

APPENDIX 1
COMMENTS RE: MANITOBA HYDRO'S
PROPOSED COS REVIEW PROCESS AND TIMELINES¹

ITEM	PURPOSE	DUE DATE	COMMENTS
A. Pre-Hearing Conference	Address Scope, Proposed Interventions and Timelines	February 12, 2016	
B. Receipt of PUB Order		February 24, 2016	
C. Process Conference	Develop List of MFRs	March 4, 2016	<ol style="list-style-type: none"> 1) May require a process to address requested MFRs that MH may refuse to provide? 2) What is the scope of the MFRs – is this where parties ask for the impacts/results of alternative treatments/methodologies? If not, when? (Note – since MH appears unwilling to distribute a working model – MH is the only one who can really produce results of alternatives.) 3) Would suggest that parties also be allowed to provide written questions (in effect IRs) to which it is seeking answers. Technical Workshops (per E) are best used as a follow-up once an initial question has been posed and answered. Also, the initial question gives the company time to think and prepare its answer.
D. MH Files MFRs		March 20, 2016	

1 The Coalition does not endorse the Manitoba Hydro proposal nor does it consider it to be the best use of scarce regulatory resources. If the PUB determines that it should follow the Hydro path, the comments offered simply highlight considerations to improve the process.

E. Technical Workshop #1	MH presents its COSS, assumptions and cost treatments. MH responds to questions and accepts undertakings.	April 11-12, 2016	<ol style="list-style-type: none"> 1) Again, will we need a process if MH refuses to answer a question and/or provide an undertaking? 2) Not sure a “workshop” is the best forum for addressing all questions parties may have. Both in terms of effective use of time as well as the fact that some more detailed or technical question are better posed as IRs. 3) Would suggest that parties also be allowed to submit written questions on March 4th with answers filed as part of the MFRs. 4) Parties could also be allowed to file detailed written questions either at or in advance of the Workshop – say by March 30th with the responses to be provided orally or as an undertaking. 5) Technical conferences work well if the questions or (at least the topic areas) are provided in advance – particularly if they are ones that are best explained via a table or require calculations – as this can be prepared in advance by the company and used to facilitate the provision of the answer. Often, those answering the question also appreciate the heads up.
F. MH Files Responses to Undertakings		May 3, 2016	<ol style="list-style-type: none"> 1) Do we need a process for follow-up on undertaking responses?

G. Interveners File COSS proposals	Interveners file their COS proposals and assumptions	May 17, 2016	<ol style="list-style-type: none"> 1) Are these the proposals by interveners or their “experts”? Not the same thing. Particularly if the view is that the experts are there to provide a professional opinion – and are <u>not</u> just support the views of their client 2) Unlikely that interveners/experts will be able to quantify/model the impacts of their proposals. MH will have to do this and when will it be done? 3) Must recognize that “proposal” may include a noting of areas of MH proposal that are still not clear – particularly if there are no IRs as suggested above.
H. Technical Workshop #2	Interveners present their COSS proposals and assumptions. Interveners respond to questions	May 24-25, 2016	
I. Interveners File Responses to Undertakings		June 15, 2016	<ol style="list-style-type: none"> 1) Do we need a process for follow-up on undertaking responses?

<p>J. Technical Workshop #3 – Facilitator Led</p>	<p>Concurrent Evidence Session to Record Parties' Positions on Issues. Identify areas of consensus and dispute</p>	<p>June 22, 2016</p>	<ol style="list-style-type: none"> 1) Who chooses the facilitator and what is their role? For example, are they supposed to facilitate agreement or just facilitate the meeting? This will dictate who best to fill the role and the extent to which that person needs to understand COSS. 2) Useful to have the first two workshops transcribed. The merits of transcription are less at this stage and may even be detrimental to the process. 3) In principle, these discussions should be “without prejudice” if one is trying to explore and develop areas of consensus. It will be difficult to reach agreement were parties to feel anything they say may be used against them in final arguments if no agreement is reached. This would support a view of no transcription. 4) To what extent are there agreements on individual discrete issues or can agreements on individual items be made and qualified as a “package deal”? 5) Again – are these the positions of the interveners or the “experts”? It seems that at this point it must the interveners – if the resulting report is ultimately to identify areas that the PUB must adjudicate. 6) What is envisioned by the phrase – “concurrent evidence session” – does this mean more questioning of parties' proposals or are we just documenting areas of agreement vs. dispute?
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K. Facilitator Issues Draft Report to MH and Interveners	Report identifies areas of consensus and dispute	July13, 2016	1) Same issue – does the report reflect experts’ opinions or the interveners’. Given its purpose and proposed use – it should reflect the view of the interveners
L. Parties Provide Comments on Draft Report		July 27, 2016	1) At the end of day do all parties need to agree to the wording or is it the facilitator’s report and he/she is receiving the input for “consideration”. Clarification of this point is important from the PUB’s perspective – so they know what the “report” represents and also for the parties participating.
M. Facilitator Issues Final Report to PUB		August 3, 2016	
N. Intervener Provide Final Written Submissions		August 10, 2016	1) Again, the nature of the Report (see L-1) will tend to dictate the scope of these submissions. 2) Should parties explain why they support the any documented consensus position? Presumably the PUB will give weight to a consensus agreement but this doesn’t mean that they have to accept it as being in the public interest overall. 3) If the Report is the facilitator’s “take” one the positions of parties. Interveners could presumably be taking exception to positions ascribe to them in the Report.
O. MH Reply		August 17, 2016	1) Need to be clear that this is “reply” and not “rebuttal” – at this stage no new information is being introduced.
P. PUB Issues Report		August- September 2016	