

MANITOBA PUBLIC UTILITIES BOARD

Re: CENTRA GAS MANITOBA INC.
TRANSPORTATION & STORAGE PORTFOLIO APPLICATION
PRE-HEARING

Before Board Panel:

Monica Girouard - Board Chairman
Regis Gosselin - Board Member

HELD AT:

Public Utilities Board
400, 330 Portage Avenue
Winnipeg, Manitoba
April 11, 2012
Pages 1 to 23



“When You Talk - We Listen!”



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APPEARANCES

Bob Peters) Board Counsel
Brent Czarnecki) Centra Gas
Willy Derksen) (Manitoba) Inc.
Terri Bercier)
Brian Meronek, QC) Consumer's
D. Tomas Masi) Association of
) Canada (Manitoba)
) Inc. (CAC)

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1 --- Upon commencing at 9:32 a.m.

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3 THE CHAIRPERSON: Good morning,
4 everyone. Thank you for attending the pre-hearing
5 conference with respect to Centra Gas' -- Centra Gas
6 Manitoba Inc.'s application to the Public Utilities
7 Board seeking approval of the fixed con -- cost
8 consequences associated with proposed contractual
9 arrangements for natural gas storage and related
10 interstate transportation with the ANR Pipeline company
11 and the Great Lakes Tra -- Gas Transmission Limited
12 Partnership.

13 My name is Monica Girouard, and together
14 with my colleague, Reg Gosselin, who joins me today,
15 and Raymond Lafond and Len Evans, we plan to be the
16 hearing panel for this application.

17 With the recent public announcement of
18 Reg Gosselin being appointed as the new incoming
19 chairman of the Board, I offer my congratulations, and
20 look forward to working with him. Once I finish his
21 training, he'll be ready to go. And -- and also he has
22 asked me to -- to chair this pre-hearing conference
23 while he recovers from eye -- recent eye surgery.

24 I also look forward to working with
25 Raymond Lafond on his return to the City, and who will

1 also be sitting on his first natural gas application.
2 Dr. Evans, who is also currently away from the City,
3 and I will be the veterans on this panel. That said,
4 neither Dr. Evans nor I were on the Board when Centra's
5 current storage and transportation portfolio was
6 entered into some nineteen (19) years ago, with those
7 twenty (20) year storage and transportation contracts
8 set to expire March 31st, 2013.

9 However, both Dr. Evans and I were on
10 the panel that authored Board Order 65/11, following
11 Centra's 2011/'12 cost of gas application. In that
12 proceeding and order, the Board was advised that Centra
13 had initiated a process to investigate alternatives and
14 options for replacing its storage and transportation
15 assets.

16 In Order 65/11 the Board directed
17 changes to Centra's then proposed -- excuse me -- then
18 proposed portfolio review process. It was the Board's
19 stated intention, in Order 65/11, that Centra seek the
20 Board's approval of the gas cost consequences of any
21 proposed arrangements prior to those arrangements being
22 finalized.

23 Those arrangements included a review of
24 the TCPL tolls. The Board also directed Centra to
25 include an oral public hearing relative to the approval

1 sought. That background, and Centra's March 23rd,
2 2012, application for approval of costs stemming from
3 proposed April 1st, 2013, storage and transportation
4 contracts brings us to today's pre-hearing conference.

5 The purpose of this pre-hearing
6 conference are to address any scoping issues the
7 parties may have, to identify which parties seek
8 Intervenor status, and to finalize a timetable for the
9 orderly exchange of information leading up to an oral
10 public hearing. I will ask Board counsel, Mr. Peters,
11 to provide his opening comments and provide us with
12 recommended procedures for addressing the purposes I
13 have set out.

14 Mr. Peters...?

15 MR. BOB PETERS: Thank you and good
16 morning, Board Members Girouard and Gosselin. For the
17 record, my name is Bob Peters, counsel for the Board
18 with respect to this application by Centra. And I'm
19 joined this morning by the Board's accounting advisor,
20 Roger Cathcart, and the Board is also assisted by Mr.
21 Singh and Mr. Simonsen, who -- who are also in the
22 hearing room.

23 I expect I speak for all in attendance
24 in congratulating Mr. Gosselin on his appointment as
25 Chairman of the Public Utilities Board and I also look

1 forward to working with him on these applications.

