro  
7 has made with respect to its KCNs in going from the  
8 Northern Flood Agreement to the JKDA will only be  
9 undermined if it continues in this generation in  
10 pursuing these projects, to continue to deny another  
11 Aboriginal people that same opportunity to be a part of  
12 something that will directly impact them.

13                   And so it's not so much a legislative  
14 scheme that can be created with -- with government and  
15 Hydro, because we submit that, heck, the MMF has been  
16 to the courts. They've been all the way to the Supreme  
17 Court of Canada. If -- if it were an easy thing, you  
18 know, we -- we would have -- we would have come  
19 together at the table and we would have tried to have -  
20 - to have done that. It's -- it's a very difficult  
21 thing, and we know that it's something that is -- is  
22 between the MMF and Manitoba Hydro.

23                   But it does come into play when you  
24 consider, you know, that Riel station. And -- and I  
25 don't mean to just emphasize that Riel station. They

1 could have named a great number of -- of aspects of  
2 these plans after anybody, and regardless of the name  
3 chosen, it could be in, you know, the Keeyask area  
4 where there's Metis presence, the Bipole III area where  
5 there's Metis presence, the Manitoba-Minnesota  
6 Transmission Line area where there's Metis presence.

7                   And we're saying that it -- it's just  
8 been a blatant disregard for the Manitoba Metis  
9 Federation to, in the face of knowing about this  
10 proactive approach to partnership, notwithstanding the  
11 fact that Hydro can enter into commercial agreements  
12 with whoever it wants, but on certain projects, it does  
13 so with First Nations.

14                   And then it shows up here and says that  
15 it's changed. It's a new Hydro. We know very well  
16 that that may be the case for -- for one (1) project  
17 and one (1) group of First Nations, but when you look  
18 at these other projects, you know, Hydro's only going  
19 to have more issues if it doesn't apply this  
20 partnership approach across the board to not only the  
21 Manitoba Metis Federation, but to other communities.

22                   And we can see that there's concerns of  
23 landowners. The Manitoba Metis Federation, you know,  
24 it -- it's always had this approach of, you know, its  
25 harvesting for instance. It will look to sport hunting

1 associations and -- and get their input when they're  
2 wanting to implement any kind of -- of harvesting  
3 regime, to make sure that they're onboard. You know,  
4 and that's something the MMF proactively does, right?  
5 And having read the presentation of the landowners in  
6 this proceeding, in the Manitoba-Minnesota Transmission  
7 Line area and the concerns they have, and that this  
8 comprehensive sol -- siting methodology explained by  
9 Manitoba Hydro is a feedback form.

10                   Manitoba Hydro can come here and say  
11 that it's -- it's comprehensive, and it -- it --  
12 they're -- they're going to deal with impacts. And we  
13 know that the cost of those impacts may potentially be  
14 significant when you consider the Wuskwatim payouts,  
15 you know. So when you see landowners coming here to  
16 say, Oh, I got notice of one (1) meeting, and I -- I  
17 filled out a feed -- a feedback form, and -- and  
18 hopefully it goes somewhere, and maybe I'll get  
19 notified as to what feedback has been implemented from  
20 my involvement in that process.

21                   But notwithstanding that, they're still  
22 concerned, and they came here to this proceeding to --  
23 to voice those concerns. And I suggest to my client  
24 that, you know, it -- it -- the concerns that they  
25 raised here are very real, and we're seeing them not

1 only with Aboriginal communities, but with landowners,  
2 and to the extent that Manitoba Hydro shows up and  
3 says, Well -- well, we look at it for landowners, we  
4 look at it for Aboriginal communities. I don't think  
5 that we can say that's the case when we know that  
6 there's an absence of costs here that could have been  
7 accounted for if this proactive approach was applied  
8 earlier to the Manitoba Metis commun -- community, as  
9 was done with the KCNs in -- in Keeyask and in coming  
10 to the table with those landowners.

11 It's a -- it's a broad issue, and I do  
12 apologize if I've talked in circles, but it's of  
13 importance to my client and it's -- and it's certainly  
14 something that will be at play in this and in -- and in  
15 any projects that Manitoba Hydro chooses to pursue.

16 DR. HUGH GRANT: And I understand that  
17 -- I suppose it's a difference between the adverse  
18 impacts, which, there's just an obligation in any  
19 respect, but I suppose it comes down to recognizing the  
20 name of Riel in a station, but not recognizing the  
21 Aboriginal right, because I -- I presume the ownership  
22 structure with the Cree partners is really meant to  
23 recognize an -- an Aboriginal right as opposed to  
24 adverse effect, necessarily.

25 And it's just that either the province



1 or Hydro as yet does not recognize the Metis Aboriginal  
2 right. Would that be a way of -- of stating it?

3 MS. JESSICA SAUNDERS: Without getting  
4 into a -- a major discussion that I can probably talk  
5 all afternoon about on behalf of my client, I -- I  
6 think that that's fair to say, and it's just in the  
7 proactive approach, they're pursuant to Aboriginal  
8 rights, but also, as you say, an understanding on the  
9 part of Manitoba Hydro, right?

10 Because I think regardless of what the  
11 courts would have ever have said on Section 35 rights,  
12 Manitoba Hydro, you know, is -- is no stranger to the  
13 Cree communities, and sometimes the opposition that  
14 they express when they show up in blockade, you know,  
15 an access road on a project. You know, and so even  
16 without recognition of -- of rights in the legal world,  
17 you see -- you see it when you go to the communities.

18 And -- and so Hydro has -- has learned  
19 those lessons with respect to -- to the Cree  
20 communities and its partnerships with the KCNs, but I -  
21 - I don't think that they've -- they've -- lessons  
22 learned kind of approach yet with the Manitoba Metis  
23 community.

24 THE CHAIRPERSON: I have a question in  
25 relation to wind. And -- and you indicated that one

1 (1) of the experts had mentioned that if wind was to be  
2 exploited, it would likely be in southern Manitoba, and  
3 you -- and I didn't hear what you said with respect to  
4 that -- that viewpoint.

5                   Could you -- could you elaborate a  
6 little bit more? I didn't quite understand what you  
7 said.

8                   MS. JESSICA SAUNDERS: Oh, yeah. Well,  
9 our expert Mr. Hendriks testified that, you know, the -  
10 - the St. -- the location of the St. Leon and St.  
11 Joseph wind farms are in close proximity to communities  
12 that comprise the Manitoba Metis community in the south  
13 and southwestern areas of the province, and -- and that  
14 it's likely that further development in wind will occur  
15 in those same south and southwestern areas of the  
16 province.

17                   So I think what he was getting at was  
18 that there's -- there's established Manitoba Metis  
19 communities within that -- within the region where  
20 there's already wind development with the two (2) wind  
21 farms in Manitoba, and the likelihood that wind would  
22 occur in those areas as opposed to other areas in the  
23 province is quite high, and so that's what he  
24 summarized in his report.

25                   THE CHAIRPERSON: I think that's all

1 the questions the panel has for your -- for you today.  
2 So I thank you for your participation in this process.  
3 It is important that we provide the written submissions  
4 so that I -- we can read it to make sure we captured  
5 your comments and -- and your observation and views.

6 But also, it's important that Manitoba  
7 Hydro get it promptly so that they can respond  
8 adequately next Monday, so very important that we get  
9 that in as soon as possible.

10 MS. JESSICA SAUNDERS: Yes.

11 THE CHAIRPERSON: And with that, thank  
12 you for your contribution to these proceedings, and --  
13 and please thank the experts that supported you in your  
14 work. So thank you very much.

15 MS. JESSICA SAUNDERS: Thank you very  
16 much.

17 THE CHAIRPERSON: Since -- it's  
18 probably an appropriate time to take a break before we  
19 hear from the next Intervenor.

20

21 --- Upon recessing at 10:02 a.m.

22 --- Upon resuming at 10:19 a.m.

23

24 THE CHAIRPERSON: And finally we're  
25 here, Me. Hacault, for you to -- to give us your

1 presentation. I have to say I admire your -- your  
2 bowtie. You -- you know, the tie one.

3

4 FINAL SUBMISSIONS BY MIPUG:

5 MR. ANTOINE HACAULT: Merci, M.  
6 President. Thank you very much. Good morning, members  
7 of the Board. I would like to start by expressing  
8 MIPUG's gratitude and thank the participants in this  
9 proceeding.

10 Before doing that, I've been backed by  
11 an incredible team of persons at InterGroup who have  
12 provided me, as counsel, for Manitoba Power Industrial  
13 Users Group, invaluable support in the process. And  
14 I'd like to thank very much Mr. Bowman and Ms. Davies  
15 for all the extraordinary support they gave me.

16 And to my right, merci to PUB counsel  
17 and advisors, to counsel for all the Intervenors, the  
18 Intervenors themselves and their experts. Thank you.  
19 To counsel for independent expert consultants, and to  
20 the independent expert consultants, I thank them for  
21 their participation. It was useful.

22 To Manitoba Hydro counsel and all the  
23 staff at Manitoba Hydro who have -- I think it's been  
24 over the last years -- made a herculean effort to  
25 prepare the NFAT filing, answer IRs, prepare the

1 conferences we had before this proceeding, and  
2 ultimately prepare to provide evidence at this hearing.  
3 It's a huge task for the group of people, both in this  
4 room and the people who see us through the cameras.

5 I'd like to thank Cheryl for keeping us  
6 on track, the court reporter, and finally, I'd like to  
7 thank the Board for its dedication -- we sat some late  
8 nights -- and your attention throughout this process,  
9 and all of the staff of the Board who also provided  
10 invaluable support.

11 In the PUB Order Number 67/'13, the  
12 Board granted Intervenor status to MIPUG to address the  
13 following issues. Firstly, the impact on domestic  
14 rates, including long-term impacts, the risks to  
15 domestic customers through Manitoba Hydro's investment  
16 in subsidiaries, export ventures, and new programs.  
17 The third one was alternatives to Manitoba Hydro's  
18 Preferred Development Plan, including deci -- demand-  
19 side management programs, and finally, risks including  
20 long-term financial and economic risks, and the  
21 financial liability of Manitoba Hydro.

22 And Diana, if you could put the one-  
23 pager up on the screen? It's -- the information is  
24 found in our report, which I -- hopefully has been  
25 distributed, and Mr. Singh can confirm that it would be

1 MIPUG-28, the report itself.

2 MR. HOLLIS SINGH: Confirmed.

3

4 --- EXHIBIT NO. MIPUG-28: Report

5

6 MR. ANTOINE HACAULT: So I'm a big  
7 believer of cutting to the chase and then explaining  
8 why I got there. I'm a big believer in some visuals to  
9 help us understand.

10 So when I talk about a need-based plan  
11 being credible but not the best option, we're talking  
12 about the top part of Exhibit 192. We focus on  
13 Manitoba needs. We're not looking at the export  
14 contracts, and our conclusion is that this need-based  
15 plan is credible, but MIPUG does not believe it's the  
16 best option, and will explain why.

17 And then we comment on what in the  
18 bottom part of Manitoba Hydro Exhibit 192 we think is  
19 good. Keeyask being advanced to 2019 with the big  
20 intertie line. The 250 megawatt Minnesota Power sale,  
21 we believe, is marginally better on economics,  
22 considerably better on qualitative factors -- and we'll  
23 discuss that -- marginally worse on rates for decades,  
24 and vastly better for government.

25 But we've put two (2) qualifications to

1 supporting that path. MIPUG believes that you must  
2 address rate pressures; and you've seen Manitoba Hydro  
3 provide alternatives to addressing rates, and I'll deal  
4 with that. So we believe that we must see Hydro yield  
5 on excessive financial targets for the project to  
6 proceed. And we also believe in the sharing of the pie  
7 to achieve fairness and to help offset risks. The  
8 government should also give benefit sharing.

9           What about DSM? A lot of time has been  
10 spent on DSM. And that's in the blue spots at the  
11 bottom of each alternative, the need alternative and  
12 I'll call it the investment alternative. And we are of  
13 the view that DSM Level 2 would be beneficial, if it's  
14 realistic and can be achieved without driving up rates.

15           Finally, what about Conawapa? You can  
16 see what's written there. A short leash. The  
17 economics appear to be poor, and tangibles are hugely  
18 bite -- beneficial. It's unlikely it'll become  
19 economic without government benefit sharing as a  
20 necessity. And the short leash is allowing two (2)  
21 years and not more than a 100 to \$150 million of  
22 continued expenses before a simplified public review.

23           Now, I will be providing an overview of  
24 the written submission. I won't be getting into all  
25 the details in there. It doesn't diminish the

1 importance of the details, and all the parts that are  
2 quoted in there from the transcripts or exhibits. I do  
3 invite any questions by the Board as the topics arise  
4 and as I make this presentation. That's up to the  
5 Board if it choses to do that or wait till the end, but  
6 I certainly invite them during the presentation if  
7 that's the Board's desire.

8           Having done that conclusion, I kind of  
9 go back to where we started this process, and we had  
10 done an initial presentation when we started this  
11 entire process. And you'll find this -- I'll indicate  
12 the pages for the record, I don't think you need to  
13 turn there, but from pages small Roman number ix and x.

14           And in our opening comments, we  
15 suggested that there be a primary focus on two (2)  
16 areas, and we continue to make that suggestion to this  
17 Board. First, foc -- focus on ratepayers' rates and  
18 risks. We were of the view that the hearing would  
19 ultimately end up in a report to the minister but the  
20 minister would get input from other people and other  
21 commissions. You've heard during the progress of this  
22 that there's been a CEC report on Keeyask.

23           So it's not the only input, and that's  
24 why we said that the unique wisdom that we felt that  
25 this Board brought was a good understanding of rates



1 and ratepayers, and we hope that that perspective is  
2 central to the Board's review and report.

3                   The second thing that we encouraged, and  
4 this came out both I believe in Mr. Bowman's  
5 presentation and Morrison Park's presentation, is to  
6 focus on the decisions that must be made now. Many of  
7 the issues that we discussed throughout these two and a  
8 half (2 1/2) months are matters that don't need to be  
9 decided now, but certain things do. And that's whether  
10 to put a shovel in the ground for Keeyask, whether to  
11 build the US line, and whether to take up the export  
12 agreement.

13                   I think it's become quite clear in the  
14 hearing and I believe there's a consensus that Conawapa  
15 is something that is to be dealt with in the future.  
16 There's too much speculation and not enough details  
17 about that project, about the economics. And those  
18 things can and should develop in the upcoming years.  
19 So we don't need to decide today do we proceed with  
20 Conawapa or not.

21                   Our suggestion, as set out in the  
22 initial slide, is to give that another two (2) window -  
23 - two (2) year window of opportunity that will help  
24 materialize some things which I'll speak about later.  
25 And we believe we'll have a better idea about that

1 project and perhaps a better and revised approach to  
2 evaluating projects also.

3                   What I would like to do now is I'd like  
4 to take you through the major conclusions and  
5 recommendations that we make in our report. And that  
6 starts -- Diana, you could bring that up -- at page  
7 Roman numeral X. It's a couple of pages in. The next  
8 page, please.

9                   The first point that we make is, and  
10 this is no surprise to anybody, that it's a challenging  
11 decision, and this has been stated more than once. One  
12 (1) of the issues that is the white elephant in the  
13 room, and certainly a -- a concern both when we did our  
14 consultation and of the members, is that we get to a  
15 point where we're making a decision with \$1.4 billion  
16 in sunk costs.

17                   Now, there's pros and cons to that. If  
18 we had gone through this process before having all  
19 those costs we'd have different economics. We wouldn't  
20 have known about Keeyask and the actual costs. We  
21 wouldn't have gotten all this updated information.  
22 Four (4) years ago we couldn't have anticipated what  
23 the actual contract would have come in for Keeyask.

24                   So while it does put some disadvantage  
25 to the other alternatives because of the sunk costs

1 that must be borne, there's no magic to having an  
2 earlier review necessarily because we might not have  
3 very good information. And if the information had been  
4 really bad, we could essentially do what we're  
5 suggesting with Conawapa, say let's just put a hold on  
6 this for now.

7                   The other challenge is that we thought  
8 when we started this process that we had a 250 megawatt  
9 transmission line and the economics were great for it.  
10 They were better than the 750. However, we're here  
11 with what he have. We have to deal with the 750. And  
12 I'll talk about that a bit later. But there are  
13 significant advantages to having that line and the  
14 flexibility that it allows for managing our system and  
15 using the resources in the United States.

16                   The other comment that's come out  
17 through this hearing and by other presenters is the  
18 lack of broad resource planning or policy decisions  
19 being reviewed by the PUB in advance of a specific  
20 project approval being advanced. And we hope that  
21 that's an issue that gets raised in the report and  
22 that's commented by this Board, because in many other  
23 jurisdiction a resource plan review will occur usually  
24 before and they'll provide focussed and broad  
25 directions and more general information prior to a

1 project-specific decision. Here we've been mixing the  
2 two (2), trying to do a whole bunch of resource  
3 planning and then pick something, a specific project.

4                   The other challenge that we have is the  
5 fourth item, is that the high rate impacts that -- that  
6 ratepayers are already bearing for Bipole III in  
7 addition to all the repair and maintenance issues that  
8 we've talked about. It's a costly project. It has no  
9 associated revenue benefits. At best, they're indirect  
10 through reliability. And this means that any Preferred  
11 Development Plan rate pressures on customers occur  
12 current -- concurrently already with significant  
13 increases, at least by historical standards.

14                   Getting back to the initial brief  
15 summary and our comment that a need-based plan remains  
16 credible. And that's not only just gas. When we look  
17 at the top sector of one ninety-two (192), we see it  
18 can evolve -- involve Keeyask through DSM and then we  
19 do Keeyask can be DSM. If we decide not to do Keeyask,  
20 we decide to do Conawapa, but we focus on the need here  
21 in Manitoba and we don't go out to export.

22                   Conawapa, I think it's pretty commonly  
23 held in this proceeding, if it did proceed in the  
24 earlier in-service date that was being proposed, it  
25 would be -- some call it a development opportunity;

1 some call it a merchant opportunity. But it's  
2 definitely not needed for Manitoba and Manitobans at  
3 the 2026 date.

4 Now, in short, if we look at the  
5 details, the rates, even though we're absorbing all  
6 these additional costs, these sunk costs are still  
7 reasonable. They're a bit lower, actually, than the  
8 Keeyask and intertie. And there haven't been any  
9 witnesses, I believe, that indicated this planning  
10 approach was unworkable or would fail to meet  
11 reasonable utility standards.

12 The next page, the next bullet we had in  
13 the one (1) page summary, and it's Keeyask 2019 with  
14 the 750 megawatt line could be preferred, but needs to  
15 be revised -- needs revised benefit sharing to achieve  
16 fairness.

17 THE CHAIRPERSON: I wonder, Me.  
18 Hacaault, if I can interrupt you for a second and go  
19 back to the bottom of that page, the previous page. We  
20 didn't get a chance to read it, so I want to read it.  
21 We can only see the top of that. I just want to read  
22 the paragraph. No, the -- the paragraph 2, Diana.

23 MR. ANTOINE HACAULT: At lines 22 to  
24 28.

25

1 (BRIEF PAUSE)

2

3 MR. ANTOINE HACAULT: Thank you. And  
4 thank you. If -- if I'm moving along too quickly --  
5 and as I said, I don't intend to reread what's there.  
6 By all means, just let me know if you want to take time  
7 to read the paragraph in issue. And thank you for that  
8 -- that intervention.

9 So moving to the second subject on our  
10 one (1) page summary, Keeyask19 with a 750 megawatt  
11 line could be preferred, but needs revised benefit  
12 sharing to achieve fairness. There's been questions  
13 from members of the panel with respect to the sharing  
14 of benefits.

15 We've led evidence, as you recall, that  
16 historically the debt guarantee was at .5 percent and  
17 now it's at 1 percent; that historically there wasn't  
18 capital taxes, now there are capital taxes on Manitoba  
19 Hydro and limited corporations. There has been  
20 different sharing of benefits in the past. It's not  
21 something that's a novel idea in Manitoba and it's not  
22 something that's novel across the country. There was  
23 evidence led with respect to that.

24 The one (1) issue that's been raised in  
25 this proceeding was there have been alternative methods

1 that were proposed that would deviate away from  
2 reaching the 75:25 target within twenty (20) years.

3           There hasn't been too much discussion  
4 about that, and I think it would be useful, Diana, if  
5 you could bring up Manitoba Hydro Exhibit 104-12-6.  
6 And what I'd like to focus is just as to what it means  
7 for ratepayers. So -- and I'd like to pick the  
8 following numbers on the left-hand side and then bring  
9 them across.

10           Firstly, it's the develop plan -- plan  
11 shown, number 3 on the left-hand side, and you see  
12 that's Plan Number 14. So that's in the bottom track  
13 of the pathway, and it's a DSM Level 2, and the cost  
14 scenario was reference, and the load forecast is 2013.

15           Now, we see if we continue to go across  
16 that line, the projected even annual increases would be  
17 at 4.27 percent if we strived to achieve what the Hydro  
18 Board already has as an objective, which is to meet  
19 75:25. You may recall I pressed Mr. Rainkie quite a  
20 bit on that issue, and said that I could remind him of  
21 his answers in this proceeding when we hit the next  
22 GRA.

23           But the things that are important is  
24 that if we go across and we see further down the line  
25 retained earnings, what we see is that for Plan 14, if

1 we try to maintain this target, we're putting huge  
2 monies aside, \$9 billion. And while we're on that  
3 retained earnings line, I'd like to go down to the  
4 left-hand side again to number 7, and that's the one  
5 we're indicating in the second bullet on the first  
6 page.

7                   You see that the retained earnings go  
8 from 9 billion down to 3 billion, and then if we go to  
9 line 11 on the left-hand side, that's All Gas, Plan  
10 Number 1, DSM Level 2, and we're going down to the  
11 retained earnings, and we see that the retained  
12 earnings are 4.6 billion, so about half.

13                   In our reports and our evidence, we went  
14 at some length to look at the biggest risk that this  
15 utility faces, a drought, and what was needed to face  
16 that drought. We don't need 9 billion. We don't need  
17 6 billion. So the -- the reason I want to go through  
18 some of this is -- is what we're proposing, and is  
19 relaxed financial targets, a realistic thing that could  
20 be part of a recommendation and a report. We say it  
21 is.

22                   Now, if we go further again in this  
23 table to column 'N' as in 'Norman', we see a twenty  
24 (20) year present value of customers' revenue, and once  
25 again, I'd like to compare the three (3) plans and see



1 what we're asking our ratepayers in Manitoba to pay  
2 under the original submission rate metholo --  
3 methodology.

4                   So for the Plan 14, we would be asking  
5 local ratepayers to pay \$29.3 billion. That's net  
6 present valued at 1.86 percent, I believe. That's in  
7 the bottom left-hand side of the table. If we go to  
8 the Keeyask option without Conawapa, that's going  
9 across line number 7 again, we go down to \$28.2  
10 billion. So net present value, we're asking ratepayers  
11 for about \$1.1 billion less.

12                   For the ten (10) companies that I  
13 represent, that represent about 20 percent of the  
14 revenues, domestic revenues, I know it's round numbers,  
15 but 20 percent of \$1.1 billion, it's money. It makes a  
16 difference. Kind of forget that hundreds of millions  
17 of dollars for ten (10) companies makes a difference.  
18 It does.

19                   If we go down to All Gas, that's line  
20 11, DSM level 2, we're down to \$27.4 billion net  
21 present value of cus -- consumers' revenues. So we're  
22 going down by about .8 billion from Keeyask19 to All  
23 Gas. Still means companies are investing in us. It's  
24 money that's not available for their plant for the  
25 things that will have to happen.

1                   You can see, and later in the  
2 presentation that we said, and Mr. Turner, when he made  
3 his presentation on behalf of MIPUG, said, Well, if we  
4 go with the Preferred Development Plan, we're going to  
5 sink about \$400 million of additional rates into  
6 Manitoba Hydro, and we won't have that available to  
7 make investments in our facilities. Rates do matter.

8                   Now, the reason I'm taking you through  
9 this is I -- we haven't spent a lot of time looking at  
10 the alternatives, and the first alternative, that's  
11 page 2 of 3, we can see how these alternatives actually  
12 help alleviate some of these rate pressures and the  
13 excess retained earnings that we really, in my  
14 respectful submission, don't need based on the  
15 evidence.

16                  So it's the second page of this  
17 document, please, Diana. And this time, we'd be  
18 looking at column 23 for Plan 14, DSM level 2, and if  
19 we go across to retained earnings, which is column 'H'  
20 as in 'Harry', we see that the retained earnings under  
21 this new methodology have gone down from 9 billion to  
22 5.1 billion, so nearly a \$4 billion reduction in  
23 revenues that are collected and put into retained  
24 earnings.

25                  And we see, if we go to column 'N' as in

1 'Norman', and we look at what's collected from  
2 consumers, and we compare lines 23, which is 27.6  
3 billion, so we're down quite a bit in what we're  
4 collecting from consumers in Manitoba, then we have --  
5 go to line 27, that's Keeyask/Gas with the 750 line,  
6 DSM level 2, we're collecting 27.2 billion. So now  
7 there's only a spread of .4 billion.

8                   And finally, if we go down to the All  
9 Gas, that's line 31, DSM level 2, we see that we're  
10 collecting \$26.8 billion net present value of revenue.  
11 And correspondingly, if -- if we go back to 'H' and  
12 look at the retained earnings, we see that the retained  
13 earnings collected don't have the huge spread that they  
14 did.

15                   I already mentioned the 5.1 billion on  
16 line 23. If we go on line 27, we see that, under the  
17 Keeyask/Gas and 750 plan, we're collecting \$4 billion,  
18 still adequate for the drought risk, and that compares  
19 with the All Gas at a base level, which would have been  
20 3.5 billion.

21                   The next methodology, which is at page 3  
22 of 3, we have to compare -- if we go down to retained  
23 earnings, we'll compare line 43, which is Plan 14, with  
24 line 47, which is the Plan 5, and finally to line 51,  
25 which is the All Gas, all DSM level 2.

1                   And if we look at the retained earnings,  
2 and Diana has her little cursor there, it's \$5.3  
3 billion instead of the \$9 billion that we started with  
4 under the original math -- method. And if we go to the  
5 Keeyask19, we see that we have \$4.7 billion, and  
6 finally, Gas, we would end up with \$4.1 billion.

7                   So we see that the alternative -- if --  
8 if those financials targets are relaxed, Manitoba Hydro  
9 is still protected for adverse flood risk --  
10 flood/drought risk, which is the hugest risk that it  
11 faced -- faces. And what happens if we go to 'N' as in  
12 'Norman' again, and see what happens to the revenues  
13 collected, we see that in line 43, we're at \$27.7  
14 billion net present value over twenty (20) years for  
15 Plan 14. Under line 47, we see that we'd -- have  
16 collected \$27.4 billion, so a difference of point-three  
17 (.3), and then, finally for All Gas, we'd have 26.9  
18 billion.

19                   I apologize for going through those  
20 numbers, but the -- no witnesses really went through  
21 them, and I wanted to illustrate in very real terms  
22 that we can live with these alternative rate meth --  
23 methodologies. Nothing's been passed by the Manitoba  
24 Hydro Board yet, according to my knowledge, and that's  
25 -- I haven't heard anything. No evidence was

1 presented.

2 But our recommendation was, if you're  
3 going to proceed with Keeyask19 and the 750 line, do  
4 something about the financial targets, because the  
5 rates do matter, and -- and especially for industry in  
6 this province, the ten (10) companies I represent and  
7 the consultations we had, they were concerned about  
8 rates generally and whether or not the  
9 intergenerational equity issue was adequately handled  
10 with current financial targets.

11 The -- so that brings me back to the  
12 main submission at page Roman numeral XII. It was the  
13 second bullet. I dealt with the first bullet:

14 "One (1) necessary mitigation is that  
15 Hydro should adopt lower debt equity  
16 and interest coverage targets for at  
17 least the next twenty (20) years."

18 We say that this approach would allow  
19 rates to be held to a similar level to All Gas Plan,  
20 and the forecast retained earning levels will still  
21 permit Hydro to absorb the impacts of severe adverse  
22 events, such as a repeat of the worst drought on  
23 record.

24 The -- the next point on the rebalancing  
25 issue is rebalancing benefits with the provincial

1 government. We say that if you don't do that dur --  
2 during this period when customers face upward pressures  
3 on rates and added risks -- and Diana, while I'm  
4 talking, could you pull up Exhibit 177-3-1, please?

5 The initial statement that I had made in  
6 opening, and I repeated again today, was that we need  
7 to be aware of the rates. We've dealt with that, but  
8 also of the risks. And I acknowledge there's upside,  
9 and I've got a quote on that from a previous hearing:

10 "Nobody is going to talk about the  
11 upside and how much we missed if  
12 these facilities end up being a lot  
13 better."

14 And I, unfortunately, have been long  
15 enough -- around long enough to do the Limestone  
16 hearing, and at that time, everybody was in -- up in  
17 arms and saying, I think the level -- levelized in-  
18 service cost was nearly double what the rates were in  
19 Manitoba at that time. Everybody was concerned that  
20 that facility would be a bad facility, that it would  
21 cost a lot, that it wouldn't benefit Manitoba  
22 ratepayers, and today we have a different picture, even  
23 with what's happening in the economy and the recession.

