



“When You Talk - We Listen!”



MANITOBA PUBLIC UTILITIES BOARD

Re : MANITOBA HYDRO'S
GENERAL RATE APPLICATION
PRE-HEARING CONFERENCE
FOR 2012/13 AND 2013/14

Before Board Panel:

Regis Gosselin - Board Chairman
Raymond Lafond - Board Member

HELD AT:

Public Utilities Board
400, 330 Portage Avenue
Winnipeg, Manitoba

July 26, 2012

Pages 1 to 79

1 APPEARANCES
2
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4 Anita Southall)
5
6 Patti Ramage (np)) Manitoba Hydro
7 Odette Fernandes)
8
9 Byron Williams) CAC/MSOS
10
11 William Gange (np)) GAC
12 Peter Miller)
13
14 Antoine Hacault) MIPUG
15
16 Michael Anderson) MKO
17
18 Denise Pambrum (np)) City of Winnipeg
19 Markus Buchart)
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1 --- Upon commencing at 9:40 a.m.

2

3 THE CHAIRPERSON: Good morning, ladies
4 and gentlemen. Welcome to the pre-hearing conference
5 with respect to Manitoba Hydro's General Rate
6 Application for rates applicable for fiscal years
7 2012/13 and 2013/14. My name is Regis Gosselin.

8 On April 1, 2012, I was appointed at the
9 new Chair of the Public Utilities Board of Manitoba.
10 In that capacity, I will be chairing this hearing.
11 With me today at this pre-hearing conference is Board
12 member Raymond Lafond.

13 The Board will be assisted in this
14 process by Board secretary and executive director
15 Hollis Singh and Mr. Kurt Simonsen and Board counsel,
16 Anita Southall, together with the Board's accounting
17 advisor, Roger Cathcart, and the Board's engineering
18 advisor, Mr. Larry Buhr.

19 On June 15th, 2012, Manitoba Hydro filed
20 with the Board its General Rate Application and its
21 initial supporting materials for the application. On
22 July 6th, 2012, Manitoba Hydro filed a second volume of
23 materials, followed with additional information on July
24 19th and, finally, on July 23rd, 2012.

25 Manitoba Hydro seeks a number of

1 specific rulings from this Board. In particular,
2 Manitoba Hydro seeks to obtain final approval of a
3 number of existing interim rate orders previously
4 granted by the Board.

5 The utility also seeks an interim rate
6 increase of 2.5 percent on currently billed rates,
7 effective September 1st, 2012, and applicable to all
8 rate classes sufficient to generate additional revenue
9 of approximately \$20 million in the balance of Manitoba
10 Hydro's current 2012/13 fiscal year.

11 Manitoba Hydro seeks to have this
12 September 1st, 2012, interim rate increase and all
13 previous interim rate increases approved as final rates
14 upon the consumers of the electricity supplied. The
15 Board has wide latitude to consider the factors that it
16 determines are relevant to this end, as well as policy
17 considerations in making its rates decisions in the
18 process.

19 The purposes of the pre-hearing
20 conference are to address any scoping issues the
21 parties may have, to identify which parties seek
22 Intervenor status, and to hear their submissions
23 requesting approval for status in this hearing. And,
24 finally, to consider the matters respecting a timetable
25 for the orderly exchange of information leading up to

1 the oral public hearing of information -- pardon me, of
2 -- oral public hearing. Both CAC and Manitoba Hydro
3 have provided updated proposed timetables, and these
4 have been submitted in advance for consideration by all
5 involved.

6 Finally, I wish to note that in respect
7 of Manitoba Hydro's September 1st, 2012, interim rate
8 request, the Board has determined that it will accept
9 and consider written submissions to assist it in making
10 a ruling. Manitoba Hydro filed in its written
11 submission in support of the rate request on July 23rd,
12 2012.

13 The Board invites past Intervenors of
14 record, and who again seek Intervenor status today, to
15 consider filing written submissions regarding the
16 September 1st interim rate relief, such submissions to
17 be filed with the Board by August 8th, 2012. Manitoba
18 Hydro will have an opportunity to reply by August 10th.
19 Thereafter, the Board will make a ruling on the
20 September 1st interim rate issue.

21 I would also like the parties to comment
22 on the merits of holding a separate hearing to consider
23 the issue of the cost of service. We are already
24 dealing with a very tight time frame, and there is some
25 precedent to have a separate hearing to consider this

1 matter.

2 So I'll turn the microphone over to
3 Board counsel, Anita Southall, to provide her opening
4 comments and to address the procedures applicable to
5 our -- to our purposes today.

6

7 OPENING COMMENTS BY BOARD COUNSEL:

8 MS. ANITA SOUTHALL: Thank you very
9 much, Mr. Chairman. Good morning, Mr. Chairman, Board
10 Member Lafond and to all of those present here this
11 morning.

12 For the record, my name is Anita
13 Southall and I am co-counsel, along with Mr. Bob
14 Peters, to the Board in this public hearing process. I
15 will act as counsel today for the Board for this
16 process on the Manitoba Hydro 2012/'13 and 2013/'14
17 General Rate Application.

18 In the conduct of this hearing, the
19 Board has the power to set its process under its own
20 rule of practice and procedure. The Board directed,
21 and Manitoba Hydro published, a notice of the General
22 Rate Application and of this pre-hearing conference.

23 With respect to filings to date, and as
24 noted by the Chairman, after Manitoba Hydro filed its
25 initial GRA materials it subsequently filed further

1 materials in accordance with the dates the Chairman has
2 noted. The Board and CAC identified certain
3 deficiencies and Manitoba Hydro has sought to address
4 those with additional filed material, all of which form
5 part of the record in this GRA proceeding. Manitoba
6 Hydro has also now filed, as noted by the Chairman, its
7 submission respecting its interim rate request for
8 September 1, 2012.

9 The purpose of today's pre-hearing
10 conference, as noted by the Chairman, includes
11 identifying prospective Intervenors and establishing
12 their reasons for intervention. It may also lead to
13 further consideration of opportunities for proposed
14 Intervenors to work cooperatively and avoid duplication
15 of interventions. The Board's procedural order arising
16 out of today's hearing will identify the Intervenors
17 granted status in the public hearing process.

18 We will also consider this morning the
19 proposed timetable filed by Manitoba Hydro, and
20 commented on subsequently by CAC and MIPUG, so far, for
21 the orderly exchange of evidence and information. A
22 final timetable will also be set, as part of the
23 Board's pending procedural order in this matter. The
24 Board welcomes the comments of today's participants on
25 these issues.

1 As I've indicated, one (1) of the
2 purposes of today's hearing is to have prospective
3 Intervenor identify to the Board the reasons for
4 seeking to intervene, this issue also relating to the
5 scope of the proceedings before the Board.

6 There are a number of Intervenor
7 applicants who are seeking Intervenor status, Mr.
8 Chairman, and I will review them for the record.

9 First, we have Consumers Association of
10 Canada, Manitoba Chapter, better known to this Board as
11 CAC, by its acronym, and represented here today by Mr.
12 Byron Williams and his co-counsel Ms. Amanda Gelfant.

13 Next we have Green Action Centre,
14 represented in this proceeding in -- as we go forward
15 by Mr. Bill Gange as counsel. Mr. Gange is not able to
16 appear today as counsel, Board Members, and for today
17 we have Dr. Peter Miller, a representative of Green
18 Action Centre in attendance to speak on behalf of this
19 applicant.

20 Also seeking status is Manitoba
21 Industrial Power Users Group, known to this Board as
22 MIPUG. Counsel and present today is Mr. Antoine
23 Hacault. I note, Mr. Chairman, that the City of
24 Winnipeg is seeking Intervenor status. Ordinarily, Ms.
25 Pambrun would be present to speak to this. Is there

1 counsel present for the city?

2 MR. MARKUS BUCHART: Yes, my name is
3 Markus, M-A-R-K-U-S, Buchart, B-U-C-H-A-R-T, and I'm
4 only here for the purpose of this pre-hearing
5 conference. Ms. Pambrun's on vacation.

6 MS. ANITA SOUTHALL: Thank you, sir.
7 And -- and could I just ask you to -- to say your name
8 one (1) more time for the record?

9 MR. MARKUS BUCHART: Markus Buchart.

10 MS. ANITA SOUTHALL: So, Mr. Buchart,
11 as we proceed the Chairman will call on you for your
12 remarks in respect of your Intervenor application and
13 thank you for introducing yourself for our purposes.

14 Finally, MKO seeks status to intervene
15 in these proceedings. And representing MKO today is
16 Mr. Michael Anderson. All of these applicants are past
17 Intervenors of record in Manitoba Hydro GRA
18 proceedings.

19 At this time I want to take a moment to
20 ensure that there are no other Intervenor applicants
21 present who have not been identified. The Board
22 certainly doesn't know of anyone else who has notified
23 them ahead of time that they wanted to intervene and
24 the Board has not received any further Intervenor
25 applications.

1 But out of an abundance of caution, I'm
2 -- looking around the room I -- I don't identify anyone
3 who's -- Mr. Williams, do you have a comment?

4 MR. BYRON WILLIAMS: Yes, good morning,
5 Mr. Chairman and Board Member Lafond. We received
6 email correspondence from the Southern Chief's
7 Organization this morning, and they had asked me to
8 convey for them the -- the fact that they may wish to
9 participate in this hearing in -- in some form.

10 So that's the extent of what I'm
11 available -- the -- the -- our contact person with the
12 Southern Chiefs I would -- I will convey what happened
13 at the hearing today and certainly advise them to
14 contact the Board and Board -- Board Advisors at -- at
15 their earliest possible moment if they do wish to
16 intervene.

17 MS. ANITA SOUTHALL: Thank you for that
18 information Mr. Williams. Mr. Chairman, there's
19 nothing more we need to do on that subject matter, but
20 it's noted for the record for today.

21 I wish to note that Manitoba Hydro, the
22 GRA applicant in this process, is represented here
23 today by its counsel Ms. Odette Fernandes. And I
24 believe co-counsel, but not making submissions, also
25 present today, is Ms. Patricia Ramage. Joining counsel

1 for Manitoba Hydro are a number of its senior staff
2 representatives, and Ms. Fernandes will make those
3 further introductions when it's her turn for a
4 submission, Mr. Chairman.

5 We will shortly turn to these
6 participants for their comments and submissions.
7 Before we do that I remind Intervenor applicants who
8 are seeking an award of costs that the Board's Rules of
9 Procedures respecting costs, set out a fourfold test
10 that must be met for the Board to consider awarding
11 costs.

12 These include that the Intervenor must
13 make a significant contribution that is relevant to the
14 proceedings and that they are found to have contributed
15 to a better understanding by all parties of the issues
16 before the Board.

17 In addition, they have to participate in
18 the hearing in a responsible manner and cooperate with
19 other Intervenors who have common objectives in the
20 outcome of the proceedings in order to avoid
21 duplication of intervention.

22 Further, they must be found to have
23 insufficient financial resources to present their case
24 adequately without an award of costs.

