



“When You Talk - We Listen!”



MANITOBA PUBLIC UTILITIES BOARD

Re: PRE-HEARING CONFERENCE  
RE: MANITOBA PUBLIC INSURANCE  
GENERAL RATE APPLICATION  
FOR THE 2013/14 INSURANCE YEAR

Before Board Panel:

- Regis Gosselin - Board Chairman
- Susan Proven - Board Member

HELD AT:

Public Utilities Board  
400, 330 Portage Avenue  
Winnipeg, Manitoba

June 29, 2012

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APPEARANCES

Candace Grammond ) Board Counsel  
Kathy Kalinowsky ) MPI  
Byron Williams ) CAC  
Raymond Oakes ) CMMG  
Liz Peters ) CAA  
Robyn Gray ) Private Citizen

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1 --- Upon commencing at 9:38 a.m.

2

3 THE CHAIRPERSON: Good morning,  
4 everyone. Welcome to the pre-hearing conference for  
5 MPI's 2013/'14 General Rate Application filed June  
6 15th, 2012. My name is Regis Gosselin, I'm the current  
7 Chair of the Public Utilities Board.

8 Unfortunately, we were expecting Board  
9 member Susan Proven to join us, but Susan's not here.  
10 And that's why we're late. So we apologize for that.  
11 We were hoping that she would come in. She's coming  
12 from far away, so hopefully she is going to reach her  
13 destination safely and...

14 So, Manitoba Public Insurance is  
15 applying to the Board for approval of its premiums  
16 charged with respect to compulsory driver and vehicle  
17 insurance. This general rate application -- Susan has  
18 just walked in. Let me hold on for a second.

19

20 (BRIEF PAUSE)

21

22 THE CHAIRPERSON: Welcome, Susan.

23

24 (BRIEF PAUSE)

25

1                   THE CHAIRPERSON:       So, MPI is applying  
2 to the Board for approval of its premiums. This GRA  
3 will be conducted in accordance with the provisions of  
4 the Crown Corporation's Public Review and  
5 Accountability Act, and the Public Utilities Board Act.  
6 Throughout the process we will employ the Board's Rules  
7 of Practice and Procedure, which can be viewed at the  
8 Board's website. Any questions in terms of locating  
9 the rules can be posed to the Board office.

10                   In its application MPI proposes new  
11 premium rates to take effect on March 1st, 2013, which  
12 will represent no overall change in basic premium  
13 revenues over the current insurance year. The  
14 Corporation's application includes some material  
15 requested by the Board in previous orders, and there  
16 are a number of issues that the Board will be  
17 considering in this year's GRA that flow from earlier  
18 requests and recommendations issued by the Board,  
19 including those related to road safety and loss  
20 prevention; investments; capital expenditures;  
21 operating expenses; basic retained earnings, including  
22 the method by which the RSR target range should be  
23 established; cost allocations; stochastic modelling and  
24 claims; as well as a variety of other issues.

25                   The Board, however, is concerned with

1 respect to a number of areas that the GRA as filed is  
2 incomplete. The areas include demerits for the use of  
3 hand-held communication devices while driving, demerits  
4 for convictions related to -- related to red light  
5 cameras and photo radar, the relationship between red  
6 light camera and photo radar infractions in accidents,  
7 information from other jurisdictions regarding red  
8 light camera and photo radar infractions, the makeup of  
9 MPI's investment portfolio, benchmarking with auto  
10 insurance benefits in other provinces, family  
11 transfers, claimed buybacks, pay-as-you-drive or PYD,  
12 and graduated licensing for motorcyclists. For the  
13 record, MPI bears the onus of satisfying the Board that  
14 its application should be granted on the whole of the  
15 evidence that it provides.

16                   Our objectives -- our objectives for  
17 today's pre-hearing conference are to identify  
18 prospective Intervenors and then learn the reason for  
19 their intervention; to get an appreciation of any cost  
20 awards that may be sought by interviewers; and, if so,  
21 the approximate quantum of any such cost orders; and  
22 lastly, to discuss and arrive at a timetable for the  
23 orderly exchange of evidence and information throughout  
24 this GRA process.

25                   I now call on Board counsel for

1 introductions, followed by MPI's counsel, Ms. -- Ms.  
2 Kalinowsky, to introduce the repre -- the  
3 representatives of MPI that are present. After which,  
4 I will call on the prospective Intervenors that are  
5 present to introduce themselves. Once we have heard  
6 introductions, I will call on Board counsel to make  
7 opening comments. Turn it over to you, Ms. Grammond.

8 MS. CANDACE GRAMMOND: Thank you, Mr.  
9 Chairman. As indicated, I'm Candace Grammond, lawyer  
10 for the Board. Ms. Nicole Hamilton of my office may be  
11 here from time to time throughout the hearing this  
12 fall. She's not with us today.