24 It's a very difficult decision that this  
25 Board has to make, because hydraulic facilities are

1 extremely long-lived facilities, and it's hard to  
2 project. We saw even in six (6) months, right, how  
3 much that this proceeding changed since the original  
4 filing, and what I call the new NFAT filing, Exhibit  
5 104, is about 3 inches thick. How can we predict  
6 what's going to happen in the future?

7                   So we have to be aware of some of the  
8 reds that are on this and the probabilities that are  
9 attached to those reds when you look at the plans, and  
10 the reason why I'm -- we're bringing, as MIPUG, to your  
11 attention the redistribution of benefits, is that  
12 ratepayers are facing pretty big risks, even with the  
13 plan that's now identified, and not on this particular  
14 slide exactly -- it's -- yes, it is, sorry, the Plan 5,  
15 there's -- if you look -- and I know there's a lot of  
16 way to read -- read these numbers, because we saw how  
17 they get extrapolated. You can't automatically go from  
18 one (1) column to the other, and -- and think that  
19 that's the real difference.

20                   But if we look down on the right-hand  
21 side of -- of this quilt and Plan number 5, which is  
22 Keeyask19, Gas25, with a 750 megawatt line, a WPS sale,  
23 but no WPS investment, we see that if energy prices  
24 continue to be low, you see a -- a fair amount of red  
25 unless your capital costs are really low for your

1 project.

2                   So we've got to be aware that that's a  
3 real risk that Manitobans are going to have to bear.  
4 And if you go on capital costs, and those are high  
5 costs, again, we see that with high capital costs --  
6 and that's not a huge surprise, we're talking about  
7 billion dollar investments. If you've got to finance  
8 and collect retained earnings with respect to huge  
9 investments, it's not going to make the project look  
10 this good.

11                   So -- but if we keep in mind those  
12 numbers and we see, for example, for Plan 5, the  
13 highest number we see there, again, it depends how you  
14 look at them, but we see something in the order of 1.5  
15 billion to \$2 billion, and then we look at the  
16 provincial benefits that are going to be generated from  
17 that kind of a plan, we see that the provincial  
18 benefits largely take care of those negative events.

19                   So that if ratepayers are being asked to  
20 take the risk, in our respectful submission, the low --  
21 the way that you directly address that risk is to  
22 reduce the expenses of the Corporation that would  
23 normally go to the province. So you change the revenue  
24 sharing formula. Then it reduces the pressure on the  
25 rates and the amounts that need to be collected from



1 ratepayers, and the distribution hits everybody.

2                   It's not like a DSM program where you --  
3 you may get 50 percent people get in, you don't -- this  
4 -- everybody benefits from it according to the cost of  
5 service study that you're going to have, which will  
6 consider which ratepayers contribute what cost to the  
7 system.

8                   So that a redistribution, we believe, is  
9 important also for Plan 5 because of those negative  
10 numbers that you see. And there's been a lot of  
11 evidence in this hearing that there is a difference  
12 between ratepayers and taxpayers. They are not  
13 necessarily synonymous. For example, in some of the  
14 questioning I had done, you may have -- and you heard  
15 some testimony from First Nations people, they have  
16 limited revenue. They may not be paying any tax. They  
17 may not be on social assistance, but they have a real  
18 electricity bill to pay.

19                   They are faced with those real  
20 increases. They will not necessarily, depending how  
21 the government decides to distribute what it collects,  
22 be beneficiaries of what the government benefits are.  
23 Government may decide to del -- spend on roads in  
24 Southern Manitoba, may decide to spend on healthcare,  
25 may decide to spend on a number of things from the

1 revenues it collects. We are not sure that it's going  
2 to get to the ratepayers unless we take expenses out of  
3 the Corporation that would normally go to the  
4 provincial government and distribute that equally to  
5 all the ratepayers.

6                   Hopefully I've been able to explain that  
7 concept. The same thing would apply to corporations.  
8 Some corporations will be very energy intensive and  
9 have their business operations be very much more  
10 susceptible to increases in rates as opposed to some  
11 other corporations which are not highly dependent on  
12 energy for their particular business or operations.

13                   And before we leave this slide, there's  
14 some of them that are very real with high  
15 probabilities. For example, if we look at ref energy  
16 prices and interest rates go a bit higher than what we  
17 thought, so the high scenario -- yes, thank you, Diana,  
18 you found it. And then we either hit ref capital costs  
19 or high capital cost for Keeyask, we're basically at  
20 breakeven or hitting minus one billion thirty-four  
21 million (1,034,000,000).

22                   So -- and -- and that's attributed  
23 collectively, percentage of 19.25 percent that gets  
24 accumulated between the middle line. You can see the  
25 percentages on the right-hand side. The cost

1 attributed to high capital cost and high discount rate  
2 is a fairly low one. It's three point eight five  
3 (3.85), but they are still numbers that we say you have  
4 to be concerned about.

5                   So this would bring me to the next point  
6 in the one (1) paged sheet, and that's on Roman numeral  
7 XIV in this same part. Added DSM Level 2. A lot has  
8 been said about this subject. A lot of questions  
9 asked. Can we really rely on it for resource planning?  
10 Can we not? You've heard evidence on that issue.

11                   Hydro, with its revised filing, has said  
12 that it's going to try and hit the Level 2. We've seen  
13 that that kind of peaks and then there's no assumed  
14 benefits after that that continue to incrementally  
15 increase, whereas Mr. Dunsky believes you ramp up  
16 slowly and you can achieve it over the long term.

17                   We raised some cautions with respect to  
18 this. In particular, you heard Mr. Bowman's testimony  
19 with respect to conservation rates, which is part of  
20 this plan. But after a full in-depth hearing on that  
21 issue, the PUB had previously rejected it. So we've  
22 got something in our plan that has been considered in a  
23 lot of detail by this Board, and previously has been  
24 rejected. You have to be cautious to say that the next  
25 Board will come to a different conclusion than the

1 previous Board did.

2                   The cautions that we also put is that  
3 programs -- and this is the little 'I' -- but be  
4 reviewed to ensure they are economic and do not result  
5 in higher rates for non participating customers. And  
6 that not only applies to industrials; it applies to  
7 residential consumers.

8                   Yesterday Mr. Williams in his submission  
9 expressed concern that some of the vulnerable and low-  
10 income people don't have full participation in DSM  
11 programs targeted to them. And if you design programs  
12 such that you need to have increased rates -- and  
13 remember I had gone through that particular sheet with  
14 examples -- then what you're doing is you're benefiting  
15 half of the vulnerable people, but the other half, they  
16 increased rates.

17                   So we say when we're looking at what  
18 people call economic DSM, we have to be careful. We  
19 have to be careful of unintended results on the poor  
20 lady on Higgins or -- you know, I'm not picking that  
21 example for any particular reason. But you have poor  
22 and vulnerable people not only in Winnipeg; in Northern  
23 communities, and in Southern communities, small, little  
24 towns. And we have to be careful that, when we're  
25 going to evaluate these programs, we use more than one

1 (1) measure to decide what's going to be useful and  
2 what's economic and what's going to help the system.

3                   So we had used that example to explain  
4 various tests, including the PACT, P-A-C-T, for the  
5 reporter, and the RIM test, the R-I-M, for the  
6 reporter. And the RIM test, although it's not the  
7 primary tool -- and Hydro says it's kind of phased away  
8 from that -- is the test of whether the program would  
9 actually drive up rates and in effect require the non-  
10 participating customers to subsidize the other ones.

11                   And we also see, and this is small Roman  
12 numeral ii, that if we're going to be doing DSM, don't  
13 forget MIPUG and the commercials and the industrials.  
14 In my cross-examination, I went through the numbers  
15 that these customers are generating for DSM, and they  
16 are very significant.

17                   One (1) customer alone when we were  
18 going through the curtailable rates program was close  
19 to -- I think it was 150 megawatts, while Wuskwatim is  
20 two hundred (200) and some. Close to a dam. It's  
21 huge. Yet Manitoba Hydro is talking about capping that  
22 curtailable program. It's a capacity program. We say  
23 they should encourage not only -- and focus not only on  
24 the residential programs, but the commercial and  
25 industrial customers.

1                   Now, what about the last bullet that I  
2 put on the first page: Minimally protect Conawapa. We  
3 say that there's no evidence before the Board that  
4 pursuing Conawapa for an in-service date of 2026 or  
5 2031 will need to net rate benefits. At best, if there  
6 are some, it'd be many decades into the future. I  
7 think some of the last graphs were showing that it's  
8 going to be like thirty (30) years out, maybe forty  
9 (40) years out, depending on your scenarios.

10                  And we say that Conawapa remains a  
11 speculative project without definitive export contracts  
12 underpinning its development, and that the provincial  
13 government recoveries on Conawapa through capital  
14 taxes, water rentals, and debt guarantees are  
15 extraordinarily high. And we've seen that through  
16 various graphs that are produced by Manitoba Hydro.

17                  Now, I would put one (1) caution with  
18 respect to large hydro utilities. And I asked some of  
19 those questions. And Morrison Park dealt with this.  
20 When you contract, you can only get ten (10), maybe  
21 fifteen (15) years, at -- maybe at the out -- outside  
22 twenty (20) years of export contracts. And Morrison  
23 Park raised, Well, what happens after that? Can -- you  
24 know, whether you're going to be able to renew it.  
25 What uncertainty does that cause?

1                   We shouldn't be too scared about that, I  
2 submit on behalf of MIPUG, because if you start saying  
3 that we need contracts which are longer than what the  
4 market can give in export contracts, you're never going  
5 to build and never justify building a dam that has a  
6 seventy-eight (78) year life. You're never going to  
7 find a contracting party in the States that's going to  
8 want to give you a fifty (50) year contract.

9                   So we have to look long and hard as to  
10 what -- as to whether the economics make sense in the  
11 context that we have, and the contracts that we have  
12 signed.

13                   Unfortunately, at this point in time, we  
14 don't have secured contracts for Conawapa. It's a  
15 speculative plant. It's a development plant. It's  
16 going really far away from Manitoba Hydro's knitting  
17 and serving its residents. We would submit that it's  
18 entirely different and it has to be approached entirely  
19 different than from Keeyask, because Keeyask, we're  
20 advancing. We know the need's going to come. Now with  
21 DSM, the need's being pushed out further, but we know  
22 there's going to be a need.

23                   And it's -- it was three (3) or four (4)  
24 years. Now it's pushed out, I think, depending on the  
25 dates that we use with pipeline or without pipeline,

1 maybe seven (7) or eight (8) years out further total,  
2 but it's not like Conawapa, where you don't have  
3 contracts, and it's way out there. By the time we need  
4 this, we don't know what technologies, what everything  
5 else is going to do.

6                   So for these reasons, we say there's  
7 little room -- that's in paragraph 6 -- for excitement  
8 about the opportunity Conawapa offers ratepayers under  
9 current assumptions. It brings no benefits and  
10 substantial risks. We saw that quilt. You see, like,  
11 4 billion, \$5 billion numbers on risks. It's huge.

12                   Now, why twenty-four (24) months we  
13 picked? It's -- there's no particular magic to it.  
14 Mr. Cormie and his team, and we weren't privy to all  
15 the CSI sessions, may be able to secure some great  
16 contracts. We had some general discussion about it in  
17 the public portion of the hearing.

18                   Two (2) years, hopefully, would give  
19 Manitoba Hydro enough time to see whether those parties  
20 are really interested and whether you had competition.  
21 And especially if we're going to be getting the 750  
22 megawatt line, Mr. Cormie explained that that opens a  
23 whole new market for them, hopefully, too.

24                   So it -- it also has the advantages if  
25 we're weighing everything. You really want to get into



1 the big sunk costs. We suggest that it's appropriate  
2 to have a short time frame, like two (2) years, have a  
3 smaller review, not a -- a full-blown hearing like  
4 this, and we hope that that'll be a recommendation in  
5 this report.

6                   It makes sense to revisit, from a  
7 general resource planning, as to whether -- whether or  
8 not you've got enough contracts, and whether some of  
9 these carbon taxes, et cetera, are moving in a  
10 particular direction. We may have a better idea for  
11 sure on contracts and some of those other items in  
12 about two (2) years from now. Maybe not.

13                   But at least, then, we can either say,  
14 Whoa, let's put the brakes on, or, Yes, it's worth  
15 spending minimally, or make some kind of a decision  
16 with respect to whether it makes sense to pursue this  
17 next generating station.

18                   The other advantage, and this has been  
19 talked about by Mr. Wojczynski -- and he's leaving, so  
20 I'll pick on him -- is that we'll have a better idea of  
21 what Keeyask is doing for construction costs. We had  
22 some lesser -- lessons learned with Wuskwatim. We've  
23 seen some major revisions, which Mr. Williams went  
24 through on capital costs on the estimates. When we're  
25 going to do this huge project, Keeyask, when the

1 contracts come in, that'll tell us a lot about what  
2 Conawapa might be doing also.

3                   And so there are a couple of key pieces  
4 of information which I think would be very useful and  
5 necessary before Manitobans are called to take either  
6 the benefits or the adverse consequences of Conawapa,  
7 and that's why we talk about the twenty-four (24)  
8 months. We think that those items will bring gleater -  
9 - greater clarity to the decision as to whether or not  
10 it needs to be proceeded with. Some of these items,  
11 which I've listed and talked about are on the small  
12 Roman numerals, starting at line 17, so the high  
13 capital costs can be analyzed.

14                   We don't think that seeing whether this  
15 movement occurs in the twenty-four (24) months causes a  
16 huge issue, because there's considerable flexibility on  
17 the in-service date, so we're not feeling pressures on  
18 that. If you can flip to the next page, please, Diana?

19                   Roman numeral III, I've talked that --  
20 about that a bit. This new transmission line we're hop  
21 -- hoping -- or Manitoba Hydro is hoping that it's  
22 going to expand its market, so there may be more  
23 opportunities for on-peak and opportunity sales, so  
24 we'll have a better idea of what's happening there.

25                   The Wisconsin market that's going to

1 open according to Mr. Cormie, there may be additional  
2 benefits. We saw that WPS backed out. Well, we were  
3 concerned about Manitoba Hydro backing out, but WPS  
4 backed out after we started this proceeding on its  
5 investment, and now Manitoba Hydro is hoping to get  
6 other people to pony up some dollars so it doesn't have  
7 to pick up what WPS didn't pay for and the other parts.  
8 It doesn't want to be an owner, as I understand it, of  
9 transmission in the States.

10 The -- there's positive attributes about  
11 Conawapa too. That's Roman Numeral VI, and extra firm  
12 capacity and energy provided by Conawapa, and there  
13 hasn't been full quantification of that. I asked some  
14 questions of Mr. Wojczynski on that.

15 So it -- it's MIPUG's view that we  
16 shouldn't go to the higher level of spending, which is  
17 set out in the information, which would bring it to 308  
18 million, up to 2018. It's the view that it should be  
19 minimal spending, and to protect the in-service date of  
20 2031, Hydro's put out a number of 89 million. And  
21 we're not holding Hydro to that kind of a number, but  
22 we've suggest somewhere between 100 million and 150,  
23 and no more than that before some kind of a review  
24 occurs.

25 So part of that would be to avoid what

1 seems to have annoyed our clients anyways, being caught  
2 in a situation where you've got huge sunk costs and  
3 then rightfully or wrongfully, the perception is, Well,  
4 what options do we have?

5                   The information that -- that we've  
6 provided, when I had looked through the tables on the  
7 amounts of rates collected by people, I would just  
8 remind the Board of my line of cross-examination of Mr.  
9 Rainkie, when I asked that panel, whether or not in  
10 reality, not the theoretical models that are being  
11 shown, but in reality, Manitoba Hydro would, in fact,  
12 write off the full billion dollars and the full \$400  
13 million. A billion dollars for Keeyask, and 400 for  
14 Conawapa.

15                   And as I understood the evidence, is  
16 that as long as Conawapa and Keeyask were options in  
17 their resource plan, that from an accounting  
18 perspective, so a rates perspective, and what would  
19 actually hit the books, you wouldn't automatically  
20 write off a billion dollars off your retained earnings,  
21 and that's because some of the expenses would continue  
22 to be useful.

23                   An example was given of all the geology.  
24 The rock isn't going to move. It doesn't have legs.  
25 The studies that you've done for that presumably are

1 still useful. So that the rates that we've seen for  
2 the options that don't include Keeyask or Conawapa, and  
3 the numbers that are in there, in our respectful  
4 submission, are probably a bit high.

5                   We've never seen an actual analysis of  
6 how much lower they would be, but they would be lower.  
7 It -- it's a calculation of a theoretical model that  
8 favours calculations or scenarios that include Keeyask  
9 and Conawapa. It definitely doesn't favour the  
10 calculations where Conawapa is taken out, because then  
11 you write off over eighteen (18) years. You amortize  
12 400 million.

13                   And for scenarios that did include --  
14 didn't include Keeyask, even though it might be further  
15 down the line, like an All Gas scenario, but further  
16 down the line, Keeyask, if -- if you're writing off  
17 these costs over eighteen (18) years, it produces, in  
18 my respectful submission, artificially high numbers for  
19 those scenarios. It makes -- makes it bear more of the  
20 sunk costs than probably would happen under an  
21 accounting perspective.

22                   Now, the final point with respect to  
23 this Conawapa, move to the next page, Roman numeral  
24 XVII, is that -- hopefully my math is right here.  
25 We've looked at the decision not to proceed Conawapa at

1 the end of 2017. We believe, depending on the exact  
2 number that you use, would -- but would only cause an  
3 added rate impact of about .07 percent per year until  
4 2032, so there's not a huge rate impact to what we're  
5 suggesting. We think it's a very practical solution.

6                   So that covers the meat and potatoes of  
7 everything, and then now I have -- the way the  
8 presentation was structured is if we flip back to the  
9 beginning of the document, there's nineteen (19)  
10 distinct subject matters that I don't need to spend a  
11 lot of time on, but I'd like to at least do -- do a  
12 brief overview of them, and -- and we hope that they're  
13 questions that will assist this Board in providing its  
14 report.

15                   So, Diana, maybe -- can you bring up  
16 MIPUG -- yeah, the table of contents? So what I've  
17 gone through is the first part at the top, which was  
18 MIPUG's summary of recommendations. I've started with  
19 the first page, showing how that fits into the planning  
20 exercise, the pathway, and then there's nineteen (19)  
21 distinct questions that I -- I propose to go through to  
22 at least highlight what's contained in those parts of  
23 the submission.

24                   So I'll leave the panel a chance to read  
25 it. I won't -- and I'll look for the Chairman's nod as

1 to when Diana can move the page, rather than me just  
2 read it into the record.

3 THE CHAIRPERSON: Actually, I'm more  
4 concerned about you, where you've been talking for over  
5 an hour now, and so if you -- if you want us to stand  
6 down for a few minutes, that's fine. Otherwise, I  
7 think we should keep going.

8 MR. ANTOINE HACAULT: Well, it -- it's  
9 a lot of information, so -- when I teach at the  
10 university, Professor Grant, is my students don't  
11 usually retain much after an hour of speaking, so  
12 perhaps it would be useful to -- to stand down for five  
13 (5) minutes or so.

14 THE CHAIRPERSON: Let's just -- let's  
15 do five (5) minutes, then.

16

17 --- Upon recessing at 11:22 a.m.

18 --- Upon resuming at 11:31 a.m.

19

20 THE CHAIRPERSON: I believe we're ready  
21 to proceed. Me. Hacault, s'il vous plait.

22 MR. ANTOINE HACAULT: Merci, M.  
23 President. I'm going to go to page 1 of our written  
24 submission. Board counsel yesterday set out the terms  
25 of reference, and I'd like to focus on some of the

1 language a bit more.

2 And so if we -- you'll see in the terms  
3 of reference attached to the Order in Council 128/'13  
4 that this Board's report is to deal with the needs for  
5 Hydro's Preferred Development Plan. And it should be:

6 "...an overall assessment as to  
7 whether or not the plan is in the  
8 best long-term interests of the  
9 Province of Manitoba when compared to  
10 other options and alternatives."

11 So I asked myself, Well, what's this  
12 long-term stuff? Is it ten (10) years, fifteen (15)  
13 years, thirty-five (35) years, fifty (50) years using  
14 the financial analysis, seventy-eight (78) years for  
15 the economic analysis?

16 And it's our submission that, because of  
17 the nature of a hydraulic generation plant, it doesn't  
18 make sense to just focus on ten (10) years. And we can  
19 look at that 'long-term' word in the context of a  
20 hydraulic facility, which has a longer life by a  
21 substantial number of years compared to the all-gas  
22 plants which we see have to be replaced on a fairly  
23 regular basis.

24 And we've heard evidence that some of  
25 the utilities in the States do like ten (10) and



1 fifteen (15) year planning exercises. If we did that,  
2 we'd always come to the conclusion that a hydraulic  
3 generating station didn't make sense.

4 Quite simply, the economics and the  
5 financial impacts, if you just looked at a ten (10)  
6 year outlook, you'd never build hydro plants in  
7 Manitoba. So the long term we say has to be looked in  
8 that perspective, but also has to be weighed with the  
9 short-term impacts.

10 And short term, if that's ten (10) years  
11 or twenty (20) years, we've looked at those impacts  
12 very specifically by bringing you to those alternative  
13 rate methodologies and the difference in that twenty  
14 (20) year time period as to what the different plans do  
15 to ratepayers, unless you start doing some  
16 redistribution and relaxing some financial targets.

17 The next thing that we see in there is  
18 the need, and that's in the title of this hearing,  
19 right? The need and the alternatives. So we had asked  
20 some IRs of Manitoba Hydro and said, Well, what's your  
21 view of the need? It maybe not binding, right? It's  
22 the interpretation of a word.

23 But it seems that we're ad idem on that:  
24 The need is to supply domestic load -- I'm on line 21 -  
25 - plus to supply export obligations arising from the

1 existing approved export contracts. So one (1) of the  
2 themes of my cross-examination and presentation  
3 throughout this hearing was: What do we need? And is  
4 there a difference between a need and investing and  
5 advancing plants in advance of the need?

6                   And advancing these plants is not a  
7 concept that relates directly towards the need. We've  
8 seen and heard a lot of evidence that the needs of  
9 Manitoba ratepayers can be met for quite some time  
10 without new generation.

11                   It's about opportunity and whether or  
12 not it makes sense for our system as a whole to invest  
13 now, and whether or not -- and that's Morrison Parks's  
14 evidence, bird in hand makes sense or whether you throw  
15 the bird in hand out and you go to the top pathways  
16 which take out the intertie.

17                   And I know there's some argument about  
18 it, whether you need the two hundred (200) and -- the  
19 intertie to do the 250 -- or the 250 megawatt contract,  
20 you know, to get the intertie, et cetera. But  
21 fundamentally, the need approach would be on the top.

22                   And although we're not involved in that  
23 part of the hearing, it's not our scope, there might be  
24 a different view of this Board as to how you approach  
25 for example a Conawapa which is not, according to the

1 evidence, a needs-based approach at all. It's totally  
2 a development opportunity.

3 Do you approach the overall  
4 socioeconomic approach and say, Well, it's not really  
5 for Manitobans? Do we really want to put that burden  
6 on Northern Manitobans when it's really not for a need  
7 of domestic ratepayers? It may help them in the long  
8 run; it may not. We're asking people to invest -- and  
9 I had shown you that graph into the blank space.

10 So our submission is that there is a  
11 totally different perspective when you get away from  
12 the knitting, from the need, dealing with the  
13 ratepayers and what they need to keep the lights on and  
14 what the industrials need to make their plants work.

15 The next concept that's in that line is  
16 the interest of the Province of Manitoba. It said, Oh,  
17 are they knocking out ratepayers? Or is this like all  
18 of a sudden are we not to consider ratepayers? I don't  
19 think so. I think that because of all the benefits  
20 that we have we've worded it that way. If we can flip  
21 to the next page we also see in the overview of  
22 Manitoba Hydro's NFAT filing, and I'm quoting from line  
23 1, 2, and -- and on:

24 "Manitoba Hydro is seeking government  
25 approval for the Preferred

1 Development Plan on the basis that it  
2 is in the best long-term interests of  
3 Manitoba Hydro customers and the  
4 Province of Manitoba when compared to  
5 other options and alternatives."

6 And then the terms of reference also ask  
7 us to look at the Clean Energy Strategy. And you may  
8 recall when I asked some questions of Mr. Scott Thomson  
9 I put to him, Well, in the Clean Environment Strategy  
10 it says, Build hydro generating stations. So why do we  
11 need to be here? That's the strategy. That's what's  
12 going to happen. And Mr. Thomson's response is set out  
13 at lines 18 and following. And he said:

14 "Well, I think that's probably  
15 overstating things. Another thing  
16 that the energy strategy says is that  
17 the province is pursuing a carbon-  
18 free economy. But there's natural  
19 gas used in the province. There's  
20 petroleum products used in the  
21 province. We're shifting away from  
22 coal. So it's again I don't the  
23 strategy overrides what we're doing  
24 here today. It's not -- it's on  
25 balance, you know, does what we're

1 doing make sense in the context of  
2 the province's energy strategy."

3 And we've seen the whole fuel switching  
4 exercise discussion. Managing hydro costs by getting  
5 people to -- to heat their houses and their hot water  
6 with gas. Well, is that consistent with the Clean  
7 Energy Strategy? But he was clear on one (1) thing:

8 "But I can tell you here today we  
9 haven't been directed by the province  
10 to build these projects."

11 So I say, Oh, I'm not going to spend two  
12 and a half (2 1/2) months discussing something that's  
13 pre-decided by the Clean Energy Strategy.

14 The next distinct subject, what's the  
15 Preferred Development Plan? Well, Mr. Byron Williams  
16 set out what's in the terms of reference in the  
17 Preferred Development Plan as defined there includes  
18 Conawapa. If it includes Conawapa, then that's how we  
19 define the Preferred Development Plan. Well, it's not  
20 the recommendation of MIPUG that we approve Conawapa,  
21 so you would say no to that definition of the plan.

22 But you probably also noticed that I was  
23 pretty persistent in asking Mr. Wojczynski and other  
24 people, Well, what's the Preferred Development Plan as  
25 we've gone through this hearing? And they provided an

1 initial answer and then kind of refined it. And then  
2 finally we produced Manitoba Hydro Exhibit 192 at our  
3 request. And seeing that there's two (2) pathways  
4 essentially. That was Mr. Bowman's evidence: one (1)  
5 with the 750 intertie and we do Keeyask now to secure  
6 that and to secure the 250 megawatt contract. Or we  
7 stick to our knitting and Manitoba needs and don't go  
8 down the, what I'll call the opportunity pathway.

9                   And we view the Preferred Development  
10 Plan, or hope that it's viewed in the way that it's a  
11 very flexible plan that gets reviewed, but there's  
12 certain decisions that need to be made today. A lot of  
13 the other decisions don't need to be made today. And  
14 Conawapa has been put off a number of times over the  
15 last years. That's set out in the evidence. And it  
16 may be that it gets built. It may be that it gets  
17 deferred again. But we need to decide what pathway  
18 we're going to go down.

19                   Are we actually going to get us an  
20 intertie with all the benefits that that gives us and  
21 tie ourselves into advancing Keeyask, or are we just  
22 going to say, Let's not have that contract. Let's not  
23 have the intertie if that's what we have to do, and  
24 just do the Manitoba supply.

25                   On the whole issue, and this is later on

1 in the presentation, of whether or not the intertie  
2 line is tied into the 250 megawatt contract, we don't  
3 take a position. I've looked at some of the  
4 certificate of need filing and information. And I  
5 would encourage the -- it's referenced in Manitoba  
6 Hydro's answers -- this Board to look at some of the  
7 orders, and filings, and writings there, and -- and the  
8 answer that's been given by Manitoba Hydro, and come to  
9 its own conclusion. Manitoba Hydro has one (1) view of  
10 that and it provided an answer to that, and there's  
11 some issues on contractual interpretation and  
12 expectations of parties.

13 So we didn't get into much cross-  
14 examination or evidence on that, and unfortunately my -  
15 - I'm not being very helpful to this Board on that  
16 particular subject. I'm just saying that MIPUG is not  
17 taking a position on that. It might have been able to  
18 take a better position if it had been a part of the CSI  
19 hearings too, because I suspect there's probably some  
20 questioning happening in the CSI part of the hearing  
21 dealing with that issue.

22 THE CHAIRPERSON: Before you leave that  
23 subject, I'd like to ask you something.

24 MR. ANTOINE HACAULT: Yes.

25 THE CHAIRPERSON: Have you given

1 thought, or turned your mind to the, you know, to the  
2 risk associated with proceeding with Keeyask, but the  
3 intertie doesn't get approved? In other words, US  
4 authorities decide that they're not prepared to support  
5 that intertie.

6 Does that change -- would that change  
7 your -- your view of -- of Keeyask?

8 MR. ANTOINE HACAULT: Well, the  
9 recommendation that MIPUG has provided is Keeyask with  
10 the intertie. You'll see in the balance of the report  
11 and the recommendations, and even in the line of  
12 questioning that I did, I wanted to explore, well, what  
13 benefits do we get with that intertie. And without the  
14 intertie, I suspect that the walls of Jericho start  
15 crumbling down.