25 Finally, the Intervenor must have a

1 substantial interest in the outcome of the proceedings
2 or represent a substantial number of persons or members
3 who will be impacted by the order.

4 As for our proceedings today, Mr.
5 Chairman, I suggest that it would be appropriate to
6 first call on the Intervenor representatives to provide
7 their submissions on the matters mentioned, including
8 issues of scope, their request for Intervenor status,
9 and the timetable proposed. After hearing from all
10 prospective Intervenors it would be appropriate to hear
11 from Manitoba Hydro as to whether there is any
12 opposition to the Intervenor status that's been
13 requested, along with any further reply matters arising
14 from the submissions.

15 In accordance with the plan, please
16 note, counsel and representatives, we'll first hear
17 from Mr. Williams for CAC, then from Dr. Miller on
18 behalf of Green Action Centre. We'll then hear from
19 MIPUG and Mr. Hacault on their behalf.

20 Then we'll hear from Mr. Buchart, for
21 the City of Winnipeg. I po -- I hope, sir, I've
22 pronounced your name properly. And finally, the Board
23 will hear from MKO and Mr. Anderson on their behalf.
24 Reply submissions will then be received from Ms.
25 Fernandes, for Manitoba Hydro.

1 Mr. Chairman, I suggest that you now
2 canvass the parties here today for their introductions
3 and their submissions on intervention and process.
4 And, of course, if I can be of further assistance to
5 the Board, please feel free to call on me. Thank you.

6 THE CHAIRPERSON: Thank you. Thank
7 you, Ms. Southall. I will now ask Mr. Williams, on
8 behalf of CAC, to make submissions. Mr. Williams?

9

10 OPENING COMMENTS BY CAC:

11 MR. BYRON WILLIAMS: Yes, and thank
12 you, Mr. Chairman. The -- we did file electronically
13 an outline of our application form. Does -- does the
14 Board have that? We'll start with the last question
15 asked by the Board in terms of our clients' views in
16 terms of whether the hearing might proceed more
17 efficiently if the cost of service aspect of the
18 hearing was -- was hived -- hived -- hived off and done
19 at a subsequent time.

20 And from our clients' perspective, they
21 would certainly be supportive of -- of that approach.
22 They think that there's quite a bit on the Board's
23 plate as it is, and especially a board that hasn't had
24 a lot of Hydro material before it historically so that
25 it -- and especially to do justice to cost of service,

1 it might be appropriate to -- to do it at a -- at a
2 different time. And that may -- might relieve some of
3 the -- the time pressures on all parties.

4 So I don't think our clients would be
5 opposed to that. We have -- obviously have not had a
6 chance to confirm this with our clients, but that
7 certainly would be my sense of our -- our clients'
8 position. If there's any other advice our clients
9 have, we would provide that in writing after the
10 hearing.

11 In terms of the proposed scope of our
12 clients' intervention, that's found on item number 8,
13 in terms of the reasons for -- for the intervention.
14 And obviously our clients seek to represent the
15 interests of residential ratepayers in Manitoba who
16 appear to be looking at almost a decade of very
17 significant rate increases from Manitoba Hydro. So
18 certainly the -- the fairness and the impacts of these
19 rate increases on residential ratepayers will be
20 foremost in our clients' mind.

21 They have set out in the first
22 paragraph, they will not go through it, but roughly the
23 broad outline of what they consider to be the
24 appropriate legal considerations the Board may wish to
25 have in setting just and reasonable rates.

1 Obviously it's open to the Board and the
2 public interest to look at other policy considerations,
3 but that first paragraph merely outlines our clients'
4 sense of kind of the -- the five (5) ticks that have to
5 be made in terms of whether the -- the rate proposed is
6 just and reasonable, dealing with whether the forecasts
7 are reasonable and reliable, projected costs are
8 necessary and prudent, et cetera.

9 Forecasting was a big issue in the last
10 General Rate Application, especially as it related to
11 export forecasts, load forecasts, and other matters.
12 And in our clients' view, they would expect it to be a
13 very significant issue in this hearing as well.

14 Certainly they will look with great
15 interest at Manitoba Hydro's load forecast. And they
16 also have some initial concern with what appears to be
17 perhaps over-optimistic projections, in terms of the
18 state of the American economy. Do we really expect the
19 American GDP next year to be over 3 percent?

20 Also our clients, again, although to a
21 much lesser degree than other hearings, will look at
22 the Corporation's forecasts, in terms of interest
23 forecasts. Our clients feel that they made significant
24 process in -- in the last hearing in -- progress,
25 excuse me, in terms of mitigating the -- the rate of

1 those increases, and they -- but they do want to take a
2 -- kick on the tires on that as well.

3 In terms of the prudence of expenditures
4 of particular concern to our client, as it generally
5 is, is with OM&A, which is traditionally considered to
6 be the most controllable of expenditures. And, again,
7 a very quick glance even after allowing for IFRS,
8 suggests that there are very substantial OM&A
9 expenditures.

10 And those are of grave concern to our
11 client, if that is indeed the case, especially given
12 the -- the caution that the Board expressed in its last
13 Board order 5/'12 in terms of the rate of increase of
14 costs of the Corporation.

15 An interest that our clients share with
16 many other parties in this room, including Manitoba
17 Hydro, is energy efficiency. And our clients felt that
18 that was an area that was under-examined in the last
19 General Rate Application. They are looking to -- to
20 play a more prominent role in this hearing. And
21 they're looking -- they're hoping to do so. We haven't
22 dotted all the Ts and -- and -- or dotted all the Is
23 and crossed all the Ts, but they're hoping to do so in
24 a -- a more cooperative fashion with some of the
25 parties.

1 While other parties may disagree with
2 CAC on certain positions, on energy efficiency there's
3 some hope that at least a common witness may be
4 presented, which our clients think would be of benefit
5 to the Board. If that indeed is possible, may reduce
6 duplication, but also provide some insight. And
7 there'll be some discussion amongst the parties as --
8 as to whether we can actually bring that -- that off.

9 Looking at the overall health of the
10 Corporation and -- and the risk faced by ratepayers,
11 our clients note with concern, if you compare the
12 expert forecasts out to 2029 -- expert revenue
13 forecasts, between IFF09 and 11-2, there appears to be
14 a difference of well in excess of \$6 billion in reduced
15 forecasts.

16 And, again, our clients are concerned
17 that even that may be understating the case if Manitoba
18 Hydro's projections for the US economy are overly
19 optimistic. So that is of grave concern to our client,
20 not just for today, but what it means for ratepayers
21 over the next decade. And certainly, if costs of
22 service comes up, our clients will keep an eye on it
23 with regard to certain issues.

24 Moving to item number 9, our clients
25 certainly intend to appear throughout the hearing to

1 test the evidence and to present final argument. They
2 haven't made a decision at this date yet, whether or
3 not they will be calling expert evidence -- expert
4 evidence, but it is quite possible that they will.

5 They hope to bring a -- a joint witness
6 on energy efficiency, and it is quite possible that
7 they may be bringing evidence related to OM&A, growth,
8 and also hydro forecasting. That's still a -- a matter
9 of some debate.

10 We've flagged potential witnesses.
11 We're not sure that we will be -- bring any of them, or
12 even if we would bring all three (3). Actually, all of
13 them are known to the Board and have been qualified as
14 witnesses before this Board in the past.

15 For the first time in -- in my memory,
16 Mr. Chairman and Board Member Lafond, CAC has not been
17 able to present a -- a budget for today. And we
18 apologize for that. It's the -- the function of
19 holidays and also the function of trying to figure out
20 exactly what we're doing with other parties on energy
21 efficiency.

22 One (1) of our key witnesses is just
23 returning to Canada, either in the next day or within
24 the next week. We are still checking on that. And,
25 before we can present a -- an overall budget, we need

1 to -- to look at his -- his information. Our plan is
2 to provide that for late next -- next week.

3 We would certainly anticipate that in --
4 in the last hearing, lasting forty-two (42) days, we
5 submitted a very substantial budget. Our client's
6 expectation is this hearing would be -- come in the
7 range of fifteen (15) to twenty (20) days. And
8 mathematically, we would certainly expect to be coming
9 in with a budget proportionate to the length of the
10 hearing.

11 Just a few additional comments which
12 appear under item 11 in our notes. The Board Chairman
13 will be aware of this from the MPI hearing. CAC
14 traditionally had a partner in proceedings, known as
15 the Manitoba Society of Seniors. MSOS is -- is no
16 more. So CAC's participation in this hearing, it will
17 be CAC principles and CAC final views. But they will be
18 informed by an advisory committee, again, representing
19 hopefully seniors organizations, low-income
20 organizations, environmental groups, to give CAC a
21 broader perspective on the hearing. And certainly they
22 will -- they certainly expect to at least use one (1)
23 focus group in -- in order to enhance their sense of
24 consumer -- consumer perspectives.

25 I've already talked about the

1 possibility of minimizing duplication on energy
2 efficiency. I should note as well that our clients
3 have had some discussions with the Manitoba Industrial
4 Power Users Group in terms of areas of common interest
5 and areas of focus, in terms of evidence.

6 And certainly, as we do in all
7 proceedings, our clients will be mindful of where their
8 gifted friends from MIPUG will be placing focus. And
9 in those particular areas we may play less -- pay less
10 focus.

11 And just as one (1) example of that, Mr.
12 Chairman, ongoing capital expenditures have often been
13 a significant emphasis of MIPUG. OM&A has often been a
14 significant emphasis of CAC. Historically we've kind
15 of divvied up those areas to -- to minimize
16 duplication.

17 Subject to any comments that --
18 questions from the Board, that's our clients' comments,
19 apart from the schedule. We have made our views clear
20 on the schedule, I believe, in -- in our comment to the
21 Board filed yesterday morning.

22 Generally, the schedule proposed by
23 Manitoba Hydro is -- is acceptable from our clients'
24 perspective. We did note that the first round of
25 information requests, we may have trouble filing all of

1 our information requests on the 9th given both the
2 Bipole 3 deadline and the fact that one (1) of our key
3 -- key analysts in both proceedings is not back in the
4 country yet.

5 The substantive change we propose to
6 Manitoba Hydro's schedule goes down to near the bottom
7 third of the agenda. Hydro had proposed that all
8 parties be in receipt of Intervenor evidence by Friday,
9 October 26th. And our clients -- it's always hard to
10 say, but our clients are of the view that that might
11 have left a bit too little time between the receipt of
12 second-round information requests and the filing of --
13 of Intervenor evidence.

14 So what our clients have suggested --
15 and certainly it wasn't their idea, I think it came
16 from their friends from MIPUG -- that the -- that the -
17 - the Inter -- receipt of Intervenor evidence be
18 delayed to November 2nd, still providing Manitoba Hydro
19 with a week to pose information requests, thereby
20 moving that date to November the 9th, but leaving the
21 date for Intervenors to file responses to information
22 requests to November 16th.