2 While we heard Ms. Girouard's comments
3 on her not being involved in the regulatory proceedings
4 the last time Centra entered into storage and
5 transportation arrangements some nineteen (19) or
6 twenty (20) years ago, there are at least a couple of
7 people in this room who can't say that. And I'll leave
8 it to the older or oldest counsel to identify himself
9 when it's his turn.

10 But recognizing the duration and the
11 costs, the magnitude of the costs of the storage and
12 transportation contracts entered into by Centra, the
13 Board has directed a process through Order 65/11 that
14 would provide an opportunity for meaningful dialogue
15 and disclosure to stakeholders, to illuminate the
16 various options, along with their benefits and
17 drawbacks.

18 Preceding the March 23rd, 2012,
19 application from Centra that's before the Board, Centra
20 prepared a discussion paper. They held a technical
21 conference in July of 2011 involving stakeholders.
22 Centra was subjected to written information requests in
23 respect of its discussion paper. And there was the
24 opportunity for stakeholders to submit position papers.

25 Now in turning to the matters for which

1 we gathered today, in terms of Intervenors, Centra's
2 application, once filed, resulted in a public notice
3 also being filed in public newspapers, including French
4 language newspapers. Those public notices invited
5 parties seeking Intervenor status to attend today's
6 pre-hearing conference or at least provide information
7 to the Board of their interest.

8 And I'm aware from the written forms
9 submitted that there are four (4) parties seeking
10 Intervenor status. The first is Just Energy Manitoba
11 Limited Partnership. They are represented by Ms.
12 Ruzycki and she has submitted its request to intervene.
13 Just Energy is an active natural gas retailer in
14 Manitoba. And while I don't and didn't expect to see
15 Ms. Ruzycki in the hearing room, Just Energy's
16 application will speak for itself.

17 Shell Energy North America (Canada)
18 Inc., has also submitted a written infor -- Intervenor
19 request form from Mr. Kerr. Shell Energy's Intervenor
20 request indicates that Mr. Kerr will not be present at
21 the pre-hearing conference, but he advises the Board
22 that Shell Energy is a licensed and active broker in
23 Manitoba. Additionally, Shell Energy is involved in
24 trading and marketing natural gas and related services
25 throughout Canada.

1 Thirdly, the Consumer's Association of
2 Canada (Manitoba) Inc., has submitted a request for
3 Intervenor status through its legal counsel Mr.
4 Meronek, who together with Mr. Masi is present in the
5 hearing room. So I'll leave that for him to address.

6 The fourth Intervenor request has come
7 from BP Canada Energy Group ULC. BP Canada is a
8 supplier of natural gas to both T-service, or
9 transportation service, customers and WTS, or Western
10 Transportation Service, customers served by Centra.
11 While BP Canada indicates it currently has no issues
12 with the application by Centra, BP Canada seeks to
13 reserve its right to participate should any additional
14 issues arise.

15 In terms of the timetable, Centra has
16 circulated a draft timetable with proposed dates for
17 various milestones to be met culminating in a one (1)
18 day oral public hearing on June the 14th. I will
19 suggest that both Centra and CAC provide the Board with
20 their suggestions relative to the proposed timetable so
21 the Board can consider any requests in its
22 deliberations in finalizing the timetable.

23 As for scoping issues, and as mentioned
24 by Board member Girouard, this pre-hearing conference
25 is also to allow parties to bring forward scoping

1 issues and bring them to the attention of the Board.
2 And while I'm not aware of any at this time, the Board
3 will hear from Mr. Meronek as to whether his client has
4 any such scoping issues.

5 In terms of recommended process for the
6 remainder of this pre-hearing conference, I would
7 suggest the Board call on Mr. Czarnecki, counsel to
8 Centra, for his opening comments and introductions, if
9 any. And then, following Mr. Czarnecki's opening
10 comments, I suggest Mr. Meronek be called upon for his
11 opening comments on behalf of CAC. And I would suggest
12 to Mr. Meronek that he could address CAC's application
13 to intervene and also provide his clients' positions on
14 the timetable and any scoping issues that may exist.

15 Once Mr. Meronek has made his comments I
16 suggest the last word goes back to Mr. Czarnecki as to
17 whether Centra has any objections to the request for
18 Intervenor status by Just Energy, Shell Energy, BP
19 Canada, and CAC, or whether Mr. Czarnecki has any
20 additional comments on the proposed timetable.