16 How are they going to get the 250  
17 megawatt deal going forward? You know, how -- do they  
18 have existing transmission ability to honour that  
19 contract? So that if it -- if the 750 line does not  
20 get approved by the authorities in the States, I think  
21 then you are going to be -- because my recollection,  
22 I'd have to confirm by looking at the agenda from the  
23 Minnesota Public Utilities Commission agenda. It's  
24 there for everybody to see, that they're not expecting  
25 a decision until sometime, I believe, next fall on the



1 approval of that, as -- I mean, as we say, subject to  
2 check, on that project.

3                   So where you're going to be is a little  
4 bit like what happened in Conawapa, I guess, when  
5 Ontario backed out of the deal. You're gong to have to  
6 spend a fair amount on Conawapa, and if you don't have  
7 that contract and -- and those sales and that intertie,  
8 Manitoba Hydro is going to be faced with a perhaps  
9 difficult decision as to whether or not it completes  
10 that contract. And there is a lot of other things that  
11 can happen.

12                   I mean, I don't know whether the can  
13 carry -- not qualified to talk about that -- carry more  
14 power on the existing transmission lines. I know the  
15 750 line was touted by Minnesota Power as a good  
16 reliability transmission line from its perspective --  
17 so it's not only from Manitoba -- from its perspective,  
18 because it gives it access to all the northern  
19 hydraulic generation to the extent of the capacity of  
20 that line. And it could be upsized.

21                   So to get to your answer, what happens  
22 if the line doesn't get approved? I'm not so sure that  
23 250 megawatt deal continues to survive. How do you get  
24 that power across? How do you get the other contracts  
25 that have been negotiated with the power across? And

1 then, you're right, you may be left with Keeyask  
2 without that particular benefit.

3 But it's part of -- if you look at the  
4 filings on Minnesota Power's Resource Plan, it's part  
5 of their resource plan. So it's not only a risk that  
6 Manitoba Hydro would face, but all of a sudden  
7 Minnesota Power would have to say, Well, where am I  
8 going to get that 250 megawatts that I've contracted  
9 with Manitoba Hydro? They'd have to come up with a  
10 pretty good solution by the need date, which is 2019, I  
11 guess. So either build more gas or -- I don't know  
12 what they'd have to do.

13 So I think it's a risk that works both  
14 ways, and a bird in hand hopefully is not one that's  
15 going to be flying away from us. Hopefully -- that's a  
16 long-winded answer, but hopefully it -- it attempts to  
17 -- to deal with your concern, Mr. Chairman.

18 The discussion under, What's the  
19 Preferred Development Plan, you'll see I've extracted  
20 some parts of the evidence of Mr. Thomson in which he  
21 talked about the -- the Plan in the first paragraph,  
22 including the construction of the Conawapa Generating  
23 Station.

24 Now, when he had done that we had a \$1.7  
25 billion NPV, right. That's where we started. I guess

1 if we're asking, and the government is asking, Is it  
2 worth doing these reviews? Let me ask the question  
3 rhetorical: If we hadn't had the review and we hadn't  
4 had the in-depth analysis and all the information that  
5 you had, would we be seeing today Conawapa numbers  
6 being basically what I think Mr. Rainkie referred to as  
7 'dust', something under \$100 million, over a seventy-  
8 eight (78) time period -- time period?

9                   It may be that all we would have heard  
10 was, Well, PDP with Conawapa is worth \$1.7 billion.  
11 Let's go ahead. The public review forced DSM issues.  
12 It forced the discussion, which is -- you see the  
13 volume of material that Exhibit 104. As I -- I call it  
14 the second NFAT filing.

15                   So I think these public reviews are  
16 healthy, notwithstanding all the great work that was  
17 done for Manitoba Hydro in doing its initial filing, we  
18 can see that the information-gathering process and the  
19 experts that dissect that information and try to  
20 analyze it and present it to the Board in a different  
21 way is a very useful exercise for Manitobans and  
22 Manitoba ratepayers to arrive at a decision, so that --  
23 I'm not so sure, and I don't want to speak for Mr.  
24 Thomson, that he would have been using such strong  
25 words as, We're going to convince this Board, I think,

1 or be an advocate for the PD Plan -- PDP Plan, if he  
2 had known the numbers he knows today. It may be that  
3 his presentation might be a bit different.

4 But we make our presentations, in  
5 fairness to Mr. Thomson, based on the facts we know.  
6 I'm not criticizing Mr. Thomson at all, and I don't  
7 want to see these comments to be criticizing somebody  
8 who makes statements based on what they know.

9 So he did indicate the Preferred  
10 Development Plan also includes DSM, so we see that  
11 visually in this blue spots under both plans, and that  
12 it included the transfer, the 750 megawatt line, and  
13 the Keeyask generating station. So that's developed.

14 And Mr. Bowman, in his presentation  
15 said, in his view -- and this was his view as an  
16 expert. This is further down the page, Diana, at lines  
17 33:

18 "I think if I was put -- the number  
19 one decision that people need as a  
20 hard decision is, Do I want a  
21 transmission line or not?"

22 Because the confluence of contracts and  
23 everything else, you're saying, Well, that's an  
24 opportunity. I have somebody to champion that line for  
25 me. It's being championed.

1                   And do I think that that's an important  
2 benefit for Manitobans? Do I think it strengthens our  
3 hydraulic system and our hydro system in -- in  
4 Manitoba? Is it worth that extra investment as  
5 adjusted according to our recommendations?

6                   Now, what about the -- if we can go to  
7 the next page, please, Diana? So -- and Mr. Bowman  
8 expressed his view on why he thought that that was the  
9 decision that needed to be made. It was his view that,  
10 if you're going to get a transmission line -- and I  
11 think this was pretty consistent with Mr. Cormie's  
12 evidence, you're going to need a partner. You need an  
13 applicant out there. You need somebody to champion,  
14 somebody to -- to do this in the United States.

15                  And taking out the 250 megawatt line as  
16 an option, well, there's some pros and cons about that,  
17 because we heard evidence that if we had a 250 line, it  
18 would have been a challenge to get a 750 line and all  
19 the flexibility that comes with that for Manitobans in  
20 the future.

21                  So I guess the question -- we saw some  
22 NPVs for the 250 line being higher. We're paying a bit  
23 more for the 750, but I don't have a crystal ball, and  
24 it's MIPUG's view that, given the situation that we're  
25 in, the 750 line makes sense.

1                   It's a bird in hand, and to try to  
2   refile material and -- and have Minnesota Power say,  
3   Well, listen, now we're just going to want a 250  
4   megawatt line, we are taking risks that you have to  
5   start the whole process over again. They're lengthy  
6   processes, regulatory processes that are well underway.

7                   So if we focus, as I say, on -- on the  
8   Manitoba needs, that's Mr. Bowman's quote from line 16  
9   to 25, we get to a point where we need power. We'd  
10   have to find out, is it really Keeyask? It could be  
11   gas. It could be anything, but part of this process is  
12   also looking at the benefits to Manitobans and benefits  
13   to government generally.

14                  Sure, we're talking about a  
15   redistribution, but the other thing, and I know I'm  
16   just kind of jumping around a little bit, but I had  
17   this discussion in cross-examination with respect to  
18   DSM, and there wasn't a very clear-cut answer. I was  
19   cross-examining, I asked -- the theme of my questions  
20   was, Going into the future can you guarantee that DSM  
21   costs will remain level and fixed?

22                  Because if we build a generating station  
23   and we know it's cost us \$6 billion, that isn't going  
24   to change, but DSM had components when I cross-examined  
25   that the witnesses thought would change, labour costs.

1 Some of the other items that would be included in the  
2 particular programs may increase. Some of them may  
3 decrease, but you can't be sure that you're going to  
4 have fixed costs.

5                   And if I get back to the Limestone  
6 example or with the inflation that occurred over the  
7 years after that being built, we're paying, in today's  
8 dollars, it seems really cheap, but that's one (1)  
9 thing that a generating station has. It's got  
10 disadvantages because it's such a long time, but the  
11 other advantages, every time you get some inflation and  
12 -- and some costs, it reduces the actual real dollars  
13 that you have to fork out in twenty (20) years from  
14 now.

15                   And I don't have the exact reference to  
16 the evidence, but there's been some suggestion that  
17 putting off Keeyask is going to always be better. I  
18 don't think that that is necessarily the conclusion on  
19 the economic analysis if we look at the numbers. If we  
20 look at the numbers, putting off Keeyask just for a  
21 needs-based approach to 2031 doesn't necessarily give  
22 you a better NPV than building it in 2019.

23                   And there's a host of factors that  
24 affect that, but one (1) of them would be if you've got  
25 ten (10) years of inflation at 2 percent, and you've

1 got exports that carry the costs, your project to  
2 Manitobans, in real dollars, when they're starting to  
3 pay for it ten (10) years further down the road, you're  
4 only paying with, I'll say, eighty (80) cents a  
5 dollars, because you've got the benefit of the  
6 reduction notionally of the inflationary pressures.

7                   So it isn't automatic that you're going  
8 to see automatic benefits by deferring a generating  
9 station. Construction costs may go up. It depends on  
10 your -- a host of issues, I acknowledge, but we have to  
11 be very careful to conclude that automatically, if we  
12 defer a generating station's construction, that it will  
13 be better for Manitobans. They'll be very careful  
14 about that and look at the evidence.

15

16                   (BRIEF PAUSE)

17

18                   MR. ANTOINE HACAULT: There -- I'm  
19 going to skip to the next subject. I know I'm skipping  
20 a lot of text, but there's further discussion about  
21 this, and should we take a break, or should we go for  
22 another twenty (20) minutes, or...?

23                   THE CHAIRPERSON: Sorry. Let's go for  
24 another ten (10), fifteen (15) minutes.

25                   MR. ANTOINE HACAULT: Okay. The next



1 subject is page 9 of our document. Sorry, it's hard  
2 for Diana because -- yeah, is there sufficient  
3 information to make a decision today? I'll tell you I  
4 was, quite frankly, wondering what's happening here,  
5 because we start with a filing, and -- and I have a  
6 litigation background, not only Board work.

7 I can tell you if this was happening in  
8 a court case where we had basically a new NFAT being  
9 filed at one-o-four (104) with all the new information  
10 and the rush to try and get new economic analysis, and  
11 we'd have new quilts. We don't have expected values.  
12 The fundamental question I was asking, God, you know,  
13 do we have enough information? Has it changed that  
14 much in six (6) months that we can't make a decision?

15 Well, the first conclusion, I would  
16 suggest, is it helped us make a decision on Conawapa,  
17 and I don't think we need more information to know and  
18 to make the recommendation that Conawapa is not  
19 something we want to do now, at least according to  
20 MIPUG.

21 It doesn't matter how much more refined  
22 you're going to get on the quilt, and the  
23 probabilities, and stuff like this. The increased  
24 capital costs and the new metrics tell us it's not a  
25 prudent decision to make now. Put it off, at least for

1 a couple years until we see contracts and more  
2 information on a lot of other -- other items.

3                   With respect to Keeyask, is the  
4 information going to get better? Are we going to get  
5 better information? There's some gaps in the  
6 information. Notwithstanding that, it's the view of  
7 our consultants, Mr. Bowman, who has done work across  
8 Canada, and actually a bit on, I'm going to say, the  
9 Hydro side of the table as he does work on both sides.  
10 You got to put one (1) of these projects through, and  
11 you've got to make a filing. Information is always  
12 going to change. It's useful to have the best and the  
13 most current information. Nobody disagrees with that.

14                   His view was that there is enough  
15 information to make a decision. People may disagree  
16 with that conclusion, but his view was that the quality  
17 of information, the extent of information received by  
18 this Board was exceptional, in depth, and produced by  
19 very knowledgeable people who made very sincere efforts  
20 to inform this Board, and give it the information and  
21 the -- what he referred to, and this is at top of page  
22 10, his, quote, "exceptional advice."

23                   And to a large extent, it was his view,  
24 and it's our submission, that if you boil it down to  
25 the crux of the decision that needs to be made, you'll

1 hear very little disagreement. I can't prejudge what  
2 Hydro is going to say about Conawapa, but we've heard  
3 the submissions of Mr. Williams on the preferences, and  
4 there's pretty common themes that come out of the  
5 analysis of the information.

6                   That doesn't mean it was perfect,  
7 doesn't mean we can't improve things, but in the cross-  
8 examinations that I've done of the panel -- of the  
9 various experts is, Is it going to get better, because  
10 I went through ten (10) year increments? I think it  
11 was Dr. Borison. Well, that year -- you know, that  
12 really changed the way we looked at the world in that  
13 first ten (10) years. It really changed the next ten  
14 (10) years. It really changed the next ten (10) years.

15                   And as I say, I've said it to myself a  
16 lot of times, I'm glad I'm not sitting up there,  
17 because it's a seventy-eight (78) year, or a fifty (50)  
18 year decision. We can't even get six (6) months right,  
19 and that's why the focus of my cross-examination was,  
20 Do we have the parameters right?

21                   We know the ref/ref, or the expected  
22 value is -- we're never going to get that right. It's  
23 giving us a direction, but do we have the outer limits  
24 right, and if it goes really sour on us, what are the  
25 big numbers we have to worry about, and can Manitobans

1 handle that? Can industry handle that? And that's why  
2 MIPUG focussed on, Do we have the parameters right?  
3 And I believe that the evidence is  
4 pretty consistent that the experts who were before you  
5 thought that we had the parameters right. We aren't  
6 part of the CSI. We don't know exactly what happened  
7 at carbon pricing and stuff like that, but is the low,  
8 low enough? And with the insight that you have through  
9 the CSI, I'd encourage the Board to try to address that  
10 question. Are the highs for capital cost to the extent  
11 we weren't part of the CSI high enough? What are we  
12 exposing Manitobans to as far as a risk? And if the  
13 plans are robust on those adverse hits, and they work  
14 well, then I think we've done the best job we can.  
15 So I've put quotes of -- of the evidence  
16 there, and I'll leave it for the Board's reading.  
17 There's been a lot of discussion about -- what about  
18 the CO2 prices? I don't think we need to make a  
19 decision, Did we get it right on CO2? I think we need  
20 to make a decision, Did we get the low right, because  
21 that'll be our low energy prices? And what happens to  
22 Manitobans if we don't get carbon pricing, and does  
23 that produce unacceptable rates? And we have a lot of  
24 that information in front of us in the quilts as to  
25 what happens when those extremes get hit.

1                   So that if we go further down the road  
2 and say, Well, nobody could predict that energy prices  
3 were going to go up that much, Yahoo, we're all benefi  
4 -- beneficiaries. Or somebody says, Nobody could  
5 predict that the capital costs would be that high.  
6 Well, if we've got the highs right and the parameters  
7 right, and we know the effects of that, and we think  
8 that it's still acceptable as far as impacts on rates,  
9 I think then, we have the comfort to say yes or no to a  
10 particular pathway.

11                   The next item I think I can deal with in  
12 five (5) to ten (10) minutes would be page 13. That's  
13 the question, How does the current context for Manitoba  
14 Hydro rates and finances affect the decision?

15                   And there's a couple points there.  
16 Industry has been concerned, and that was set out in  
17 Mr. Turner's evidence, that there's been steady power  
18 increases, and this is at the bottom.

19

20                   (BRIEF PAUSE)

21

22                   MR. ANTOINE HACAULT:    So I'll take time  
23 to read the quote:

24                   "When Manitoba Hydro advances an in-  
25 service date for its new plants,

1                   there's more room to meet unexpected  
2                   load growth by all industries. For  
3                   these reasons, Manitoba Hydro has  
4                   been a good partner for the industry  
5                   and future hydro developments should  
6                   be something industry supports.  
7                   Today's PDP proposal, however, has  
8                   some notable challenges for its  
9                   industry. Manitoba has been  
10                  challenged by steady power rate  
11                  increases of more than 40 percent  
12                  since 2004, which also includes a  
13                  requested 3.9, at that time, percent  
14                  for April 1 of 2014. The other  
15                  concern it had, Hydro has produced  
16                  cost of service studies showing that  
17                  industry is paying up to 10 percent  
18                  more above its costs, that all rate  
19                  changes were implemented across the  
20                  board, so they continue to, in that  
21                  sense, subsidize other Manitobans.  
22                  Increases were presented as a decade  
23                  of investment with a decade of  
24                  returns occurring promptly  
25                  thereafter. With each subsequent

1 financial forecast, these returns  
2 have become more diluted and out of  
3 reach."

4 So that we say that we can't ignore the  
5 rate pressures that are happening in the past, and that  
6 what the impact of the Preferred Development Plan would  
7 be. And one (1) thing that hasn't been explored fully  
8 in this hearing is the impact of increased rates on the  
9 provincial economy when it hits the industrial  
10 customers. And it takes out -- this is further down on  
11 the page, Diana:

12 "The \$400 million or so that would  
13 not be available for those industries  
14 to invest in expansion, employees,  
15 community support, and other actions  
16 that may help with competitiveness."

17 So we have to be careful about rates and  
18 rate impacts and the contexts of that to the customers  
19 in this province. I asked questions on that issue of  
20 TyPlan, and they said, Well, yeah, we were supposed to  
21 analyze different sectors. We analyzed residential,  
22 but not the impact on industrials and the impact that  
23 taking out this \$400 million would have on  
24 productivity.

25 So the whole question of -- and Mr.

1 Turner gave the example, is this rock or is it ore?  
2 And depending on the price of electricity, it's going  
3 to stay rock, but it'll be converted to ore. It gets  
4 converted to ore, you get jobs. If the prices go too  
5 high for electricity, it stays rock.

6 So that -- the other thing that was in  
7 the evidence -- and this is the next page, Diana, is I  
8 asked MPA -- or it was, I believe, in -- I don't know  
9 if it was a result of my question, but MPA talked about  
10 this issue, and at line 11, when I was talking about  
11 industrial customers:

12 "A number of those customers make  
13 investment decisions on a ten (10)  
14 year basis. For example, in solar  
15 rates, the rate horizon, the rate  
16 forecast on a ten (10) year or  
17 fifteen (15) year basis would be very  
18 relevant for their business  
19 decisions, and those customers that  
20 are high users of power do  
21 occasionally -- well, let's put it  
22 this way, electricity -- expected  
23 electricity rates over the medium  
24 term are as very relevant to their  
25 investment decisions, so they can



1 choose to go elsewhere. There are  
2 other jurisdictions that are  
3 competitive."

4 And that point was also made by the  
5 presentation by Mr. Forsyth, and also by Mr. Turner,  
6 explaining that some of the industrial consumers in  
7 this province compete internally.

8 So Dave Forsyth explained throughout the  
9 world, they have plants, and they can decide whether or  
10 not they're going to put more production in another  
11 area, so that we have to be very careful about rates  
12 and the important -- importance of rates.

13 Now, I'll leave that. The other issue  
14 we talked about, and we'll end on this and take a -- a  
15 break, was, Did the level of debt matter? You may  
16 recall some cross-examination I had of Morrison Park  
17 and others on that.

18 If Manitoba's at 20 billion, can we go  
19 with the Preferred Development Plan? And we had seen  
20 the numbers that the total debt level for Manitoba  
21 Hydro was going to be very close 30 billion when it  
22 peaked out.

23 So we're going to have a utility --  
24 sure, it's Manitoba -- Manitoba, the province of  
25 Manitoba does the borrowing, then flips it to Manitoba

1 Hydro. A utility was going to carry, unless the  
2 province starts going up more, more debt than the  
3 province in that theoretical scenario.

4 And I asked Mr. Colaiacovo -- hopefully  
5 I've pronounced that correctly, What's going to happen?  
6 Is that going to be a problem? And Mr. Rainkie was  
7 pretty assertive when I was asking him. He said, No,  
8 we're self-sustaining. Don't worry. We'll -- we'll be  
9 okay.

10 So I wanted to test it with somebody  
11 else, and Mr. Colaiacovo's view was, Well, listen, if  
12 there's part of it that can't be supported by the  
13 utility, and I don't think so. I -- I'm paraphrasing  
14 his -- his actual answer. There would only be that  
15 portion that would be critical to the province, but  
16 it's pretty hard to say whether that would have an  
17 impact or not. So that's line 25 of this particular  
18 page.

19 Sorry, page 16. Could we go to page 16?

20

21 (BRIEF PAUSE)

22

23 MR. ANTOINE HACAULT: And he was  
24 answering my question, Does debt matter? And I'll just  
25 leave you the opportunity to read his response from

1 lines 25 to 36 of our submission.

2

3 (BRIEF PAUSE)

4

5 MR. ANTOINE HACAULT: And his answer is  
6 pretty consistent with what Mr. Schulz of Manitoba  
7 Hydro answered, and that was at line 20, that Hydro's  
8 view was that there should be no significant impact on  
9 the credit rating of the province of Manitoba.

10 And if we flip to the next page, there's  
11 an exchange between Mr. Colaiacovo and myself again,  
12 and that's when I pulled out the 20 billion and \$30  
13 billion numbers, and at line 11 in the submission, it  
14 says:

15 "So it would never be fair to assume  
16 that the entire debt of Manitoba  
17 Hydro would land on the books of the  
18 province. The risk is only that in  
19 an extreme situation, a fraction of  
20 Manitoba Hydro's debt would land on  
21 the books of the province. So, you  
22 know, the total debt is very much a  
23 limiting and calamitous case. It's  
24 not anything that you -- that you  
25 would reasonably, under most

1 circumstances, expect to occur."

2 And that was important, because it was  
3 raised by the industrials. It was raised by the  
4 chamber. They were concerned about the total amount of  
5 debt. I think that concern is still a valid one, to  
6 the extent that if you have the size of debt that  
7 you're asking to take on for Conawapa and the Preferred  
8 Development Plan, it is very, very susceptible to the  
9 interest rates.

10 And I divert a little bit, and I'll  
11 conclude on that. The other thing that we have to be  
12 careful about is when we de -- defer a plant. If  
13 construction is happening now, we know what the  
14 interest rates are now. They're low. Probably, all  
15 things being equal, will be relatively low during the  
16 construction of this project.

17 If you defer that project for six (6) or  
18 seven (7) years for domestic need, and you're going to  
19 be financing whatever portion of that \$6 billion that  
20 hasn't already been financed, can any one of us answer  
21 the question, what will be the rates that we can lock  
22 in in six (6) and seven (7) years? We know what we can  
23 lock in now. Do we know what rates we're going to be  
24 able to lock in for the thirty (30) or four (4) year --  
25 forty (40) year debt loads in six (6) or seven (7)

1 years from now?

2 And we've tried to produce a balanced  
3 view of things, and we challenged Manitoba Hydro on  
4 things, but we try to do -- look at both sides, and so  
5 we have to be careful on -- on this debt issue also, I  
6 would respectfully submit, to take the conclusion that  
7 deferring is always better, because we know with a fair  
8 amount of certainty what our debt's going to cost us  
9 now, but do we have that same certainty in six (6) or  
10 seven (7) years?

11 Thank you very much. It would be  
12 appropriate to take a small break for lunch.

13 THE CHAIRPERSON: Okay. Let's -- let's  
14 take half an hour will do it? Let's -- break a half  
15 hour -- take a half hour, please, which would take us -  
16 - which will take us to ten (10) to -- ten (10) to  
17 1:00.

18

19 --- Upon recessing at 12:20 p.m.

20 --- Upon resuming at 12:54 p.m.

21

22 THE CHAIRPERSON: Good afternoon. Me.  
23 Hacaault...?

24 MR. ANTOINE HACAULT: Okay, M.  
25 President. Thank you very much. So we'd left off in

1 the section dealing with the current context for  
2 Manitoba Hydro rates and the finances, and does that  
3 really matter.

4 And there's one (1) table before I move  
5 on to the next section which I'd just like to point out  
6 to the attention of this Board. It's on page 18. It's  
7 the table that Cheryl -- sorry, Diana has pulled up.

8 And this is taken from Manitoba Hydro  
9 Exhibit 104-12-5, Table 3, and it's just the percentage  
10 illustration of what the methodology 2 in loosening the  
11 financial targets would result in.

12 As you see, the -- in the next twenty  
13 (20) year time period, we're hovering around the 50  
14 percent mark for all plans, so it's not a significant  
15 difference as long as we loose -- loosen the -- the  
16 financial tests.

17 The next subject matter that's dealt  
18 with in this submission is on the next page. It has  
19 the heading, Has Manitoba Hydro adopted a reasonable  
20 approach to planning? And in short, MIPUG's view is  
21 that Hydro has ultimately adopted a reasonable approach  
22 to the NFAT, albeit in a manner that is different than  
23 utility resource planning in most other jurisdictions.  
24 That was addressed by Mr. Williams.

25 The advantages of doing utility resource

1 planning ahead are set out in this particular section.  
2 We believe that it's beneficial, especially when  
3 considering hydraulic resources, so that you -- Mr.  
4 Williams had done a visual on this. It's kind of the  
5 funnel approach and kind of deciding what mix you're  
6 going to do and the optimization so that -- I'm not  
7 going to go through points 1 and 2.

8 Our view is also, however, that -- this  
9 is point 3 -- that the original filing insufficiently  
10 considered the optimization of a needs-based plan. And  
11 we saw the difference that DSM made and how DSM 2 was  
12 beneficial for all plans actually.

13 And that was part of the optimizing that  
14 hadn't occurred initially, but occurred after questions  
15 and -- and pressures by the Intervenor, I would  
16 suggest. And I think it was a useful exercise which  
17 gave us a better picture of the possibilities and the  
18 impacts on load, which brings us to page 20. I'm  
19 skipping through some of this information fairly  
20 quickly. There are some excerpts, and the Board can  
21 read them as well as I can.

22 We also had another theme in our case  
23 was whether Hydro's load forecast was reli -- reliable.  
24 In our view, the load forecast, is one (1) of the  
25 critical underpinnings in the resource planning

1 evidence. It always must be understood to be  
2 speculative.

3                   We've seen that -- just a reminder that  
4 there is -- when Mr. Bowman went through his evidence  
5 of some -- an appendix in his primary evidence that  
6 deals with the long-term forecasting and how it panned  
7 out. And I also had a -- a line of cross-examination  
8 on this where Manitoba Hydro was expecting a plus or  
9 minus 10 percent parameter. And we saw that in the  
10 load forecasting numbers and approach that they had.  
11 They really didn't reach that kind of 10 percent  
12 parameter unless you went into the 97.5 percent and 2  
13 per -- 2 1/2 percent as opposed to the P90 and the P10.

14                   So that we note that in -- in this part  
15 of the submission that we don't believe that the  
16 analysis that Manitoba Hydro did with the P90 and P10  
17 had a sufficient wi -- sufficiently wide enough range.  
18 And -- and that's important for industrials because if  
19 you're missing the load increases and -- and decreases,  
20 you need to have a system that can adapt to that  
21 flexibility.

22                   And it's important to get, in our  
23 respectful view, to get the sensitivity right. And as  
24 a -- it's noted at line 17 it's worth noting that 10  
25 percent of the domestic load is approaching about 3,000



1 gigawatt hours, or approximately the dependable energy  
2 from Keeyask. So that -- that kind of variability and  
3 -- and flexibility is -- is important.

4                   We also talked in -- in our evidence,  
5 and this is on page 22 at line 9, about other material  
6 and industrial loads that could arise within the time  
7 frames for planning. That was described in a -- in an  
8 interrogatory we had and also Mr. Bowman's evidence.  
9 So that the industrials are acutely aware and that for  
10 Manitoba, their plans, and if they're going to attract  
11 new industries, that the system needs to be planned for  
12 that flexibility. It would be really unfortunate if  
13 you had a system that was marginally run without that  
14 necessarily -- necessary flexibility and then there was  
15 a significant major industry that wanted to come to  
16 Manitoba. And you'd say, Well, sorry, our system just  
17 can't handle you.

18                   So it is important in all the planning  
19 and ensuring that this can happen. Sure, there's some  
20 flexibility that you can have with gas and wind and  
21 other things, but as indicated by Mr. Turner, the  
22 bigger chunks of generating stations give you  
23 substantial more flexibility to deal with those events  
24 when they come and if they come.

25                   So that we -- we discuss the -- the

1 contrast of the plans, and this brings us to another  
2 subject and page 23. There was some discussion as to  
3 whether or not we should have used Monte Carlo  
4 modelling in this hearing and -- and whether or not the  
5 approach that Manitoba Hydro used with high/low  
6 scenarios to create those quilts and S-curves was an  
7 appropriate way to try and test all the high and low  
8 scenarios that we might face in the future.

9                   And we've extracted an exchange between  
10 Mr. Peters and Mr. Colaiacovo where he sets out his  
11 views on Monte Carlo modelling. And I'll jump to line  
12 25. He confirms that it wasn't used and then Mr.  
13 Peters asks:

14                   "Does that suggest that Manitoba  
15                   Hydro would have to create a  
16                   different model or is it something  
17                   that can be..."

