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November 20, 2013

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

Dear Sir:

**RE: MANITOBA HYDRO NFAT**  
**STATUS OF ROUND I INFORMATION REQUESTS**

Manitoba Hydro is in receipt of the Public Utilities Board's (PUB) letter of November 18, 2013.

The PUB indicates that in its view, MH must make it their top priority to respond to the IEC Information Requests (IRs) and any other requests for information, data and model access the IEC's require. Manitoba Hydro can assure the PUB that getting information into the hands of the IECs has been its top priority since the beginning of this process. As explained in Manitoba Hydro's letter of November 12, 2013, taking into account the magnitude of Information Requests submitted by the PUB, Intervenor and the IECs, the fact that the IECs have alternate direct access to the information they are seeking (and the ability to withdraw IRs where same satisfies the IECs requirements) together with the unavoidable reality that MH's capacity to respond to these demands is not without limits, Manitoba Hydro developed a strategy to get as much information into the hands of those seeking it, as quickly as possible. Responding to the IECs requests was at all times top priority. In order to make as much information available as quickly as possible, Manitoba Hydro utilized the IEC's ability to directly access staff to accomplish this knowledge and information transfer while using the more cumbersome formal IR process to respond to PUB and Intervenor IRs. With First Round PUB and Intervenor IRs virtually complete, Manitoba Hydro is focused upon providing formal responses to IEC IRs as required and continues to meet with the IECs to accomplish knowledge and information transfer.

Manitoba Hydro has no objection to providing the IECs with unrestricted access to both the models and live spreadsheet data requested by the IECs. The models in question are

classified as Level I and II and the data is housed within Level I and II models<sup>1</sup>. Consistent with the PUB's understanding, these models are complex and require the specialized training possessed by Manitoba Hydro personnel to operate same. Due to their complexity, the data cannot be neatly extracted from the models with formulae intact. Consideration of which analysis to undertake must be made with the understanding that such analysis takes considerable time. It is not possible to post these models to the IEC confidential SharePoint site. In an effort to facilitate "hands on operation", Manitoba Hydro has and continues to invite the IECs to attend, actively observe and direct the models' operations.

The PUB has directed Manitoba Hydro to make all documents posted to the IEC SharePoint site publicly available. The SharePoint site was established to expedite the sharing of information related to the IEC informal meetings. The information posted to this site was freely shared for the purposes of advancing long distance discussions with the IECs, without consideration of whether the information properly fell within the scope of the Terms of Reference for the NFAT review. The information is not in the format of Information Request responses. Much of the material is confidential. It was not intended that this information would form part of the public record, rather the information was posted to the SharePoint site to facilitate communications and allow the IECs to access the information and take from it what is relevant and disregard that which is not relevant in the preparation of their reports. When these reports are filed, Parties will be free to submit IRs and obtain access to back up materials where appropriate (i.e. where the materials are relevant and confidentiality concerns have been addressed).

Manitoba Hydro is extremely concerned with the substantial effort that will be required to review the information posted on the SharePoint site for the purpose of redacting confidential information. Manitoba Hydro is also concerned that a substantial amount of time will be wasted attempting to understand and test materials which ultimately have no bearing on the NFAT review. The focus should be on the IEC's reports, not every possible document that Manitoba Hydro made available to the IECs in the course of preparing their reports.

The PUB's November 18, 2013 letter also requests Manitoba Hydro prepare redacted versions of IRs containing Commercially Sensitive Information (CSI) and also provide copies of its Export Contracts, Load Forecast and Power Resource Plan with CSI redacted.

Redacted copies of the export contracts underpinning the Preferred Development Plan are now available and will be posted shortly.

Manitoba Hydro has already filed an external version of the Load Forecast. This document can be located at Appendix C and D of the NFAT filing.

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<sup>1</sup> As noted in Order 119/13, page 21 Level I models are complex custom programs coded in computer language and can only be run by persons with specific expertise in the topic area and training with respect to the model. Level II models involve complex spreadsheets linked to other complex spreadsheets and require personnel with specific topic expertise and training in the models' structures to operate them.