13 Also with the Board is Mr. Roger  
14 Cathcart of Cathcart Advisors, sitting to my left, the  
15 accounting advisor for the Board. Brian Pelly of  
16 Eckler Partners in Toronto is the actuarial advisor for  
17 the Board, who is -- will not be here today but again  
18 will be here in person for parts of the hearing this  
19 fall. And of course Mr. Singh, Board secretary, is  
20 present, and I suspect will be here for most of the  
21 hearing this fall. And if not we may see Mr. Simonsen  
22 from time to time, as well. Thank you.

23 MS. KATHY KALINOWSKY: Good morning. I  
24 just have a few preliminary remarks, and then I'll pass  
25 the microphone over to other members of the Intervenors



1 to introduce themselves.

2                   But I would like to introduce the two  
3 (2) individuals to my right who will be testifying at  
4 the upcoming GRA. Of course there's Ms. McLaren, the  
5 president and CEO of MPI to my immediate right. And to  
6 her right is Ms. Heather Reichert, the new CFO and vice  
7 president of finance in the Corporation. Also who will  
8 be testifying at this year's general rate application  
9 is Mr. Luke Johnston, who's familiar to the Board in  
10 his back row capacity. He's now the chief actuary and  
11 director of pricing and economics. And he will also be  
12 testifying for the Board.

13                   But I would like to take this  
14 opportunity just very briefly to say how pleased we are  
15 to be here to file this right -- rate application. It  
16 represents a zero percent change in overall rates to be  
17 effective March 1st, 2013. And I would like to note  
18 that this is fourteen (14) -- this is fourteen (14) out  
19 of the last fifteen (15) years is a zero percent or a  
20 decrease in rates. This is a record that's without  
21 precedent in Canada, and it's indicative of the benefit  
22 of both public auto insurance and the no-fault system.

23                   So with that, I'd just like to pass that  
24 over to ask the Intervenors for their -- to review  
25 their applications. Thank you very much.

1 THE CHAIRPERSON: Thank you for that.  
2 Mr. Williams...?

3 MR. BYRON WILLIAMS: Yes, good morning,  
4 Mr. Chairperson, and Ms. -- Ms. Proven -- Board Member  
5 Proven. And also congratulations -- I think it's  
6 congratulations, Mr. Chairperson, for your new  
7 appointment. And welcome and congratulations to Ms.  
8 Reichert, as well.

9 Byron Williams appearing on behalf of  
10 the Consumers Association of Canada, the Manitoba  
11 branch. And with me to my right is articling student-  
12 at-law, Ms. Meghan Menzy -- Ms. Meghan Menzies. We're  
13 pre -- prepared to present our intervention at the  
14 appropriate time, Mr. Chairperson.

15 THE CHAIRPERSON: Thank you. Mr.  
16 Oakes...?

17 MR. RAYMOND OAKES: Thank you, Mr.  
18 Chairman. Raymond Oakes, Booth Dennehy and Associates,  
19 representing the CMMG as has been done since 1992 in  
20 these proceedings. And our intervention will follow  
21 similar organization to previous years, dealing with  
22 similar issues. We're ready to deal with the  
23 ascertainment of the Intervenor status this morning.  
24 Thank you.

25 THE CHAIRPERSON: Thank you. Is there

1 anybody that likes to be -- would want to be heard?

2 MR. ROBYN GRAY: My name is Robyn Gray,  
3 and I am applying for Intervenor status at this year's  
4 proceedings. I've been involved with the CMMG --  
5 actually I started it many years ago. I've been in the  
6 motorcycle business for forty-one (41) years. I've  
7 owned three (3) motorcycle shops, including Harley-  
8 Davidson of Winnipeg, which I started in 1978. And I  
9 shut it down twenty-eight (28) years later, about four  
10 (4) years ago.

11 Semi-retired right now. I've always  
12 been an advocate of the rights of motorcyclists in  
13 Manitoba. I've done a lot to promote motorcycling in  
14 Manitoba. And I'm basically representing the sport  
15 right now, both from a -- the riders themselves and the -  
16 - the motorcycle shops themselves, too.

17 THE CHAIRPERSON: Thank you for that  
18 introduction. Is there somebody else that would like  
19 to be heard?

20 MS. LIZ PETERS: Yes. Good morning,  
21 Mr. Chairperson. I'm Liz Peters from CAA in Manitoba.  
22 We'll be here in the capacity that we've been in for  
23 eighteen (18) years now. We're going to be doing a  
24 watching brief and listening closely to the other  
25 Intervenors in the cross-examination. And hopefully

1 we'll get a chance to make some closing statements at  
2 the end. Thank you.

3 THE CHAIRPERSON: Thank you. Is there  
4 anybody else in the room that wishes to be heard? If  
5 not, I'll turn it back to Mrs. Grammond.