23 Certainly, in our clients' experience,
24 they're not flooded with Intervenor information
25 requests. And they've certainly been able to respond

1 within a week in prior experience. So they didn't want
2 to disrupt the overall schedule. They thought it could
3 be tweaked to provide a bit more time for the filing of
4 evidence but not disrupt the schedule. So that -- that
5 really is the thrust of that -- that motion or that --
6 that suggestion.

7 Thank you very much for your patience
8 this morning. Subject to any questions, those are our
9 comments.

10 THE CHAIRPERSON: Mr. Williams, can you
11 give us a bit more information about the approach
12 you're proposing with respect to focus groups? You
13 indicated that you were going to use the focus group
14 concept.

15 MR. BYRON WILLIAMS: Yes, and thank
16 you, Mr. Chair. It -- it'll be -- we -- we've started
17 doing this for our clients over the past two (2) or
18 three (3) years. Especially, there's been two (2) --
19 two (2) parts to this development, so I'll -- I'll
20 divide it into advisory groups and then focus groups.

21 Because it was formally part of a
22 coalition, CAC/Manitoba felt it was -- had different
23 perspectives brought into its intervention by virtue of
24 the coalition. What it's chosen to do is, a) form an
25 advisory group which will be, again, made of selected

1 members of the community, from low-income groups, maybe
2 food banks, those providing services to low-income
3 persons, organizations dealing with seniors,
4 organizations who have expressed a concern on
5 environmental ba -- matters.

6 And CAC, through their legal counsel,
7 would provide briefing on issues of significance in the
8 -- in the hearing and seek feedback from these groups
9 on -- on their perspectives. Generally our clients'
10 experience is that there's been lots of volunteers to
11 provide feedback, and it -- it enriches the debate
12 within the -- within the organization.

13 We first did that in the Hydro hearing
14 in terms of low-income bill discounts. So that's one
15 (1) part, to get the input of community organizations
16 so that CAC can have confidence that it's -- at -- at
17 least it's hearing different perspectives in developing
18 its positions.

19 Secondly, hearing from real live
20 consumers. CAC traditionally would operate one (1) or
21 two (2) focus groups. One (1) would be focussed on
22 low-income consumers who may have needs very different
23 from the -- the broader spectrum of consumers and then
24 one (1) kind of a -- a more heterogeneous group of
25 consumers.

1 And CAC would identify two (2) or three
2 (3) matters of significant concerns. Focus groups
3 generally take three (3) -- three (3) hours or so. And
4 they found it very helpful in developing their position
5 and also in terms of speaking in a language that --
6 that consumers can understand.

7 So that's generally what CAC has done.
8 We've experimented it -- with it, on their behalf, off
9 and on for the last two (2) or three (3) years and --
10 and we're confident that it's -- it's a -- a very
11 welcome addition to their ability to develop their
12 positions.

13 THE CHAIRPERSON: Thank you. I
14 believe I need to call on Dr. Miller to speak on behalf
15 of the Green Action Centre.

16

17 OPENING COMMENTS BY GAC:

18 DR. PETER MILLER: Hello and welcome in
19 your new role here, both of you. We've intervened for,
20 I think, approaching a decade, but under different
21 names. Resource Conservation Manitoba was the former
22 name of what is now Green Action Centre. We just went
23 through a rebranding.

24 We used to work with TREE, Time to
25 Respect Earth's Ecosystems, but like the MSOS they've

1 wound down. And so it's just Green Action Centre at
2 this point intervening in -- in this hearing.

3 We've approached issues from the
4 standpoint primarily of sustainability coupled with
5 justice, and justice has a variety of senses to it.
6 There's the social justice of making sure that every
7 citizen has the certain basic benefits from society.
8 And then there are things like people paying their fair
9 share of the bill and that sort of thing.

10 The issues that we've identified are
11 basically ones that we have pursued in the last and
12 previous hearings, and I -- a lot of them have been
13 adopted in principle by the Boar -- the Public
14 Utilities Board and by Manitoba Hydro, such as price
15 signals in the rates and so on.

16 But there seem to be certain obstacles
17 to following through. In the last instance, the
18 inverted rates, or inclined rates, which would pre --
19 present more of a price signal were eliminated because
20 there was not an accommodation for electric heat
21 customers. And in a decade of growing rates the burden
22 would fall disproportionately on electric heat
23 customers, and we've proposed solutions to that, but
24 we'll -- we'll see what Manitoba Hydro comes up with as
25 -- as their own solution.

1 We've also contributed to cost of
2 service. And on that question -- when you posed it
3 this morning that's the first I heard about the -- the
4 possibility of excising that and dealing with it
5 separately. And I -- I think we won't come down on
6 either side of that. We are well-prepared and have
7 made significant contributions, I think, to the
8 analysis of what a cost of service should be and we're
9 eager to get into the new proposals.

10 I haven't reviewed them myself, but if
11 considerations of -- of what you have time for and --
12 and the -- the proper allocation of -- of effort in --
13 in the hearing favours separation, I'll leave that to
14 your judgment.

15 As the, I think it was Order 5/12, the
16 previous -- from the previous hearing, noted a real
17 dilemma when it comes to revenue requirements in that
18 the PUB has no jurisdiction over capital expenditures,
19 and yet those are the main drivers of increases that
20 are proposed for the next decade. And that might be
21 okay if there were another process which had approved
22 them in some fashion, but there hasn't been.

23 So there is a -- a real dilemma there as
24 to whether the -- the revenue is sufficient to support
25 the preparation for major capital ex -- further major

1 capital expenditures should be in the revenue
2 requirement and -- and that the past Board sent a -- a
3 rather sharp signal that, well, you know, these
4 expenses haven't been justified before us or before
5 anyone else. And -- and we're not -- and we have our
6 own skepticism. We're not prepared to -- to go there.

7 So that's certainly an issue that we're
8 interested in. In the meantime, we have to deal with
9 the -- the ongoing needs of Hydro, and we'll try to
10 address that.

11 We presented a brief on low-income
12 affordability programs. The Order 5/12 said, well,
13 parties need to get together and find out what a proper
14 working role for Manitoba Hydro is and get more
15 information. And so we'll just be asking: Is there
16 any process in place for that to occur?

17 Four (4) years ago, the PUB ordered a
18 report on the environmental and economic implications
19 of fuel switching. That is going from, say, gas heat
20 to electric heat, or gas water heat to -- to electric
21 water heat, or to ground source hea -- heat pumps.
22 What are the overall implications? And although Hydro
23 has completed a -- a study, it still has not been
24 released. And in the response to directives, they say
25 they're still working on it and give no date for

1 release.

2 The original prescribed date was three
3 (3) years ago, in 2009. And, you know, we -- we just
4 feel that -- that -- I can't express the degree of --
5 of disappointment or outrage at letting this go three
6 (3) years.

7 Admittedly, there might be some
8 controversy and there can be questions about how you
9 calculate these things. But the way to get into that
10 is to have the first draft released and have people
11 raise questions about it, and specify further research
12 if -- if that's needed or to formulate policies that
13 are responsive to the best information that you have.
14 And you can't do that with -- withholding that report
15 for three (3) years. So I'm -- I'm hoping we'll see it
16 any day now, and we'll have some comments on it.

17 And then, as Mr. Williams has said, we
18 too are very much interested in Power Smart, and we
19 have approached them about working together on this.
20 And we hope to conclude those discussions very soon.

21 One (1) problem is -- with the timetable
22 is that information on rate structures for next April
23 1st will not be released until after the Round 1
24 interrogatories. A solution that I propose to that is
25 something that Hydro is doing with the general service

1 -- the large general service rates. They're holding a
2 workshop. It's an informal thing. It -- it doesn't --
3 it's not binding in any way. But it reveals the
4 thinking and some of the implications of the thinking
5 and allows an opportunity for con -- comment by
6 interested parties. And they extended an invitation
7 for that for sometime in August.

8 We think it would be good idea to do --
9 do that with the residential rate proposal too and have
10 that kind of preliminary discussion. And that might
11 stand in place of Round 1 questions.

12 We -- you'd have a par -- an opportunity
13 to hear what their thinking is, to respond to that
14 thinking, to ask questions about it. And -- and that
15 would be, I -- I think, an excellent substitute for the
16 Round 1 questions.

17 Generally, our organization has favoured
18 workshopped approaches to things. In this environment,
19 you get a lot of information out, but it's a -- it's a
20 very formal exchange. And often you can make a lot
21 more progress in a lot less time if -- if -- in a -- in
22 a workshop situation where you can discuss the concerns
23 and -- and get the replies and so on. So as a general
24 procedural matter, Green Action Centre has regularly
25 favoured that kind of approach to issues.

1 The rest -- as for the rest of the
2 timetable, we -- we find it quite acceptable,
3 especially as amended. I think the amendment is a
4 favourable one (1). It gives another week for the
5 preparation of Intervenor evidence, so we favour that.

6 Thank you. That's my remarks.

7 THE CHAIRPERSON: Just for my sake, Dr.
8 Miller, could you clarify the -- the proposed timing
9 for the workshop? What would -- when would you see
10 that workshop occurring, based on the schedule before
11 us?

12 DR. PETER MILLER: Well, it would be in
13 August sometime. I'm not sure when -- when the date of
14 the other one is, mid-August perhaps. I -- I think
15 they -- they're -- they're looking at dates in the
16 middle of -- of August. So a similar time frame would
17 be great.

18

19 (BRIEF PAUSE)

20

21 DR. PETER MILLER: In other words,
22 before the 31st date for filing the rate schedules.

23

24 (BRIEF PAUSE)

25

1 THE CHAIRPERSON: Thank you very much,
2 Dr. Miller. I now call upon Messr. Hacault on behalf
3 of MIPUG.

4

5 OPENING COMMENTS BY MIPUG:

6 MR. ANTOINE HACAULT: Bonjour, Mr.
7 President, member Lafond, Board staff, Manitoba Hydro
8 representatives, and representatives of prospective
9 Intervenors. We represent Manitoba Power Industrial
10 Users Group. And I'll refer to that group as MIPUG.

11 With respect to the issues raised, I
12 will deal with them in order. But first, if I might
13 provide a little bit of background as to who Manitoba
14 Power Industrial Users Group is to provide further
15 information that's not contained in the Intervenor
16 request form.

17 That group was formed in the late '80s
18 to address matters of unique importance to industrial
19 users of electricity in Manitoba. And this relates to
20 rates and Manitoba Hydro's approach to managing risk
21 and its development plans.

22 MIPUG has participated as an Intervenor
23 in these hearings since 1988. I see that the
24 Intervenor request form was distributed. It does not
25 have very detailed information, so I'll provide more

1 detail in my submission this morning.

2 Overall, continuing on an explainy --
3 explain -- explaining who MIPUG is, the -- these
4 industrial con -- customers consume over 5,000 gigawatt
5 hours of electricity at a cost of well over \$200
6 million annually. This represents over 23 percent of
7 the energy sold by Manitoba Hydro to its domestic
8 customers.