18                   And he talks about off-the-shelf  
19 modelling programs that are commonly used that could  
20 have been adopted by Manitoba Hydro. However, and if  
21 it continues to the next page, Diana, please -- he  
22 continues at:

23                   "Manitoba Hydro has a particular  
24                   challenge in its modelling because of  
25                   the fact that it's primarily a

1 hydrology based system. So there's  
2 no question that using Monte Carlos  
3 to help modelling, coupled with  
4 hydrological variation is a daunting  
5 challenge. So in the end, while  
6 this is at line 19] MIPUG believes  
7 that MP correctly highlights that  
8 Monte Carlo analysis can provide some  
9 useful insights into the range of  
10 possible incomes, there's also  
11 notable drawbacks."

12 And we reference also Dr. Higgin's  
13 evidence in that regard, and that:

14 "Monte Carlo analysis for the  
15 preparation of full resource plans in  
16 Canada is not the norm."

17 And finally, we also reference Mr.  
18 Bowman's evidence in this regard, that he discusses the  
19 pros and cons of using this modelling. But in the end,  
20 MIPUG does not recommend that Hydro, and this is at  
21 page 26. I'm not going to go through all the different  
22 extracts. Page 26 at line 1 would be, continuing on,  
23 please, Diana:

24 "The conclusion is MIPUG does not  
25 recommend that Hydro be required to

1                   pursue a Monte Carlo form of analysis  
2                   for its resource planning framework.  
3                   Such an approach can be readily  
4                   adapted, and it may be suitable --  
5                   suitable as long as the regulatory  
6                   review challenges can be resolved.  
7                   If not possible, the scenario  
8                   approach used by Hydro remains a  
9                   reasonable planning approach."

10                   That's our view. The next subject  
11 matter was whether Hydro applied proper utility  
12 economic and financial analysis, and our submission is  
13 that:

14                   "In general, MIPUG finds the work of  
15 Hydro in preparing its economic and  
16 financial models to be robust and  
17 accurate."

18                   There were some things that we brought  
19 out, or were going to bring out. I had a very lengthy  
20 cross-examination prepared on common costs, and you may  
21 recall that there were revised quilts and revised S-  
22 curves that had taken out common costs in the analysis.

23

24                   The effect of doing that was to skew the  
25 results and make the All Gas Plan look a lot riskier,

1 and the -- the lines were going out a lot. They got  
2 tightened a lot because of -- of that. It wasn't  
3 isolating the particular cost to the plan, so I don't  
4 know how to best explain it, but if you'd included all  
5 the common costs, the All Gas Plan was hitting with --  
6 being hit with the common costs of the other plans.

7                   So it skewed the results, because you  
8 weren't focussing on the particular costs of the plans  
9 and trying to identify how those particular costs  
10 changed. So that -- we had that in our primary  
11 evidence as a criticism of Manitoba Hydro approach, but  
12 that was largely resolved by the new filings that they  
13 did make in -- in Exhibit 104.

14                   Then on the particular modelling, we've  
15 extracted some quotes from Mr. Colaiacovo, again  
16 explaining the difference between the financial  
17 modelling and the economic modelling, that they tell  
18 you different things, and you have to be aware of -- of  
19 what each model tells you.

20                   The economic model doesn't show you how  
21 much more ratepayers have to pay out of their pocket.  
22 We get that out of the financials. We looked at that  
23 this morning, so that each model and each set of  
24 information is a useful tool to put together, and  
25 sometimes some experts say in their toolbox. And you

1 pick certain tools and they are useful for certain  
2 things. We just want to remind the Board to be  
3 cognizant that each tool has its purpose.

4                   With respect to -- this is at the bottom  
5 of this page -- the duration of the analysis, MIPUG's  
6 view is that the long-term horizon used by Manitoba  
7 Hydro, the seventy-eight (78) years for economics and  
8 fifty (50) years for financial, was appropriate for  
9 considering the overall -- overall, which plans should  
10 be pursued.

11                   However, with respect to the specific  
12 rate impact, you may recall the evidence of MIPUG  
13 dealing with shorter time frames, the twenty (20) year  
14 time frame, the thirty (30) year time frame, to see the  
15 impacts over those time periods.

16                   And when you put -- the reason why MIPUG  
17 took that approach is because of its investment  
18 decisions. They invest -- have invested billions of  
19 dollars into plant in -- in this economy, and those  
20 decisions need to be made with shorter time periods on  
21 -- on the impact and -- and the pricing of their  
22 product.

23                   The next subject is the use of net  
24 present values. Conclusion of MIPUG is that the  
25 economic analysis of net present value was an

1 appropriate means for comparing the plans, with the  
2 caveat that it's not the only relevant consideration,  
3 and that's because two (2) different plans with vastly  
4 different required levels of investment can yield the  
5 same NPV, and we've seen that. For example, with  
6 Conawapa, we saw the -- that we're collecting nearly \$2  
7 billion extra revenue, and in fact -- well, in that  
8 case, the NPV actually goes down.

9                   So you have to be cognizant that this  
10 NPV is not the whole picture, and we make the point  
11 that committing a billion dollars to secure a million  
12 dollars in NPV is different than committing \$10 billion  
13 for the same 10 million NPV.

14                   And if you go directly to what I had  
15 looked at before, we see the NPV for the Preferred  
16 Development Plan is actually lower, but we're actually  
17 investing a lot more. So the only way you can find out  
18 about the investment, if you go to the financial stuff,  
19 the NPV analysis really doesn't show you that part of  
20 the picture.

21                   And then we get to the actual maximum  
22 debt loads of each plan. I know that's changed a bit.  
23 I -- I hope that we've got some more -- some of the  
24 more recent costs on that so that we see, in our  
25 respectful view, that the Plan 5, which is the plan

1 that is being supported conditionally, we're looking at  
2 about a \$20 billion debt at a maximum. But Conawapa,  
3 you -- you're jumping about \$9 billion.

4 So that's -- I know we start to talk  
5 about billion dollars without -- like it's chump  
6 change, but I still have problems. I still make  
7 mistakes. Instead of talking of millions of dollars  
8 and billions of dollars, I -- my other cases are  
9 usually hundreds of thousands of dollars.

10 So it's real dollars to Manitobans, and  
11 I know it really -- it -- it's not maybe a proper way  
12 to look at it, but if we've got a little bit over a  
13 million people in Manitoba, do the math. It's a pretty  
14 big number for each Manitoban.

15 And the extra amount -- the extra \$9  
16 billion, if you just do straight math for the number of  
17 residents in Manitoba, is a pretty big number. If you  
18 sit around this room and you start to add the amount of  
19 additional debt that the Preferred Development Plan  
20 would mean just in this room, collectively, that we're  
21 assuming, it's -- it's significant. It's not chump  
22 change.

23 I talked about the common costs.  
24 There's a more detailed discussion about that in this  
25 paper. I'm not going to repeat that. It's at page 28



1 at the bottom. Diana had brought it up. I'd go to the  
2 next subject, the expected values.

3                   Mr. Williams talked about this, too. It  
4 is unfortunate that we don't have all the analysis,  
5 which gives us the expected values under all the new  
6 scenarios. We believe that it's a relevant number. I  
7 conducted some cross-examination to see directionally  
8 where we might expect it to go, and it's pretty  
9 difficult to -- to know for sure what would happen  
10 under full analysis.

11                   Mr. Bowman laid out one (1) caveat that  
12 it might not be the same proportion with the new  
13 scenarios, and the reason why he came to that  
14 conclusion is that the export prices, which is one (1)  
15 of the variables that would lead to your difference  
16 between the ref value. Maybe I should go back to some  
17 of those tables.

18                   On the Preferred Development Plan, the  
19 ref/ref/ref, we had a number in the six hundred  
20 thousand dollar (\$600,000) range, and it went to  
21 expected values to see as at thousand -- million dollar  
22 range, down to about a hundred million. So we had a 4  
23 to \$500 million difference between the ref/ref/ref and  
24 the expected values because of all the probability  
25 weightings.

1                   And until we've seen those prices, Mr.  
2 Bowman's conclusion was that we shouldn't just assume  
3 that there would be that same differential, because  
4 there's a tightening in -- in the parameters in the  
5 range of the energy prices.

6                   The next subject is economic discount  
7 rates. It's at the bottom of page 29. The conclusion  
8 of MIPUG is that Hydro's use of a weighted average cost  
9 of capital to the utility was appropriate for the  
10 economic analysis, and the reasons for that are set out  
11 in the paragraphs that follow.

12                   Now, it brings me to discounting  
13 customer rates and bills. Here, MIPUG departs with  
14 Manitoba Hydro on the matter of discount rates. And  
15 MIPUG strongly -- and this is at line 27 to 28:

16                   "Strongly disagrees with Manitoba  
17 Hydro's rigid application of a one  
18 point-eight-six (1.86) real discount  
19 rate."

20                   Which, translate, once you add your  
21 inflation, to three point-eight (3.8) nominal, and we  
22 note that we brought out in cross-examination that in  
23 the Wuskwatim NFAT, eight point-two (8.2) nominal  
24 discount rate was used, and we set out the reasons why  
25 Hydro justified, or we understood Hydro justified it.

1                   And I'd like to switch up to page 32,  
2 please. We set out some extracts from Mr. Rainkie's  
3 evidence prior to that, but if we go to -- go to page  
4 32. Yes. The concern of MIPUG is that Hydro is in  
5 error in suggesting that a customer WACC-based --  
6 that's W-A-C-C for the reporter -- discount rate is  
7 double counting, and that this analysis is failing to  
8 reflect the economic transaction for customers is via  
9 rates they pay. It's not a social impact of  
10 regulation.

11                   So we make two (2) points. The first,  
12 that Hydro was correct in the Wuskwatim hearing when it  
13 applied a discount rate to customer impacts, which was  
14 fundamentally based on the costs of committing capital  
15 to an investment. This represents a capital committed  
16 by customers, I'm at line 8, similar to how Hydro's  
17 economic analysis represents capital committed by  
18 Hydro.

19                   So applying a WACC-based discount rate  
20 to the customer who is downstream of Hydro in the  
21 transaction is no more double counting than applying  
22 the WACC-based discount to Hydro, who is downstream of  
23 the firm construction -- construction firm building  
24 Keeyask.

25                   Each party has their own capital. Each

1 party has their own transaction. Each party faces a  
2 tradeoff of committing capital compared to other var --  
3 viable com -- comparable options.

4                   We raise a second point. For cons --  
5 customers, the higher rates paid to secure a  
6 development is their investment, and I've made that  
7 point in cross-examination. The -- we have to remember  
8 that Manitoba Hydro is not owned by ratepayers. There  
9 is a difference between ratepayers and the province of  
10 Manitoba, and in cross-examination, one (1) of the  
11 points I've made, Well, if -- if a company, over the  
12 next twenty (20) years -- or the companies put several  
13 tens of millions of dollars and the plant closes, they  
14 can't ask for that money back. They haven't invested  
15 in shares. It's not money they can -- they put in and  
16 they get back.

17                   They can't say, I want a return as a  
18 shareholder, so that companies that MIPUG represents  
19 and businesses generally, are being asked to invest in  
20 a particular plan, and when they do that, as indicated  
21 by Mr. Turner, that money is not available for other  
22 investment decisions that they might make. And to say  
23 to those companies, Your money's only worth 1.86  
24 percent, and you should invest it and put it into  
25 Manitoba Hydro, and we saw the huge retained earnings

1 under the main submission, up to \$9 billion, we say  
2 it's inappropriate to just look at this from a 1.86  
3 percent. We need to have more than one (1) perspective  
4 on what the value of that capital is to Manitoba  
5 ratepayers.

6 I will leave the other extracts for your  
7 reading. The next question, page 35, Is there a need  
8 for the PDP? Based on the definition used by Manitoba  
9 Hydro, MIPUG respectfully submits that the PDP, as  
10 defined in the terms of reference, which includes  
11 Conawapa, is not needed for Manitobans at this time.

12 And there was the example that had been  
13 used by Mr. Rainkie of the rent of a basement, and I've  
14 used those graphs to show when we really need various  
15 parts. And I'd like to turn to -- repeat some of the  
16 evidence that Mr. Bowman had done at lines 30 and  
17 following on -- starting on this page.

18 Mr. Bowman, you may recall when he  
19 testified, he talked about renting out a basement in  
20 the house. So to a certain extent, because of -- I'm  
21 the visual guy, because it comes in big lumps, you  
22 can't use the entire house, right, and we can't use the  
23 entire dam. So it's useful to rent out, or sign export  
24 contracts for that triangle or that part of the house  
25 that we can't use, and we live in the part that we can

1 afford.

2 But Conawapa's totally different, and  
3 Mr. Bowman said, Well, it's something like buying an  
4 apartment on the other side of town. You know you're  
5 going to not go into it for a long, long time. It's  
6 not like you're going to be using the house anytime  
7 soon. So for that reason, if we're going to think of -  
8 - think of it in -- in that way, if I go to line 24,  
9 Mr. Bowman's concluding:

10 "It's tangentially related to housing  
11 but it's a long time before you go  
12 into needing that one for your basic  
13 supply, so I think it's important to  
14 be able to think about that  
15 differently."

16 And that's consistent with Morrison Park  
17 and others who have testified here that we need to look  
18 at the development opportunity for Conawapa totally  
19 differently. And that's different than Keeyask -- in  
20 advancing Keeyask a bit to be able to get opportunities  
21 like the intertie and the -- the 250 megawatt contract.

22 Eighth question: Is the PDP concept  
23 superior to potential alternatives? That's one of the  
24 questions that we have to answer. And this is where we  
25 get into my visuals, the pathway decision tree, and

1 that's evolved. But I -- I think it's still very  
2 useful because when you just have all these charts that  
3 say, Well, path -- you know, number 1, number 2, how  
4 does it fit in -- in kind of a decision process.

5                   So I thank Manitoba Hydro for preparing  
6 this for us. The pathway to Conawapa is a pathway at  
7 the bottom. It could also be at the top. You know,  
8 just talking about Conawapa doesn't mean that we're  
9 talking just about opportunity. It's always been in  
10 our resource planning, and you see it located on both  
11 parts of the -- the chart. It's the green item.

12                   But fundamentally, it's about your  
13 optionality and what gives you the flexibility and the  
14 robustness of our system overall in this province. And  
15 the PDP, as we view it, would be a pathway through the  
16 entire Exhibit 192 as shown on the bottom row. It's  
17 not a plan that's fixed to one (1) particular event.  
18 It gives flexibility on decisions that get done in the  
19 future, and do the initial decisions that we make, make  
20 sense, given the flexibility that's allowed later on in  
21 that process. And we've taken some quotes from the  
22 economics and decisions that need to be made. And I'm  
23 at line 11:

24                   "In MIPUG's view, parts of the PDP  
25                   that need to be decided today are the

1                   750 mega -- megawatt interconnection  
2                   and advancing Keeyask, and whether  
3                   that brings benefits compared to the  
4                   potential alternatives."

5                   And we've extracted some evidence for  
6                   your convenience. I'm not going to read it, but it's  
7                   the views of -- of Mr. Bowman and Mr. Colaiacovo, who  
8                   testified as experts. And I'll go to page 39, line 20,  
9                   and that's Colaiacovo's evidence. He talked about  
10                  positional thinking:

11                  "We are where we are. The Bipole III  
12                  decision was made. The investment is  
13                  going ahead. Therefore, when you do  
14                  the numbers, it appears that building  
15                  Keeyask makes sense. Had we had this  
16                  discussion three (3) years ago before  
17                  the Bipole decision was made, maybe  
18                  there would have been a different  
19                  conclusion. But it's not three (3)  
20                  years ago. It's today."

21                  So that -- we think that that's sound  
22                  advice, and there's also Mr. Colaiacovo's evidence  
23                  about the commercial negotiations that we've extracted,  
24                  and their view -- MPA's view on how do you deal with a  
25                  bird in hand compared to the theoretical mathematically



1 or technically available equivalents?

2 If we flip to page 40, line 37. It's  
3 MIPUG's view that the current interconnection and the  
4 hydro system has generally proven to support the  
5 reliability, stability, and long-term benefits  
6 important to industrials. And we quote from Mr. Turner  
7 that -- going on to the next page, Diana. Thank you.

8 Line 4:

9 "Industry also cares about reli --  
10 reliability, and hydro provinces with  
11 interconnections have typically  
12 proven to perform well in this  
13 measure. Also important to industry  
14 is that sufficient power is available  
15 for growth and expansions."

16 And then we just quote, and -- and I'm  
17 not going to go through it, but Mr. Colaiacovo's view  
18 that Conawapa is a very, very different situation than  
19 the interconnection and Keeyask.

20 And we also, without going through it,  
21 quote some parts of Mr. Bowman's evidence about the  
22 importance of interconnectivity and how that enhances  
23 the Hydro system, that it gives you that flexibility  
24 and it gives you the integration that doesn't make you  
25 an island. You get to use the diversity of wind and

1 other things that are happening in the United States  
2 with that 750 interconnection.

3 So you can use those resources as part  
4 of your entire system. You don't have to go to gas.  
5 You don't have to go to other items. So that 750 line  
6 gives you that flexibility.

7 So if I turn to the concluding paragraph  
8 on page 43, line 17. Based on the alternatives that  
9 are available to be pursued in the initial components  
10 of the Preferred Development Plan including advancing  
11 Keeyask to 2019 and the 750 megawatt interconnection,  
12 we say are conceptually superior to plans restricted to  
13 only fulfilling Manitoba's need as of the date new  
14 resources are required.

15 And I -- I'm not going to repeat the  
16 conditions, but that's subject to the qualifications  
17 that we've said. I don't know if there's any questions  
18 on that subject matter before I move to the next one  
19 (1).

20

21 (BRIEF PAUSE)

22

23 MR. ANTOINE HACAULT: Next I'd like to  
24 move to -- I'll actually skip 9 which is the economic  
25 and rate implications of the PDP as proposed. I think

1 I've covered most of that in my oral submission so far.  
2 The only additional point that hasn't been touched upon  
3 yet is the 308 megawatt sale. And that's on page 45.

4 If you go back, and I had done this in  
5 looking at the quilts, the 308 megawatt deal standing  
6 alone right now does not automatically show good or  
7 proven benefits. I was kind of surprised actually. I  
8 thought in each case it would. In any event, as I  
9 understand the evidence the 308 megawatt sale doesn't  
10 need to be decided today. We don't need to decide,  
11 Yes, we are or we aren't proceeding with that.

12 I think it -- as I understand the  
13 evidence within that two (2) year time frame that we  
14 have proposed we can have a better idea of whether  
15 additional contracts have been secured, what's  
16 happening with construction costs, et cetera, from  
17 Conawapa so that that particular issue, in our  
18 respectful view, does not fall within needs to be  
19 decided today.

20 Page 47, next subject: Has a full  
21 assessment of the benefits and costs of the PDP been  
22 provided? Our response: No. And that's because some  
23 of those benefits we couldn't quantify today. And in  
24 my cross-examinations, both of Hydro panel and of other  
25 experts, I asked questions for example of Mr.

1 Wojczynski.

2 I said, Well, what about -- can we  
3 quantify the reliability? If you put that number  
4 somewhere, what's the value of that, of adding Keeyask  
5 right now? Some of those numbers we could quantify,  
6 some of them I went through with him he couldn't really  
7 quantify, we haven't put numbers to them.

8 And although some may hold a different  
9 view, I've -- we've tried as MIPUG to create as much of  
10 a balance approach to look at the pros and cons. And  
11 where we thought Hydro perhaps didn't highlight some  
12 benefits that could have been highlighted, we've tried  
13 to pick those up. And when we've been critical, we've  
14 been critical.

15 So you see that I've extracted a part of  
16 the exchange that was -- that occurred between Mr.  
17 Colaiacovo and myself, and that some of the benefits  
18 from the 750 megawatt intertie had not been fully  
19 quantified because it would give greater access to the  
20 market, according to his evidence. That's at lines 13  
21 and 14 in his submission, for -- both for import  
22 purposes and export purposes and trade purposes. But  
23 nobody's tried to put a value to that. We know there's  
24 value there; we just don't know what it is.

25 And also another example is when I was

1 asking questions of Dr. David Jacobson and about the  
2 optionality that that line gave us to move that line up  
3 to something that would be able to do greater  
4 transmission.

5 The benefits so far appear to have been  
6 on actual contracts that have been negotiated. But  
7 another aspect that I explored was with Mr. Cormie, and  
8 that's at page 48 of this submission where we extract.

9 And at line 21, you can see Mr. Cormie  
10 explaining another benefit that hasn't been quantified.  
11 And he explained:

12 "The WPS transaction or associated  
13 transmission investment does -- is --  
14 it essentially doubles the size of  
15 Manitoba Hydro's market. The  
16 Wisconsin and Minnesota -- Minnesota  
17 are essentially the same size when  
18 you look at an electric market, and  
19 there are other utilities. There are  
20 Madison Gas and Electric, Wisconsin  
21 Public Power, We Energies. They're  
22 all in the same situation as  
23 Wisconsin Public Service. But now  
24 that we have a plan to get  
25 transmission into Wisconsin, and that

1 transmission is driven by the power  
2 purchases arrangement with Wisconsin  
3 Public Services, we can start  
4 marketing to those customers. And  
5 the more customers we have competing  
6 for our product, the higher price we  
7 can charge and the more value we can  
8 get for our product."

9 And he also talked about optionality,  
10 and at the top of page 49, I just confirm with Mr.  
11 Cormie:

12 "Sir, you said it's huge, but it  
13 hasn't been quantified in this  
14 application, has it?"

15 Mr. David Cormie:

16 "No. No, we haven't put any value on  
17 that, no."

18 We also point out a potential economic  
19 upside due to the unwinding of the Manitoba ownership  
20 in that line that has not been included in the  
21 analysis. We acknowledge that it's somewhat  
22 speculative to know what could be achieved for that  
23 transmission investment, but Mr. Wojczynski ventured  
24 that it might be a hundred or even a million or  
25 possibly 200 million. So when we're looking at all the

1 numbers, these are positive aspects of the numbers that  
2 we don't have included when we're adding our totals.

3                   The -- there's some items on the other  
4 side, however, that haven't been quantified either.  
5 And part of the -- there's some of them that are  
6 adverse impacts, that's at page 50, line 8. You may  
7 recall, and it's been some time ago that I cross-  
8 examined on the depreciation approach and that the  
9 depreciation approach was put -- was going to put more  
10 pressure on generating station plans and that that  
11 hasn't been reflected.

12                   So when we see a rate of 4.27 percent,  
13 one (1) thing that hasn't been reflected in that is the  
14 pressure that will be caused if Manitoba Hydro decides  
15 to change its depreciation methodology. The Chairman  
16 will have more recollection about some of the  
17 discussion that occurred when we did that depreciation  
18 analysis. But essentially, it was in the \$30 million.

19                   I, being a non-accountant, just view  
20 that as kind of a book entry. It frees up more cash.  
21 I maybe view it totally wrong, but the more  
22 depreciation I can create, the more revenue requirement  
23 it gives me. I've already spent the money. It just  
24 gives me more cash. But it does create a revenue  
25 requirement. It does put pressure on rates. And our

1 criticism of changing that methodology in the previous  
2 hearing, and it continues today, is that it puts, in  
3 our respectful view, undue, inappropriate, upfront  
4 pressure on generating stations, because it puts more  
5 depreciation up front, in our view, and in our  
6 analysis, in the early years of the -- the generating  
7 stations, which makes the rates higher, which makes it  
8 harder to justify new generating stations.

9                   Page 51, we give the references to the  
10 numbers that we've referenced, line 6. The -- as we  
11 understand it, the best proxy shows that we'd have  
12 about a \$31 million per year impact by changing this  
13 depreciation methodology.

14

15                   (BRIEF PAUSE)

16

17                   MR. ANTOINE HACAULT: The next  
18 discussion, which I'm largely going to jump over  
19 because I've dealt with it quite extensively so far, is  
20 the whole alternatives to lowering the various  
21 financial metrics and sunk costs, and how that impacts  
22 our analysis. So I jump to page 54, the next heading.  
23 What are the government and other stakeholder benefits  
24 of the PDP as proposed?

25                   The potential benefits we acknowledge



1 are significant. In fact, we've used the word  
2 'extraordinary'. They're approaching, depending on the  
3 graphs we've seen from Manitoba Hydro, \$4 billion NPV  
4 for the Preferred Development Plan. And that only  
5 includes the direct impacts for water rentals, debt  
6 guarantee fees, capital taxes, and growth, and  
7 shareholders equity.

8                   And that's massive compared to the  
9 Keeyask plans which are still pretty significant. This  
10 is line 8 to 9. The previous Plan 4, which we did have  
11 numbers on, that was with the 250 megawatt line, we  
12 were approaching \$2 billion of NPV over Plan 1, and we  
13 would expect that Plan 5 would be slightly higher than  
14 the Plan 4 amounts.

15                   Our point there is that all the pie is  
16 not shared properly. Ratepayers are being asked to  
17 assume those extraordinary risks, and there's  
18 extraordinary benefits. And it would be too bad if the  
19 projects don't proceed because there isn't a better  
20 balancing of the benefits to reflect the risks that  
21 ratepayers have to bear.

22                   So that you may recall on part of the  
23 evidence of Mr. Bowman, and maybe it's useful for the -  
24 - the visual presenter that's before you to actually go  
25 to -- I don't know if we can pull up Mr. Bowman's

1 prefilled testimony, and it would be 'C' -- so it's  
2 Appendix C, Diana.

3

4 (BRIEF PAUSE)

5

6 MR. ANTOINE HACAULT: Although it was  
7 just an illustration, it shows -- so Appendix C.  
8 Firstly to page C-26. We acknowledge this was old  
9 information. It's been updated, but the graph was  
10 explained.

11 So we had Plan 4, and that was -- it's  
12 the kind of -- not too sure what to call it, a beige  
13 kind of colour, and it's overlayed by the green, which  
14 is Plan 14. And you see that the -- this is done at a  
15 discount rate of five point zero-five (5.05), and it's  
16 the incremental domestic costs to ratepayers.

17 So we can see the wide swing of the  
18 Preferred Development Plan and the huge risks, because  
19 that's -- the upside would be the higher rates. The  
20 green goes significantly higher once you add Conawapa  
21 compared to the Keeyask/Gas, and in this case, 250  
22 megawatt line.

23 And you could see in this particular  
24 scenario that compared to All Gas, the PDP at that  
25 time, and this was the original filing, only starts to

1 hit the same kind of rates in the forty-five (45) year  
2 time period, or is it the Plan 4?

3 Now, I'd like to compare that to a  
4 redistribution, and this was just an example, but if we  
5 go to C-49, you see what happens to the graph. You  
6 basically have your green now, which is the Conawapa,  
7 not crossing over at forty-five (45) years, but  
8 crossing over somewhere at twenty-five (25) years, and  
9 that the risk levels, the higher levels of the green go  
10 down substantially.

11 So when we're talking about risk and the  
12 risks of higher rates, this is a visual, but this is  
13 what -- what can happen, depending on how they approach  
14 it, how -- 'they' being the government. That brings me  
15 to the next subject.

16 Page 57. How should Conawapa be  
17 approached today? We've dealt with that in part. The  
18 visual that we've put here is Exhibit Manitoba Hydro  
19 138, and you may recall that the grey was what Manitoba  
20 Hydro projected to be the firm energy requirements of  
21 DSM Level 2. And we see that even Keeyask has a  
22 substantial blank spot, even with the current signed  
23 export contracts.

24 So that -- but Conawapa is asking us to  
25 invest in blank space. No contracts whatsoever. So

1 it's speculative, in our respectful submission, and it  
2 should be viewed that way, and that's why we're  
3 recommending that it not be part of what be approved.

4                   Moving to page 61, I've jumped a heading  
5 because I've already covered it. DSM -- is DSM a  
6 viable alternative to the Preferred Development Plan?  
7 We just want to point out that industry has been one  
8 (1) of the largest and most committed participants to  
9 Hydro's DSM programming. There's been a lot of  
10 discussion here, and cross-examination, and with the  
11 residential sector and different opportunities there  
12 and different ideas. You know, the LEDs, this and  
13 that.

14                   But the numbers in DSM savings are very,  
15 very significant for commercial and industrial  
16 customers, and I went through those. They're more  
17 significant than the residential sector, and I guess  
18 we're just saying, Don't forget us. And Mr. Turner  
19 talked about this, and he talked about the tur --  
20 curtailable program caps and that particular issue.

21                   So we've demonstrated, we believe, that  
22 every plan benefits from adding economic DSM up to  
23 Level 2. This is at lines 23 and 22. And Mr. Bowman  
24 testified about that, and actually took us through the  
25 numbers. So certainly, the industry is a big proponent

1 of it, too, but wants to be able to participate in it,  
2 too.

3 The next subject is at page 63. The  
4 question is asked, Has Hydro fully captured the  
5 benefits of the curtailable service program? You may  
6 recall that Mr. Friezen provided a fairly detailed  
7 outline about that program and the benefits that it  
8 could provide, and I'd like to flip to page 64, lines  
9 26 and 27.

10 The Hydro witnesses weren't readily  
11 remembering that it had been since 1994 and 1995 that  
12 there had been a consistent participation to the tune  
13 of about 150 to 190 megawatts, at least since 2003, the  
14 -- and was expected to continue at this level to  
15 2027/2028.