6 MS. CANDACE GRAMMOND: Thank you, Mr.  
7 Chairman. I note that the Board did receive an  
8 Intervenor request form from the Insurance Brokers  
9 Association of Manitoba, or IBAM. Mr. Schioler is not  
10 here. I just raise that in the event that he does come  
11 in a little bit later on. Then we'll -- we'll look to  
12 him to introduce himself and -- and speak at that point  
13 in time.

14 MS. CANDACE GRAMMOND: So in terms of  
15 my opening comments, Mr. Chairman, there are three (3)  
16 exhibits that I'd like to enter on the record in this  
17 GRA proceeding. The first is the Notice of Public  
18 Hearing, and this pre-hearing conference, which was  
19 signed by Mr. Singh, Board Secretary, June 15th, 2012.  
20 So I'd ask that that be entered as Board Exhibit 1.

21

22

23 --- EXHIBIT NO. PUB-1: Notice of Public Hearing  
24 and pre-hearing conference,  
25 signed by Board Secretary,

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Mr. Singh, June 15, 2012

MS. CANDACE GRAMMOND: For Board Exhibit 2, Mr. Chairman, the Board's Rules of Practice and Procedure that you referred to in your opening comments would be Exhibit 2.

--- EXHIBIT NO. PUB-2: Public Utilities Board Rules of Practice and Procedure

MS. CANDACE GRAMMOND: And then thirdly, Mr. Chairman, the timetable related to this GRA process, which at the moment we have in draft form, having been provided by Ms. Kalinowsky at the time of the filing. And I'm sure we'll have some more discussions with respect to the content of that timetable today. So that I would seek to enter as Board Exhibit 3.

--- EXHIBIT NO. PUB-3: General Rate Application Timetable

MS. CANDACE GRAMMOND: My other comments, Mr. Chairman, relate to the intervention

1 component of today's pre-hearing conference. There are  
2 five (5) areas, and this is for the -- the record and  
3 for the prospective Intervenor to hear, five (5) areas  
4 that the Board is looking at, or will be looking at, in  
5 determining whether any or all of the prospective  
6 Intervenor will be granted status.

7           The first is an indication from each of  
8 their constituency and interests. The second is to  
9 outline the areas of the GRA application that they  
10 intend to test. The third area is to provide reasons  
11 for requesting their Intervenor status. The fourth is  
12 that they specify plans to call evidence or witnesses  
13 at the GRA hearing. And lastly, the Board is asking  
14 each prospective Intervenor to indicate any interest  
15 with respect to seeking costs with respect to the GRA.  
16 And if they are seeking costs, to give a draft budget.  
17 And the Board will, as always, apply the criteria set  
18 out in the Board's rules with respect to the awarding  
19 of costs. And that is at the sole discretion of the  
20 Board, of course.

21           So those are the only comments that I  
22 wish to make at this stage. Thank you.

23           THE CHAIRPERSON: Thank you, Mrs.  
24 Grammond. Over to you, Mrs. Kalinowsky.

25           MS. KATHY KALINOWSKY: At this stage,

1 I'll just wait and listen for the applications for  
2 intervention. And then I believe it would be best if I  
3 have the right to reply at that point.

4 THE CHAIRPERSON: Thank you. Mr.  
5 Williams...?

6

7 SUBMISSION BY CAC:

8 MR. BYRON WILLIAMS: Yes, and thank you  
9 again, Mr. Chair. Just in terms of our client, CAC  
10 Manitoba, they are obviously long-term Intervenors  
11 before this Board, whether on hydro, gas, or Manitoba  
12 Public Insurance, seeking to re -- represent the  
13 broader consumer interest, particularly focussed on the  
14 private passenger class, although they certainly do try  
15 to speak to all consumer issues.

16 CAC Manitoba, Mr. Chair and -- and Board  
17 Member Proven, used to have a partner, not in crime,  
18 but a -- Manitoba Society of Seniors was a -- a close  
19 partner to CAC for -- for years. They are working on  
20 bringing in another coalition partner, but as an intra-  
21 measure what CAC has been doing for the -- the last  
22 couple of years is what I think is quite inn --  
23 innovative. They do have a -- for recent regulatory  
24 proceedings, both environmental and economic, have  
25 formed an ad hoc advisory group trying to get input

1 from various organizations and also incorporating some  
2 focus group testing.

3                   So CAC/Manitoba by itself certainly has  
4 a -- I -- I think a very healthy finger on the pulse of  
5 consumers. But recognizing that they've -- they've  
6 lost a coalition partner in the last two (2) -- two (2)  
7 years, they've been looking to more innovative ways to  
8 -- to just make -- to kind of test their -- their views  
9 outside the -- the regulatory process. So just in  
10 terms of the perspective they bring, that -- that's  
11 what they're hoping to bring to this proceeding.

