

M A N I T O B A) Order No. 14/09
)
THE PUBLIC UTILITIES BOARD ACT) February 23, 2009

BEFORE: Alain Molgat, B.Comm, CMA, Acting Chairman
Leonard Evans, LL.D. (Hon.), Member

PROCEDURAL ORDER -
MANITOBA PUBLIC INSURANCE CORPORATION:
TIMETABLE FOR A PUBLIC HEARING
DRIVER SAFETY RATING SYSTEM
AND APPROVAL OF INTERVENERS

SUMMARY

By this Order, the Public Utilities Board of Manitoba (Board) accepts interveners to the Board's public hearing of Manitoba Public Insurance Corporation's (MPI) application for revised driver insurance premiums and vehicle premium discounts as they are affected by a Driver Safety Rating program, to take effect November 1, 2009. This Order also provides interveners with direction pertaining to the proceeding and establishes a timetable for the hearing.

INTRODUCTION

The Board held a Pre-Hearing Conference (PHC) at its offices in Winnipeg, Manitoba on Friday, February 13, 2009, for the purposes of:

- a) considering applications from prospective interveners and matters related thereto; and
- b) establishing a timetable for the hearing.

This Procedural Order arises from the PHC.

The following exhibits were entered into the record of the proceeding:

1. the Notice of Public Hearing and PHC dated January 21, 2009;
2. the Board's Rules of Practice and Procedure (Rules); and
3. a proposed timetable.

Parties seeking Intervener status were asked to:

- i) state their areas of interest;
- ii) provide reasons for requesting Intervener status;
- iii) specify any plans to call evidence/witnesses; and
- iv) indicate any interest with respect to seeking an award of costs, and, if interest is expressed, to provide a draft budget.

The following parties applied for Intervener status:

1. Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors (CAC/MSOS), represented in person at the PHC by its counsel, Ms. Myfanwy Bowman;
2. Coalition of Manitoba Motorcycle Groups (CMMG), represented in person at the PHC by its counsel, Mr. Raymond Oakes; and
3. Canadian Automobile Association Manitoba (CAA), represented in person at the PHC by Ms. Donna Wankling and Mr. Jerry Kruk.

MPI was represented at the PHC by Mr. Kevin McCulloch (Counsel), Ms. Marilyn McLaren (President and Chief Executive Officer), and Mr. Don Palmer (Vice-President of Finance and Chief Financial Officer).

APPLICATIONS FOR INTERVENER STATUS

1. CAC/MSOS

CAC/MSOS advised that its intended participation as an intervener would be comprehensive and address, among other things:

- a) understandability and transparency;
- b) accident prevention and road safety; and
- c) fiscal prudence and fairness.

CAC/MSOS indicated that it intended to appear throughout the hearing, participate in the testing of evidence, and present final argument. CAC/MSOS did not expect it would call a witness, though stated that it will likely engage expert consultation for the hearing.

CAC/MSOS advised that it will seek a cost award, and estimated its intervention to have a cost in the range of \$30,000.

2. CMMG

CMMG reported its focus would be:

- a) the perspective of motorcyclists of the proposed premiums and discounts; and
- b) critical evaluation of the program.

CMMG reported that it would appear throughout the hearing, test the evidence and present final argument.

CMMG advised of an intention to seek an award of costs, and submitted a provisional budget of \$12,000.

3. **CAA**

CAA reported its intention to maintain a "watching brief" throughout the hearing, and would reserve the opportunity to make a closing argument. CAA advised that it would not apply for a cost award.

MPI POSITION

MPI accepted the granting of Intervener status to the applicants, and reserved the right to comment on cost award submissions following the hearing, paying special attention to potential duplication.

MPI indicated that in its view the application would not affect motorcyclists any differently than the rest of the motoring public, and therefore cautioned that the interventions, especially of CAC/MSOS and CMMG, because they are seeking a cost award, needed to be conducted co-operatively to avoid unnecessary redundancy.

BOARD COMMENTS

The Board will grant intervener status to all applying parties, and notes MPI's reservation with respect to potential duplication of intervention efforts.

Regulatory efficiency is a continuing objective for the Board, and all reasonable efforts should be made by parties to restrain costs in the interests of motorists, since cost awards form a component of rates.

Based on MPI's cautions, the Board will require a high degree of co-operation amongst interveners and with Board Counsel, again to avoid duplication and restrain regulatory costs. The Board will expect that areas tested and positions taken will not overlap and will result from a coordinated effort.

Two schedules are attached:

- a) Schedule A, being the established timetable; and
- b) Schedule B, being the procedures to be followed.

TIMETABLE

A proposed timetable was submitted by MPI for review at the PHC. Board Counsel presented the PHC with a slightly amended version. There was agreement on the part of all present that the proposed schedule was generally acceptable.

MPI requested that the actual sitting days for the hearing be set out in the timetable, recognizing they are tentative and subject to change.

Board Counsel advised that there have been nine sitting days set aside, including closing submissions. MPI did not expect all 9 days would be needed.

Note: Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with section 36 of the Board's Rules of Practice and Procedure. The Rules are available at www.pub.gov.mb.ca.

IT IS THEREFORE ORDERED THAT:

1. Interveners to the hearing shall be:
 - a) Canadian Automobile Association;
 - b) Coalition of Manitoba Motorcycles Groups Inc.; and
 - c) Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors.

