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June 27, 2016

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VIA EMAIL

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

Attention: Darren Christle

Dear Sir:

Re: **Bike Winnipeg
Intervenor Budget and Costs Summary Sheet
2016-2017 GRA Rate Application
Our File: 15142**

Please find attached Bike Winnipeg's Intervenor Request Form with respect to MPI 2016/2017 General Rate Application.

We trust that you will find the enclosed to be satisfactory. Should you have any questions with respect to same, please feel free to contact the undersigned directly.

Yours truly,

HILL SOKALSKI WALSH OLSON LLP

Per:

Christian Monnin*

CM/jm

c.c. *Intervenors (via email)*

Encl.

* services provided by Christian Monnin Law Corporation

Print

Submit

The Public Utilities Board
 400 - 330 Portage Ave
 Winnipeg, MB R3C 0C4

"APPENDIX I"

INTERVENER REQUEST FORM

1. Application Re Hearing: MPI 2016/2017 General Rate Application		
2. Name of Requesting Party: Bike Winnipeg c/o Hill Sokalski Walsh Olson LLP		
3. Address of Requesting Party: 2670 - 360 Main Street, Winnipeg, MB R3C 3Z3		
4. Phone Number:	Business: 204-954-0758	Residence:
	Fax Number: 204-943-3934	E-mail: cmonnin@hillco.mb.ca
5. Contact Person(s): Christian Monnin		
6. Address: Same as above		
7. Phone Number:	Business: 204-954-0758	Residence:
	Fax Number: 204-943-3934	E-mail: cmonnin@hillco.mb.ca
8. State reasons for the proposed intervention (please be specific).		
Please see Schedule "A"		

9. State nature of proposed intervention.		
a) Do you intend	Yes	No
(i) to appear throughout the hearing:	X	
(ii) to participate in the production of evidence:	X	
(iii) to participate in the testing of evidence:	X	
(iv) to present final argument:	X	
b) Do you intend to call witnesses:	Yes	No
	X	
c) If yes to No. 9b), please provide witness':		
(i) Name:		
(ii) Address:		
(iii) Qualifications:		
(iv) Subject of submission (please note date for filing submission):		
10. Will you be applying for costs:	Yes	No
	X	
If yes: Refer to Section 43 of Rules of Practice and Procedure. Provide detailed budget as per the attached Appendix II.		
11. Comments and other information:		

"APPENDIX II"

INTERVENER BUDGET AND COST SUMMARY SHEET

To be used to prepare a budget for the Intervener Request Form, Item 10, and to make a claim for an Award of Costs.

PAGE 1 OF 2

Prepared by: Christian Monnin		Date: June 23, 2015
Hearing: MPI 2017 General Rate Application		
Period Covered:		
Intervener's Name: Bike Winnipeg		
Contact Person or Persons: Christian Monnin		
Address: 2670 - 360 Main Street, Winnipeg, MB R3C 3Z3		
Phone Number:	Business: 204-954-0758	Residence:
	Fax Number: 204-943-3934	E-mail: cmonnin@hillco.mb.ca

See Costs on Page 2.

Please see Schedule "B"

FEES – to be completed for legal counsel or experts

PAGE 2 OF 2

				COSTS
PREPARATION:	Hours	Days	Rate	
APPEARANCE:	Hours	Days	Rate	
ARGUMENT & REPLY	Hours	Days	Rate	
FEES TOTAL	Hours	Days		

DISBURSEMENTS

				COSTS
TRAVEL (AUTO)	Kms		Rates	
TRAVEL (OTHER)				
ACCOMMODATION	Nights		Rates	
MEALS	Number			
MISCELLANEOUS	Taxis	Telephone	Supplies	
DISBURSEMENTS TOTAL (Note 1)				

TOTAL FEES AND DISBURSEMENTS (Note 2)	
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- NOTES:**
1. Receipts must be attached for all disbursements.
 2. Must include all applicable taxes.

Schedule "A"

Bike Winnipeg ("BW") again seeks to intervene in the MPI 2016/17 GRA to build upon its contribution to the previous years' GRA. In that regard, BW wishes to intervene in order to assist the Board in critically evaluating the Loss Prevention and Road Safety section of MPI's filing, by testing the evidence and raising issues of concern and interest to vulnerable road users, which include but are not limited to cyclists (and to Manitobans generally). In that regard, BW again seeks approval to intervene on the following issues:

- the optimum size of MPI's road safety budget and whether it is sufficient to enable a significant reduction in the costs to MPI of injuries to vulnerable road users (including but not limited to cyclists) in the short and long term;
- the adequacy of MPI's road safety programs with respect to the fatal and severe injury of vulnerable road users (including but not limited to cyclists); and
- the quality and clarity of MPI's data collection, analysis and accessibility, regarding collisions involving vulnerable road users (including but not limited to cyclists), particularly in comparison to transportation safety programs from local, national and international entities and jurisdictions.

In considering BW's request to intervene, it is submitted that the Board's comments in Order No. 7/15 (found at pages 11 – 12) augur in favour of granting intervener status:

The Board also accepts a significant contribution was made to the GRA process, that was relevant to the decision making of the Board, and that contributed to a better understanding of all parties of the issues before the Board. This is particularly so relative to matters of road safety, an issue that the Board has sought to address in a number of past orders, to which MPI allocates considerable resources in which in the view of the Board will require additional attention at future hearings.