21 So subject to any specific questions the
22 Board may have of me, those conclude my opening
23 comments.

24 THE CHAIRPERSON: Okay, thank you, Mr.
25 Peters. Mr. Czarnecki, please.

1

2 OPENING COMMENTS BY CENTRA:

3

MR. BRENT CZARNECKI: Good morning,
Madam Chair Girouard and member Gosselin. On behalf of
Centra Gas Manitoba and the parent company, Manitoba
Hydro, I would also like to echo the congratulations to
your position and a very warm welcome to the
chairmanship.

9

With me today -- for the record, my
name's Czarnecki, C-Z-A-R-N-E-C-K-I, and first name is
Brent. With me today to my left is Willy Derksen, who
is the manager of regulatory services, and that's a
well-known face to this Board. And behind us is the
mastermind behind all of the application and the
related filings, which is Te -- her name is Terri
Bercier, and she's a regula -- regulatory coordinator
with Centra Gas.

18

One (1) procedural matter, I have this
morning filed the affidavit of service with -- provided
a copy to Mr. Peters. And I would just ask that it be
marked at Exhibit PUB-3 so that it is formally put on
the record for this morning's proceeding. And with
that, that would close my comments.

24

THE CHAIRPERSON: Okay, thank you. We
will mark that as PUB Exhibit 3. Okay. Thank you.

25

1 Mr. Meronek, when you're ready you can go ahead.

2

3 --- EXHIBIT NO. PUB-3: Affidavit of service

4

5 OPENING COMMENTS BY CAC:

6 MR. BRIAN MERONEK: Good morning, Board
7 members. It's been a long time since I've used this.
8 I'm last in line to welcome Mr. Gosselin on behalf of
9 CAC. I hope this will be a pleasant experience and
10 that we won't make you rue the day that you accepted
11 the appointment.

12 We -- I represent CAC along with D.
13 Tomas Masi, M-A-S-I, no relationship to the winery, who
14 is appearing for the first time as well who's going to
15 cut his teeth on these issues at the hearing.

16 Mr. Peters is correct. The bad news is
17 I was one (1) of the people back in the '90s when the
18 first contract was struck. The worst news is I don't
19 remember who the other person in this room is who was
20 there, but he or she can identify themselves.

21 CAC has been a regular and main
22 Intervenor in these proceedings I think since
23 Christopher Columbus came over on -- I think it was the
24 Mayflower, I'm not sure. And we have a vital interest
25 in these proceedings by virtue of the fact that the

1 residential consumers, by and large, for the most part
2 carry the -- carry the load in terms of paying for the
3 -- for the cost of gas. And, of course, we've -- we
4 participated in the first technical conference and made
5 submissions thereafter, so we intend to -- to be
6 active.

7 You will see from the -- from our
8 Intervenor status request form that we will be
9 introducing Mark Stauff as an expert who -- who has
10 historically assisted us and the Board in matters of
11 gas costs, supply, and transportation, and storage.
12 And we expect he will be submitting written evidence in
13 response to this application and appearing at the
14 hearing.

15 In terms of scope, we don't have any
16 outside the box issues that we can think of at this
17 point, although sometimes these hearings turn out to
18 have some surprising twists and turns so I'm not
19 foreclosing that possibility from happening. But we
20 haven't identified anything right now which -- which
21 will -- that hasn't been covered.

22 In terms of the timetable, and before --
23 before we get into that, given the fact that -- I -- I
24 think that only member Girouard has been around for
25 gas, I guess Mr. -- Dr. Evans, to some extent, it would

1 be our fervent hope that this be a thorough vetting.
2 There might have to be some -- a little bit of his --
3 well, quite a bit of history so that there could be a
4 base foundation understanding of what the issues are.

5 And we certainly will not take it for
6 granted that -- that the Board, with no disrespect, is
7 up to speed on -- on all of the issues that
8 historically have -- have been vetted and -- and which
9 may still be of interest to the Board. So we intend to
10 be thorough in our presentation, and in our --
11 certainly in our examination of the issues.