16 Now, one (1) of the issues that we've  
17 raised is that Manitoba Hydro, although it has had this  
18 history of receiving this kind of benefit over that  
19 long-term range, is that they don't plan for it. They  
20 say, Well, we just -- there's not enough customers, as  
21 I understood Mr. -- the evidence, and because there's  
22 not enough customers, we think that we shouldn't plan  
23 on it.

24 But just sit down and think about that  
25 for a minute. If there's a company that says in five

1 (5) minutes, and that's one (1) of the examples that's  
2 here, I can curtail my load by a hundred and fifty  
3 (150). It basically frees up a good part of a dam, the  
4 smaller ones.

5 He says, Well, if they're not there, we  
6 won't have that. Well, if you're not there, you don't  
7 have the load. Right? If -- if you shed that company,  
8 you don't have that load. You don't have to worry  
9 about it, so I'm not too sure where that logic leads us  
10 to. We can't rely on it to shed that load, because he  
11 may be gone, because as soon as he's gone, you don't  
12 have the load. So when I was asking questions, I said,  
13 Well, isn't that a pretty conservative view of the  
14 benefits that these companies can give you? And he  
15 acknowledged it was a conservative view.

16 But -- and it's -- their demand -- their  
17 capacity becau -- and they call it 'capacity', because  
18 you can deal with that particular outage or that  
19 particular demand at that particular time, so enough  
20 said about that. I've -- we've set out quite a bit of  
21 evidence with respect to that.

22 I won't touch very much on the next  
23 subject which was, What tests should be applied to  
24 determine cost-effectiveness of DSM? I've touched upon  
25 that. We've given some examples, and it may be

1 worthwhile at least to go through that one (1) example,  
2 starting at line 14 before I move to the next.

3                   One of Hydro's Power Smart Programs, the  
4 ones for 2013 to -- through 2016 at page 41, shows that  
5 the levelized cost of industrial performance to  
6 optimization program is one point five (1.5) cents. As  
7 Dr. Grant says, Well, why wouldn't we invest a lot of  
8 money into that? It's only costing us one point five  
9 (1.5) cents. Hell of a deal.

10                   Our view is, That's the largest single  
11 long-term DSM program that Hydro involves, and when  
12 combined with the revenue loss associated with this  
13 power, which is about three point nine (3.9) cents,  
14 power is acquired at the five point four (5.4) cents  
15 net costs to Hydro. And that favours, in our view,  
16 favourably to Keeyask, which we understand has about a  
17 six (6) cent per kilowatt hour levelized cost, Conawapa  
18 at six point seven (6.7) cents, and Gas somewhere  
19 between seven point five (7.5) and nine point seven  
20 (9.7).

21                   I guess the point we're making is that  
22 on any test, there seems to be some room for enhanced  
23 performance in that sector also, not only in  
24 residential sectors.

25                   And we compare that on page 70 to a

1 commercial building envelope program, which -- that's  
2 at page -- top of page 70, line 1, maybe, which has a  
3 cost of two point four (2.4) to two point five (2.5)  
4 cents, and then the average rate of general service  
5 small customers at seven point three (7.3) cents. So  
6 the total cost to acquire the power is upwards of ten  
7 (10) cents, and we note that that's probably a more  
8 challenging DSM program, but it remains potentially  
9 favourable if there are other characteristics that are  
10 beneficial to Manitoba Hydro's costs, and we list them.

11 I'm nearly finished. There's two (2)  
12 more headings. The two (2) themes are, Have Hydro  
13 risks been properly addressed, and, Is it possible to  
14 revise import criteria?

15 So moving to page 73, and this is a  
16 quote I'd talked about at the very outset of my  
17 presentation from a pre -- and we've -- have it in  
18 MIPUG-24. MIPUG submits all of the plans entail risks,  
19 but we should be reminded of Dr. Magee's statements,  
20 that:

21 "Manitoba citizens could be losing a  
22 fortune. The difference is that  
23 there would be no sort of symbol of  
24 the mistake. There would be no thing  
25 sitting there that people would say,



1 Well, that was wrong. It would just  
2 be money. Lost a huge opportunity --  
3 a huge lost opportunity without a  
4 convenient symbol to point at. So I  
5 think it's helpful to -- and it could  
6 be helpful to keep in mind that  
7 there's no way out of this, of  
8 avoiding this risk. Either way,  
9 there's a big risk."

10 So that I get back to the theme of my  
11 cross-examination, Have we chosen the proper parameters  
12 at the P90 and the P10? How robust are the plans when  
13 we test it against this?

14 And, for example, if we look at the  
15 range of impacts, this would be at line 22, under the  
16 original assumptions for Plan 6 -- that was with the  
17 250 line -- we had an NPV expected value of half a  
18 billion dollars.

19 The downside was half a billion, but the  
20 positive side was 1.7 billion, so I would encourage the  
21 Board in its deliberations to look at, Well,  
22 what are the upsides and downsides?

23 Now, for the government benefits, this  
24 is where there's disproportionate sharing of the pie  
25 and of the risk, because for that same plan, the

1 government benefits were at \$1.7 billion expected  
2 value, not half a billion. So triple.

3 And the P10 and P90 values were not  
4 negative. It -- it went down to 1.17 billion, so it's  
5 huge benefits, no negative number, to a high side of  
6 \$2.2 billion, which in normal markets would never  
7 happen, right? You wouldn't have somebody that has all  
8 the upside and the person who's carrying the risk and  
9 all the downside have no -- no protection from it.

10 We believe that the assumptions for Plan  
11 6 and Plan 5 are -- are -- they're not identical, but  
12 it gives you some direction as to the benefit for  
13 ratepayers and the disproportionate impacts that there  
14 are.

15 And there's another quote with respect  
16 to this on page 74 I'd like to repeat, and it's Mr.  
17 Forsyth, and he's relating that industrials are being  
18 told -- and I'm at line 14:

19 "We are being told that they could be  
20 arising anywhere from 51 to 114  
21 percent. We took that from those  
22 tables that I started with today.  
23 Ten (10) years ago, Manitoba Hydro  
24 probably offered the lowest  
25 industrial rates in North America.

1                   There is a myth in Manitoba that  
2                   electricity rates are still the  
3                   lowest in North America. This is not  
4                   the case when you consider the all-in  
5                   costs of delivered electricity,  
6                   including optional programs that are  
7                   available in other jurisdictions."

8                   So that he explained, and that's further  
9                   in his testimony, that they're no longer, in the pool  
10                  of plants that they have, the lowest cost one. It's  
11                  moving up, and it's going to be moving up even more.

12                  The -- the last subject that I think I  
13                  need to touch on is page 76. There was some concern in  
14                  this hearing that investing in more hydro would cause  
15                  greater exposure to drought risk. And, you know, if we  
16                  keep on building hydro, well, isn't that going to just  
17                  create the big swings in water flows and make drought a  
18                  lot worse?

19                  And we've extracted the evidence on that  
20                  subject, and I'd like to turn to page 77, which was one  
21                  (1) of the tables that was prepared or explained by Mr.  
22                  Bowman, and it compared the Plan 1 drought risk to Plan  
23                  5 and Plan 14, and we can see by looking at that table  
24                  that the difference between the All Gas route and  
25                  avoiding any new generation does not create very much

1 substantial negative impact.

2                   The effects of proceeding from Plan 1  
3 All Gas to Plan 5, which is Keeyask 2019/Gas and the  
4 750 megawatt interconnection, is only -- I never  
5 thought I'd say that -- but only \$124 million over five  
6 (5) years. There's a negative impact on net income,  
7 averaging only \$25 million per year. So it's not  
8 something that we say this Board ought to be really  
9 concerned about. Moving to more hydro doesn't cause us  
10 issues.

11                   The last subject, which I don't intend  
12 to -- to cover is La Capra's point that, What about  
13 revising the import criteria? We try to explain from  
14 the evidence the different approaches to that, and why  
15 La Capra, in our respectful view, didn't really  
16 understand or anal -- analyze it from the proper  
17 perspective, and so we sectionalize it in when to  
18 build, what to build, and -- and the actual operation,  
19 and Mr. Bowman dealt with that in his evidence. And  
20 the view at page 79, and this completes at 79, line 21.  
21 LC had recommended a revision to the import criteria  
22 that would relieve some degree of the constraints on  
23 both approaches 1 and 2.

24                   MIPUG does not support any revision to  
25 Criteria 1 without a detailed and thorough

1 consideration of the risks to Manitoba customers from  
2 such a revision, such -- as well as the cost  
3 implications. It's a fairly complex issue. It's a  
4 side issue.

5 But if there's consideration of that LCA  
6 model or approach, please read this section. We think  
7 that there's serious concerns about what could be  
8 achieved with that kind of model and how it impacts the  
9 system and how it could, in effect, turn your lights  
10 off if it's not approached properly. So just be aware  
11 that that section is there, and if you need to read it,  
12 hopefully it provides the appropriate resources to deal  
13 with that issue and that concern.

14 I thank the Board very much again for  
15 its patience, and hopefully the more thorough report  
16 with all the quotes organized according to the  
17 questions that have been covered will be able to help  
18 you find when you're drafting the report appropriate  
19 subject matters and references. Thank you very much.

20 THE CHAIRPERSON: Merci, Me. Hacault.  
21 You know, we do have some questions, but I'm -- you  
22 know, we -- you -- you've been talking for over an hour  
23 now. Would you like to take a break now and --

24 MR. ANTOINE HACAULT: It's up to you.

25 THE CHAIRPERSON: Would you like to

1 keep on going?

2 MR. ANTOINE HACAULT: It's up to you.

3 I'm okay. Cheryl is going, Yes.

4 THE CHAIRPERSON: Okay. Let's -- let's  
5 keep on going, then. I guess the -- I'd like to turn -  
6 - have you turn to page 11 of your -- pardon me, Roman  
7 numeral... Cheryl, do you need a break?

8 THE COURT REPORTER: Yes, please.

9 THE CHAIRPERSON: Okay. We're going to  
10 take a break.

11

12 --- Upon recessing at 2:09 p.m.

13 --- Upon resuming at 2:24 p.m.

14

15 THE CHAIRPERSON: I believe that we're  
16 in a position to proceed -- recommence the proceedings.  
17 So I -- I'd like to start off perhaps by having you  
18 look at page -- Roman numeral -- page Roman num --  
19 numeral X at the outset of your -- of your document,  
20 and very specifically, looking at the -- the paragraph  
21 at the end of the page there, which refers to -- I'm  
22 sorry, Rom -- Roman numeral XI.

23 And this is the paragraph that refers to  
24 the need-based plan and the fact that it remains  
25 credible. Now, you know, obviously, I've gone through

1 the document and extensively examined the alternative  
2 you selected, but I didn't really address this  
3 particular option, specifically whether or not one  
4 could offer a different pathway than the one you've  
5 chosen.

6 And somewhat similar to -- to what we  
7 heard from the Manitoba Metis Federation -- Federation  
8 this morning, with the notable exception that this  
9 includes a -- a Gas unit in 2024.

10 So -- but coming back to the -- my  
11 original line of questioning, this suggests that we --  
12 that we might abandon the notion of Keeyask and  
13 intertie and -- and select a focus on meeting domestic  
14 need exclusively until 2030.

15 Now, what caused you to drop this  
16 option, because you suggest it's credible? And I -- I  
17 -- could you -- could you encapsulate for us why this  
18 particular option was dropped in favour of the other  
19 one?

20 MR. ANTOINE HACAULT: I'll do my best  
21 to answer. Firstly, I don't think saying that we  
22 dropped the option is what I intended in my submission.  
23 There's pros and cons, and I'll get to them. The  
24 option that we have suggested, which goes down the  
25 opportunity has come with some recommended conditions,

1 and I'm not sure that the government will accept those  
2 conditions. I'm not sure that Manitoba Hydro's Board  
3 will change its financial targets and policies, and  
4 whether or not the illustrations that were provided are  
5 just that, illustrations on the debt-equity.

6 And so that -- I'm trying to do my best  
7 to answer is just if we say that it remains credible,  
8 it remains a credible option, because we've -- MIPUG,  
9 after discussion and instructions has said, Well -- and  
10 you've seen it in the document, it's stated with more  
11 precision in the document, but basically, we don't mind  
12 going down the investment path.

13 But if we're going to do that, we'd like  
14 a re-balancing and -- of -- of benefits, of the sharing  
15 of the pie. And what we'd also like to see is that we  
16 don't pay for things for twenty (20) years and then --  
17 you remember those graphs that you saw and it goes down  
18 like 20 percent, and -- and there's no smoothing of  
19 rates. You just get that big -- big peak out there,  
20 and then all of a sudden it -- it goes down like 20, 30  
21 percent.

22 So we're saying on behalf of our  
23 clients, that plan can work -- can be workable for us,  
24 for Manitobans, we think, but with those  
25 recommendations in place. And if we're being asked to



1 go down an investment pathway and -- and spend extra  
2 millions of dollars down that pathway, these are the  
3 conditions we want. We're not saying that one is off  
4 the table.

5                   Now, I've dealt with part -- part of the  
6 response was, this one is not necessarily off the  
7 table. It's credible, right. This is basically what  
8 we were doing before, and I was kind of the visual guy.  
9 We had the lump of power going, and then with the  
10 margin of planning error that we need we'd fill that  
11 gap with some export contracts just for that.

12                   But now what's happening is we're  
13 proposing to go down a different path. It's been  
14 referenced in Mr. Williams's -- I've heard the -- the  
15 then Premier Doer saying, Well, it's our clean goal --  
16 our clean oil. If we're going to be down -- going down  
17 a pathway that's opportunity, a Conawapa, and we say  
18 we're not prepared to go down -- down that path, if the  
19 government thinks that there's that many benefits to  
20 Manitobans, jobs, all these other things, well,  
21 government should come to the table if it wants that,  
22 if it wants to change the focus of doing things for  
23 Manitobans when Manitobans need it.

24                   Advantages. Although a needs-based plan  
25 is credible, it does not give us the intertie. And I'm

1 not going to be able to be exhaustive on the fly here.

2 I appreciate what -- people cross-examining people now.

3 It's just like, Oh, it's tough, eh.

4 But no intertie. And we've in our

5 material discussed with various witnesses throughout

6 this proceeding, not Mr. Cormie only, not Mr.

7 Wojczynski only, and not only MPA, the advantages of

8 that intertie and the flexibility it gives us. And I

9 get back to Mr. Bowman's evidence. Do we want that

10 intertie? Are we prepared to invest in that intertie?

11 Do we think it makes sense for Manitobans?

12 So we see that as a huge advantage. The

13 -- that comes along, I think Mr. -- Mr. Bowman's

14 evidence was something like, It's not a smorgasbord.

15 At least that was his opinion. You can't start picking

16 and choosing little things. If you're going to have

17 somebody that's going to be at the table at Minnesota

18 Power Public Utilities Commission -- sorry, Minnesota

19 Public Utilities Commission championing a 750 line, and

20 I know it's -- benefits both sides, you can't start

21 saying, Well, we'll take the good but you take the bad.

22 And maybe you might be able to convince him of that.

23 Maybe you might be able to convince him to go to a two

24 fifty (250).

25 But fundamentally as Manitobans I think

1 we have to decide, given this opportunity, does it make  
2 sense to advance Keeyask, because we know we're doing  
3 that, seize that opportunity, or throw away, so to  
4 speak, that opportunity and just build Keeyask when we  
5 need it. And in my submission, I said we have to be  
6 careful about that decision because we have to look at  
7 -- and I didn't go through all of it, but I encourage  
8 you to revisit the NPVs of deferring Keeyask. Are we  
9 really better off?

10                   And another point that I raised is,  
11 We've got some certainty -- we talk about risks and  
12 uncertainties. We've got some certainty as to what the  
13 interest rate climate is now, probably for the next  
14 couple years, and we look at what type of debt we can  
15 lock in. If we defer that, are we actually putting  
16 Manitobans into an uncertain era where, when we need  
17 that plant, what are the construction costs going to  
18 be, what are the interest rates going to be, and are we  
19 sure that that's a better decision for Manitobans?

20                   So the document is more complete than my  
21 answer, but we said a needs-based approach obviously is  
22 still credible, and it wouldn't have that same  
23 approach, in my respectful view.

24                   I think we have to -- this is my  
25 submission -- have to be more careful about risk when

1 you get into investment opportunities because you're  
2 taking people's money away earlier to invest in an  
3 option, and you have to make sure the plan is robust.

4 If you're making a needs-based decision,  
5 because I know I need it for Manitobans, then you  
6 choose the options that are available to you today  
7 based on a needs-based approach and saying, Which one's  
8 going to help me as a Manitoban.

9 I don't know if that answers your  
10 question.

11 THE CHAIRPERSON: Well, it goes partway  
12 to answering the question, I think. You know, it's  
13 just -- I was looking for something a little bit more -  
14 - a bit more detailed, I guess, but perhaps I'll come  
15 to it in the conversation.

16 I know that, you know, we can -- we can  
17 draw out the rationale for evaluating this particular  
18 option based on the comments that you've made with  
19 respect to the direction you've chosen. You know,  
20 you've indicated, for example, that there -- you know,  
21 we have bird in hand and all those arguments and so on.  
22 So, you know, we can draw out the rationale I think for  
23 having laid this option aside relative to the one  
24 you've chosen by inference. And I was looking for  
25 something more direct, but in any case...

1                   Now, I guess one (1) difference here  
2 with this option relative to what we heard from Ms.  
3 Saunders this morning was that DSM is the difference, I  
4 guess, in that MIPUG is taking the position that the  
5 DSM that's being suggested as achievable may not be  
6 achievable as people think.

7                   In other words, if I read the document,  
8 I got the impression from you that -- from -- from  
9 MIPUG's document that you don't think the DSM levels  
10 that are being proposed by Manitoba Hydro can be  
11 achievable in the time frame that's suggested by  
12 Manitoba Hydro.

13                   Am I wrong, or...?

14

15                   (BRIEF PAUSE)

16

17                   MR. ANTOINE HACAULT: First, yes, I  
18 think we have a little bit different view on DSM, but  
19 not that much, because we raised some programs which we  
20 don't think are adequately explored by Manitoba Hydro  
21 in the commercial and industrial sector which we think  
22 have more potentials. And I, you know, did one (1) of  
23 those.

24                   So DSM is not necessarily, in my mind,  
25 Mr. Chairman, a key issue here because if you're

1 advancing three (3) or four (4) years because of DSM,  
2 in one (1) case you're advancing three (3) or four (4)  
3 years, and then you add another three (3) or four (4)  
4 years, at what point in time -- if you're advancing  
5 three (3) or four (4) years to serve Manitoba load and  
6 you advance another three (3) or four (4) years, but to  
7 secure that intertie opportunity, is it really DSM  
8 that's going to make a difference considering  
9 construction costs, interest costs, and bird in hand,  
10 and all these particular issues?

11                   So that, in my respectful submission,  
12 you'd have to -- I'm not here to provide evidence as an  
13 expert. I don't purport to be an expert. But I don't  
14 think the evidence bears out that if you have a needs-  
15 based approach, that the rates are that much different  
16 compared to the benefits that you're dropping in not  
17 securing the intertie.

18                   And the other thing is there is some  
19 uncertainty, as you've indicated, that we raise with  
20 respect to different aspects. I raised them in my  
21 argument. The fuel switching, how successful is that  
22 going to be? There's been a lot of discussion. Hydro  
23 provides information. That's not enough. We've got to  
24 actually have some real measures and -- but that may  
25 take more than Manitoba Hydro effort. It may take

1 building code. It may take, you know, government  
2 initiatives to force people into that and -- and change  
3 in policies.

4 And inverted rates. That's, you know,  
5 at a residential level that's gone in front of this  
6 Board. That's part of the plan. How confident can we  
7 be that something that has been rejected in the past  
8 will actually be adopted by this Board after a mature  
9 consideration of the issue?

10 And finally -- I mean, there is  
11 industrial self-generation. Manitoba has maybe  
12 resisted it a bit too strong, but we've raised in  
13 cross-examination opportunities. And that was raised  
14 in MIPUG's presentation for years that there was  
15 opportunity for self-generation, but that's never been  
16 adopted.

17 So what measures and what control that  
18 this Board have to suggest or kindly push Manitoba  
19 Hydro in a rate hearing or otherwise to be more  
20 aggressive in that? And will they do it? So, yes, DSM  
21 does play a factor in it. We think that there's  
22 opportunities to achieve those levels. It's a matter  
23 of will they be achieved.

24

25 THE CHAIRPERSON: Now, one (1) of the -

1 - one (1) of the concerns that was expressed by the  
2 consultant dealing with -- with construction costs, and  
3 specifically I'm mentioning Knight Piesold. And, you  
4 know, the -- the potential that the costs of that  
5 Keeyask project may substantially inflate relative to  
6 what we're projecting now.

7                   You know, we -- we -- you know, we -- we  
8 received a range of values and, you know, at -- at the  
9 high end substantially more than \$6.5 billion. Now,  
10 does that -- does that change your view of the -- of  
11 the world? I mean, you obviously have considered that.

12                   Could you -- could you discuss that for  
13 me on that issue?

14                   MR. ANTOINE HACAULT: I think we have  
15 the rate impacts or potential rate impacts. I think  
16 Hydro's rebuttal deals with that in part. And I guess  
17 the question I have for myself is if Knight Piesold --  
18 if -- if we do a needs based approach we defer  
19 construction of Keeyask. And we have the same hearing  
20 in four (4) or five (5) years from now to decide do we  
21 -- do we do Keeyask or we do something else. If the  
22 government in its wisdom decides to have another public  
23 hearing, will Knight Piesold have the same view and  
24 same opinion then that the estimates are perhaps not as  
25 robust and as high as they should be?



1                   So it's MIPUG's submission, and it's  
2   been its theme, that that's why we shouldn't only focus  
3   on the ref/ref/ref and the EVs -- expected values.  
4   What are the rate increases and the impacts? So for  
5   example if we go to Manitoba Hydro, I believe it's 111  
6   at page 51, five-one (5-1).

7

8                   (BRIEF PAUSE)

9

10                  MR. ANTOINE HACAULT: The graph, as I  
11   understand, and sorry for -- for the visual. As I  
12   understood this graph, it explained between the dark  
13   lines the variability caused by high capital cost and  
14   low capital cost. So if we look on this graph, the  
15   area between the dark lines as I understand it, as I  
16   recall the evidence if you look at the green, that's  
17   your total variability. You know, energy prices, your  
18   interest rates, et cetera. That's the total  
19   variability. How much of that variability is  
20   attributable to the high capital costs on rates and  
21   what's between those two (2) black lines.

22                  If I understand the numbers and Hydro's  
23   presentation correctly, it shows that very little of  
24   the cumulative rate increases, under in this case, the  
25   Preferred Development Plan, I know it's not

1 specifically Plan 5, is related to capital costs.

2

3 (BRIEF PAUSE)

4

5 MR. ANTOINE HACAULT: And if we go to  
6 49 and 50... If you go, Diana, please, one (1) page  
7 up, either to -- we can start at 50 or 49. You can see  
8 that the export and gas prices cause a wider range and  
9 contribute more to the plan variability than what we  
10 just looked at. If we look at 2031, for example, the  
11 bandwidth between the two (2) dark lines is wider.

12 So if you're paying attention to highs  
13 and lows and what impacts your analysis more, the way I  
14 understand Hydro's evidence is that you are likely to  
15 have a greater impact if you don't get your highs and  
16 lows on low export and gas prices right. And then if  
17 we go back to 49, that's the other major variable.  
18 That's the interest. It's huge. That's the biggest  
19 variability under the plan, not your capital costs.

20 So that gets to the point, in my  
21 understanding of the evidence, Mr. Chairman, and  
22 members of the panel, that we have maybe imperfect  
23 knowledge, but pretty good. I mean, there's contract,  
24 sure, people can play games with contracts and, you  
25 know, they come in low, they try to get out --

1 everything as extras. But that's locked in and if you  
2 lock in your interest rates over the next couple years  
3 based on capital costs, you avoid that variability on  
4 interest. And that's your biggest item.

5                   So if you push that off six (6) or seven  
6 (7) years, you're exposing yourself to that uncertainty  
7 of -- as to what's going to happen. Are you going to  
8 hit the high in seven (7) or eight (8) years when you  
9 decide to build, or are you going to hit the low and  
10 you're going to be in a wider band range.

11                   So the uncertainty with respect to  
12 interest in -- in MIPUG's understanding of the evidence  
13 is greater and has a greater impact than the  
14 uncertainty of capital costs.

15                   THE CHAIRPERSON: Now, you suggest that  
16 one (1) of the considerations in support of the option  
17 that you've selected is that it should involve some --  
18 involve the government reducing its draw, I guess, from  
19 Manitoba Hydro in respect of water rights and capital  
20 taxes.

21                   Is that -- did I misunderstand that  
22 part?

23                   MR. ANTOINE HACAULT: No, you are  
24 correct in understanding that, Mr. Chairman. We've  
25 explained that in the past capital taxes and debt

1 guarantee fees have been different. And -- and that in  
2 other provinces and jurisdictions, I think the evidence  
3 bears that out, that there's different ways for  
4 governments to make these plans work. And that in fact  
5 was an undertaking that Mr. Bowman made and is now part  
6 of the evidence as to various examples, not only in  
7 Manitoba, but across this country where the sharing of  
8 benefits has been redistributed to make these big  
9 projects work.

10 THE CHAIRPERSON: Applying this to the  
11 Manitoba context on a go-forward basis, you would  
12 envisage what kind of a -- a plan to address those  
13 benefits to -- to the Manitoba government? I'm  
14 thinking very specifically, do you see that -- the  
15 government reducing its draw down for a significant  
16 length of time, or do you link it to the profitability  
17 of the dam? Do you...

18 MR. ANTOINE HACAULT: I'll try and take  
19 that in small pieces. I can't -- I'm not an expert.  
20 I'll do the best I can to answer, but you realize I  
21 have to base myself on some of the evidence.

22 Do I link it to the profitability of the  
23 dam? One part of your question. I think that that's  
24 very problematic based on our experience as set out in  
25 this record. We need not go very far. Wuskwatim.

1 There's been three (3) attempts to get it right, and  
2 kind of a -- I'm going to call it a profit sharing  
3 formula, the last of which has -- has been going to  
4 vote.

5                   There were projections made, and I took  
6 this Board through -- and Mr. Rainkie corrected me a  
7 couple times from an accounting perspective, the non-  
8 controlling interests, the negative number that we were  
9 going to have to carry. Well, that was supposed to be  
10 positive. Those First Nations were supposed to get  
11 some profits out of this. They weren't supposed to  
12 have to eventually give credits for the fact that  
13 there's a dam being built there. It wasn't supposed to  
14 be a negative number for them.

15                   So there are particular challenges with  
16 respect to a profitability formula, which I think have  
17 been illustrated by the record in this proceeding. So  
18 I'd be very careful about resorting to kind of a  
19 profitsharing type of formula.

20                   The most direct way to deal with that is  
21 we know other provinces don't charge guaran --  
22 guarantee fees. We know the evidence is that Manitoba  
23 Hydro is very assertive to say that it's self-  
24 supporting, and that there's no risk to the Manitoba  
25 government that it will be called on its guarantee.

1 That it has a whole bunch of mitigation measures that  
2 it can adopt.

3 So does the province really need to  
4 charge that? It's a question that can be raised.

5

6 (BRIEF PAUSE)

7

8 MR. ANTOINE HACAULT: And especially --  
9 and that's why I brought you to that example of Mr.  
10 Bowman's evidence to show if we do it for a time frame  
11 when there's the most rate pressures, the initial  
12 couple decades of the project, that you back off on the  
13 government benefits.

14 They get all the benefits from the jobs,  
15 et cetera, the taxes and all of this anyways. But if  
16 you look at it -- if the project proceeds now they're  
17 really not in a sense giving much up, right. If it  
18 gets built ten (10) years from now, for the next ten  
19 (10) years they get zero.

20 If they build it now and help the  
21 project get a kick start and not have to hit Manitobans  
22 that far, they aren't forgoing all the other debt-  
23 guarantee fees on -- that wasn't our suggestion -- on  
24 the existing system and existing dams and existing  
25 debt. Our suggestion, the illus -- illustration

1 related to the additional benefits that are generated  
2 by these -- this agin -- additional generation station,  
3 and related construction activities.

4 So no to a profit. That's my  
5 submission. Of course, this is on the fly, so to  
6 speak. We submit that it's probably better to do it  
7 with the direct numbers, like capital taxes, debt-  
8 guarantee fees, and it's very simple to reduce charges.

9  
10 And if export prices beat everybody's  
11 expectations in ten (10) years from now the government  
12 can revisit whether or not it needs to continue to give  
13 that holiday to Manitobans to make this plan with the  
14 intertie work.

15

16 (BRIEF PAUSE)

17

18 DR. HUGH GRANT: I was going to ask you  
19 about DSM but the Chair beat me to it, so I'll -- I  
20 think I just have one (1) small question, and that was  
21 on page Roman numeral XVI. I think there's a rule  
22 about how many Roman numeral pages you can have.  
23 You're pushing my limits of -- it was just about --  
24 when you argue about minimally protecting Conawapa, I  
25 just wasn't sure if the numbers you cited there -- are

1 these annual figures?