9 The Association's key concerns with
10 respect to electricity costs are, firstly, the
11 stability and predictability of rates; secondly,
12 ongoing transport regulation of Manitoba Hydro rates
13 and major capital spending; and last, ensuring rates
14 for all customer classes reflect the fair cost to serve
15 the class.

16 Quickly, the MIPUG members are Vale in
17 Thompson, Tolko Industries in The Pas, HudBay Mining in
18 Flin Flon, Canexus in Brandon, Koch Fertilizer in
19 Brandon, Gerdau Steel in Selkirk, Erco in Virden,
20 Amstead Rail in Winnipeg, Enbridge Properties in
21 Southwestern Manitoba, and TransCanada Pipelines -- or
22 -- or Keystone Pipeline.

23 They generate about forty-three hundred
24 (4,300) full-time jobs and thirteen hundred (1,300)
25 contract jobs, mostly outside Winnipeg. And the

1 average salary to the employees are about double -- double
2 the average rate in Manitoba. So the Manitoba salary
3 was in the range of forty-two thousand (42,000) and the
4 average salary for their employees is ninety-one
5 thousand (91,000). The combined sales of Manitoba --
6 or the MIPUG companies are almost \$2.6 billion. And
7 about 90 percent of the products they produce are sold
8 outside the province.

9 I had a little piece here with respect
10 to the historical facts on cost of service. And the
11 issue that the Chair has raised this morning is whether
12 we should have that analysis. The previous analysis
13 showed for some time based on a study that was done, I
14 think, about seven (7) years ago, that industrial
15 customers over 100 kv were contributing more than 12
16 percent above the cost to serve them. I know that new
17 study has different numbers.

18 Now the whole cost of service issue is
19 directly tied into rates and the fairness of rates.
20 And the first question I have, I guess to all those
21 present, is if we're going to deal with this
22 subsequently and not part of this GRA, do we rely then
23 on the old cost -- cost of service study to base our
24 rates and only after a thorough review of the new cost
25 of service study decide whether or not we need to make

1 some adjustments.

2 Cost of service is pretty critical to
3 the setting of rates, I think for the reason I've
4 indicated, because of the stepped analysis, has usually
5 been reviewed in one (1) hearing since the late '80s,
6 with the exception of about -- I think it was in 2005.
7 I may be wrong on my dates again.

8 And one (1) of the issues that I again
9 question is there is probably some overlap -- not
10 probably, I anticipate there would be some overlap in -
11 - in the two (2) analyses. You'd hear some of the same
12 evidence and you'd have to review it -- and MIPUG, as
13 the Chair may know, is always paying its own way and
14 has expressed concerns -- is going to express concern
15 again about making sure the rate reviews are efficient
16 and cost-effective. So that we see issues of cost
17 effectiveness and efficiency if you start to split the
18 cost of service analysis into a separate hearing and
19 how do you fit that into deciding what's a fair rate.

20 Specifically, the Board in the past has
21 raised a ninety-five (95) to one-o-five (105) range as
22 being a reason -- you know, reasonableness, based on
23 the previous analysis. As I indicated, some of the
24 customer groups, and it's not only industrial, are
25 outside that range. And now we've got a new class of

1 service study which we will have to test. But how do
2 we deal with rates today if we're segregating that
3 later?

4 It appears, based on the schedule, that
5 we should have enough time to complete it all in one
6 (1) hearing. We're starting the hearing on December 3.
7 The rates being asked for have an April 1 in 2013. Of
8 course, then, if some scheduling issues cause us to
9 think that we can't complete it in one (1) hearing, it
10 might be reason to revisit separating the issues.

11 We may have additional comments if the
12 Board is prepared to receive it in -- in writing,
13 because we did not get instructions from our client and
14 did not have -- I didn't have time to fully reflect on
15 this issue. And if the Board is open to that, we might
16 provide some additional written comments in the next
17 four (4) or five (5) business days.

18 MS. ANITA SOUTHALL: Certainly, Mr.
19 Chairman, given that the Intervenor applicants have
20 only had this issue raised with them this morning, it
21 would certainly be appropriate, if you choose to -- to
22 allow further written comments within a -- a li -- I
23 would say quite a limited time frame.

24 THE CHAIRPERSON: Okay. We're
25 agreeable to that, Mr. Hacault.

1 MR. ANTOINE HACAULT: Okay. Thank you.
2 This brings me now to the next subject, which is
3 scoping issue. On the scoping issue we, together with
4 other parties, have raised short-term and long-term
5 financial forecasts in Manitoba Hydro's cost control
6 efforts.

7 The subject which I've immediately
8 spoken about, the cost of service study and the cost
9 allocation, there seems to be a pretty significant
10 change in -- in the allocation based on this new study.
11 So we need to better understand what's driving those
12 conclusions and to properly test that.

13 There's also new time of use rates which
14 are being proposed. We may have to look at that in
15 closer detail. And there's also another rate design
16 issue, it's the curtailable rate programs and the
17 changes.

18 With respect to other specific topics
19 that we've been able to glean from the material -- and
20 this discussion started in the last hearing -- IFRS
21 requirements, and particularly how demand side
22 management and Power Smart are being dealt with by
23 those accounting changes.

24 In the last hearing, we also had some
25 discussion about the future of reserves, the level of

1 reserves, and the debt equity. With the new forecasts
2 and what's happening there, we believe some analysis of
3 that is required.

4 And there is also online now the new
5 power station, Wuskwatim. And there's been allocation
6 and treatment of those costs which are new, which we
7 believe need to be looked at. How are those being
8 treated?

9 So MIPUG looks forward to better
10 understanding the Rate Application. Some of the
11 material, as the Chairman noted, has been sent fairly
12 recently and we haven't had the time to fully digest
13 it.

14 If there are other significant issues
15 which we would like to draw the attention to this
16 Board, we would propose to inform people in writing.
17 But at this point these are the items that we've
18 identified.

19 We have not made a determination as to
20 whether evidence will be filed. That's explained in
21 the application. In the event it does, the evidence
22 will likely be par -- be prepared by InterGroup
23 Consultants, and it would likely be Mr. Patrick Bowman,
24 who is seated to my right, who would be the expert
25 witness. I also have from InterGroup today Mrs. Karen

1 Senyk -- Heather, sorry, sitting in the back.

2 As in the past -- and you've heard Mr.
3 Williams make some reference to it, Intervenors have
4 discussions. And we will cooperate with other
5 Intervenors in order to ensure that duplication is
6 avoided to the extent possible, and then information
7 gathering and exchanges coordinated.

8 The next subject is scheduling. You've
9 heard the suggestion that was made by us, and also
10 referenced by Mr. Williams, as basically on the draft
11 timetable we delete February -- October 26, replace
12 that with November 2. And then next line, where it
13 said "November 2," we delete the reference to 2 and
14 make it November 9, so it doesn't change the overall
15 scheduling.

16 MIPUG has a strong and growing interest
17 in regulatory efficiency and keeping hearing costs
18 down. On behalf of MIPUG, I convey to this Board its
19 concern about the length of rate review hearings. We
20 believe that there are ways to make the hearing process
21 more efficient and cost-effective. Many of these
22 approaches may be long-term options that likely cannot
23 be adopted in the present GRA. But there may be ways
24 that they could be adopted to keep the GRA on line with
25 respect to specific topics, and on schedule.

1 And we would be pleased to meet -- and
2 we would suggest this might be the appropriate way to
3 do it, to meet with the Board, its advisors,
4 representatives of the Intervenors and of Hydro to
5 discuss and further consider how further efficiencies
6 in the hearing process could be achieved.

7 Thank you very much.

8 THE CHAIRPERSON: Merci, Mr. Hacault.
9 We will now hear from Mr. Anderson on behalf of MKO.

10

11 OPENING COMMENTS BY MKO:

12 MR. MICHAEL ANDERSON: Merci beaucoup.
13 Bonjour, Mr. -- Mr. President, Mr. Chair, members of
14 the Board, Manitoba Hydro and the Intervenors. It's a
15 pleasure to be here before the Board. It's been some
16 time since I've sat behind a microphone here, and
17 there's a -- it's a comfort to be back in this room
18 with my colleagues on this important matter.

19 The Manitoba Keewatinowi Okimakanak Inc.
20 represents the thirty (30) northernmost First Nations
21 in Manitoba and sixty-five thousand (6,500) Treaty
22 First Nation citizens who have entered into Treaties
23 number 5 -- 4, 5, 6 and 10.

24 Geographically, the MKO region spends
25 approximately three quarters of the present-day

1 political boundary of Manitoba, from about the Duck
2 Mountains to the Nunavut boundary, and then from the
3 Nunavut boundary along the coast into the Island Lake
4 region. So everything north of that is part of the MKO
5 territory.

6 MKO First Nations are all customers of
7 Manitoba Hydro, as are the citizens of the MKO First
8 Nations. And MKO's interests in the proceeding are
9 important that -- to recognize that we also are
10 representing general service customers, being the ben -
11 - First Nation governments and other facilities in the
12 communities, as well as First Nation citizens who are
13 paying residential bills.

14 So as a result, we have a keen interest
15 in the scope of the matters before the Board in this
16 proceeding. And I have some comments to make about the
17 cost of service proceeding we have been discussing.
18 But we're also -- the full scope of the level of the
19 rates, the cost of service, the rate design, the
20 allocation of costs between classes, customers and so
21 forth. We're extremely interested in -- in all the
22 matters before the Board.

23 Subject to check, I think MKO has
24 participated in proceedings before this Board since
25 1989, certainly since 1992. We have participated in

1 cost of service proceedings, diesel rate proceedings,
2 general rate applications, and so forth.

3 I also, at one point, appeared as a
4 witness before this Board on energy conservation and
5 demand-side management matters in a much earlier
6 proceeding. So we're quite familiar with the
7 proceedings of the Board. And even though we may not
8 be present, we have, with the kindness and
9 consideration of the Board, always received all
10 materials, and we review them.

11 We, in fact, had to construct a special
12 space in my office to store all of my paper copies of
13 all of our Manitoba Hydro proceedings. Having said
14 that, we also encouraged at one (1) point, and
15 appreciate, that we now have electronic filings and
16 that all of these documents are similarly available on
17 Manitoba Hydro's website. We thank Manitoba Hydro for
18 doing that and for the Board's support. The Board will
19 notice I always bring my trusty laptop so I can access
20 all of the documents online without having to bring
21 them here, as well.

22 We don't have it yet, but we always
23 appreciate Board counsel's book of documents and those
24 -- that have others. In terms of efficiency of
25 proceedings, that one (1) element of the proceeding has

1 been particularly helpful, where each par -- each
2 participant identifies those materials that are of
3 greatest relevance and interest to them and circulates
4 them to parties as a document. That's been very
5 helpful. I know Mr. Williams does that, everyone has
6 done that.

7 And so we encourage everyone to continue
8 along that line of making the proceedings as efficient
9 and effective as possible, and also to have the
10 information as widely available as possible.

11 Our interests in this are set out in our
12 Intervenor Request Form, Appendix I. Does the Board
13 have copies of the materials that we had circulated
14 yesterday? Thank you.