Pursuant to Board Order 135/14, MPI will be making additional filings at the next GRA, with respect to, among other things, an update regarding the road safety and loss prevention framework that it proposed at this GRA, in the context of which the optimal size of the applicable budget is to be examined. MPI will also be providing an independent review of the optimal size of the road safety budget for the Corporation, with a view to minimizing the economic and societal costs of collisions, together with an independent review of the current road safety portfolio, with a view to optimizing it, relative to cost effectiveness and setting goals for outcomes, and minimizing the economic and social costs of collisions.

As stated by the Board in the Order 98/14, road safety and loss prevention costs incurred by MPI have dual impact upon Basic rates; as both expenditures born by Basic and a potential cost saving mechanism. The Board must assess the

necessity and prudence of these costs and the potential savings, and the importance of this analysis cannot be overstated.

The Board accepts that BW participated in the GRA process in a responsible manner, that it has a substantial interest in the outcome of the GRA process, and that it represents the interests of a substantial number of rate payers. The Board accepts the submission of BW that in presenting the perspective of cyclist, BW also provided a broader perspective of vulnerable road users, and Manitobans generally.

The Board did not find that these broader perspectives detracted from the unique contribution to be made by BW in the context of its specific intervention. Rather, the Board found value in the contributions of BW, including the extent to which those contributions are related to all vulnerable road users and Manitobans generally, in the area of road safety. [Emphasis Added]

In addition to the foregoing, BW submits that Board Order 128/15 also provides additional support for a continued intervention on behalf of BW. Specifically, the Board stated the following at page 69:

[...] BW also raised its concern with the fact that Ms. Kroeker-Hall was not produced as a witness in the hearings and therefore BW had no opportunity to cross-examine her as to her independence, her credentials, or her findings in the report. BW also noted that Ms. Kroeker-Hall had identified in her report that MPI's model emphasizes optimal funding, whereas BW's position is that the goal of the road safety model should be to mitigate the severity and frequency of injuries.

BW also stated that from its perspective, MPI's road safety model ignores societal costs of fatalities and raised concerns with the size of the road safety budget. BW was also critical of the quality and clarity of MPI's data collection and analysis regarding vulnerable road users and the social costs of collisions.

BW's position is also that MPI's road safety model should contain specific targets and does not do so at this time.

Further, at pages 71 – 73 of Board Order 128/15 the Board states the following:

[...] The Board expects, however, that MPI demonstrate in a more concrete fashion that it has optimized its road safety budget and is carrying out its responsibilities as a leader on Road Safety by spending on initiatives that can reduce the social and financial costs of collisions. The Board is not satisfied that the report prepared by Jennifer Kroeker-Hall has fully addressed the questions that MPI was asked to answer in PUB Order 135/14.

The Board orders that, at the next GRA:

- MPI produce Ms. Jennifer Kroeker-Hall as a witness;
- MPI advise the Board of what percentage of its revenue should be allocated to Road Safety and Loss Prevention initiatives and why;
- MPI provide the Board with an update on the progress and work of the External Stakeholder Committee on Loss Prevention;
- MPI provide the Board with an update on the progress and work of the Provincial Road Safety Leadership Committee;
- MPI report on the progress of:
 - o The implementation of the IBM recommendations regarding the Corporation's loss prevention strategy;
 - o The three-year Road Safety Operational Plan;
 - o The review of Ms. Kroeker-Hall's recommendations and the implementation of those recommendations; and
 - o The development of the HSDE initiatives recommended by IBM;
- MPI provide an update on the high collision intersection signage pilot;
- MPI provide an update on the Adult Driver Training Pilot;
- MPI file a report regarding the potential benefit of wildlife collision measures including the option of erecting fences at "hotspot" locations, after having studied this issue;
- MPI file a report, after analysis, relative to how to address the "hotspots" at which injuries and deaths of Vulnerable Road Users have occurred;
- MPI provide an update regarding the perceived impact of the DSR on claims frequency and severity; and
- MPI file a report with the Board on its efforts to address the issue of road safety and older drivers, including information on the Driver Assessment and Management Program.

BW would like to intervene in order to assist the Board in understanding and considering these issues.

SCHEDULE "B" - HEARING BUDGET

2016/17 GRA – BIKE WINNIPEG (INTERVENERS)

Counsel: Christian Monnin (2002, Manitoba Call - Partner) – 190\$ per hour

Task	Hourly Rate	Expected Hours	Fees Estimate
Prepare and meet with client, Review GRA materials, take instructions prior to filing IRs; Receipt, review and respond to general correspondence; liaise with PUB and other counsel.	\$190	14 – 20	\$2,660 - \$3,800
Further review of GRA filings; Review other IRs; Prepare, liaise with client, take instructions; Review and finalize IRs	\$190	16 – 24 hours	\$3,040 - \$4,560
Review Answers to IRs, Meet with client, seek further instructions, prepare and attend first hearing day, prepare and make opening statement/submission	\$190	12 – 20 hours	\$2,280 - \$3,800
Further review of GRA materials (reports, transcripts and other relevant and applicable authorities), further meeting with client, seek further instructions, prepare and participate in cross-examination.	\$190	12 – 26 hours	\$2,280 - \$4,940
Further review of GRA materials (reports, transcripts and other relevant and applicable authorities) further meeting with client, seek further instructions, prepare and participate in closing submissions.	\$190	12 – 22 hours	\$2,280 - \$4,180
Miscellaneous: Motion days, longer than expect hearing schedule, delays to hearing schedule, responding to challenges from MPI to BW Bill of Costs.	\$190	8 – 16 hours	\$1,520 - \$3,040
Total Expected Fees		74 – 128 hours	\$14,060 - \$24,320
Disbursements: Photocopies, courier, telephone calls, miscellaneous			\$1,000 - \$2,000
Total Fees and Disbursements exclusive of applicable taxes			\$14, 330 – \$26,320