2 So you mention on -- on line -- starting  
3 on line 20 with regard to protecting Conawapa --

4 MR. ANTOINE HACAULT: My understanding,  
5 Dr. Grant, and the -- it's footnoted --

6 DR. HUGH GRANT: Right.

7 MR. ANTOINE HACAULT: -- at footnote  
8 19, which is PUB -- or, sorry 20, PUB/MH Round 1 279,  
9 is that this is a cumulative amount, and there were --  
10 there -- yeah, there -- it may be NPVs, but it wouldn't  
11 make that much difference in -- in that short of a time  
12 period.

13 And -- and the contrast was if Manitoba  
14 Hydro was ramping up. On line 21, the total at 308  
15 million was if it was ramping up for 2026 in-service  
16 date. So that's eight (8) years further down the --  
17 for an in-service date.

18 But if it ramps up for 2031 in-service  
19 date, then, you know, you're not getting it to the  
20 higher amounts that actually have to be done, because  
21 as I recall the evidence, Conawapa is basically a ten  
22 (10) year project.

23 So you -- when you get close to the ten  
24 (10) years, that's -- you start to have to ramp up your  
25 expenses, because you're getting into that kind of ten



1 (10) year construction or timing.

2 If we actually go down -- if we go to --  
3 I don't know if, Diana, you can bring up PUB/MH Round 1  
4 279? We may as well clear that up right away and make  
5 sure that my understanding of the evidence is correct.

6

7 (BRIEF PAUSE)

8

9 MR. ANTOINE HACAULT: If you could turn  
10 to page 4, please, Diana? It's page 2,400 of the PDF.

11

12 (BRIEF PAUSE)

13

14 MR. ANTOINE HACAULT: Oh, I'm sorry.  
15 We've got a different pagination. I think you were on  
16 PUB/MH I-279, and it was -- there was a heading,  
17 "Methodology" in -- in the version I have up on my  
18 screen here, and then option cost. And what that  
19 document indicates is -- I'll read it into the record:

20 "The table below shows the option  
21 costs associated with each pathway,  
22 that is, the cost associated with  
23 protecting all the plans in each  
24 pathway until 2018. This cost comes  
25 from preparations to build Conawapa.

1                   Once this option cost is paid, any  
2                   plan associated with that pathway can  
3                   be chosen."

4                   And so for the Pathway 5, which had  
5   Conawapa for 2026 in-service date, there was a total  
6   option cost of \$308 million, and it may be an NPV. And  
7   then for options which gave a 2031 date, which was  
8   shown as a Pathway 4B in this table, it showed 87  
9   million and a Pathway 2, 89 million.

10                  So there we go. There's a table. It  
11   may not be the most update numbers, but it's in that  
12   range. And so that's why we had suggested a number --  
13   we'd say don't go further than a hundred or a hundred  
14   and fifty-thousand (150,000) -- or 50 million, I'm  
15   making that mistake again, sorry, because we don't want  
16   to get into this big sunk cost issue.

17                  I hope that answers the question.

18                  THE CHAIRPERSON: Me. Hacault, I guess  
19   earlier in the proceedings you mentioned the  
20   consultations that you had done with other business  
21   concerns, or business enterprises, other than the MIPUG  
22   clients.

23                  And I believe I understood you to say  
24   that the -- those indiv -- those companies were  
25   concerned about -- were concerned about the costs and

1 risk associated with the Preferred Development Plan,  
2 but also were cognizant of the benefits flowing from  
3 the plan.

4 Did -- did I -- am I correctly  
5 interpreting what you told us?

6 MR. ANTOINE HACAULT: Obviously -- yes,  
7 that's correct. Because the total cost was a concern,  
8 so, you know, going to the high levels of debt that  
9 Conawapa would have involved, that was an obvious  
10 concern. And you can see why, given the slide I showed  
11 you on the interest rates. It's a huge -- huge number  
12 and a huge risk. If we go into a plan without secured  
13 contracts and stuff, it's very speculative in asking  
14 Manitoba businesses and residents to invest in that is  
15 of huge concern.

16 Now, on the other side, these plans for  
17 businesses will also, to the extent Manit -- companies  
18 are used, generate a lot of benefits, a lot of  
19 spinoffs. A lot of those spinoffs haven't been fully  
20 quantified in this proceedings. And there's a lot of  
21 benefits for a lot of companies. So there's two (2)  
22 interests that the Chamber would communicate in a -- in  
23 a very general way. As I understand its position is  
24 that, be careful about the amount of debt, you know,  
25 the high amounts that Conawapa would involve, and are

1 we sure we're getting good benefits for those dollars.

2 And we think the record shows no. But  
3 by the same token, they understand that these big  
4 projects generate a lot of jobs, a lot of good business  
5 for the businesses in Manitoba. So there's two (2)  
6 aspects to their concern, the rates, the debt, but also  
7 on the positive side, the jobs that get created with  
8 this type of project.

9 THE CHAIRPERSON: Now, that -- that  
10 reference that we just talked about, or the, you know,  
11 the discussion, at least the -- what you advised us  
12 earlier on, some -- some days ago, some weeks ago,  
13 nothing has changed that you can tell us about in --  
14 with respect to what you heard?

15 MR. ANTOINE HACAULT: No, we've filed  
16 with -- with the Commission -- or the Board, rather,  
17 the updates that we've provided. They are receiving  
18 the information. We've invited some of them, if they  
19 had specific concerns, to come and make presentations.  
20 And I can't advise as to why they chose not to. If  
21 they felt that, you know, the presentations and  
22 information in front of this Board by the members of  
23 MIPUG were sufficient to raise issues that they also  
24 had and they didn't need to attend and -- and repeat  
25 them.

1 THE CHAIRPERSON: So -- so the -- the  
2 report that we -- you presented to us today has not  
3 been shared with anyone beyond the MIPUG members?

4 MR. ANTOINE HACAULT: Unfortunately,  
5 it's hot off the presses for everybody. So we didn't -  
6 - it's been sent to the Chambers. I'm not too sure how  
7 to best deal with the implicit question that you asked.  
8 A lot of the information, as you know, has been  
9 evolving. We've had the meetings that we've referenced  
10 in the record with the Chamber. Final positions  
11 weren't known of all the parties. This final  
12 collection of information, including we just got some  
13 rebuttal from Manitoba Hydro and there's some other  
14 stuff, hadn't been fully in there, so we certainly can  
15 take direction from the Board as to whether as a result  
16 of sharing the submission with the people we have  
17 consulted, whether they have any reactions. And if the  
18 Board wants somehow us to do a further consultation and  
19 ask for reactions and -- and -- that we're open to  
20 direction from -- from the Board on that issue.

21 THE CHAIRPERSON: Thank you for that.  
22 Well, we -- we haven't turned our mind to that. I just  
23 wanted to gauge if you were able -- find out if you  
24 were able to provide more information about what  
25 businesses -- what their views are regarding the

1 proposed development plan. So --

2 THE COURT REPORTER: Is that an  
3 undertaking?

4 THE CHAIRPERSON: No, I don't think it  
5 is. Now, just a -- I want to ask a question  
6 regarding the curtailable rate program. And my  
7 understanding is that MIPUG would like that program to  
8 be -- to be expanded by Manitoba Hydro to allow them to  
9 draw on more capacity if they need it.

10 Am I correct?

11 MR. ANTOINE HACAULT: Well, it's not  
12 really expanding the program. It's not having it  
13 capped. So you may recall the evidence was that  
14 Manitoba Hydro was going to grandfather, so to speak,  
15 existing participants, but cap the program and not  
16 allow new entrants into the program.

17 And -- and that's pretty recent. That  
18 was the last GRA where Manitoba Hydro was suggesting  
19 that they wanted to close the program, not allow new  
20 participants. So I don't view it as expanding the  
21 program. It's an existing program. But Manitoba  
22 Hydro's wishes, as we understand it, were not to allow  
23 any more participants or new participants in an  
24 existing program.

25 THE CHAIRPERSON: But does that suggest

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1 to me that the current participants are not seeking an  
2 expansion of the program? In other words they're not  
3 going -- they're not seeking to go beyond the one-  
4 ninety-two (192) provision currently in place? It's  
5 okay if you don't...

6

7 (BRIEF PAUSE)

8

9 MR. ANTOINE HACAULT: Unfortunately, I  
10 can't answer the question as to whether existing  
11 participants want to add new load to their existing  
12 contracts. In other words, we know that they're fixed  
13 with the existing contracts and existing program. I'm  
14 not too sure, for example, if Canexus was allowed to go  
15 higher, whether they actually have the ability to do so  
16 or wish to do so. I can't answer that question.

17 THE CHAIRPERSON: Okay. Let's focus on  
18 the -- the fact they're going to cap it, prevent new  
19 people from getting into the program -- new -- new  
20 participants.

21 Do you have some sense of -- of how much  
22 capacity might be involved of new participants?

23

24 (BRIEF PAUSE)

25

1 MR. ANTOINE HACAULT: I'm only aware of  
2 perhaps one (1) or two (2) companies that might want to  
3 get into the program that aren't already in areas where  
4 they would want to. But that's all I'm aware of, so I  
5 can't get a really big sense of that. I think maybe we  
6 might be talking like 50 megawatts or less with respect  
7 to those particular two (2).

8 But again, when you're being told that  
9 you can't go into the program we wanted to have it  
10 maintained in the last GRA, don't scrap it, number 1.  
11 And number 2 we were trying to submit don't close it  
12 and don't prevent people from going into it and allow  
13 people to at least have those discussions and see what  
14 they can do.

15 THE CHAIRPERSON: Now, you know, 192  
16 megawatts approximates the production from Wuskwatim in  
17 general terms. And I guess the question is, you know,  
18 are -- is there available -- are there an -- is there  
19 an available set of participants that are willing and  
20 ready to engage in this program, such that it might  
21 represent an opportunity to displace generation  
22 requirements.

23 MR. ANTOINE HACAULT: Well, let me try  
24 to answer that based on Manitoba Hydro's reasonable  
25 expectation that pipeline load might be coming in, at



1 least that's what it's portrayed as, the reasonable  
2 expectation of a load.

3 Pipeline participants may be able to  
4 participate in that program, and -- and we've heard  
5 that it's a fairly significant load that they'll be  
6 adding in the range of, I think, thirteen hundred  
7 (1,300), in that range. We've seen seventeen hundred  
8 (1,700). It depends which documents.

9 So that's an example of a new entrant,  
10 and not existing customer that we think could benefit  
11 from that program, and contribute -- I believe there's  
12 a possibility of con -- contributing in a -- in a  
13 material way, because it's a big load, and they may  
14 have the flexibility to participate in some of the  
15 various options that are open, or would otherwise be  
16 open under that program, if it was open to everybody.

17 THE CHAIRPERSON: Now, I guess the, you  
18 know, my understanding of that curtailable rate program  
19 was that it wasn't -- when it -- before Manitoba Hydro  
20 proposed to put a cap on it, it wasn't fully  
21 subscribed. I mean, there was still some room there  
22 for somebody to -- to participate in the program.

23 Now, can you explain why they wouldn't  
24 have been fully subscribed?

25

1 (BRIEF PAUSE)

2

3 MR. ANTOINE HACAULT: I don't think I  
4 can -- that would be -- I've already ventured into  
5 areas that might be considered evidence. I don't think  
6 I'm -- I'm best suited to answer that.

7 I mean, Mr. Friesen was here. His --  
8 his team, together with the companies that are  
9 available, and it's a little bit like the other DSM  
10 programs, I would submit. If you go and you dig, and  
11 you meet with people, and you're open to having them  
12 participate in the program, it's going to give you  
13 opportunities.

14 And if -- compared to saying, The  
15 company is sorry, we're closed for business, we're  
16 closed for curtailable program and other initiatives.  
17 It doesn't just have to be the curtailable program.  
18 Self-generation, et cetera.

19 If you want -- these are big loads, and  
20 when you can deal with these big loads, you can find  
21 huge DSM savings without having a huge number of  
22 participants, and be very focussed interventions with -  
23 - between the business community and -- and the -- the  
24 department that Dale Friesen runs.

25 THE CHAIRPERSON: So leaving aside the

1 -- the curtailable rate program, are there lots of DSM  
2 opportunities amongst your members? Additional DSM  
3 opportunities amongst your members?

4

5 (BRIEF PAUSE)

6

7 MR. ANTOINE HACAULT: The evidence on  
8 the record, I believe from both Mr. Friesen of Manitoba  
9 Hydro and Mr. Turner was that they both believed that  
10 there were significant opportunities available. Now, I  
11 believe my recollection of Mr. Friesen's evidence is  
12 that he was having discussions, I think what I -- when  
13 he talked about that, so that -- again, it would be  
14 inappropriate for me to give evidence.

15 But my belief is that the record -- at  
16 least Mr. Turner extracted some -- some of his evidence  
17 on his presentation, was that he believed that there  
18 was significant opportunities to work with industrials  
19 and businesses, and I believe that's consistent with  
20 the evidence of Mr. Friesen of Manitoba Hydro.

21 MS. PATTI RAMAGE: Well, if I could  
22 interject. I just wanted one (1) point of  
23 clarification. Mr. Turner did not give evidence in  
24 this hearing, and I think that's important. That --  
25 that was a presentation.

1 MR. RICHARD BEL: Your -- your  
2 conclusions on DSM, you've -- you've seen Manitoba  
3 Hydro Exhibit 202 just recently forwarded to us  
4 yesterday?

5 MR. ANTOINE HACAULT: I -- no.  
6 Yesterday, I was preparing for this hearing. Sorry.

7 MR. RICHARD BEL: It'll come up, I  
8 think.

9 MR. ANTOINE HACAULT: But as -- yeah.

10 MR. RICHARD BEL: Does -- so this is  
11 the 2014th Power Smart Plan, so I'm just curious. If  
12 you look at that figure, does that change any of your  
13 views on capacity and DSM and other issues? It's  
14 pretty explicit.

15

16 (BRIEF PAUSE)

17

18 MR. ANTOINE HACAULT: Try to answer  
19 that. Their Power Smart Plan for 2014 I believe still  
20 has challenges because of the three (3) components that  
21 I say might be difficult to achieve. Fuel switching is  
22 a component of that Power Smart Plan, inverted rates is  
23 part of that Power Smart Plan, and I'm forgetting the  
24 last one -- industrial.

25 But -- so you can have a plan, but I

1 guess how economic is it, how realistic is it? And  
2 unfortunately, we're kind of doing all of this kind of  
3 planning and on -- practically on the fly as a result  
4 of -- and that was a, as I understood Mr. Williams's  
5 submission, pretty significant criticism of -- of his  
6 client was that, as I understood his submission and  
7 evidence, was that in previous hearings, Hydro had been  
8 told, Please make sure you include DSM in your resource  
9 planning -- maybe not adequately paraphrasing that.

10 And really, we've seen it develop since  
11 the filing, right? We didn't have any DSM 1, 2, 3  
12 levels to the extent of the analysis that we now have  
13 and that we've asked for.

14 And we actually don't have all the full  
15 numbers on the quilts for that either, but we do have  
16 some additional information on where that's going to be  
17 invested and how much is going to be invested, and --  
18 and that's all part of -- part of this, so.

19

20 (BRIEF PAUSE)

21

22 MR. ANTOINE HACAULT: Just to  
23 illustrate that, because I'm pretty big on numbers and  
24 real numbers, is if we go to Manitoba Hydro Exhibit  
25 180, and at -- at page 14.

1 (BRIEF PAUSE)

2

3 MR. ANTOINE HACAULT: I believe, Diana,  
4 it should be page 14 of that plan. So Manitoba Hydro  
5 Exhibit, yeah, page 14.

6 So if we go down to conservation rates,  
7 that's -- yeah, you -- you have your cursor about the  
8 right place, right there. If we're looking at the  
9 conservation rates, residential -- and I think these  
10 are gigawatt hours, annual gigawatt hours. So we're  
11 projecting 16.9 annual gigawatt -- megawatts, and then  
12 140.1 gigawatt hours, I think.

13 So we're saying that these inverted  
14 rates, which the Board previously didn't approve, are  
15 going to material in 140 gigawatt hours, and for the  
16 commercial, 202 gigawatt hours, for a total of 342  
17 gigawatt hours, or 14 percent of the total.

18 Now, I know I'm repeating myself, but  
19 this had been rejected before, and that's 14 percent of  
20 the plan. And there's not a whole lot of description,  
21 as I recall this document, about what's going to be  
22 done and how that's going to be achieved and what the  
23 program is and exactly how it's structured. And so  
24 it's a notional number, but there's not a lot of meat  
25 to it.

1 MR. RICHARD BEL: So given those  
2 comments, are you recommending, like Mr. Williams, a  
3 mandated DSM target, given your earlier comments?

4 MR. ANTOINE HACAULT: We're -- I'm not  
5 dismissing recommended targets, but remember we've  
6 always said economic DSM. And I've gone through some  
7 of the programs, and there's a lot of issues with  
8 respect to DSM -- Mr. Williams raised some of them --  
9 for vulnerable people.

10 You've got a 40 or 50 percent  
11 participation rate, and your DSM program increases the  
12 rates for the ones who don't participate and increases  
13 the total bills for those people.

14 We have to be pretty careful about  
15 mandating minimums and targets if that's going to  
16 result in some inequities and problems in not --  
17 results in cross-subsidization so that, for a person  
18 who can't really afford it, is in effect subsidizing a  
19 person who does participate.

20 And it could be the same thing in the  
21 industrials. I mean, industrials may have an  
22 opportunity to invest in new technology, and that  
23 technology arrives today in 2014 and he participates in  
24 that program. But somebody else has just made that  
25 same investment without any contribution or payment

1 from Manitoba Hydro the year before.

2                   So one benefits from the program and the  
3 incentives under the program to do his upgrade, and the  
4 other one doesn't, and the other one gets, so to speak,  
5 nailed with higher rates because he hasn't been able to  
6 benefit from the inten -- incentives of the program.

7                   So targets are good. I don't think they  
8 should be dismissed, but targets in and of themselves  
9 can be dangerous unless you assess the programs as to  
10 whether they're economic and how they impact the  
11 consumers and the programs, how they're set up, the  
12 participation rates, et cetera.

13                   So it's unfortunately, I believe, a  
14 complex area, and it's not one that's easy to address.  
15 And one (1) single solution I don't think fits all.

16

17                   (BRIEF PAUSE)

18

19                   THE CHAIRPERSON: Okay. I believe  
20 that's all the questions that the panel has for now.  
21 So on behalf of the panel, I do want to thank you, Me.  
22 Antoine, and Mr. Bowman as well. And I know you have a  
23 young -- young lady in the back, Melan -- is it  
24 Melanie? Yeah. Okay. So thank you very much for your  
25 contribution to the deliberations of this panel.



1 I want to thank you as well for taking  
2 on the responsibility of communicating with the  
3 business community, to the chambers, and the  
4 consultation work you've done there and the  
5 communications efforts you've made. And I also want to  
6 thank the members of MIPUG, those who appeared before  
7 the -- before the panel a -- a number of days ago, a  
8 number of weeks ago. So thank you very much for your  
9 contribution to our work. So with that, we'll see each  
10 other again at a rate application, I guess.

11 MR. ANTOINE HACAULT: Thank you very  
12 much members of the panel.

13 THE CHAIRPERSON: So with that, we're  
14 now going to ask Me. Hacault and Mr. Bowman to stand  
15 down, and we'll give an opportunity to -- to MKO, Mr.  
16 Orle and Mr. Anderson to -- to perhaps sit in a  
17 different location. Thank you. We'll take a break,  
18 five (5) -- five (5) minutes.

19

20 --- Upon recessing at 3:24 p.m.

21 --- Upon resuming at 3:37 p.m.

22

23 THE CHAIRPERSON: Good afternoon. I  
24 believe that we're in a position to -- to resume the  
25 proceedings, so on behalf of the panel, I'd like to

1 welcome Mr. Orle and Mr. Anderson appearing on behalf  
2 of MKO. You're batting cleanup, so -- so I'm looking  
3 forward to hearing your testimony.

4

5 FINAL SUBMISSIONS BY MKO:

6 MR. GEORGE ORLE: Thank you, Mr. Chair,  
7 members of the panel. I think I'll begin in the same  
8 fashion as all of my predecessors did, and that will be  
9 by thanking all involved for the manner in which this  
10 hearing has been conducted. I've only been in one (1)  
11 inquiry that's lasted as long or longer than this  
12 particular hearing, and I can tell you that the  
13 collegiality and cooperation generally deteriorates the  
14 longer a hearing goes on.

15 In this case I must say that I -- I have  
16 to say thank you to all members of the panel in the  
17 manner in which you accepted evidence and allowed us to  
18 -- to do our questioning. I thank all of my counselmen  
19 -- I won't -- fellow counsel. I won't use their names,  
20 because there's already been a complaint that somebody  
21 was left out in one (1) of the other thank yous, and I  
22 don't want to be accused of that.

23 And particularly to the -- the staff of  
24 -- of the Public Utilities Board. For the first time  
25 appearing before the Board, it was gratifying to see

1 the amount of support and help that the counsel was  
2 able to get. So I'll start with -- with those general  
3 comments to -- to let you know that we're -- we're  
4 happy that we were allowed to participate, and we felt  
5 that our participation was granted as fair a hearing as  
6 we could have hoped for.

7 I've given you an outline of the -- the  
8 final argument, and we're not going to dwell much on  
9 anything other than that is in that -- that particular  
10 outline. We have some books of documents that we'll  
11 refer to, and I'm not going to belabour the -- the  
12 argument. I -- I would ask you to, at your leisure,  
13 read the -- the argument so that if there's any nuances  
14 that I've missed in giving it orally, it'll be  
15 contained within the documents, and in particular, I  
16 would like you to read the particular documents that  
17 we've -- we've referred to.

18 I'll be referring...

19

20 (BRIEF PAUSE)

21

22 MR. GEORGE ORLE: Thank you. Is that  
23 better?

24 I'm going to ask Mr. Anderson to put up  
25 the -- the maps that we have distributed to you to put

1 a little context into who it is that Mr. Anderson and I  
2 represent in this hearing. This first map outlines in  
3 green the MKO territory and their traditional grounds  
4 within Manitoba.

5                   You'll see that it -- it stretches  
6 through the majority of the -- the north. These are  
7 areas that MKO and its residents are entitled to be  
8 consulted on with respect to development, and that they  
9 are entitled to use in their traditional ways and means  
10 of life.

11                   The second map is a similar map, but  
12 outlined in red on that map is the boundary that is  
13 used to designate the Manitoba Aboriginal and Northern  
14 Affairs boundary, also in the Northern Affairs Act, and  
15 it's also the line that is used in terms of Hydro using  
16 its procurement programs, or in terms of -- of the way  
17 that they allocate decisions made with respect to -- to  
18 certain programs such as the employment program --  
19 employment program.

20                   And we've put these two (2) on for you  
21 to -- to see for -- for two (2) reasons. One (1) is  
22 that at some point in our submission, we're going to be  
23 addressing the manner in which Hydro and the province  
24 should be either allocating resources or making  
25 determinations with respect to rates or the manner in

1 which rates ought to be applied.

2                   At the very beginning of the hearing, I  
3 had remarked to one (1) of the experts that I was  
4 reminded of the manner in which projections were made  
5 in ancient Roman times, and that was that they cut open  
6 a chicken and read its entrails, and the only  
7 prediction that actually was 100 percent is that the  
8 chicken was going to be dead at the end of the  
9 predictions.

10                   In this particular case, we have a  
11 number of predictions, but there are only one (1)  
12 prediction that I can see as being one that we can all  
13 hang our hats on is that the rates are going to go up,  
14 and they are going to go up enormously.

15                   With respect to the position going to be  
16 -- that we are taking on behalf of MKO, you'll have  
17 heard in the previous presentations much of what we  
18 would have covered in more detail. As has been the  
19 case in the hearing itself, by the time that MKO had a  
20 chance to do the questioning, we were in effect, to use  
21 your terms, the -- the clean up batters for the -- for  
22 the Intervenor.

23                   So we don't plan to dwell on much of the  
24 information that has been given with respect to -- to  
25 low income earners. That was adequately presented by

1 Mr. Williams, neither will I go into great detail as to  
2 the difference between ratepayers and taxpayers,  
3 because that -- Mr. Hacault covered that very  
4 adequately in his presentation.

5               Each of the presenters has given a -- a  
6 little brief description on who they are and why they  
7 are here, and although we've mentioned it a number of  
8 times in the course of the hearing, I'd like to rein --  
9 reinforce that before we leave this -- this hearing for  
10 -- for anything other than -- than coming back for the  
11 rebuttal.

12               MKO represents more than sixty-five  
13 thousand (65,000) treaty First Nation citizens in  
14 northern Manitoba. That's a significant portion of the  
15 population of northern Manitoba. It's a significant  
16 high enough group that it has to be given consideration  
17 in terms of impacts that are placed upon the  
18 individuals.

19               From one (1) of the documents that we'll  
20 be dealing with a little later, which is a response  
21 from Manitoba Hydro as to the manner -- the number of  
22 residential consumers on -- in First Nations reserves,  
23 there's approximately just over eight thousand (8,000)  
24 households in the residential category. Again, a  
25 significant number of the residences and the

1 residential customers in the north.

2 MKO has been in existence for over  
3 thirty-two (32) years. It's a non-profit advocacy  
4 organization, and it's governed by the elected chiefs  
5 of thirty (30) sovereign First Nations in northern  
6 Manitoba. The Board granted us Intervenor status to  
7 deal with two (2) issues, socioeconomic impacts, and  
8 the impact on domestic electricity rates.

9 At the beginning of the hearing, I  
10 advised the panel that in addition to the limits placed  
11 upon MKO in Intervenor status, MKO has also some  
12 requirements to meet in terms of the manner in which  
13 they approach this hearing. The instructions that were  
14 provided to legal counsel, experts, and technical  
15 support that appear on behalf of MKO is that the  
16 hearing -- that the position to be taken by MKO at this  
17 hearing is not to compromise or contradict the position  
18 of the four (4) First Nations who are the partners of  
19 Hydro.

20 And this is given the nature of MKO.  
21 MKO is an organization of sovereign First Nations, and  
22 the word 'sovereign' is not put there for no reason at  
23 all. MKO seriously must deal with the issue that every  
24 one (1) of their nations is a sovereign nation, and  
25 that to criticize what is done by one (1) First Nation

1 is not appropriate in terms of the overall position of  
2 the -- of the organization. What MKO did want their  
3 counsel and their experts to deal with is the general  
4 impact that will be -- or the general impact of the  
5 rates as it affects First Nations' electrical  
6 customers.

7                   And we've tried within the scope of this  
8 hearing to bring those matters to the attention of the  
9 Board, to deal with all of the experts with specific  
10 recognition that the interest of the First Nations on  
11 reserve are in some ways similar to others, but in many  
12 ways distinct in their own way, and require some  
13 consideration of the manner in which they are dealt  
14 with.

15

16                   (BRIEF PAUSE)

17

18                   MR. GEORGE ORLE: As also we mentioned  
19 in our opening comments, MKO was not granted Intervenor  
20 status to deal with macroenvironmental considerations.  
21 Although the lake sturgeon and caribou are iconic  
22 species and are integral to the cultural identity of  
23 the MKO First Nations, we have left these  
24 considerations to be dealt with by others.

25                   MKO was keenly interested in how the



1 Board will address the high-level macroenvironmental  
2 policy considerations, including macroenvironmental  
3 considerations which might potentially affect the  
4 cultural identity of First Nations.

5 I indicated at the beginning of the  
6 hearing that MKO had a unique perspective in this area,  
7 and we feel it may have been of value to the  
8 proceedings, and if there are other proceedings that  
9 are taken with respect to either part of the Plan, or  
10 if there are future ones, we would invite the panel to  
11 grant MKO Intervenor status to deal with these  
12 considerations, because they are as important to the  
13 individual members as they are to the individual First  
14 Nations.

15 The citizens of MKO First Nations and  
16 all MKO First Nation government facilities receive  
17 electrical service solely from Manitoba Hydro. The  
18 citizens of MKO First Nations are residential  
19 ratepayers, and the First Nation governments are  
20 general service ratepayers. The three (3) diesel First  
21 Nations, which pay electricity bills for the schools,  
22 are also First Nation education rate customers. MKO is  
23 perhaps the only Intervenor in this proceeding which  
24 represents both residential and general service  
25 customers.

1                   In terms of the potential impacts of the  
2 Preferred Development Plan on future Manitoba  
3 electricity rates and bills to be paid by ratepayers,  
4 MKO recognizes the advice given by the independent  
5 expert consultants retained by the Public Utilities  
6 Board, which have indicated that the Plan is expected  
7 to result in annual electricity rate increases of about  
8 4 percent, or about double the rate of inflation, for  
9 the next eighteen (18) to twenty-two (22) years or  
10 more.

11                   One of the independent experts, Morrison  
12 Park Advisors, stated in their written evidence:

13                   "For the Preferred Development Plan,  
14                   maximum rate increases are applied  
15                   until 2032, when they reach 100  
16                   percent above 2013 rates."

17                   I'm going to ask if CAC Exhibit 76,  
18 slide 10, could be put onto the -- the screen, and I'm  
19 sorry, I don't know whether we need to turn ours off or  
20 -- or whether you can put that on.