15 In general, there's the -- the broader
16 picture of examining and testing matters driving the
17 financial forecast and reflected in the amount of the
18 hydro revenue requirement. Mr. Williams has talked a
19 bit, and so has MIPUG, of changes in those forecasts
20 and, certainly, in the significant changes in long-term
21 forecast revenue.

22 That, of course, then speaks to all
23 corporate operation's ability to raise capital, proceed
24 with projects, and all of the things that flow from
25 that. It creates a level of risk that we're interested

1 in, in terms of changes in revenue.

2 And an interesting element, in our view,
3 is the relationship between revenues and variability in
4 reservoir operations. The Board may recall in
5 reviewing transcripts of earlier proceedings, that MKO
6 has taken a very keen interest in the relationship
7 between operations and reservoir levels in terms of the
8 impact that it has on our citizens.

9 An important element of MKO's interest
10 in the proceedings is that Manitoba Hydro and our
11 citizens and our Nations have a very intimate
12 relationship with Manitoba Hydro, initiating in that
13 most of the large-scale developed waterway is within
14 the MKO region: The Churchill River system, the Nelson
15 River system, the Burntwood River system, the
16 diversions, the transmission li -- large scale 500 kV
17 and -- and 230 -- 130 AKV (sic) transmission network,
18 is largely within our territory.

19 So everything that Hydro does is of
20 great interest to our citizens. And, of course, the
21 place where we can get the largest picture and have the
22 -- the greatest detailed discussion of the -- at least
23 the financial side of how that's reflected through
24 rates, and then the policies that the Board considers
25 in setting just and reasonable rates, dr -- draws us

1 here, in our long record of pr -- proceedings before
2 this Board.

3 We want to examine and test appropriate
4 rate design and suggest options as appropriate. We
5 have supported the evidence, from time to time, that
6 Mr. Williams and his -- and his clients have presented
7 to the Board in terms of rate design options. We're
8 interested in efficiency and affordability, and there
9 are ways to do that through rate design.

10 We're exp -- especially interested in
11 determining the impact on MKO customer use and bills
12 arising from the proposed rates. A matter that we have
13 raised previously with the Board is that our -- our
14 customers do not always fully appreciate the
15 distinction between rates and bills. And we have
16 produced a -- a significant amount of material
17 internally at MKO, to circulate to our own First
18 Nations to explain that relationship.

19 For example, it was widely perceived
20 that rates increased significantly after the North
21 Central transmission line removed seven (7) Nations on
22 the east side of Lake Winnipeg from the diesel service
23 and then placed them on grid.

24 The phenomenon was -- is that those
25 homes now equipped with the capacity to use more

1 electricity did so, and their bills went up, quadrupled
2 in many cases or more. So we had to explain that the
3 rate actually went down, but the consumption went up.
4 And so that -- that relationship between rates and
5 bills is important.

6 And that speaks to, then, affordability
7 and our keen interest in Manitoba Hydro's low-income
8 program and its programs made available to low income
9 customers, as well as to the disconnect policy, which,
10 strictly speaking, this Board does not regulate in the
11 grid system. It does in the combined gas and grid
12 electric system.

13 But the service disruptions in our
14 communities have become an issue, and I'll -- Manitoba
15 Hydro will often raise evidence regarding the arrears
16 billings in First Nation communities and elsewhere.

17 So the combined spread, starting with
18 the setting of the rate to the payment of the bill by
19 customers and the treatment and the relationship of
20 customers by Hydro is of concern and -- and interest to
21 us. And we see that all as part of the establishment
22 of just and reasonable rates, including Manitoba
23 Hydro's customer service relationships, for example,
24 the availability of culturally appropriate customer
25 service facilities, including language. Many of our

1 customers speak an Aboriginal language as their first
2 language, and so in order to resolve billing issues and
3 so forth it's very important that they be able to
4 communicate with the company in their first language.

5 Often times, First Nation governments,
6 or even MKO, will become involved to help sort some of
7 these issues out. But these relationships have
8 improved over time, to some extent. And we also have
9 an interest in examining the what we describe as
10 Manitoba Hydro's comprehensive integrated energy
11 services approach to its customers, including demand-
12 side management supply options, including small hydro,
13 wind, solar and transmission, and multi-fuel options
14 which Mr. Miller -- Do -- Dr. Miller talked about a
15 moment ago.

16 We have a situation where even though
17 electricity is priced at grid in many of our First
18 Nations, the First Nation may still use wood as an
19 alternate source of fuel because of the absolute cost
20 in bills. And so we have low income customers that are
21 important. But that doesn't meet Manitoba's greenhouse
22 gas objectives, or its climate change objectives,
23 because First Nations are moving away from electric
24 heat back into wood or other sources of heat that are
25 producing greenhouse gasses.

1 So we're interested in the whole picture
2 of how a utility like Hydro can provide energy services
3 to a community and influence the choices of energy
4 supply by customers.

5 In terms of the special interests of MKO
6 First Nations and the provision of adequate and
7 affordable supply of electricity and the relationship,
8 I've mentioned that already in terms of the direct
9 relationship between both the use of energy and also
10 seeing how the system operates with variable levels in
11 reservoirs. Extremes of high and low, it's our -- our
12 observation have increased over the past years, and
13 we've discussed that in our materials before the Board
14 and we'd like to pursue that again.

15 In terms of some of the evidence that we
16 might bring before the Board, at least in terms of
17 presentation material, we have brought what we describe
18 as panels before the Board, because we view many of our
19 First Nation officials, managers, and others as experts
20 in terms of that relationship between our communities
21 and Manitoba Hydro, in terms of bill payment
22 relationship with the commu -- with Manitoba Hydro in
23 resolving billing issues and -- and disputes, or
24 arrears matters, and so forth. And we propose and
25 would like to bring such a panel before this Board.

1 I was interested in your discussion with
2 -- Mr. Chair, with Mr. Williams regarding an advisory
3 panel. With an en -- entity such as MKO representing
4 thirty (30) First Nations almost everything we do
5 implicitly involves consultation in and amongst our
6 leadership and our officials. For us to appear before
7 the Board and -- and speak about the concerns of our
8 First Nations involves a great deal of discussion
9 behind the scenes, as it were, including discussions at
10 our annual assemblies in another forum.

11 So while we have our unofficial advisory
12 groups through our counsels of leadership, Elders and
13 citizens, we frequently and throughout a proceeding
14 such as this one bring specific matters to the
15 attention of band administrators, the operators of
16 businesses, and so forth to get their ideas and
17 concepts and certainly their direction as to how they
18 wish that we would proceed. So in -- in MKO's
19 interventions before the Board there's a fair bit of
20 expertise and consideration brought before you.

21 One (1) of the matters that we also have
22 a keen interest in, and then -- well, it's not
23 enumerated in our in -- our intervention -- Intervenor
24 request form, is that we routinely like to follow up on
25 the progress that Manitoba Hydro has made in respect to

1 the Board's directives regarding all the things that
2 we've just discussed, particularly those that are of --
3 either directed at First Nation communities, and low
4 income First Nations in particular, or also our diesel
5 First Nations.

6 And so there have been -- as the last
7 proceeding that we participated in, we went through, I
8 believe, sixteen (16) years of such directions in
9 respect of the diesel First Nations. And we'd like to
10 continue to follow up on Manitoba Hydro's progress
11 regarding those directives because of their
12 significance to our First Nations.

13 In a previous proceeding there was
14 evidence by Manitoba Hydro that there was a concern
15 that the delivery of demand-side management programs to
16 First Nations might result in the Department of Indian
17 and Northern Affairs Canada being the ultimate
18 beneficiary. There was considerable discussion about
19 that. We raised that in our final summation. I'm
20 happy to say that there has su -- subsequently been the
21 establishment of entities within the Corporation to
22 provide such services and programs on First Nation
23 communities, so there has been improvement in that
24 regard, for which we're grateful. But we'd also like
25 to follow-up on that improvement and the -- and the

1 availability of such programs on a wide-spread basis as
2 distinct from pilot programs.

3 In respect of our participation in this
4 proceeding and our Intervenor request form, we intend
5 to appear throughout the proceeding. Mr. -- in -- in
6 respect of evidence, Mr. Williams had touched upon our
7 initial discussions about the possibility of presenting
8 a joint witness, particularly we -- regarding demand-
9 side management and I hope low income energy programs,
10 but we're still flushing that out. That also speaks to
11 the -- the brevity or the lack of information in both
12 of our budgets and our submissions, because we're
13 sorting them out at the present time.

14 In terms of our application for cost,
15 yes, we would intend to apply for costs, certainly for
16 the witnesses, but a matter that I perennially raise
17 before the Board in respect of costs is that according
18 to the rules of the Board the time that persons like
19 myself spend preparing, working along side witnesses,
20 legal counsel or others, is not reimbursable through a
21 cost award. And so if we look at the record of our
22 participation since, subject to check, 1989, that means
23 all of MKO's investment for all of that time has not
24 been cost recoverable. It has a -- an effect on the
25 ability of the Corporation to dedicate me to appear

1 before the Board and participate in these proceedings,
2 just simply from a management perspective.

3 So if our costs are not recovered then
4 it means that we're paying for something and have to
5 produce a budget line for it directly, which requires
6 me to seek leave of my executive counsel to do so,
7 which has been granted, obviously, because of our
8 appearances here, but it does have a lim -- an effect
9 on it.

10 In respect of our work to retain expert
11 witnesses, those of course have been recovered. We've
12 submitted cost award requests in the past; they've been
13 approved and funded by the Board and not objected by
14 Manitoba Hydro, with thanks.

15 But I just raise this phenomenon again
16 about the Board's consideration. I know a previous
17 Chair had indicated at one (1) point that the Board
18 would consider whether to revise the rules in respect
19 of a -- a participant that has in-house personnel with
20 direct expertise in these proceedings that make
21 valuable contributions before the Board and to set a
22 rule accordingly, similar to the rules that exist now
23 for the approval of costs in terms of a -- a weighting
24 in terms of merit and value.

25 In respect of the discussion that we've

1 had with schedule, it appears that there is general
2 concurrence in the recommendations that were originally
3 voiced by Mr. Williams. We certainly would agree that
4 establishing November 2nd as the date for the
5 preparation of Intervenor evidence and November 9th for
6 the Information Requests to be received in respect of
7 Intervenor evidence would provide more time for the
8 preparation of it, and particularly since we're going
9 to -- working to collaborate on the preparation of such
10 evidence, that would be extremely helpful to allow the
11 additional input from other entities such as MKO. It
12 seems that, without speaking for others, that there
13 appears to be some general concurrence on Mr. William's
14 suggestion, and I just wanted to make sure that MKO
15 lent its voice to that.

16 As a general commentary, it -- even
17 though we may not jointly intervene, we do, Mr.
18 Williams and I and -- and the others, spend as much
19 time as we can canvassing each other to ensure that
20 there isn't duplication in the proceedings, that our
21 lines of examination are un -- are as unique as
22 possible and that also that we can benefit from any
23 insights that others may have had in respect of
24 questions that we might otherwise ask.

