



Legal Services Department • Services juridiques

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File No.:

June 24, 2016

The Manitoba Public Utilities Board
400-330 Portage Avenue
Winnipeg, Manitoba R3C 0C4

Attention: Mr. D. Christle
Secretary and Executive Director

Dear Sir,

Re: Pre-hearing Conference of the Public Utilities Board

This is further to the pre-hearing conference of the Public Utilities Board which took place in the Manitoba Hydro Cost of Service Study methodology review on June 24, 2016 at 9 a.m.

I write this letter in response to the reply of Manitoba Hydro at the pre-hearing conference. The City noted two comments of Manitoba Hydro in reply which inaccurately characterized the City's argument and which the City did not have an opportunity to correct. The City's responses are as follows:

1. Ms. Ramage stated that the City understood the second workshop to be an opportunity to advocate for its position. This was never the City's understanding and was not stated in my argument. What I stated in my argument was that the City thought the second workshop was for the benefit of the parties and that it became evident that the second workshop was really for the benefit of the board. By this I meant that I had not originally expected the second workshop to be attended by the panel members. Certainly, I always expected the workshop to be treated as discovery. Initially, I thought I was to use the second workshop to assist my expert in understanding the evidence of other experts and came to understand throughout the process that the presence of the panel members changed the focus to

assisting the board in understanding the evidence of my expert and the other experts. I certainly never intended the workshop to be treated as an opportunity to advocate, especially since initially I didn't even expect the board to be present. Accordingly, Ms. Ramage's characterization of my argument is both inaccurate and unfair.

- Ms. Ramage stated that if Mr. Todd was not prepared to be part of the concurrent evidence panel, his evidence should be struck from the record. With respect, Ms. Ramage clearly did not understand my argument, perhaps because she was not present at the entire workshop. On June 23, 2016, the panel determined that Mr. Todd's evidence should be restricted to the issues that were germane to the City's interests (i.e. those that had formed the subject of his evidence in the pre-hearing filing). None of those issues appeared to be of interest to any intervenors other than the City. In the circumstances, I have conceded that those issues need not be the subject of the concurrent evidence panel and can be dealt with by way of written evidence. In the circumstances, I do not see the need to have Mr. Todd present at the time the concurrent panel evidence is presented to the Board. Obviously, if Board determines that the issues that are germane to the City's interests should be the subject of the concurrent evidence panel, Mr. Todd will certainly attend. Otherwise, given that the panel has already ruled that they only want to hear from Mr. Todd on the City issues, I cannot see why he would need to attend. Further, Manitoba Hydro's list of "written" issues contains the City's issue respecting two Area and Roadway Lighting categories. (I am not certain where on the list, if at all, the City's second issue, respecting the inclusion of directly allocated costs in the application of net export revenue, is to be found.) On the other hand, I see no reason why Ms. Ramage takes the position that his absence from the concurrent evidence panel (which I assume will deal only with issues in which the City is not taking a position) would disentitle the City from having the evidence on issues germane to its interests, which the Board wanted before it, on the record. I believe Ms. Ramage simply has no idea of the proceedings which took place during the workshop and this is the only reason she has taken this, otherwise completely incomprehensible, position.

I trust this clarifies the City's position. Thank you for the opportunity to respond.

KRISTA L. BORYSKAVICH
Director of Legal Services and
City Solicitor

Per:



DENISE A. M. PAMBRUN
Solicitor
DAMP/ki



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