21

22                   (BRIEF PAUSE)

23

24                   MR. GEORGE ORLE: This is a slide  
25 presented by Dr. Roger Higgins (sic). I'm not going to

1 go through what his credentials were. They were  
2 impressive. His experience in -- in hydro is  
3 extensive. His background was a background in all  
4 areas that this Board was interested in, and I believe  
5 that his credibility as a witness was not in any way  
6 shaken in terms of the manner in which he presented his  
7 evidence.

8                   The observation which he made, which I  
9 thought was the most important insofar as my clients  
10 were concerned, is his very first observation at the  
11 top of the page in which he highlights:

12                   "Impact on Manitoba Hydro ratepayers'  
13                   bills in the short term, 2015 to  
14                   2025, is not acceptable."

15                   He didn't talk about the fact that the  
16 rates were too high. He didn't talk about the fact  
17 that they may be higher or lower than other  
18 jurisdictions. He didn't talk about them relative to  
19 what someone else might pay.

20                   His direct quote was:

21                   "These are not acceptable rates to  
22                   Manitoba ratepayers."

23                   He then qualifies as to why he felt that  
24 they were unacceptable, and then reported on mitigation  
25 factors that could be taken into account to deal with

1 these.

2 My dealing with this particular slide is  
3 that as everyone talks about the -- the rates and  
4 everyone talks about what their effect may be, I think  
5 that this is the first time that we've heard from a  
6 comparable -- an individual with comparable experience  
7 to what we all have here, who took an unqualified  
8 expression of not acceptable.

9 When I questioned the doctor -- sorry,  
10 Dr. Higgins (sic), I asked him about the part, that he  
11 then qualified it by particularly for vulnerable  
12 consumers. And I asked him whether that took away from  
13 the first part, that whether or not that 'not  
14 acceptable' applied only to the vulnerable consumers,  
15 but to all consumers. He agreed that that would be the  
16 proper way to read that provision, that it was not  
17 acceptable to all ratepayers, but it was particularly  
18 unacceptable for vulnerable consumers.

19 What you're going to hear in our  
20 submission, and you'll see throughout, is that the  
21 words 'equity' and -- and 'equitable' are going to be  
22 an important consideration. And we'll come to that at  
23 various parts in our proceeding, because our approach  
24 to this entire matter is that there has to be an  
25 equitable way of dealing with the rates, and there has

1 to be an equitable way to deal with the disparities, or  
2 the problems, or the lack of benefits that come from  
3 the rates.

4                   Of primary importance to MKO is the fact  
5 that these high rate increases will have a  
6 disproportionate impact on the residential and general  
7 service customers and First Nations, and this is  
8 because most of the citizens in the MKO First Nations  
9 are regarded in the low income category. We had some  
10 argument as to whether or not the same factors apply to  
11 them, and we had heard that maybe they wouldn't have  
12 all of the same factors, but it was uncontradicted that  
13 most First Nations residents would fall into the low  
14 income or near low income categories, whichever type of  
15 -- of factor was used to determine that category.

16                   The evidence you heard was that this is  
17 a category which spends a higher percentage of income  
18 on electricity than higher income citizens. Experts'  
19 reports have indicated that raises in electrical rates  
20 to low income ratepayers results in their not reducing  
21 their electricity, because electricity is a fundamental  
22 need. It results in them reducing food, education, and  
23 other necessities.

24                   In the case of MKO, income to pay for  
25 Manitoba Hydro bills, in many cases, comes from the

1 federal government. MKO has seen no evidence, nor has  
2 it been told that there's an obligation on the part of  
3 the federal government to match the projected rate  
4 increases through increases in various federal  
5 contributions.

6                   If the budgets of First family -- First  
7 Nations families and First Nations governments remain  
8 the same, or -- or increased at only approximately at  
9 the rate of inflation, the difference between the  
10 electricity bills payable by the First Nations at the  
11 present time and those that they will pay in the future  
12 as a result of the Preferred Development Plan will not  
13 be able to be absorbed by the economies of these First  
14 Nation communities.

15                   MKO is concerned about the inequitable  
16 distribution of the overall financial benefits that are  
17 to be received by the MKO First Nations in the future.  
18 First Nations historically have been caught in the  
19 middle of arguments between the province and the  
20 Federal Government as to who has responsibility to pay  
21 and provide services.

22                   If the financial benefits in the future  
23 from the payment of these rates goes primarily to the  
24 province of Manitoba, and so to mainly non-First  
25 Nations communities, then MKO feels there should be

1 some adjustment as to what the increased rates should  
2 be and how they should be paid by First Nations.

3           This is the -- the part where we deal  
4 with the equity and inequity. Is it equitable to pay  
5 the high rates, the benefits of which are to be used  
6 for the benefit of others? Is it equitable that  
7 services that will be provided -- and -- and I just  
8 want to emphasize that there's a distinction to be made  
9 between low-income individuals and low-income First  
10 Nations individuals.

11           Low-income individuals that are not on  
12 the reserve will benefit from provincial programs.  
13 They will benefit to work done to their communities.  
14 They will benefit in the ways that the province intends  
15 benefits to flow to its taxpayers.

16           Those benefits will not be returned to  
17 the First Nations communities. They will not be  
18 getting improved infrastructure. They will not be  
19 getting arenas. They will not be getting community  
20 centres. They will not be getting the benefit of what  
21 this -- this profit that we are to receive on our  
22 investment. They are being asked to invest in what has  
23 been characterized by some of the witnesses as -- as a  
24 merchant plan. They are paying for a merchant plan to  
25 which they will not be entitled to the distribution of

1 either dividends or profits.

2                   That's part of the -- the reason that we  
3 argue that it's not a matter of First Nations just  
4 saying, We don't have to pay or we shouldn't pay. It's  
5 a matter of if you are paying to obtain a benefit then  
6 do not include us in the payment if there isn't going  
7 to be a benefit that flows back.

8                   Part of MKO's approach to the NFAT has  
9 been to explore measures to mitigate the effect of the  
10 expected rate increases on northern First Nations,  
11 including establishing a -- sorry -- establishing  
12 objectives for the wide-spread inclusion of and  
13 delivery to all First Nation customers a programs such  
14 as the Home Insulation Program, Refrigeration  
15 Retirement Program, Water and Energy Saver Programs,  
16 First Nations Programs and ongoing Residential Loan and  
17 Affordable Energy Programs.

18                   MKO feels that it's important that clear  
19 objectives are established to ensure the widespread  
20 inclusion of and delivery of commercial programs to all  
21 First Nation facility and commercial general service  
22 customers. MKO asked the Board to make a  
23 recommendation calling for the establishment,  
24 monitoring, and measurement of the effective capture of  
25 these programs of First Nation customers.



1 MKO is also recommending the design and  
2 implementation of appropriate rate mitigation measures  
3 for First Nations communities adversely affected by the  
4 plan, particularly those in northern Manitoba.

5 We explored during the hearing the  
6 importance of establishing effective long-term  
7 relationships, arrangements, and mechanisms which can  
8 macti -- maximize an effective sharing of development  
9 benefits in order to achieve a legacy of real,  
10 measurable improvements and pre-project baseline  
11 conditions. Such equitable post-project outcomes are  
12 also a fundamental principle of emerging international  
13 sustainability criteria, good practice, and the best  
14 practice regarding hydro po -- power projects.

15 MKO wishes to highlight the potential  
16 effects of projected rate increases that are consistent  
17 with Manitoba Hydro's Preferred Development Plan on the  
18 residential, general, and diesel service customers of  
19 Manitoba, Hydro, and the MKO First Nations. Ideally  
20 there should be no increase in customer rates or bills  
21 in the MKO First Nations, in particular for hydro  
22 affected customers in the MKO First Nations.

23 In fact, MKO continues to pursue certain  
24 rate reductions for MKO First Nation customers,  
25 including the hydro affected customers and diesel

1 customers. MKO appreciates that Manitoba Hydro is  
2 facing complex financial and operational stur --  
3 circumstances, including those associated with the  
4 Preferred Development Plan, which circumstances have  
5 been affected by the reduction in previously forecast  
6 revenues from extra-provincial sales.

7 In terms of the existing and forecast  
8 cost of electricity in the MKO First Nations, Elder  
9 Flora Beardy, which all of you met in one (1) of the  
10 panels here, and also presented as part of an MKO panel  
11 in Thompson. The transcript from that presentation at  
12 page 10809 of the transcript went as follows:

13 "It is my understanding that there  
14 will be a Manitoba Hydro rate  
15 increase of about 4 percent every  
16 year for the next twenty (20) years  
17 or so. The proposed Manitoba Hydro  
18 rate increases will be a hardship,  
19 especially for those who are fixed  
20 incomes such as senior citizens. I  
21 do not recall Manitoba Hydro talking  
22 with us about these rate increases.  
23 I spend on our groceries a little bit  
24 less than what we pay for hydro all  
25 year. Our grocery bill would exceed

1                   our hydro bill if I shopped in the  
2                   community of York Landing."

3                   She goes on in the transcript at page  
4 10811, and I don't have this in the presentation, I'm  
5 sorry, but it was her explanation as to her  
6 understanding of housing, as to whether or not housing  
7 is free on First Nations, which was a claim that  
8 someone had made.

9                   What she told the panel at her  
10 presentation is that the band pays for Hydro for social  
11 assistance. The rest of the band members pay their own  
12 Hydro bills. Housing that is on the reserve which is  
13 subject to mortgages, the mortgages are paid by the  
14 people that occupy the homes. If they are on social  
15 assistance, the band pays the mortgages.

16                  There's no such thing as a housing fairy  
17 on First Nations. The people pay for their housing.  
18 They don't get it for free. It's okay. I'm not going  
19 to go any further.

20                  You also heard from the members of the  
21 GAC panel which gave evidence before you. And there  
22 was a -- a young woman from one of the MKO reserves,  
23 Cross Lake, Albertine Mason. At page 7658 of the  
24 transcript, she talked about the difficulties that she  
25 had with paying Hydro rates on her reserve.

1                   You'll recall that her evidence was she  
2   couldn't afford to work even when she had a job  
3   available to her because the cost of being able to  
4   maintain herself and to pay the cost of electricity  
5   exceeded what she could earn.

6                   She went on band assistance only because  
7   of the fact that she could have her Hydro paid by the  
8   band.

9                   These are not people that have a lot of  
10   room in their budgets to deal with Hydro. When it  
11   comes to the fact that a person that wants to work,  
12   wishes to work, has work available to them cannot take  
13   that work on and must go on social assistance because  
14   they cannot afford to pay the Hydro rates in their  
15   communities.

16                  And the Hydro bills that that panel  
17   spoke about, the ones from the Northern communities,  
18   they weren't talking of a hundred (100) or a hundred  
19   and fifty dollars (\$150) a month. They looked at the  
20   exhibit that -- that presumed a thousand dollar  
21   (\$1,000) Hydro bill over the year, and they all  
22   acknowledged that that was not an appropriate number,  
23   that they were higher than those numbers.

24                  Although Manitoba Hydro recognizes that  
25   there are dis -- a disproportionate number of low-

1 income customers on First Nation reserves, and that  
2 costs in Northern Manitoba are higher than in the  
3 South, Manitoba Hydro also acknowledged that it did not  
4 differentiate the effect of rate increases on low-  
5 income First Nation customers in determining the effect  
6 of the rate increases that they put forward with the  
7 plan.

8 At transcript page 4,332, Mr. Wojczynski  
9 gave an answer to a question to him in regards to how  
10 the rate and the impact of rates was taken into effect,  
11 and how -- if there was any plan to differentiate. His  
12 answer was:

13 "We did not differentiate on that  
14 basis, but we're also aware that rate  
15 increases of whatever they are, 2  
16 percent real -- we'll use that  
17 because that's what the discussion is  
18 centring on -- that that would be  
19 difficult for all low-income people.  
20 And we recognize there's a  
21 disproportionate number of low-income  
22 people."

23 And we recognize there's a  
24 disproportionate number of low income people on the  
25 reserves, and we also recognize that in Northern

1 Manitoba, costs are generally higher compared to some  
2 of the other jurisdictions, say, in southern Manitoba.

3 We are very aware of that, but we did  
4 not see as part of the scope of this exercise to  
5 differentiate between the customers on that basis. One  
6 would think that if one was going to have regard to  
7 what the impact of rates were, that you would first  
8 identify the groups that you're going to apply those  
9 impacts to.

10 We feel that the impact of the projected  
11 rate increase on the bills of MKO First Nation  
12 customers should be mitigated to the fullest extent  
13 possible to determine an effective application of all  
14 available measures available to either Hydro or to the  
15 province. In this regard, we note that the Board  
16 recently addressed a proposed across the board interim  
17 rate increase of 3.9 percent to be effective April 1st,  
18 2014, by instead approving in Order 49/'14, an interim  
19 rate increase of 2.75 percent for all customer classes  
20 effective May 1st, 2014.

21 The Board approved the 2 percent interim  
22 increase to approximate the annual rate of inflation,  
23 plus a further .75 percent interim rate increase with  
24 the revenues from the .75 percent rate increase to flow  
25 to the existing deferral account established in Board

1 Order 43/'13, to assist with the payment of in-service  
2 cost to the Bipole III transmission project.

3               We understand that there are  
4 difficulties in doing something other than across the  
5 board, but the Board has already established that in  
6 some cases, it's prudent to limit the amount of the  
7 rate increase before all of the expected costs come in,  
8 or to in some way deal with specific types of costs  
9 within the application.

10              It's well-established in this proceeding  
11 that the projected annual rate increases at  
12 approximately two (2) times the rate of inflation for  
13 approximately the next two (2) decades are associated  
14 with this plan, and we're assuming that the plan will  
15 be passed, or that the plan in -- in the fashion that  
16 results in these types of rates is going to be what we  
17 will be dealing with in the future.

18              MKO recommends that the Board, as part  
19 of its report, make specific recommendations that  
20 Manitoba Hydro should pursue a two (2) tracked approach  
21 to address and reduce the effects on the bills of First  
22 Nation customers resulting from the proposed rate  
23 increase, and any future increases, which includes bill  
24 reduction through demand-side management, and bill  
25 reduction through rate mitigation measures.

1                   In respect of both arms of this two (2)  
2 tracked approach, MKO notes with concern the apparent  
3 information provided by Manitoba Hydro in response to  
4 an MKO Information Request in the 2014 Hydro Interim  
5 Rate Application at MKO/MH I-1a and 'c', and of MKO/MH  
6 I-3, that of the total nine thousand eight hundred and  
7 fifty-five (9,855) residential and general service  
8 accounts in the MKO First Nation, eight thousand five  
9 hundred seven (8,507) accounts are in arrears as of  
10 April 2014. That's 86.3 percent of all residential and  
11 general service accounts.

12                   That's set out in the book of documents  
13 that we've provided to you, and I apologize. I -- I  
14 inadvertently missed that we located this hearing in  
15 Thompson as opposed to -- to Winnipeg, but you'll see  
16 that Tab 1 is the response indicating the residential  
17 customer accounts by First Nation community, and you'll  
18 see on page 6 of that document, all of the MKO First  
19 Nations are listed, and all of the active service  
20 accounts are set out there. There's one (1) exception.  
21 One (1) of the communities does not have the ability to  
22 be able to be reported upon.

23                   When you go to page number 10, it's a  
24 list of all of the MKO First Nations with their general  
25 service customer accounts. And you can see how many



1 there are for each one of the First Nations.

2                   When you go to page number 14, you see  
3 by community the number of accounts that are in arrears  
4 and you see the arrears as of April 2014. This is what  
5 is occurring on the First Nation reserves with today's  
6 rates. This is an indication of the inability of the  
7 First Nations to be able to maintain a service, a  
8 service that is an essential service, and to be able to  
9 pay at the rates that we have in existence right now.

10

11                   (BRIEF PAUSE)

12

13                   MR. GEORGE ORLE: We'll talk about bill  
14 reduction through demand-side management. MKO views  
15 the efforts of Manitoba Hydro to reduce bills by  
16 ensuring the availability of DSM programs to be of the  
17 highest importance. MKO is recommending to the Board  
18 and that the Board adopt that any future rate increases  
19 should be conditional on Manitoba Hydro's demand-side  
20 management programs being universally available and  
21 practically accessible to First Nation customers.

22                   These DSM programs should be provided by  
23 Manitoba Hydro on a turnkey basis to First Nation  
24 customers, as was recently recommended by Mr. Dunsky,  
25 included in his April 24th submission to the Board.

1 Mr. Dunsky talked about the fact that First Nations  
2 were a distinct group within these types of programs;  
3 that a program can't be built unless there is adequate  
4 information and involvement by First Nations.

5 He also talked about the fact that it  
6 has to be aggressively promoted to First Nations. He  
7 talked about the fact that with First Nations you  
8 practically had to have a turnkey approach in order for  
9 them to be effective. Those were his findings from  
10 dealing with these types of communities and dealing  
11 with demand-side management that actually worked.

12 Manitoba Hydro should immediately  
13 incorporate Mr. Dunsky's recommendations into the DSM  
14 programs and ensure that the DSM programs will reach  
15 low-income MKO customers. I don't have the transcript  
16 number in the presentation, but the transcript at page  
17 8,120 deals with Mr. Dunsky and his position on -- on  
18 how you go about creating DSM programs for First  
19 Nations.

20 MKO recommends that the Board recommend  
21 that Manitoba Hydro be directed to regularly measure  
22 and report on the actual availability and penetration  
23 of the low-income DSM programs to First Nation  
24 customers, particularly the low-income First Nation  
25 customers. And on the success in reducing the bills,

1 not just where has it gone, how has it been determined,  
2 but what is the actual amounts that are being saved?  
3 What are the percentages? How are they being  
4 accumulated?

5 As noted in MKO's comments on the 2014  
6 Interim Rate Application and in MKO's comments as part  
7 of the panel that was in Thompson, MKO continues to  
8 remain watchful as a result of Manitoba Hydro's  
9 statement in the 2008 proceedings at transcript  
10 1,533/7-21, that the Home Audit Program for low-income  
11 individuals would not apply to homes in the MKO  
12 communities where Manitoba Hydro perceives that the  
13 benefits would ultimately flow to Department of Indian  
14 Affairs and Northern Development Canada.

15 That this statement that somehow the  
16 benefits that will be attained by First Nations will  
17 only go to the benefit of Canada is in keeping with the  
18 same type of thinking that leads one to say that  
19 there's free housing on First Nations. These are  
20 people that pay their own bills. The benefit goes to  
21 them. The only one (1) where they may be a potential  
22 benefit is those that are on band assistance.

23 But for the rest of the residential  
24 customers, those are benefits that will accrue to them  
25 and be beneficial to them. And to have a mind-set that

1 these customers are either not going to receive it or  
2 somehow are not entitled to have that benefit is wrong,  
3 and it's got to be a mind-set that changes within  
4 Manitoba Hydro.

5                   There's value in Manitoba Hydro  
6 personnel working with First Nation customers to  
7 regularly meet with MKO and the MKO First Nations to  
8 resolve any concerns, misconceptions, or lack of  
9 information on the part of Manitoba Hydro, including  
10 regarding the ultimate beneficiaries of DSM programs in  
11 the MKO First Nation communities.

12                   I recall that in answer to a question of  
13 how much discussion there was between Manitoba Hydro  
14 and the federal department or the federal government  
15 with respect to any of these programs, or to the  
16 effective rates upon First Nations, the consistent  
17 answer was that there was no involvement from any  
18 branch or level of the federal government in  
19 determining what effect these rate increases may have  
20 on their -- either their ability to fund, or their  
21 willingness to fund.

22                   One would think that if one was to have  
23 an inclusive discussion as to what was happening with  
24 respect to electricity and electricity rates, that for  
25 a portion of the population that is governed primarily

1 by the actions of the federal department, that the  
2 federal department would have been involved and asked  
3 what might be the response, rather than waiting until a  
4 huge rate increase falls upon a First Nation community  
5 and then finds out that allocations or appropriations  
6 that may have been necessary had never been thought of.  
7 Had never been put into a budget. Had never been  
8 discussed. Had never been even anticipated as being  
9 available in the future.

10 In terms of the relationship between  
11 Manitoba Hydro and First Nation customers, Elder Flora  
12 Beardy recommended, and this is at the transcript page  
13 10,812:

14 "Hydro should come into the community  
15 and do workshops, help us understand  
16 the options and opportunities for  
17 their Power Smart and Low Income  
18 Programs. The brochures really do  
19 not give us all the information that  
20 we need and it would be good to have  
21 this information explained in Cree.  
22 Hydro should work with us to deliver  
23 the home insulation and other Power  
24 Smart programs for every single house  
25 on the reserve. This would help

1 reduce our Hydro bills."

2 Councillor Roger Ross, who also made a  
3 presentation and Councillor Ross has served in  
4 leadership, management, administrative, and advisory  
5 capacities for the Manto Sipi Cree Nation since 1980.  
6 He's been an integral part of that community. He's  
7 been in leadership roles. He understands the economic  
8 circumstances and difficulties faced by the members of  
9 his community.

10 Part of his presentation was presenting  
11 this information, which I believe is the first time  
12 it's ever come to the attention to either the Board or  
13 to the other Intervenor or counsel. And I'm going to  
14 deal first of all with his -- his discussion about the  
15 -- the MKO residential and general service accounts:

16 "I have reviewed a list provided to  
17 MKO by Manitoba Hydro of the number  
18 of residential and general service  
19 accounts in each of the MKO First  
20 Nations and the amounts that are in  
21 arrears as of April 2014 under Tab 3  
22 of the MKO panel book of documents.  
23 Just listen [he said], there are a  
24 total of one hundred (100) -- one  
25 hundred and twenty (120) residential

1 accounts and thirty (30) general  
2 service accounts at Manto Sipi for a  
3 total of a hundred and fifty-six  
4 (156) electrical service accounts.  
5 Of these, a hundred and thirty-three  
6 (133) or 85 percent -- or 85 percent  
7 point two (.2) are in arrears as of  
8 April 2014. According to Manitoba  
9 Hydro, the amounts in arrears as of  
10 April 2014 for all electrical  
11 accounts of Manto Sipi, over nine  
12 hundred and sixty-two thousand  
13 dollars (\$962,000)."

14 He then went onto deal with this  
15 particular piece of information that I was earlier  
16 referring to:

17 "When Manitoba Hydro worked with  
18 Manto Sipi on Phase I of an house  
19 insulated program, Hydro only  
20 selected the houses that paid their  
21 electricity bills. Manitoba Hydro  
22 told us that people who are in  
23 arrears don't qualify. When Manitoba  
24 Hydro was asked, Manto Sipi asked  
25 Manitoba Hydro about doing a Phase II

1 home insulation programs, Manitoba  
2 Hydro said there are too many  
3 accounts in arrears, so there will be  
4 no Phase II home insulated programs  
5 in the community. With such a high  
6 percentage of accounts in arrears,  
7 the very people who need Power Smart  
8 Programs the most to reduce their  
9 bills don't get the help they need.  
10 Manitoba Hydro has to do everything  
11 it can to reduce our electricity  
12 bills, particularly for low-income  
13 people and people who are in  
14 arrears."

15 That was also vocalized by Elder Beardy,  
16 who said:

17 "If we do not qualify because we are  
18 in arrears, then maybe this program  
19 should change in some way.

20 MKO recommends the aggressive  
21 application of DSM as discussed by Dr. Higgin in his  
22 evidence, and the turnkey delivery DSM measurements as  
23 recommend by Mr. Dunsky, particularly to the  
24 disproportionate number of limited or low income  
25 customers in the First Nations in northern Manitoba.



1                   To achieve this objective, MKO further  
2 recommends that an entity independent of Manitoba Hydro  
3 be established, with a mandate and with the necessary  
4 resources to deliver DSM programs in Manitoba. MKO  
5 further recommends that this entity place a particular  
6 emphasis on the aggressive delivery of turnkey DSM  
7 programs on First Nation communities in order to ensure  
8 that the -- those most in need of the Power Smart and  
9 other related measures will be demonstrably be able to  
10 access those measures.

11                   I tried to be as polite as possible in  
12 the presentation, but actually what we're saying is  
13 echoing the words of the former Chairman of  
14 Newfoundland/Labrador who was here making a  
15 presentation during the time that we were in our -- our  
16 meetings, and who, in his quote in the Free Press,  
17 said:

18                   "Hydro should not be in the DSM  
19 program establishment procedure."

20                   He said, "It is a conflict of interest."  
21 Outright from the former Chair that it is a conflict of  
22 interest in his opinion for these programs to be  
23 created by Hydro, and that's why we're asking that this  
24 Board, as part of its recommendations, make a  
25 recommendation that there ought to be an independent

1 group funded to the extent necessary to be able to  
2 examine these matters and to report on those matters.

3                   You'll recall that at one point, and I  
4 believe it was from the -- the panel, Manitoba Hydro  
5 was asked whether or not they had gotten Mr. Dusky or  
6 anyone else to come in and do an evaluation of all  
7 other programs. The answer was, It's very expensive.  
8 They were doing it with one (1) program. Very  
9 expensive.

10                   This is after close to a billion dollars  
11 of sunk costs had been made in anticipation of this  
12 program, and the cost of setting up effective and to  
13 demonstrate whether they are effective is an expense  
14 that is too high for Hydro to be able to afford? With  
15 respect, I think that gives you some idea as to why MKO  
16 is advocating for an independent group or agency to  
17 deal with DSM programs.

18                   MKO also recommends that there be no  
19 rate increase greater than the rate of inflation that  
20 would be applicable to the ratepayers in the MKO First  
21 Nations be approved by the Board unless and until  
22 Manitoba Hydro or some independent DSM entity makes DSM  
23 and Power Smart universally available to all customers  
24 in the MKO First Nations.

25                   With respect, it doesn't make sense, nor

1 is it equitable, that you would pile the rates on to  
2 begin with, and then at some future time, talk about,  
3 How are we going to be able to put into effect plans  
4 that are going to allow you to reduce these rates?

5 This is actually putting the cart before  
6 the horse. These are programs and this is an agency  
7 that should have been developed long before we got to  
8 the point of deciding, How are we going to deal with  
9 these rates?

10 I'd like to talk about bill reduction  
11 through rate mitigation measures. MKO submits that the  
12 Mani -- that Manitoba Hydro's residential and general  
13 service customers in the MKO First Nations, as a group,  
14 are entitled to be treated differently from other  
15 Manitoba Hydro customers.

16 As MKO noted throughout the proceedings,  
17 there are at least three (3) reasons to accord a  
18 distinct treatment to the ratepayers in the MKO First  
19 Nations.

20 Number 1. Residential and general  
21 service customers in the MKO First Nations pay the same  
22 level of rates as other Manitoba Hydro customers, but  
23 do not share in the same level of benefits as other  
24 Manitoba Hydro ratepayers in terms of provincial  
25 programs and services.

1                   Secondly, a significant proportion of  
2 the residential and general service customers in the  
3 MKO First Nations have limited incomes or operating  
4 revenues, respectively, with the level of these limited  
5 incomes or operating revenues being determined by the  
6 government of Canada.

7                   And thirdly, a significant portion of  
8 the residential and general service customers in the  
9 MKO First Nations are described by MKO as Hydro-  
10 affected customers, and are in communities which have  
11 been and continue to be affected by the projects and  
12 operations of Manitoba Hydro.

13                   This -- this isn't a concept that we're  
14 coming up out of the air and just saying, Treat us  
15 differently. There are legitimate and reasonable  
16 reasons for saying that MKO members ought to be treated  
17 in a distinct fashion.

18                   They do not fall into the general group  
19 of ratepayers. They do not have the same interests,  
20 needs, or abilities that the general ratepayers have in  
21 that particular classification.

22                   MKO recommends that the Board recommend  
23 that Manitoba Hydro give effect to rate-mitigation  
24 measures for First Nations that incorporate the  
25 following elements:   Removal of mitigation costs from

1 rates; secondly, allocation of greater share of net  
2 export revenue to First Nation customers; thirdly,  
3 establish equivalent to gas rate for heat portion of  
4 bills; d) allocation of net export revenue to reduce  
5 diesel cost of services; and lastly, removal of water  
6 rental fees from rates.

7                   Dealing with those in order, as set out  
8 in Order 117/'06 August 2nd, 2006, the Board  
9 acknowledged MKO's previous recommendations regarding  
10 the matter of rate mitigation for Hydro-affected  
11 customers. MKO continues to recommend that rate design  
12 changes that should take place in the form of a revised  
13 cost-of-services study.

14                   Specifically, MKO sought and continues  
15 to seek the removal of mitigation costs from the  
16 aggregate costs allocated to Northern First Nation  
17 customers who are affected by Manitoba Hydro's  
18 operations. The basis for the reduction would be that  
19 Hydro-affected customers should not incur any  
20 electricity charge related to mitigation costs.

21                   As you heard from some of the presenters  
22 that came before you, they don't feel that it's fair  
23 that the mitigation measures that have to be  
24 incorporated by Hydro to alleviate the effects that the  
25 dams have had in their communities, that they should,

1 in effect, through their rates, be paying for those  
2 mitigation.

