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October 25, 2013

Mr. H. Singh  
The Public Utilities Board  
400 - 330 Portage Avenue  
WINNIPEG, Manitoba R3C 0C4

Dear Sir:

**RE: NFAT, LOAD FORECAST**  
**CUSTOMER CONFIDENTIAL INFORMATION**

We acknowledge receipt of your letter of October 23, 2013. With respect, Manitoba Hydro continues to require that the PUB issue a subpoena for the Internal Load Forecast.

To be clear, Manitoba Hydro acknowledges and agrees that the Terms of Reference designate the Internal Load Forecast as Commercially Sensitive Information and does not dispute the PUB's authority to review the Internal Load Forecast.

The Terms of Reference do not however authorize or direct Manitoba Hydro to file Commercially Sensitive Information with the PUB, rather it provides the Panel the authority to require same. Further, the Terms of Reference do not provide Manitoba Hydro with the authority to release customer information, such as that contained in the Appendix to the Internal Load Forecast. The PUB however is provided with authority to require the production of any document, including the Internal Load Forecast.

In this regard, please see Appendix A of the Terms of Reference which indicates that:

In conducting the NFAT, the Panel ***shall be able to require*** the production, from Hydro of any documents and other such evidence as the Panel determines to be relevant to the conduct of the NFAT within the scope of the Terms of Reference from the Province of Manitoba. [emphasis added]

In the absence of customer consents, Manitoba Hydro requires that the Panel issue a subpoena in order to make clear to all parties, and to Manitoba Hydro's customers, that production of

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the Internal Load Forecast, including customers' commercially sensitive information is required by the Panel.

As previously indicated by email to Board Counsel, Manitoba Hydro is prepared to accept service of the subpoena electronically upon the writer, and requests that the PUB specifically identify in the subpoena which Advisors and/or Independent Expert Consultants are permitted to view the document. Manitoba Hydro will cooperate in making the subpoenaed document available immediately upon receipt.

Yours truly,

**MANITOBA HYDRO LAW DIVISION**

Per:



**PATRICIA J. RAMAGE**

Barrister & Solicitor

cc R.F. Peters/S. T. Hombach, Fillmore Riley LLP  
C. L. Monnin, Hill Sokalski Walsh Trippier LLP  
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