12 The -- the only other thing I would like
13 to say is that normally a budget is set and -- and for
14 approval by the Board. And we will do that at the
15 earliest opportunity but we find it a bit difficult
16 without knowing precisely what the timetable is going
17 to be and how many days the hearing is going to be. So
18 we'd like to get that sorted out first and then we will
19 endeavour to get our budget in shortly thereafter.

20 I'd be prepared to speak to the
21 timetable, if it's opportune.

22 THE CHAIRPERSON: Please, go ahead.

23 MR. BRIAN MERONEK: We looked at it and
24 don't have any major concerns. But as one (1) former
25 chair used to say, flying at 30,000 feet, we -- we

1 think we would like to see it bumped back by about a
2 week in terms of the -- the end date.

3 We would request until April 30th to
4 have our Information Requests in primarily because Mr.
5 Stauff and I are otherwise engaged for part of the
6 time. So we're asking for an extension of four (4) to
7 five (5) days. Centra can speak to whether they want
8 to push their requests back. They still have at least
9 fifteen (15) or sixteen (16) days to respond.

10 We would ask that the Intervenor
11 evidence be put back to May 25, that we receive the
12 Information Requests on our evidence June 1, that we
13 file -- that the -- that we file, or the Intervenor's
14 file, their responses to Information Requests on June
15 8, that Centra files it -- its rebuttal evidence on
16 June 15, and that we start the hearing around June 20.
17 And depending upon how long the hearing is, I guess
18 final argument would follow.

19 I -- I'm not quite certain how many days
20 Centra had anticipated this hearing to be, but in light
21 of my earlier remarks, and in talking to Mr. Peters,
22 I'm thinking we need three (3) to four (4) days of
23 hearing -- of evidence, and then argument. And I'm
24 thinking that -- that I might take a day, at least, on
25 my own, and Mr. Peters can speak to what he intends to

1 do. To some extent, we will walk our expert through
2 his evidence as opposed to just having it tabled. And,
3 so I think that, given that, argument can follow
4 shortly thereafter.

5 It -- it's not a big change, and -- and
6 Centra can better speak to its concerns, but I note
7 that -- that any approval for this contract has to be -
8 - endeavoured to be obtained by August 31, so I don't
9 see any major impediment to having the hearing extend
10 another week or so.

11 And unless there are any questions,
12 those are my remarks.

13 THE CHAIRPERSON: Okay, thank you, Mr.
14 Meronek. I'll turn it back to Mr. Czarnecki to -- for
15 his comments on the Intervenors and the timetable.

16 MR. BRENT CZARNECKI: Sure. Firstly on
17 Intervenors, I'll be very brief. Centra does not
18 object to the granting of the status to any of the four
19 (4) Intervenors that have registered with the Board.

20 With respect to the timetable, I think
21 we are willing to accommodate Mr. Meronek's delay --
22 requested delay of four (4) days to the schedule. And
23 perhaps once we conclude I can work with counsel to
24 finalize that schedule for the Board with Mr. Peters.

25 The one (1) -- the one (1) request we

1 would have, just to ease the -- the burden on Centra to
2 respond, would be that, if it's at all possible, that
3 the Board still submit it's IR responses to Centra --
4 requests on Thursday, April 26, as Mr. Meronek has
5 indicated he would like until the April 30th. That
6 would be helpful for us to get a good head start on
7 this.

8 With respect to the actual hearing days,
9 I just note that we do intend on having a second
10 technical conference next week to hopefully better
11 understand and further the history on this particular
12 topic and the application. So it's our intention,
13 Centra's intention that that will -- our hope is refine
14 the Information Requests that are going to be received
15 as well as the amount of hearing time that is required.
16 Of course, that's our hope, and the world may change
17 differently, depending on what's -- what's ascertained
18 at that particular hearing.

19 Having now known that Mr. Meronek does
20 intend on producing Dr. -- Mr. Stauff as an expert
21 witness, and that he's likely to provide evidence, then
22 certainly we will need additional hearing days, at
23 least one (1) with him, I'm expecting, for Mr. Meronek
24 to walk him through his testimony and for parties to
25 have cross-examination.

1 Mr. -- subject to how long Mr. Peters
2 intends on being with Centra's panel, two (2) days for
3 Centra panel's -- Centra's panel on this matter doesn't
4 seem to be unreasonable, and I don't think we would
5 object to having two (2) days.