25 So I -- I'd like to assure the Board

1 that that behind the scenes collaborative work by
2 Intervenors does take place and we're all working to
3 try to keep the cost of the proceedings to a minimum,
4 because of course those costs flow through rates and
5 then ultimately our customers pay for them.

6 So with that I would request that the
7 Board approve our application, our request for
8 Intervenor status, and that we're looking forward to
9 participating in this proceeding.

10 If I might take a moment though, Mr.
11 Singh had asked a question and Ms. -- if Ms. -- with
12 Ms. Fernandes permission, on the matter of -- in the
13 setting -- set out in the Notice of Application and
14 Pre-Hearing Conference there are two (2) items of
15 particular interest to us, Items 5 and 8, dealing with
16 the Diesel First Nations. And I know that the Board is
17 -- in respect of eight (8) final approval of diesel
18 interim orders, there's a couple of housekeeping
19 matters that we need to resolve so we can get that
20 done.

21 I'm happy to advise that MKO met with
22 the Regional Director General of Indian Northern
23 Affairs Canada yesterday. And we had some outstanding
24 housekeeping matters that we needed to resolve between
25 ourselves and -- and DIAND, in order to produce a

1 certified, true copy of the agreement. I'm pleased to
2 advise that there was agreement yesterday on a process
3 to get that done.

4 The Board -- the -- the context of the
5 discussion was this proceeding. So to the extent that
6 it provided any encouragement to -- for the -- both MKO
7 and DIAND to come to an arrangement, it -- it is what
8 it is. And we have an arrangement that I have been --
9 my executive director has asked that I share with you.
10 So we'd be pleased that, during the course of this
11 timetable certainly, we'll have this job done.

12 We also know that the Board is
13 interested in receiving some confirmation from the
14 diesel First Nations and MKO with respect to the rate
15 structure embedded -- embodied in the interim orders
16 being consistent with the scope in terms of the
17 agreement, so that the Board is comfortable there will
18 be certainty when the Board issues its final orders.

19 With the administrative housekeeping
20 taken care of between ourselves and INAC, we can
21 proceed to ensure that those declarations are
22 available, subject to our complete work-through of all
23 the orders, which I have reviewed and -- of course, and
24 maintain a knowledge of during this proceeding as well.

25 So it's our objective to have all of

1 this wrapped-up during this proceeding, Mr. Chair. And
2 I'm happy to be able to have shared that with you this
3 morning. Thank you very much.

4 THE CHAIRPERSON: Mr. Anderson, do you
5 have any views on -- in respect of the cost of service?

6 MR. MICHAEL ANDERSON: Oh, I -- I
7 appreciate and thank you for asking that question. I
8 didn't intend to pass by. I have notes on that.

9 Yes, it has been -- in the past we have
10 proceeded, typically, by a separate cost of service
11 proceeding. We agree that that ought to be done, if
12 that's the Board's wish. We find that that's very
13 helpful to keep a -- a record of it that we can follow,
14 and then to submit witnesses and to have a clear
15 discussion regarding cost of service matters.

16 As an interesting example of a cost of
17 service issue, particularly in -- in terms of
18 allocation of costs that are -- is of interest of us
19 that emerges in rate design, is MKO brought a matter
20 before the Board during a previous proceeding regarding
21 the proper treatment of mitigation related costs.

22 MKO made the suggestion that mitigation
23 related costs ought not to appear in the rates, as part
24 of the rates, to be recovered by hydro-affected
25 customers, as we described them. Essentially, then, it

1 was clawing back the mitigation benefits that was
2 intended to be received by those very customers.

3 The Board was interested in that
4 suggestion and it had asked Manitoba Hydro to discuss
5 that with, as I recall, the direction -- Indian and
6 Northern Affairs Canada, to see whether a resolution
7 could be arrived at. But we remain interested in this,
8 because we -- or our witness at the time, suggested
9 that the difference in rates to hydro-affected
10 customers could be as much as 4 percent, or in that
11 range.

12 So tho -- that's a kind of a -- a
13 specific issue of interest to MKO First Nations, that a
14 cost of service proceeding and all that flows that with
15 it, and including right down to the inevitable rate --
16 the ending rate design, as a consequence of the
17 allocations and so forth, we would be interested in
18 proceeding with. So, yes, we concur that a separate
19 cost of service proceeding would be of value to MKO,
20 Mr. Chair. Thank you.

21 MS. ANITA SOUTHALL: Mr. Chairman? I'm
22 just wondering -- sorry, to interrupt you, if it would
23 be appropriate to -- to take a few minutes break? You
24 still need to hear from Mr. Buchart for the city, and
25 then the reply submissions of Manitoba Hydro.

1 THE CHAIRPERSON: Thank you, Ms.
2 Southall. I -- I confess that I was so enraptured by
3 that discussion that I wasn't watching the time. So
4 thank you for that. So let's take fifteen (15) minutes
5 and resume with comments from Mr. Burbis (sic).

6

7 --- Upon recessing at 10:57 a.m.

8 --- Upon resuming at 11:11 a.m.

9

10 THE CHAIRPERSON: I believe we're ready
11 to resume. I'll call on Mr. Buchart, on behalf of the
12 City of Winnipeg.

13

14 OPENING COMMENTS BY CITY OF WINNIPEG:

15 MR. MARKUS BUCHART: Good morning. The
16 Munic -- Municipal Corporation of the City of Winnipeg
17 is Manitoba Hydro's single biggest consumer of
18 electricity within the geographic area of the City of
19 Winnipeg. And most of that consumption is in the area
20 and roadway lighting category.

21 I'm informed that the City spends over
22 \$10 million per year in that category, the area and
23 roadway lighting, which represents over half of that
24 class within the province. The City submits that that
25 is a significant interest in the rate of area and

1 roadway lighting category and request to be accepted as
2 an Intervenor in this hearing.

3 Regarding the question of whether the
4 cost of service study should be sequestered off to a
5 separate hearing or not, the City really has no strong
6 position in view of its narrow, focussed interest. And
7 that's the City's submission.

8 MS. ANITA SOUTHALL: Mr. Buchart, could
9 I just ask you to comment on whether or not the City's
10 looked at the timetable and if it's satisfied with the
11 timetable? There's been some amendments discussed
12 today, as you've heard.

13 MR. MARKUS BUCHART: Yes. Well, Ms.
14 Pambrun would have looked at it, but she's been on
15 holidays. So, again, I'm not in a position to take a
16 position, so I'm not taking a position.

17 MS. ANITA SOUTHALL: Thank you. I just
18 wanted to clarify, sir.

19 THE CHAIRPERSON: Having heard from all
20 Intervenor applicants, I would ask Manitoba Hydro to
21 make its submission. Ms. Fernandes, please.

22

23 REPLY BY MANITOBA HYDRO:

24 MS. ODETTE FERNANDES: Thank you, Mr.
25 Chairman. We'd like to welcome you and Board member

1 Lafond to this forum. In terms of introductions for
2 the record, my name is Odette Fernandes. And sitting
3 directly behind me is Ms. Patricia Ramage. And we will
4 be acting as legal counsel for Manitoba Hydro today and
5 throughout these proceedings.

6 To my immediate right is Mr. Vince
7 Warden, and he is the senior vice president of finance
8 and administration and the chief financial officer of
9 Manitoba Hydro. In our back row we have Mr. Greg
10 Barnlund, and he is the department manager of
11 regulatory services. And sitting to his left is Ms.
12 Ashley Jansen, and she is our regulatory coordinator
13 for these proceedings.

14 I have provided Mr. Singh with
15 affidavits of service. So I'd just like to put that on
16 the record. And there were two (2) filed. And one (1)
17 was an affidavit of service attaching exhibits
18 confirming service of Manitoba Hydro's application on
19 all parties present here today.

20 And we also filed an affidavit of
21 publication and service of the notice of application
22 and pre-hearing conference which confirms the
23 publication of the notice in daily, weekly, and French-
24 language newspapers.

25 I'll just --

1 MS. ANITA SOUTHALL: Sorry, Ms.
2 Fernandes, did you want those marked as exhibits now or
3 at the commencement of the oral proceeding?

4 MS. ODETTE FERNANDES: I believe Mr.
5 Singh had requested that we wait until the commencement
6 of the oral proceeding.

7 MS. ANITA SOUTHALL: Okay. Thank you.
8 So they'll be marked as exhibits at that time?

9 MS. ODETTE FERNANDES: Yes.

10 MS. ANITA SOUTHALL: Thank you.

11 MS. ODETTE FERNANDES: In terms of the
12 timetable, Manitoba has heard the suggested amendments
13 to the schedule, and we don't have any further comments
14 with respect to that and no issues with respect to the
15 requested amendments.

16 In terms of general comments with
17 respect to the inte -- interventions, we will provide
18 specific comments to each intervention. But I thought
19 I would just start with just some general comments.

20 Firstly, as this is a new Board, and
21 since there has been some changes, in terms of names of
22 Intervenors and also potential updates in terms of
23 memberships over the last few years, Manitoba Hydro
24 believes that it -- this may be an opportune time for
25 the Board and parties to this proceeding to obtain

1 updated membership lists. And we believe this would be
2 beneficial to the Board and parties, as it would enable
3 everyone to gain a better understanding of who each
4 Intervenor represents.

5 Secondly, in general, there has been
6 mention by a number of parties regarding reviews of
7 energy efficiency, capital development plans, low
8 income, and affordability. These issues have been
9 extensively canvassed in the past and are not -- and
10 are not matters properly before this Board. Manitoba
11 Hydro requests that the focus of this Hearing and any
12 questions be limited to matters in Manitoba Hydro's
13 application.

14 There's a significant concern on the
15 part of Manitoba Hydro with respect to the dramatic
16 increase in the number of information requests over the
17 years. Just by way of example and comparison, in the
18 2004 GRA Manitoba Hydro received approximately eleven
19 hundred and seventy (1,170) information requests. Four
20 (4) years later Manitoba Hydro received a little over
21 nineteen hundred (1,900) information requests, and
22 that's approximately a 66 percent increase.

23 Finally, in the last GRA we had a total
24 of forty-four hundred (4,400) information requests.
25 That's a 129 percent increase from the previous GRA.

1 Now we understand that the last GRA did have a round of
2 risk IRs, which was included in the process, and those
3 risk IRs dealt with issues of risk that the PUB wanted
4 to review. When we removed the risk IRs, which were
5 approximately eight hundred and sixty (860) from the
6 total of the forty-four hundred (4,400), that's still
7 over three thousand (3,000) regular IRs responded to by
8 Manitoba Hydro.

9 The concern in the constant and
10 staggering increase of information requests is real to
11 Manitoba Hydro, because we are dealing with real costs
12 and a continuous increase in regulatory costs.

13 In the 2008 GRA third-party costs, which
14 included Intervenor and PUB advisor costs, was \$1.7
15 million. At the last GRA the third-party costs
16 increased to \$3.6 million, and that actually excludes
17 the PUB independent expert costs and costs for their
18 legal counsel.