2. Schedule A, as attached, shall be the timetable for the orderly exchange of information by the participating parties.

3. Schedule B, as attached, shall apply with respect to the hearing of the MPI Application.

THE PUBLIC UTILITIES BOARD

"ALAIN MOLGAT, CMA."

Acting Chairman

"G. GAUDREAU, C.M.A."

Secretary

Certified a true copy of
Order No. 14/09 issued by
The Public Utilities Board

Secretary

**SCHEDULE A
MANITOBA PUBLIC INSURANCE
TIMETABLE
DRIVER SAFETY RATING APPLICATION**

ITEM	2009 DATES	DAY OF WEEK
1. Application filed and served	January 30	Friday
2. Notice of Public hearing to be published	Feb 7	Saturday
3.a) Pre-hearing Conference	Feb 13	Friday
b) Interveners complete Registration	Feb 13	Friday
c) Settle Hearing Procedure and exchange of information timetable	Feb 13	Friday
d) Discuss possibility of joint intervention	Feb 13	Friday
4. Last day to file as an Intervener	Feb 20	Friday
5. Board to circulate list of interveners, complete timetable to Interveners and applicant	Feb 23	Monday
6. MPI to be in receipt of first round information requests	Feb 26	Thursday
7. MPI to provide response to first round information requests	March 20	Friday
8.a) MPI to publish reminder notice and any amendments to application	March 21	Saturday
b) MPI to file and serve any further amendments to application, if required	March 24	Tuesday
9.a) Interveners to file pre-filed testimony to all parties	March 26	Thursday
b) Parties to file any motions	March 26	Thursday
10. Interveners to be in receipt of information requests from all parties	March 30	Monday
11. Board to hear all motions	March 31	Tuesday
12. Interveners to provide responses to all information requests	April 1	Wednesday
13. Board decision on motions, meeting among Counsel, if required	April 2	Thursday
14. MPI to file rebuttal evidence	April 3	Friday
15. Hearing commences	April 6	Monday
Tentative hearing dates	Apr 6, 7, 8 Apr 14, 15, 16 Apr 21, 23	

SCHEDULE B

**PROCEDURES TO BE FOLLOWED AT THE
MANITOBA PUBLIC INSURANCE CORPORATION
DRIVER SAFETY RATING HEARING**

1. Hearing and Rural Meetings:
 - a) Winnipeg hearing will be held at the Board's office, 4th floor, 330 Portage Avenue, Winnipeg, commencing on April 6, 2009 at 9:00 a.m. and continuing thereafter as necessary.
 - b) Rural Meetings (if necessary) - time, location and place to be identified.
2. Hearing Times Each Day: 9:00 a.m. to 12:00 Noon
1:15 p.m. to 4:00 p.m.
(amendments may be made by the Board at the hearing)
3. Assigned Sittings: Presenters will be heard commencing at 1:15 p.m., Monday, April 6, 2009, and at 7:00 p.m. that day if necessary.
4. Opening Statements by Board Counsel, by Counsel for MPI and other Counsel or representatives of registered interveners.
5. (a) MPI to file their application and supporting evidence.

(b) MPI to introduce witnesses. Board Counsel and interveners to cross-examine the Corporation's witnesses (order to be determined).

6. (a) Leading of testimony by witnesses for interveners, if any, will be in alphabetical order by name of interveners and updated as necessary.
- (b) Witnesses to be available for cross-examination by all parties following each presentation.
7. All interrogatories are to be filed and responded to using the prefixes as assigned by the Board when interveners are registered (set out in the body of the Order). The party requesting information is to use firstly their prefix followed by the prefix of the party being asked e.g. PUB/MPI, etc. Interrogatories are to be numbered sequentially through 1st and 2nd rounds, e.g. PUB/MPI 1-3, PUB/MPI 2-7.
8. All pre-filed evidentiary material to be filed at the commencement of the hearing by Board Counsel using assigned prefixes.
9. All witnesses to highlight their evidence.
10. All witnesses to be sworn or affirmed.
11. Daily transcripts will be available. Parties to make arrangements with the Reporter. Transcripts can be found at www.pub.gov.mb.ca at no charge.
12. It is the Board's request that all motions be dealt with pursuant to the Board's Timetable.
13. The Board's Rules of Practice and Procedure (available on the Board's website) dealing with the Awarding of Costs will apply to all matters before the Board.
14. The Board indicates its willingness to be available for any problems that may arise during the exchange of information at any time, such time to be arranged through Board Counsel.
15. Five (5) copies of material are to be submitted to the Board's offices; three (3) copies are to be submitted to Board Counsel at the following address: Attention: Candace

Everard, Pitblado, 2500 - 360 Main Street, Winnipeg, MB R3C 4H6; one (1) copy is to be sent to Mr. Brian Pelly, Eckler Ltd., 110 Sheppard Avenue East, Suite 900, Toronto, ON M2N 7A3; and one (1) copy is to be sent to Mr. Roger Cathcart, Cathcart Advisors Inc., 21 Fall Ridge Road, Winnipeg, MB R3Y 1X9.

16. Electronic copies of all material including the evidence of parties, are required to be submitted to the Board's e-mail address: publicutilities@gov.mb.ca. Where schedules or other attachments accompany an electronic file, that filing must be discrete and include only the item and schedules to which each refers. The electronic files shall be named in accordance with their parties prefix as per #7. All electronic filings shall be in Adobe Acrobat format, without protection securities that might preclude them from being included in one Multiple Files Document.