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January 31, 2014

The Public Utilities Board of Manitoba
400 – 330 Portage Avenue
Winnipeg, MB R3C 0C4

Attention: Mr. Hollis Singh
Executive Director and Board Secretary

Dear Mr. Singh:

RE: NFAT – Proposal of MKO to present Dr. Terry Dick

We have reviewed Mr. Anderson's letter to you dated January 29, 2014.

Dr. Dick testified at the recently concluded Clean Environment Commission public review of the Keeyask Environmental Impact Statement. He testified about the value of aboriginal traditional knowledge in the context of an environmental assessment and about lake sturgeon. Dr. Dick was called as a witness by a recognized participant at the Clean Environment Commission hearing, a group of 'concerned' members of York Factory First Nation whom Mr. Anderson assisted. For a time, during the development of the Keeyask Environmental Impact Statement, Dr. Dick was employed as a specialist on lake sturgeon by Fox Lake Cree Nation. Both York Factory First Nation and Fox Lake Cree Nation are partners in the Keeyask Project. Dr. Dick is not recognized as a representative of either First Nation and his views are not endorsed by the leadership of either First Nation.

Mr. Anderson proposes to call Dr. Dick to testify about aquatic ecosystems, fisheries and species such as caribou and Lake Sturgeon. No parameters are identified for these topics.

Other than caribou, with respect to which Dr. Dick is not a specialist and did not testify about at the Keeyask hearing, these are matters that Dr. Dick spoke about before the Clean Environment Commission. Mr. Anderson does not explain why Dr. Dick's testimony, as distinct from the other specialists expert on the subjects of lake sturgeon, aquatics and caribou, ought to be heard a second time by another tribunal. Mr. Anderson, significantly, does not state that Dr. Dick is able to provide new testimony, not heard by the Clean Environment Commission, about the "macro environmental impacts of the Plan compared to alternatives".

There is sufficient evidence now before the Public Utilities Board identifying, through a basic overview, that an impact of the Plan will be its potential affects on Lake Sturgeon. The Clean

Recipient Name

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Environment Commission heard testimony over a number of days directly related to the details of the biology of Lake Sturgeon, the history of Lake Sturgeon in Manitoba, the merits of the significant proposals for mitigation of impacts of hydro-electric development on Lake Sturgeon and efforts to enable recovery of the population of Lake Sturgeon in Manitoba being conducted by the Province, by an independent board and as proposed by the Keeyask HydroPower Limited Partnership.

Mr. Anderson does not explain what benefit the Public Utilities Board would gain in fulfilling its mandate in hearing a good portion of this evidence all over again. For if Dr. Dick is allowed to testify drawing on his years of study of Lake Sturgeon, my client will want to call the three specialists in aquatic ecosystems and fisheries that were heard by the Clean Environment Commission in order to ensure that whatever criticisms Dr. Dick chooses to repeat on the subject of Lake Sturgeon are tempered by the evidence of persons of equal, some would say greater, competence in the field.

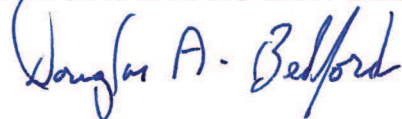
Critically, Mr. Anderson does not address the fact that the mandate of the Public Utilities Board for the NFAT excludes "the environmental review of the proposed projects that are part of the Plan." The Keeyask project is one of the proposed projects that is part of the Plan. The evidence Dr. Dick has given, and is now being invited to give again, was presented during the environmental review of the Keeyask Project. It is therefore excluded from the mandate of the Public Utilities Board.

I respectfully ask that Mr. Anderson's proposal to have Dr. Dick testify be rejected. I have no comment on the balance of the matters that Mr. Anderson was asked to address in his letter of January 29, 2014.

Yours truly,

MANITOBA HYDRO LAW DEPARTMENT

Per:



DOUGLAS A. BEDFORD

Barrister and Solicitor

DB

cc. Mr. Michael Anderson