19 We all know there is a tendency to stray
20 into areas which may be of interest but are not
21 relevant. Manitoba Hydro could decline to respond to
22 these information requests, but in the past Manitoba
23 Hydro has attempted to cooperate to the fullest extent
24 possible.

25 It must be recognized, however, that all

1 of these costs are borne by the ratepayers. Manitoba
2 Hydro is requesting that in order to improve the
3 process and to be more cost efficient, parties focus on
4 information required in order for the PUB to fulfill
5 its mandate and information which is central to
6 Manitoba Hydro's application, namely the rate increases
7 in the test years of 2012/13 and 2013/14.

8 I will now move to -- specifically
9 comment with respect to each separate intervention.
10 With respect to CAC, Manitoba Hydro has no objections
11 to their participation. With respect to the lack of
12 budget, we understand that CAC will be providing their
13 budget as soon as one (1) of their experts is
14 available.

15 And so Manitoba Hydro would just like to
16 see the budget as soon as possible and request an
17 opportunity to comment on that budget, just by way of
18 general comment, because budgets tend to give some
19 insight into the scope of the proceeding being planned
20 by Intervenors.

21 I note that CAC is not at this time
22 committing to calling witnesses. Again, it's hard for
23 us to comment, but we request that parties be notified
24 as soon as possible with respect to whether witnesses
25 will be called, as this will have an effect on both the

1 number of days of the hearing and the cost associated
2 with the process.

3 Parties are aware, as with the last
4 hearing, how easily scheduling can go off the rails.
5 And if parties are committed to being efficient in
6 their review of Manitoba Hydro's application and
7 keeping costs of this hearing process as low as
8 possible, all parties should be aware sooner, rather
9 than later, as to whether evidence will be filed and
10 witnesses will be called.

11 Manitoba Hydro is actually quite
12 concerned with CAC's projection in terms of the hearing
13 length of fifteen (15) to twenty (20) days. After
14 completing a forty-five (45) day hearing approximately
15 one (1) year ago, a hearing which reviewed a number of
16 matters in excruciating detail, Manitoba Hydro suggests
17 that a ten (10) to twelve (12) day hearing should be
18 sufficient to canvass the issues related to Manitoba
19 Hydro's rate application.

20 In terms of comparison, Manitoba Hydro
21 has reviewed the number of hearing days for GRAs since
22 about 1991, and the average per hearing, removing the
23 last GRA because it was unique, the average is about
24 twelve (12) days.

25 Also, based on the proposed schedule,

1 with the hearing date set to start December 3rd,
2 fifteen (15) to twenty (20) days may actually push the
3 hearing into the New Year, which will then require
4 additional time and expense for parties to refresh
5 their memories with respect to evidence that was
6 presented in December.

7 Manitoba Hydro would like to make one
8 (1) brief comment with respect to something that was in
9 CAC's Intervenor request form, and it was the erroneous
10 comment regarding the increase in OM&A expenditures
11 which was incorrectly stated as being in the range of
12 10 percent after IFRS adjustments.

13 In fact, as was clearly evidenced in our
14 filing, OM&A cost has increased by an average of 1.7
15 percent over a five (5) year period, which is less than
16 the average increase in the consumer price index. And
17 that evidence can be found in a chart provided at page
18 1 of 13 of appe -- of Appendix 5.6.

19 I also noted in CAC's Intervenor request
20 form that they are discussing the prospects of
21 presenting an energy efficiency expert. And the name
22 provided for in CAC's form was Mr. Phillippe Dunsky.
23 Manitoba Hydro does not object at this time. However,
24 it's unusual that a contractor hired by Manitoba Hydro
25 for the purpose of reviewing our energy efficiency

1 programs is now acting for a party on assessing matters
2 which may touch upon work that he did in that review.
3 So based on the limited information that was provided,
4 we can't really comment on the purpose of Mr. Dunsky's
5 evidence, but it may be a concern later on.

6 Moving on to the Green Action Centre.
7 Again, Manitoba Hydro has no objections with respect to
8 their participation. Again, we didn't see a budget
9 attached, so our comments -- similar to our comments
10 with respect to CAC, we would like to see the budget
11 and just have the opportunity to comment by way of just
12 general comments.

13 With respect to Green Action Centre's
14 comments regarding a workshop for residential rate
15 proposals, Manito -- Manitoba Hydro does not anticipate
16 holding a residential rate component workshop. All
17 parties present have been in attendance at Manitoba
18 Hydro's GRAs for a number of years and our rate
19 structures have been in place for years. We expect
20 that parties would already be familiar with Manitoba
21 Hydro's residential rate structures and would be in a
22 position to deal with these rates in a rate hearing.

23 The industrial rate workshop that is
24 being proposed by Manitoba Hydro is a separate
25 proposal. And that proposal is simply a process

1 whereby Manitoba Hydro can receive customers' input
2 prior to this being reviewed by Manito -- by the
3 Manitoba Hydro-Electric Board.

4 With respect to Green Action Centre's
5 focus on low-income programs and affordable energy,
6 this issue again was extensively canvassed at the last
7 hearing. Manitoba Hydro's position remains the same.
8 Any adoption and implementation of a low-income
9 affordability program whereby rates for certain
10 customers are subsidized based on a customer's in --
11 income is outside of Manitoba Hydro's mandate as it is
12 defined by its enabling legislation, and it is not a
13 matter properly before this Board.

14 With respect to their focus on Power
15 Smart, and I believe Bill 24 was mentioned in their
16 Intervenor request form, in the past, there have been
17 issues raised. And Manitoba Hydro has historically
18 provided information on its Power Smart program. We
19 submit though that this ought not to be a focus of this
20 Board in this proceeding.

21 Manitoba Hydro does not see the rate in
22 -- rate issues associated with these items in this
23 application. We again raise our concern regarding
24 keeping the scope of this hearing to matters which
25 directly impact the rates being applied for in Manitoba

1 Hydro's rate application and the continuously rising
2 costs resulting from canvassing issues outside the
3 scope of proceedings.

4 With respect to the fuel-switching
5 report mentioned by Mr. Miller, that is the value of
6 substituting gas for electricity, or electri --
7 electricity for gas, Manitoba Hydro wants to make it
8 clear that it is not withholding information related to
9 this report.

10 However, it must be recognized that the
11 implications of fuel switching comes under the heading
12 of energy policy. And Manitoba Hydro's first
13 obligation with respect to energy policy is to its
14 owner, the Province of Manitoba.

15 Moving on to MIPUG again. MIPUG --
16 Manitoba Hydro does not object to that intervention.
17 They are always present and we fully expect them to
18 participate. With respect to the time of use rates
19 issue, which was brought up by Mr. Hacault, time of use
20 rates is not included in this application. And should
21 Manitoba Hydro pursue time of use rates, a separate
22 application will be filed.

23 Again, with respect to the City of
24 Winnipeg, Manitoba Hydro does not object to that
25 intervention.

1 Moving on to MKO, again, there is no
2 objection. We know that they have an interest in
3 diesel and Manitoba Hydro has included diesel in this
4 application. And as for the other areas mentioned by
5 Mr. Anderson, we know that their interests lie in
6 residential issues. So, as mentioned by all parties
7 here, we would just ask that they would work closely
8 with other parties since some of their interests are
9 the same, in order to reduce dup -- duplication.

10 Finally, on just a couple of matters
11 raised by the Board. With respect to removing the cost
12 of service study from the review, Manitoba Hydro
13 strongly opposes a separate hearing for the cost of
14 service study. Our cost of service study is relatively
15 straightforward, with no major changes incorporated.
16 It is integral -- integral to these proceedings and
17 would be more -- and it would be more efficient to
18 include reference to the cost of serdi -- service study
19 as part of this primary proceeding.

20 I know there was a comment made
21 regarding Intervenors being permitted an opportunity to
22 provide written comments to the Board. And if that
23 does occur, Manitoba Hydro would like to respond to any
24 written comments provided by Intervenors on that issue.
25 And we would be prepared to respond rather quickly.

1 Finally, in the Chair's comments this
2 morning with respect to Intervenor submissions on
3 Manitoba Hydro's September 1st rate increase, I believe
4 the Chairman indicated that Manitoba Hydro would be
5 providing its written response to any submissions by
6 August the 10th.

7 We will use our best efforts to respond
8 within the allotted two (2) days, but we do request
9 that, if Intervenors are providing written submissions,
10 that we receive them, you know, August 8th at 9:00 AM.
11 Because if we end up receiving them August 8th at 9:00
12 PM, we virtually have one (1) day to review all the
13 submissions and then prepare and -- our response to
14 those submissions. So if the Board can take that into
15 consideration, as well.

16 And subject to any questions by the
17 Board, that concludes Manitoba Hydro's comments.

18 MS. ANITA SOUTHALL: Excuse me, Mr.
19 Chairman. Could I just ask a -- a clarification
20 question of Ms. Fernandes?

21 THE CHAIRPERSON: Please do.

22 MS. ANITA SOUTHALL: Ms. Fernandes, the
23 comments you've made with respect to wanting to reply
24 on the budget issues that you identified for a couple
25 of the Intervenors, were you wanting a specific

1 timeframe in advance of the Board's final
2 considerations before a procedural order issues, to be
3 able to respond on those budget issues? Or were you
4 talking administratively? If I could just ask for that
5 clarification.

6 MS. ODETTE FERNANDES: My comments were
7 more related to, once we receive the budgets, Manitoba
8 Hydro can get a better idea of what the Intervenors are
9 planning in terms of scope of the hearing. And if the
10 budget is very large then we may have some concerns and
11 would like to bring those to the Board's attention.

12 MS. ANITA SOUTHALL: Right. And just
13 so I can follow through that, because it -- it's going
14 to affect the Board's ultimate decision-making and
15 timetable for when it might be able to issue an order,
16 are you wanting the Board to be able to take into
17 account your further submissions on that before the
18 Board makes a determination on matters relating to
19 scope and timetable and intervention applications?

20 MS. ODETTE FERNANDES: Yes, please.
21 Thank you.

22 MS. ANITA SOUTHALL: Thank you.

23 THE CHAIRPERSON: Are there any other
24 issues or matters to be dealt with, Ms. Southall?

25 MS. ANITA SOUTHALL: No, not from my

1 perspective, Mr. Chairman, unless the panel members
2 have any questions of Manitoba Hydro.

3 THE CHAIRPERSON: Mr. Lafond has a
4 question.

5 MR. RAYMOND LAFOND: I have a question
6 in regards to the -- what was referred to as the "fuel-
7 switching study."

8 MS. ODETTE FERNANDES: Yes.

9 MR. RAYMOND LAFOND: I'd like some
10 clarification on your response. What I heard from one
11 (1) Intervenor was that the study was -- has been done,
12 completed for three (3) years, if I remember correctly,
13 or thereabouts, and was disappointed in -- in the re --
14 in the fact that it was held back. And I'm not clear
15 on your response.