6 So that brings me up to three (3)
7 hearing days in total, followed by final argument. If
8 we require an additional morning or afternoon to
9 conclude, we'd be willing to entertain that as well.
10 But our hope would be to keep it to three (3) hearing
11 days.

12 Other than that, those would be Centra's
13 comments.

14 THE CHAIRPERSON: Okay, thank you, Mr.
15 Czarnecki.

16 Mr. Peters, did you have anything else?

17 MR. BOB PETERS: Just a couple of quick
18 comments. I -- I did indicate earlier that I would
19 probably expect to be a full day in cross-examination
20 of Centra's witnesses. And that would also leave then
21 a second day for CAC, who will be actively involved in
22 cross-examining Centra's witnesses.

23 As for Mr. Stauft, I've -- I would speak
24 for a half a day in terms of our timeline after he
25 provides his evidence. So three (3) days, possibly

1 four (4), and I would ask the Board when it goes to
2 look at -- the Board panel members, when they look at
3 their calendar, that they -- they try to find four (4)
4 days that are available in the off chance we need that
5 fourth day.

6 I would just remind the Board that, in
7 terms of final argument, it's an important part of the
8 process, and it's one (1) where this Board has
9 recognized the importance by not, unless the parties
10 want it, having final argument immediately following
11 the close of evidence.

12 The Board often will come back several
13 days later or perhaps even a week later to hear final
14 argument. And in return for that, I think it's fair to
15 say the Board has expectations that the parties will --
16 will assimilate and -- and compile their arguments in a
17 -- in a cogent, meaningful way that will assist the
18 Board at the end of the day. So the Board should again
19 think about when it would be available to hear closing
20 submissions. And I don't believe closing submissions
21 would take more than one (1) day.

22 So with those comments -- I also
23 indicate that, since this is recorded, Mr. Czarnecki
24 will have my -- my promise to -- to get the PUB's
25 Information Request to -- to those who are working on

1 them by Thursday, the 26th, as initially scheduled.

2 One (1) question that has come out in
3 terms of this morning's comments is whether or not
4 Centra plans to have a reporter present to record the
5 technical conference recognizing it may not be under
6 oath, but at least it may provide some evidentiary
7 information. And I'm not sure if the parties have
8 turned their minds to that, but that would be my one
9 (1) and only other question going back to Mr.
10 Czarnecki.

11 MR. BRENT CZARNECKI: Thank you, Mr.
12 Peters. It's Centra's intention, like the last
13 technical conference, to have the proceeding
14 transcribed on a without-prejudice basis because we do
15 want it to be in a less formal setting so that views
16 can be candidly exchanged. But for the purposes of
17 having a record of the actual conversation and for
18 people to glean whatever they may want to after the
19 fact, that would be our intention. But again, it would
20 be on a without-prejudice basis to further that
21 objective.

22 THE CHAIRPERSON: Okay, thank you.

23 MR. BOB PETERS: And I think just so
24 the panel will be clear, as I take from Mr. Czarnecki,
25 the without prejudice comment means that if -- if any

1 person mentions something, a position at the technical
2 conference, that does not mean that is their official
3 position before the Board and tha -- that's not their
4 evidence before the Board. They're just providing that
5 at -- at the time, and maybe it provokes discussion,
6 consideration, debate. And the Board would have to be
7 mindful that it's not to be taken as any evidence. The
8 evidence will be transcribed and under oath.

9 THE CHAIRPERSON: Okay. Thank you for
10 that clar --

11 MR. BOB PETERS: Yeah, those are my
12 comments. Thank you.

13 THE CHAIRPERSON: Okay. Well, thank
14 you for that clarification and your comments. Thank
15 you for your comments. Did you have anything?

16 MR. REGIS GOSSELIN: I did.
17 Christopher Columbus came over on the Nina, the Pinta,
18 and the Santa Maria.

19 MR. BRIAN MERONEK: I knew I was
20 playing with fire with that one. He did come over
21 though, didn't he?

22 THE CHAIRPERSON: Yeah. Okay, so thank
23 you, everyone. The Board will consider the submissions
24 and will issue its procedural order as soon as
25 possible. We stand adjourned.

1 --- Upon adjourning at 9:57 a.m.

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3 Certified correct,

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7 Sean Coleman, Mr.

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