3 It doesn't make sense. It's an unfair  
4 allocation of income to make those that are being  
5 mitigated or being helped in their mitigation to then  
6 fund through their rates that very same mitigation that  
7 they're entitled to.

8 B. The allocation of greater share of  
9 net export revenue. Also as acknowledged by the Board  
10 in Order 117/'06, MKO favours and continues to pursue  
11 the creation of a new class for Hydro-affected  
12 customers residing on the waterways utilized by  
13 Manitoba Hydro, which class would receive a specific  
14 sharing of net export revenue based on recognition of a  
15 fundamental change having occurred with respect to the  
16 understanding in place when First Nations entered into  
17 treaties and signed mitigation agreements with the  
18 province, Hydro, and Canada. This change is the  
19 increased reliance on export sales as initially the  
20 basis for building the Northern generation plants was  
21 to provide electricity for Manitobans.

22 C. Establish an equivalent to gas rate  
23 for heat portion of bills. Manitoba Hydro confirms  
24 that MKO/MH I-4-1-4 that no MKO First Nation receives  
25 natural gas services or supplies from the Manitoba

1 Hydro central -- Centra Gas natural gas distribution  
2 system. Therefore, the MKO First Nations are not able  
3 to benefit from a reduction in their bills by switching  
4 to natural gas as the primary source of home heat.

5                   On April 25th, 2014, and in response to  
6 the Elders and traditional land users panel presented  
7 by CAC (Manitoba) during the Manitoba Hydro NFAT  
8 proceedings, Manitoba Hydro circulated MH-181, which  
9 confirmed that the dwellings of Manitoba Hydro  
10 employees in Gillam are equipped with two (2) meters in  
11 order to separately meter electricity used for home  
12 heating.

13                   In the course of this hearing, there's  
14 been many times when I've been somewhat alarmed and  
15 somewhat taken aback by what was going to occur as a  
16 result of the rate increases. At this particular point  
17 I think for the first time in any hearing or in this  
18 hearing, have I actually been saddened by information  
19 that came forward.

20                   I'll direct you in the book of documents  
21 to Manitoba Hydro-181. It's at page 49 of that book.  
22 And it's in reference to the two (2) meters and the  
23 free heat concept. The response from Hydro was:

24                   "Manitoba Hydro employees living in  
25                   corporate housing do not get free

1 heat. Corporate housing provided to  
2 Manitoba Hydro employees living north  
3 of the 53rd parallel are normally  
4 fitted with two (2) meters. One (1)  
5 meter is for heating. As the  
6 accommodations vary with respect to  
7 energy efficiency and building  
8 standards, heating costs will also  
9 vary widely.

10 As such, to maintain equity..."

11 There's that word that we were talking  
12 about earlier in these proceedings, equity, equitable  
13 resources, equitable distribution of resources. Here's  
14 Hydro's definition of what 'equity' is:

15 "To maintain equity amongst  
16 employees, they are charged a flat  
17 rate for heat which is deducted  
18 through payroll deduction. That flat  
19 rate is derived from the lowest  
20 average heating cost in Winnipeg  
21 adjusted annually."

22 I thought to myself about what a member  
23 of a First Nation walking through their community must  
24 think. First of all, they come from their homes and  
25 you've seen the pictures of the quality of the housing



1 in those communities. And they walk by the housing  
2 provided to Manitoba Hydro. Already a distinction in  
3 the quality and the manner in which you are able to  
4 live within your community.

5                   And then as you walk by that home you  
6 see that there's two (2) meters on it. And there's two  
7 (2) meters there for one (1) purpose only. And that's  
8 so that member of your community, the Manitoba Hydro  
9 worker, is able to pay a rate for their electricity for  
10 heating that is the equivalent to the lowest rate in  
11 Winnipeg.

12                   And as you walk through your community  
13 as a member of a First Nation, every time you look at  
14 the mirror -- or I'm sorry, every time you look at that  
15 meter it's a in your face indication as to what the  
16 meaning of the word equity is to Manitoba Hydro. That  
17 it's inequitable for their employee to pay the cost of  
18 the heating in that community. You're separate, but  
19 you're not equal.

20                   And that must be a horrible feeling for  
21 a member of that community who is trying to raise a  
22 family, trying to afford food, trying to afford to be  
23 able to live with some dignity, to look over and see  
24 that someone else in that community is being granted a  
25 benefit, a benefit that is so important, that Manitoba

1 Hydro regards it as an equity matter for their  
2 employees.

3                   Subject to future clarification by  
4 Manitoba Hydro, it would appear that the determination  
5 of the lowest average heating costs in Winnipeg, as set  
6 out in MH-181, would be based on the cost of using  
7 natural gas as a source of home heat. As it's well-  
8 established, the natural gas is the lowest cost source  
9 of home heat in Winnipeg.

10                   Again, this is a matter that shows a  
11 basic inequity in terms of the provision of either  
12 services or of benefits that come from being able to  
13 get into programs that are based upon only one (1)  
14 segment of the community being able to access that.

15                   On the screen, you see from Tab -- oh,  
16 I'm sorry, it's not tab. It's an excerpt from PUB  
17 Exhibit number 58-2, and what it shows is the brochure  
18 indicating the cost savings available by switching from  
19 electricity to natural gas, or from starting with  
20 natural gas and not going to electricity, a substantial  
21 saving. A real saving, not a matter of putting in a  
22 different light bulb or putting a low flow shower head.

23                   This is what's available to southern  
24 Manitoba. This is what's not available to First  
25 Nations communities in the north, and if you're going

1 to have a DSM program that is as effective for First  
2 Nations and that provides as good a return, then you've  
3 got to built in -- build in some program that will give  
4 a benefit that is as good a benefit as you're providing  
5 to those in Southern Manitoba. It's not enough to say  
6 that, We'll provide you with a few dollars that will  
7 allow you to change your shower head, or we'll give you  
8 that shower head, or that will have you pay to get a  
9 loan to upgrade your insulation that may save you a --  
10 a small amount of money on each month's bill.

11                   When the most major change available to  
12 the majority of our citizens, and we're talking about  
13 the majority, we're talking about sixty-five thousand  
14 (65,000) individuals in the North that cannot access  
15 something that close to a million people can access in  
16 southern Manitoba, and that disparity has to be  
17 changed, and it has to be dealt with in some fashion  
18 that there's equity again. An equitable way to be able  
19 to obtain the same savings that are available to the  
20 rest of the citizens in Manitoba.

21                   You'll see on the screen before you the  
22 annual residential space heating cost comparison, and  
23 you'll see that in the -- the early years, the  
24 electrical and the gas were not that far off one  
25 another, but as we project into the future, we see that

1 the gas stays relatively stable. The electrical  
2 hearing keeps going up, keeps going up, keeps going up.

3 That again is a matter that deserves to  
4 have some equitable remedy put to it, that if you are  
5 only allowed to participate in the provision of heating  
6 on the basis that you will only have access to the most  
7 exptens -- expensive form of heating, that again is an  
8 inequity.

9 In this particular case, our  
10 recommendation is that if two (2) meters are good  
11 enough for Manitoba Hydro employees, then two (2)  
12 meters ought to be good enough for First Nations  
13 residents, and that their rate should be established as  
14 the equivalent to gas in the same fashion that it is  
15 for the Manitoba Hydro employees, and will set them  
16 upon rates that are closer to those enjoyed by  
17 customers in southern Manitoba who are able to go to  
18 gas. And we don't need to provide them with gas, but  
19 we provide them with an equivalent rate to if they had  
20 gas.

21 The extent to which this would mitigate  
22 against a rate is -- is -- I think, meta -- mitigate  
23 against rate increases was discussed by Elder Flora  
24 Beardy in her presentation, which said, If -- if every  
25 house in York Landing had two (2) Hydro meters like the

1 Hydro employees, so that we paid the same heating costs  
2 as the lowest average heating cost people pay in  
3 Winnipeg, this would really help us lower our Hydro  
4 bills.

5 Councillor Ross also called for the  
6 Manitoba Hydro Gillam equivalent to gas rate in his  
7 presentation. He said:

8 "I have reviewed Manitoba Hydro  
9 Exhibit 181 from the NFAT hearings  
10 about the two (2) electrical meters  
11 used on houses of Hydro employees  
12 living in Hydro Corporation housing  
13 north of 53rd parallel. If every  
14 home and facility in Manto Sipi were  
15 equipped with two (2) meters and  
16 charged a flat rate that is based on  
17 lowest average heating cost in  
18 Winnipeg, this would go a long way  
19 toward reducing our Hydro bills. It  
20 would be fair to charge the same flat  
21 rate for heating to all Northern  
22 First Nations which are north of the  
23 53rd parallel."

24 And, Mr. Anderson, if you could put that  
25 map up with the 53rd parallel on it? You'll see that

1 if you compare where the 53rd parallel is on this map,  
2 and then have regard to the map that showed the  
3 traditional territory of MKO First Nations, you'll see  
4 that close to 100 percent of the MKO communities are  
5 north of the 53rd parallel.

6

7 (BRIEF PAUSE)

8

9 MR. GEORGE ORLE: Presentation d)  
10 Allocation of net export revenue to reduce diesel cost-  
11 of-service. And MKO's comments on Manitoba Hydro's  
12 proposed rates to be effective April 1st, 2014, and  
13 following, MKO noted that the proposed rates should  
14 take into account that commencing May 1st, in  
15 accordance with the tentative diesel settlement  
16 agreement and subject to PUB approval, a portion of net  
17 export revenues is to accrue to the benefit of the  
18 diesel communities and be applied so as to reduce the  
19 revenue requirement in the diesel communities, and that  
20 the diesel communities will recei -- receive such an  
21 allocation of net export revenues based on the same  
22 principles as applied to similar grid class.

23 The mechanism to address the application  
24 of net export revenues to the diesel communities was  
25 addressed in Order 117/'06 -- '06 -- at paragraph 180,

1 page 76, which stated:

2 "Net export revenue is to be  
3 allocated to the domestic customer  
4 classes, including diesel customers,  
5 using the methodology recommended by  
6 Manitoba Hydro."

7 The reduced cost-of-service and the  
8 revised rates will likely result in the removal of the  
9 2,000 kilowatt step in the rates of the diesel general  
10 service customers and reduce the First Nation education  
11 rate.

12 E. Removal of water rental fees from  
13 rates. The public accounts, as presented in the  
14 2014/2015 provincial budget, indicates that the single  
15 largest source of resource revenue for the province of  
16 Manitoba is the forecast \$125 million in water rental  
17 fees forecast to be paid by Manitoba Hydro in that  
18 budget year.

19 These fees are arguably largely a form  
20 of indirect taxation of Manitoba Hydro's electricity  
21 customers, including First Nation customers. Similar  
22 to MKO's rationale acknowledged by the Board in Order  
23 117/'06 regarding the removal of mitigation costs from  
24 the aggregate costs allocated to their Northern First  
25 Nation customers who are affected by Manitoba Hydro

1 operations, MKO also recommends that water rental fees  
2 be treated in a similar manner. The basis for the  
3 reduction would be that the hydro-affected customers  
4 should not incur any electricity charge or indirect  
5 provincial tax related to water rental fees.

6                   One (1) approach to the sharing of the  
7 value of water rental fees with First Nations has  
8 already been referenced with the rental fees that are  
9 in regards to the Cree Nations. However, in addition  
10 to any direct sharing water rental fees that Manitoba  
11 may engage in with other MKO First Nations in respect  
12 of the recovery water rental fees through Manitoba  
13 Hydro's electricity bills, MKO would further argue that  
14 water rental fees represent a form of provincial tax  
15 for which First Nations and persons and entities are or  
16 ought to be exempt.

17                   And finally, the creation of a First  
18 Nation customer class. Taking into account the reduced  
19 baseline level of rates which result from the  
20 implementation of these five (5) rate mitigation  
21 measures as proposed by MKO, MKO further recommends  
22 that a separate customer class be established for First  
23 Nations customers in Northern Manitoba, of which the  
24 Hydro-affected customer class potentially could be a  
25 subclass.



1 I'm just going to finish up with a  
2 couple of other matters that we -- we had thrown into  
3 an other considerations portion of our presentation,  
4 and that's for an explanation as to what the Department  
5 of Indian and Northern Development capital facilities  
6 and maintenance operation, maintenance mechanisms, and  
7 electrical costs and the manner in which they are  
8 funded.

9 In accordance with DIAND, capital  
10 facilities and maintenance operation and maintenance  
11 mechanisms, electrical costs are funded based on a  
12 percentage of the estimated electricity costs based on  
13 a cost reference manual and not by comparison to actual  
14 Manitoba Hydro bills.

15 The percentage of the estimated costs  
16 which are funded is based on the use and classification  
17 of a capital asset. The resulting funding contribution  
18 of a percentage of the estimated cost is described as  
19 the net funding requirement.

20 The direct effect of this was set out by  
21 Councillor Roger Ross in the MKO panel presentation.  
22 He talked about:

23 "Another important issue when it  
24 comes to rising electrical costs is  
25 AANDC's O&M funding policy. Under

1 the operating and maintenance policy,  
2 in most cases, except for schools,  
3 the only contribution is a percentage  
4 or an estimated cost of operating our  
5 buildings and of providing services  
6 including electrical costs. For  
7 example, AANDC  
8 the manner in which it should be  
9 called] only contributes 20 percent  
10 of the estimated electrical costs for  
11 what AANDC describes the category 3  
12 assets such as the band office and  
13 arena. In addition, AANDC only  
14 contributes 80 percent of the  
15 estimated costs for category 2 assets  
16 such as water and waste water  
17 treatment system, and 90 percent of  
18 the estimated costs for category 1  
19 assets such as roads. In the case of  
20 the school, AANDC contributes 100  
21 percent of estimated operating costs  
22 including electricity costs. It is  
23 AANDC's policy that a First Nation  
24 must use own-source revenues and user  
25 fees paid by citizens to make up the

1 gap between AANDC's estimate of  
2 operating costs and a percentage of  
3 estimate O&M costs that is actually  
4 contributed by AANDC.  
5 Manto Sipi is a remote community  
6 without all-weather road access.  
7 Manto Sipi Cree Nation does not  
8 generate or receive sufficient own-  
9 source revenue to cover the gap  
10 between AANDC's estimate of their  
11 operating costs and the percentage of  
12 estimated operating and maintenance  
13 costs that is actually contributed."

14 In the event that a First Nation is not  
15 able to generate these levels of own-source revenues  
16 from user fees or other revenues, a funding shortfall  
17 would be expected to result, including in respect of  
18 the revenues available to pay electricity bills so  
19 that, in short, what you have is first of all an  
20 estimate of what the First Nation is going to need.  
21 Then a percentage of that estimate is actually paid on  
22 the assumption that a First Nation is going to be able  
23 to obtain the costs of electricity from some other  
24 source.

25 And as I said in the case of Manto Sipi,

1 which is true for -- for many of the First Nations,  
2 there is no other source. They start the day off with  
3 being behind in the amount of money they have available  
4 to fund the electrical needs in their communities.

5 I'm not going to go through all of  
6 these. They're set out at Tab 5 of our -- of our book  
7 of documents, which gives you an explanation as to how  
8 this procedure works through the federal department.  
9 And that policy continues to today. It was set out in  
10 earlier hearings by an explanation from Fred Mills from  
11 the department as to how they operated. That there is  
12 a single envelope of funding that comes to the band  
13 based upon the estimates that the department feels are  
14 appropriate.

15 At the end of the day the band is the  
16 one (1) that has to allocate that one (1) envelope that  
17 is attributed to all of these expenses. And if it  
18 means that they have to allocate it to electricity  
19 costs and take it away from other areas, that is what  
20 happens. So that the impact of rising electricity  
21 costs, the bands are already -- already in a position  
22 where they start at a shortfall.

23 They then have to rearrange their  
24 funding to take into account what they can afford and  
25 can't afford. And that's why the consultations that we

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1 had asked whether they had taken place with the federal  
2 government are so important. Because if you just make  
3 an assumption that it's going to be there, you're  
4 making an assumption that's already based upon a false  
5 assumption that all of these costs are being funded  
6 through the federal government. They're not.

7                   And if you expect that it's going to be  
8 funded to a hundred percent on the new rates, there's  
9 nothing to indicate that anyone's even going to  
10 consider that. They've already gone years of under  
11 funding for the cost of electricity in the communities.  
12 They're not going to change overnight to fund them 100  
13 percent because Manitoba Hydro has raised the rates to  
14 such an extent.

15

16                   (BRIEF PAUSE)

17

18                   MR. GEORGE ORLE: I'd like just -- just  
19 to go on to page 16 and part of the panel presentation  
20 in Thompson was Mr. Anderson who gave a brief  
21 explanation so that the -- the panel could understand  
22 and -- and recognize what -- what was happening:

23                   " So many of the most recognizable  
24 facilities in a First Nation, like  
25 the band office and the arena, only

1 receive 20 percent of every dollar of  
2 estimated operating costs in  
3 operating and maintenance funds. So  
4 for every dollar of estimated cost  
5 the band is funded twenty (20) cents  
6 so it has to make up a shortfall in  
7 funding based on the estimate of  
8 eighty (80) cents for every dollar of  
9 operating costs."

10 And as Councillor Ross has pointed out,  
11 this is never compared to the actual Hydro bill. So to  
12 begin with, for every dollar of operating cost the  
13 First Nation has a shortfall of 80 percent of its  
14 operating cost, even as estimated by Indian Affairs  
15 using the National Cost Reference Manual.

16 And then the actual bills are  
17 considerably higher by a factor, as Councillor Ross  
18 pointed out, of 40 percent:

19 "So there's a substantial operating  
20 go forward shortfall now in the  
21 revenues available to pay Hydro bills  
22 because of an institutional mechanism  
23 for funding First Nation accounts.  
24 I would also point out that there  
25 isn't a mechanism where these

1 accounts are trued up. And so  
2 therefore this process continues with  
3 only a 2 percent top up as we would  
4 call it for the Manitoba regional  
5 envelope every year."

6 That's another indication of why this  
7 panel ought to be looking at First Nations as a  
8 distinct and separate group when it comes to dealing  
9 with rates. There is an institutional bias to under  
10 funding the First Nations. And if that is not taken  
11 into account as a reality of what happens on First  
12 Nations, then there's only going to be more shut offs,  
13 more arrears, more of the community being put into a  
14 position where they can't enjoy or do the things that  
15 are taken as a given in Southern Manitoba.

16 And these are the sorts of -- of things,  
17 they're -- they're buildings, they're arenas that are  
18 being funded by them. They're not being funded by the  
19 province. And if there's going to be a return of  
20 dividend on this -- on this rate increase it's not  
21 going to be going there unless the -- the provincial  
22 government makes the changes that we've been talking  
23 about in terms of the water rentals, and makes  
24 allocations of funding so that there is a return on the  
25 interest that the First Nations are putting into this

1 particular pra -- plan.

2                   And finally, I'd like to talk about the  
3 World Bank framework and capturing benefits of existing  
4 Manitoba Hydro projects, securing an equitable share of  
5 the benefits of resource developments within the  
6 ancestral lands of MKO First Nations for each of the  
7 MKO First Nations affected by these developments as a  
8 core objective of MKO.

9                   At transcript page 8,866 and eight (8) -  
10 - 8,867, Dr. O'Gorman agreed that the principals of the  
11 World Bank framework for local benefit sharing and  
12 hydro power projects could potentially be applied to  
13 those MKO First Nations which are affected by existing  
14 Manitoba Hydro developments:

15                   "DR. MELANIE O'GORMAN:    So again,  
16                   we're comparing the PDP to the World  
17                   Bank framework, and as you know, the  
18                   PDP doesn't include the thirty (30)  
19                   First Nations communities in MKO, and  
20                   in our report, we argue that given  
21                   the World Bank's recommendations,  
22                   that upstream/downstream indirectly  
23                   affected communities should be  
24                   included, and indeed, some of the MKO  
25                   communities would be part of that



1 group. And the manner in which those  
2 benefits are spread around, you had  
3 set out in your report both as non-  
4 monetary and monetary benefits, and I  
5 believe one (1) of the monetary  
6 benefits was an allocation of  
7 portions of royalties or taxes that  
8 are received by the government to  
9 then be attributed to community funds  
10 or something to be administered by  
11 the communities that are affected,  
12 and that would be your position in  
13 regards to the type of benefits that  
14 might be available to the communities  
15 that I represent. Dr. Melanie  
16 O'Gorman's answer, Yes."

17 Similarly in a discussion further in the  
18 transcript at 9,257, Dr. Gibson agreed that the past  
19 wrong of excluding First Nations from the benefits of  
20 previous projects could potentially be addressed by  
21 these First Nations receiving a portion of the project  
22 benefits in the future:

23 "And so it might be conceivable that  
24 where Manitoba Hydro is currently  
25 making partnership on future dams,

1                   that there may be some thought as to  
2                   making First Nation partners in the  
3                   previous dams that are already  
4                   successful.

5                   DR. GIBSON:    That's conceivable.  
6                   I'm not necessarily proposing it.  I  
7                   don't have the expertise on what the  
8                   best options are, but I wouldn't see  
9                   any reason for precluding that  
10                  possibility, and certainly if today's  
11                  First Nations are receiving a portion  
12                  of the benefits on the new dams, then  
13                  there would be no reason why past  
14                  First Nations that were impacted  
15                  wouldn't receive either from the past  
16                  projects or from the current project,  
17                  a portion of the benefits.

18                 DR. GIBSON:    I don't see any reason  
19                 why that can't be on the table."

20                 And this is -- this isn't included by --  
21                 by mistake.  At the very end of our presentation, it  
22                 should be made very clear that MKO is not requesting  
23                 participation of First Nations as being to take away  
24                 anything from the First Nations partners that are in  
25                 there.  MKO does not see that First Nations -- sharing

1 from First Nations is of any benefit.

2                   What the MKO First Nations are asking is  
3 that the pie, the portion of the pie that Manitoba  
4 Hydro and that the province are retaining, that that  
5 portion ought to be made available to the other First  
6 Nations as well, so that there is no question that MKO  
7 is not asking that they be shoehorned into the current  
8 partnerships. They are talking about dealing with  
9 other funds, other ways of being able to obtain a  
10 benefit, that if the past policies were similar to what  
11 we have today, that this may be a way of mitigating the  
12 damages, mitigating some of the rate increases, and  
13 that it's a conceivable -- a conceivable discussion  
14 that ought to be raised between the provincial  
15 government, Manitoba Hydro, and the MKO First Nations.

16                   That, members of the panel, concludes  
17 our presentation. I'm sorry I spoke a little longer  
18 and perhaps a little slower than I normally would have.  
19 Mr. Anderson will handle any questions that the panel  
20 may have. If there aren't any questions, that -- that  
21 concludes our -- our presentation.

22                   THE CHAIRPERSON: Thank you for that  
23 very clear presentation. I wonder, Mr. Orle, if you  
24 could enter your exhibits into the record, please? We  
25 haven't -- we neglected to do that, so perhaps you

1 could do that right now.

2 MR. GEORGE ORLE: Yes, I'm sorry.

3 Exhibit number 11 is the final

4

5 --- EXHIBIT NO. MKO-11: Final Argument

6

7 MR. GEORGE ORLE: Exhibit number 12 is

8 the book of documents.

9

10 --- EXHIBIT NO. MKO-12: Book of documents

11

12 MR. GEORGE ORLE: And Exhibit number 13

13 are the -- the two (2) maps that were provided to the

14 panel.

15

16 --- EXHIBIT NO. MKO-13: Two (2) maps

17

18 MR. GEORGE ORLE: The other document

19 which we referenced is an excerpt from PUB Exhibit

20 number 58-2 and doesn't require to be entered again, so

21 I've been advised.

22 MS. MARILYN KAPITANY: Mr. Orle, just a

23 short clarification, when you were speaking about the

24 equivalent to gas rate for the heat portion of bills,

25 you -- I -- I didn't understand, did you say 100

1 percent of MKO First Nations are north of 53 or almost  
2 100 percent?

3 MR. GEORGE ORLE: Almost a hundred  
4 percent. There's -- there's one (1) small group that  
5 falls below the 53rd parallel, but the 53rd parallel, I  
6 don't know why it was used. It's used by Manitoba  
7 Hydro. If they wanted to be consistent with the line  
8 of which they draw in northern communities for their  
9 procurement programs and whatever, then that particular  
10 line, which is shown on the map with the red line would  
11 include 100 percent of the -- of the MKO First Nations.

12 MS. MARILYN KAPITANY: And which ones  
13 are south of 53?

14 MR. MICHAEL ANDERSON: Board member  
15 Kapitany, it would be Wuskwasipihk Cree Nation in --  
16 near Swan River.

17 MS. MARILYN KAPITANY: Okay. That's  
18 all I --

19 MR. MICHAEL ANDERSON: They're the only  
20 one (1) that would be -- oh, and Sapotaweyak at Dawson  
21 Bay would be south of 53. Those would be the only two  
22 (2) if we take the 53rd parallel as the delineator. If  
23 we take the Northern Affairs boundary, which is -- by  
24 the way, this particular exhibit is taken from Manitoba  
25 Hydro's website. It's used in their procurement and

1 definition of Northern First Nations -- northern  
2 persons for the purposes of employment and so forth,  
3 procurement.

4 The Wuskwasipihk would be the only MKO  
5 First Nation excluded using the Northern Affairs  
6 boundary. And it's barely below the red line on the  
7 very western portion, north of Swan River. Thank you.

8

9 (BRIEF PAUSE)

10

11 DR. HUGH GRANT: I didn't want to take  
12 away from the strength of your argument, so it's just a  
13 footnote really. Does the -- I understand the argument  
14 with respect to on reserve. Would the same argument,  
15 all components of it apply to off reserve First Nation  
16 people?

17 MR. GEORGE ORLE: I'm sure Mr. Anderson  
18 will correct me, but the communities that we are  
19 talking about that are all north, I'm assuming that the  
20 residents reside within those reserve communities. And  
21 to the extent that they're not on reserve communities,  
22 I believe that -- I think I'll leave this to Mr.  
23 Anderson, because I -- I had not explored that fully in  
24 my mind and I don't want to -- to perhaps prejudice  
25 some of the -- the members that may not be actually

1 living on the -- on the reserve.

2 MR. MICHAEL ANDERSON: Thank you,  
3 Professor Grant. The -- when we had the discussion  
4 with the Board that led to Order 117/'06, we  
5 intentionally used the descriptor 'Hydro-affected  
6 customers', because even in that case we weren't be  
7 exclusive to MKO First Nation citizens. There are  
8 other persons affected by Manitoba Hydro.

9

10 (BRIEF PAUSE)

11

12 MR. MICHAEL ANDERSON: So we were  
13 looking forward to the dialogue to establish that rate  
14 class to deal with the removal of mitigation costs from  
15 the cost-of-service allocated for rate setting  
16 purposes. But we described them as hydro affected  
17 customers, recognizing there's a broader than just the  
18 MKO citizens that are affected by Hydro. Also, to try  
19 to stay within some manner of the boundaries of rate  
20 setting principles such as fairness. We were alive to  
21 those considerations during our discussion that led to  
22 117/'06.

23 In terms of our equivalent to gas rate,  
24 we would certainly say that that should apply to the  
25 MKO First Nations, because that's who we represent and

1 it's our first priority. But we also recognize that  
2 many of our citizens live off reserve in the northern  
3 region. We would say they ought to also have the same  
4 equitable treatment in terms of the difference between  
5 northern and southern heating costs by receiving that  
6 same equivalent to gas rate that we've recommended.

7                   We think that that would create  
8 additional benefit for everyone, certainly, living in  
9 the north, but primarily we're looking at mitigating  
10 bills of an unusual customer set living in the MKO  
11 First Nations that have the characteristics that Mr.  
12 Orle had described, which are different than many of  
13 our citizens who may be living off reserve.

14                   We recognize that as northerners we all  
15 have a lot of common interests in Northern Manitoba,  
16 but as First Nation citizens in the North there are  
17 some unique characteristics that would, in our view,  
18 result in having us being treated distinctly for rate  
19 setting purposes.

20                   THE CHAIRPERSON: That completes the  
21 questioning by the panel. So on behalf of the panel,  
22 I'd like to thank both of you, Mr. Orle and Mr.  
23 Anderson, for your contribution to these proceedings.  
24 And -- and through you, I extend our appreciation to  
25 the members of MKO who have participated directly and



1 indirectly in this process.

2                   So thank you very much for your  
3 contribution and thank you for being a active  
4 participant in the Thompson meeting. It was -- it was  
5 good for the panel to hear, those of us who were able  
6 to participate, good to hear directly from those most  
7 directly affected. So thank you for that as well.

8                   So with that, I think that completes  
9 today's proceedings, and the schedule provides for us  
10 to meet again next Monday morning to hear closing  
11 arguments from Manitoba Hydro. Now, I'm assuming  
12 there's no other business to conduct? If there isn't  
13 have a good evening and weekend, everyone. We'll see  
14 each other again next Monday.

15

16 --- Upon adjourning at 5:08 p.m.

17

18 Certified Correct,

19

20

21

22 \_\_\_\_\_

23 Cheryl Lavigne, Ms.

24

25

<u>\$</u>	<b>\$31</b> 11316:12	11234:10,1	11371:24,2	11281:12
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