16

17 (BRIEF PAUSE)

18

19 MR. RAYMOND LAFOND: If I can be more
20 precise, essentially as to whether or not it is up to
21 Manitoba Hydro to release the study or the Province of
22 Manitoba?

23

24 (BRIEF PAUSE)

25

1 MS. ODETTE FERNANDES: Board Member
2 Lafond, with respect to the fuel-switching report, I've
3 been advised it's completed in draft form. We are
4 awaiting input from our owner, the Province of
5 Manitoba, and once we receive their input Manitoba
6 Hydro would be in a position to release that report.

7 THE CHAIRPERSON: So the province --
8 the prov -- just to clarify, the province has received
9 a draft copy of these -- the report. I'm -- have they
10 recently received the draft copy of the report or are
11 we talking of an extended time frame?

12 MS. ODETTE FERNANDES: They've had it
13 for some time.

14 MS. ANITA SOUTHALL: Mr. Chairman, I
15 noted a couple of my colleagues on -- in the Intervenor
16 side of the floor had indicated they had further
17 remarks. So if you're prepared to entertain them, I
18 saw Dr. Miller's hand, and I saw Mr. Hacault's hand,
19 indicating they may want to make a further comment.

20 THE CHAIRPERSON: Mr. Miller -- Dr.
21 Miller rather, I'm sorry.

22 DR. PETER MILLER: That's fine. We
23 were told in the closing days of the previous hearing
24 that in fact they had the draft. So it's been a year
25 and a -- almost a year and a half, maybe a year and a

1 quarter.

2 Secondly, while any policy document may
3 meet the -- the concerns, what was asked for is simply
4 an analysis of the -- the balance in terms of
5 greenhouse gases and in terms of cash cost to -- to
6 various parties of making a fuel switch. So it seems
7 to me that the -- the factual document doesn't meet any
8 kind of policy qualification.

9

10 (BRIEF PAUSE)

11

12 MS. ODETTE FERNANDES: If -- Manitoba
13 Hydro proposes that if Dr. Miller has any specific
14 questions he can ask those during the Information
15 Request process.

16 DR. PETER MILLER: How about for a
17 copy.

18 THE CHAIRPERSON: I didn't hear that
19 response.

20 DR. PETER MILLER: I -- I would ask for
21 a copy of the report, redacted if necessary, if there
22 are policy recommendations associated with it.

23 MS. ODETTE FERNANDES: Again, Mr.
24 Chairman, as I indicated before, the report is with the
25 Province and we are awaiting input, and we are not in a

1 position to release that report until we receive their
2 input.

3 THE CHAIRPERSON: Thank you for those
4 comments. Mr. Hacault, have you got --

5 MR. ANTOINE HACAULT: Two (2) very
6 short things. Firstly, we had indicated we'd try to
7 provide a written response as soon as possible on the
8 cost of service segregation issue, segregating that.
9 We could do that by Tuesday so that Hydro would have it
10 and have a chance to respond or the other parties also.

11 The second issue -- and we can deal with
12 Manitoba Hydro for clarification on this, but at Tab 10
13 of its application, page 5 of 13, under a heading
14 "General Service, Large," and I'm quoting from the
15 material:

16 "Upon approval from a Manitoba Hydro-
17 Electric Board, which is expected in
18 August 2012, Manitoba Hydro is
19 planning to also introduce time of
20 use rates for large 30 kV customers
21 in its proposed April 1, 2013, rate
22 schedules."

23 So that's why I had made the comment
24 that we might -- we expected to be able to make some
25 comments on that because the material identified that

1 it would be part of their rates. If that is changing,
2 I guess we can speak to Manitoba Hydro and adjust
3 accordingly. Thank you.

4 MS. ODETTE FERNANDES: Thank you, Mr.
5 Chairman. With respect to MIPUG providing their
6 written response by Tuesday, Manitoba Hydro believes it
7 can provide any comments to their submission within a
8 couple of days and provide that to this Board.

9 With respect to the introduction of the
10 time of use rates, that matter may merge with this
11 application, but it would be under a separate filing.

12 THE CHAIRPERSON: Mr. Anderson, you
13 have some questions?

14 MR. MICHAEL ANDERSON: Thank you, Mr.
15 Chair. Just one (1) comment. I know that at the
16 beginning of my opening remarks or my remarks in this
17 proceeding I had indicated the interests of MKO in
18 respect of customers. And I just had wanted to add
19 briefly, if I might, Ms. Fernandes' comments about
20 reinforcing that MKO also has an interest in general
21 service rates.

22 There was a reference to our primary
23 interest being diesel and residential customers. That
24 is certainly true. But also the First Nation
25 governments who are general service customers in each

1 of the communities in respect to the band offices,
2 facilities, equipment, infrastructure, arenas and so
3 forth, it -- it leaves MKO with the interesting
4 position of being, in effect, the only representative
5 of that customer class present at this time before the
6 Board.

7 And I just had wanted to reinforce that
8 element of our interest. So that's small businesses,
9 municipal government, essentially, in terms of First
10 Nation government, and so forth. That is also within
11 the scope of our interest in respect of rates. Thank
12 you, Mr. Chair.

13 THE CHAIRPERSON: Do you wish to
14 comment further?

15 MS. ODETTE FERNANDES: No, we accept
16 that.

17 THE CHAIRPERSON: Okay. There being no
18 further comments, I want to thank all of the -- all of
19 you for your submissions. The Board will issue a
20 procedural order addressing these matters as soon as
21 possible.

22 I will remind you that the August 8th
23 deadline for -- of the -- pardon me. I will remind you
24 of the August 8th deadline for written submissions
25 respecting Manitoba Hydro's September 1st interim rate

1 request.

2 I -- I'm mindful of the comments from
3 Ms. Fernandes about giving Manitoba Hydro adequate time
4 to respond. So please keep that mind in submitting
5 your comments. Past Intervenors of record are invited
6 to consider making a submission by the deadline date.

7 So from my perspective, that concludes
8 our comments for today's hearing. Do you have any
9 comments?

10 MR. RAYMOND LAFOND: No, that's fine.

11 Thank you.

12 THE CHAIRPERSON: We stand adjourned.

13 Thank you very much.

14 MS. ANITA SOUTHALL: Thank you, Mr.

15 Chairman and Board member Lafond. Good morning.

16

17 --- Upon adjourning at 11:38 a.m.

18

19 Certified Correct

20

21

22

23 _____

24 Cheryl Lavigne, Ms.

25

<p>§</p> <p>\$1.7 63:14</p> <p>\$10 58:22</p> <p>\$2.6 34:6</p> <p>\$20 5:9</p> <p>\$200 33:5</p> <p>\$3.6 63:16</p> <p>\$6 18:14</p> <hr/> <p>1</p> <p>1 1:24 4:8 8:8 9:1 10:8 19:22 20:22 21:11 22:2 24:15,20,2 1,24 29:21,23 30:11,16 31:4 35:5,8 36:6,7,9 42:14,25 49:21 52:17 60:16 64:13 65:15 66:8,18 71:12 73:11 76:21 77:15</p> <p>1,170 62:19</p> <p>1,300 33:24</p> <p>1,900 62:21</p> <p>1.7 66:14</p> <p>10 40:23 65:17 66:12 76:12</p> <p>10:57 58:7</p> <p>100 34:15</p> <p>105 35:21</p> <p>10th 6:18 71:6</p>	<p>11 20:12</p> <p>11:11 58:8</p> <p>11:38 79:17</p> <p>11-2 18:13</p> <p>12 34:15 65:17,24</p> <p>129 62:25</p> <p>13 66:18 76:13</p> <p>130 44:17</p> <p>14 3:5</p> <p>15 20:7 58:4 65:13 66:2</p> <p>15th 4:19</p> <p>16 50:8</p> <p>16th 22:22</p> <p>1988 32:23</p> <p>1989 41:25 51:22</p> <p>1991 65:22</p> <p>1992 41:25</p> <p>19th 4:24</p> <p>1st 5:7,12 6:7,16,20 29:23 71:3 78:25</p> <hr/> <p>2</p> <p>23:17,18,1 9 24:21 25:1,9 35:11 39:12,13 54:14 60:16 71:8 76:5</p> <p>2.5 5:6</p> <p>20 20:7 65:13 66:2</p> <p>2004 62:18</p> <p>2005 35:6</p> <p>2008 63:13</p>	<p>2009 29:3</p> <p>2012 1:23 4:8,19,22, 24 5:7,12 6:7,12,17 8:8 76:18</p> <p>2012/13 1:9 4:7 5:10 64:7</p> <p>2012/'13 7:16</p> <p>2013 36:7 76:21</p> <p>2013/14 1:9 4:7 64:7</p> <p>2013/'14 7:16</p> <p>2029 18:12</p> <p>23 33:6</p> <p>230 44:17</p> <p>23rd 4:24 6:11</p> <p>24 68:15</p> <p>25 3:6</p> <p>26 1:23 39:11</p> <p>26th 22:9</p> <p>2nd 22:18 53:4</p> <hr/> <p>3</p> <p>3 16:19 19:12 22:2 23:18 25:2,3,9 29:3,6,15 36:6 73:12</p> <p>3,000 63:7</p> <p>30 40:20 49:4 76:20</p> <p>31st 31:22</p> <p>32 3:7</p> <p>330 1:21</p> <p>3rd 66:1</p>	<p>4</p> <p>4 28:17 36:17 40:23 57:10 62:20</p> <p>4,300 33:24</p> <p>4,400 62:24 63:6</p> <p>40 3:8</p> <p>400 1:21</p> <p>42 20:4</p> <p>42,000 34:3</p> <p>45 65:14</p> <hr/> <p>5</p> <p>5 16:4 36:17 40:23 54:15 66:15 76:13</p> <p>5,000 33:4</p> <p>5.6 66:18</p> <p>5/12 27:15 28:12</p> <p>5/'12 17:13</p> <p>500 44:16</p> <p>58 3:9</p> <p>59 3:10</p> <hr/> <p>6</p> <p>6 40:23</p> <p>6,500 40:21</p> <p>66 62:22</p> <p>6th 4:22</p> <hr/> <p>7</p> <p>7 3:4 34:14 45:21</p> <p>79 1:24 3:12</p> <hr/> <p>8</p>	<p>8 15:12 54:15,17</p> <p>80s 32:17 35:5</p> <p>860 63:5</p> <p>8th 6:17 71:10,11 78:22,24</p> <hr/> <p>9</p> <p>9 18:24 39:14</p> <p>9:00 71:10,11</p> <p>9:40 4:1</p> <p>90 34:7</p> <p>91,000 34:5</p> <p>95 35:21</p> <p>9th 22:1,20 53:5</p> <hr/> <p>A</p> <p>a.m 4:1 58:7,8 79:17</p> <p>ability 25:11 43:23 51:25</p> <p>able 9:15 19:17 22:25 37:19 47:3 56:2 72:3,15,16 76:24</p> <p>Aboriginal 47:1</p> <p>absolute 47:19</p> <p>abundance 11:1</p> <p>accept 6:8 78:15</p> <p>acceptable</p>
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