Manitoba Hydro requested the PUB not include its Internal Load Forecast<sup>2</sup> as CSI in the NFAT review on the basis that the CSI contained therein was not Manitoba Hydro's, but rather that of its Top Consumers and is not in any event relevant to the NFAT review. In Order 92/13, the PUB indicated it "will consider the issue further and may have one of its Advisors and/or Independent Consultants review the Internal Load Forecast, before concluding on this matter." By letter dated October 21, 2013 the PUB requested the Internal Load Forecast be provided to its Advisor and on October 29, 2013 issued a subpoena requiring the production of all internal Load Forecasts produced since 2003 (which subpoena had been requested by Manitoba Hydro to address its concern that the CSI in question was that of its customers and not the Corporation's to release). The 2012 and 2013 Internal Load Forecasts were provided to the PUB on October 29, 2013, with the remainder being filed on October 30, 2013. To date Manitoba Hydro has not received direction regarding whether the Internal Forecast will be included as CSI in the NFAT Review. If there is an expectation that the Appendix to the Load Forecast containing customer CSI will be redacted, Manitoba Hydro will be required to consult with customers to determine what information they require be redacted.

Manitoba Hydro has already filed an external version of its Power Resource Plan which document can be found in Appendix B to the NFAT filing. Manitoba Hydro began producing the external Power Resource Plan in 2004 in response to a PUB request to provide a public version of this document. If there is an expectation that Manitoba Hydro will now redact its internal Power Resource Plan rather than rely on the external version for public purposes, it should be recognized that such work will require substantial effort. As noted in previous proceedings, this document is not conducive to redaction, hence the creation of the external version.

Manitoba Hydro is in the process of identifying those responses to IRs filed on November 8, 2013 which required the production of CSI, in order to provide a redacted response to same. In addition, on November 14, 2013 the PUB filed an additional 149 IRs with respect to information that had been filed as CSI, to be answered with Round II IRs. Manitoba Hydro is in the process of preparing responses to these IRs and while it cannot provide a definitive estimate of the time required to redact these responses, the IRs and their redaction represent substantial new work.

The PUB directed that Manitoba Hydro provide advice regarding:

- The date by which the IEC IRs will be answered;
- When the additional information contained on the SharePoint site be publicly available
- When redacted versions of the Export Contracts, Load Forecasts and Power Resource Plans will be posted.

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<sup>2</sup> The only difference between the Internal Load Forecast and the External Load Forecast already included in Manitoba Hydro NFAT filing is the inclusion of "Appendix A" in the Internal Load Forecast. Appendix A contains a forecast of electricity consumption By Manitoba Hydro's Top Consumers compiled from various sources of information including confidential disclosure of Top Consumers' business plans to Manitoba Hydro.

The PUB indicates that this information is required before Round II Information Requests can be submitted and as such further directs Manitoba Hydro to advise:

- as to a revised timeline for the filing of Round II Information Requests, and revised schedule generally, including revised dates for the public hearing and provision of the PUB's report.

Manitoba Hydro is in the process of gathering time estimates for each of the processes referenced above and will provide such details when received. Manitoba Hydro notes that on the September 30, 2013 Motions Day it provided an estimate of 6 to 8 months to complete all of the work requested by the IECs. The Scope of Work of the IECs has not changed and while some IECs withdrew a substantial number of IRs, others did not. Manitoba Hydro continues to be of the view that there exists substantial opportunity to streamline the process, without sacrificing any substantive content if the IECs and PUB focus on the Terms of Reference issued by government and eliminate extraneous work. Manitoba Hydro does not expect that the 6 to 8 month estimate provided in September will otherwise be reduced. If the PUB elects to pursue making the SharePoint site publicly available and creating new public versions of the Load Forecast and Power Resource Plan, such work will invariably add to this time estimate.

The timing of the provision of the PUB's report in the NFAT is dictated by the Terms of Reference. Manitoba Hydro is not in a position to make changes to the Terms of Reference. If the PUB is not prepared to make changes to its process to allow the NFAT to be completed within these timelines, government must be consulted. Manitoba Hydro requires direction from government prior to engaging in such discussions. In the meantime, Manitoba Hydro suggests all Parties file Second Round IRs in accordance with the current schedule in order to allow Manitoba Hydro the ability to work on same and preserve the timeline for the NFAT review.

Yours truly,

**MANITOBA HYDRO LAW DIVISION**

Per:

A handwritten signature in black ink, appearing to read 'P. Ramage', written over a horizontal line.

**PATRICIA J. RAMAGE**  
Barrister & Solicitor