12                   We did hand out Intervenor request form.  
13 And I do want to, on the first page, draw your  
14 attention to area 8, which is the reasons for the  
15 proposed intervention. And I'll just wait until -- one  
16 (1) second, Mr. Chair.

17

18                   (BRIEF PAUSE)

19

20                   MR. BYRON WILLIAMS: And as usual,  
21 CAC/Manitoba, directing your attention to -- to box 8,  
22 will -- will test the overall reasonableness of the  
23 rate application to determine whether it's just and  
24 reasonable.

25                   They've -- they've identified five (5)



1 particular questions which are of interest to them.

2 The Board has, in its opening remarks, spoke to how  
3 we're going to set the rate stabilization reserve.

4                   And one (1) question our clients will  
5 pose is whether the DCAT proposed by Manitoba Public  
6 Insurance is -- is -- has it been updated to be  
7 consistent with modern risk-management practices or  
8 does it remain vulnerable to arbitrary adjustment?

9                   Our clients will also look at whether  
10 the Corporation has been successful in reigning in  
11 aggressive spending, particularly in terms of staffing  
12 levels as well as information technology.

13                   They will ask whether the proposed cost-  
14 allocation formula adequately protects basic  
15 ratepayers. They will inquire as to whether the  
16 Corporation's investments in road safety are prudent  
17 and consistent with the public interest. And going  
18 back to the RSR, is a proposed level of reserves  
19 associated with the RSR appropriate?

20                   So again, they'll test all aspects, but  
21 those are five (5) -- five (5) highlights. In terms of  
22 going to page 2 and box 9, our clients certainly intend  
23 to appear throughout the hearing to test the evidence  
24 through information requests and cross-examination and  
25 to present final argument.

1                   In terms of whether they will adduce  
2 expert evidence, it's not certain at this point in  
3 time, although our clients are -- are leaning to -- to  
4 call an expert. If so, it would be Professor Wayne  
5 Simpson, who's appeared before this -- this Board on  
6 payday lending matters, on MPI matters, and certainly  
7 was in -- heavily involved in risk-management issues in  
8 the past Hydro general rate application.

9                   Professor Simpson, if he is called, will  
10 address modern risk-management practices as they relate  
11 to the setting of reserves for the ISR. I've described  
12 him as an economist; that probably doesn't do justice  
13 to his skill set. He's a very gifted econometrician wi  
14 -- with high-level mathematical/analytical skills.

15                   In terms of just focussing in -- in  
16 terms of the -- the role of the consultants re --  
17 retained by -- by CAC/Manitoba, for a number of the  
18 past years, CAC has -- has employed two (2) main  
19 consultants, one (1) being an economist out of Ontario,  
20 Mr. Wightman, and one (1) being Mr. Dyck, former MPI  
21 staff member, and -- and also an accountant.

22                   They've made a decision in this hearing  
23 to -- to switch up the team somewhat. Mr. Dyck will  
24 have overall carriage of the analysis. Ms. Andrea  
25 Sherry, who's an actuary, will focus specifically on

1 actuarial issues.

2                   Professor Simpson's role will be  
3 restricted to modern risk management. We think that  
4 will be a more efficient way to present the  
5 application, and mindful of some of the comments of MPI  
6 last year, perhaps reduce the number of information  
7 requests somewhat, while still targeting in on the --  
8 the issues that need to be addressed.

9                   CAC/Manitoba will work with other  
10 parties to minimize duplication. We tend to speak  
11 relatively frequently with our friends from CAA and  
12 questions that they may have or questions our clients  
13 may have. We certainly will be in contact with other  
14 intervenors as -- as the situation requires.

15                   In terms of the cost application that  
16 our clients are seeking, I'd ask the Board and -- and  
17 MPI and others in the room to turn past the green --  
18 I'm not sure how to describe that, the -- the very  
19 light, pale green.

20                   And I've presented an overview of the  
21 budget estimate on the first page following that. And  
22 just for the Board's information, more detailed  
23 estimates for the legal team and the experts follow on  
24 subsequent pages, but this is a -- a helpful overview.

25                   And there are a few things that I do

1 wish to draw to the attention of the Board, just  
2 looking at appendix A, the overview. First of all, in  
3 terms of the hours of the legal team -- or Mr.  
4 Williams, as I call him -- we put in a range of one  
5 hundred and ninety (190) hours to two hundred and  
6 twenty-eight (228) hours.

7           That's based on an estimate that the  
8 hearing will be ten (10) to twelve (12) days. And CAC  
9 has looked at these proceedings over time and we -- we  
10 tend to come in, the legal team, mathematically with  
11 between seventeen (17) to twenty (20) hours per hearing  
12 day.

13           That's -- that's what our experience has  
14 been in the last eight (8) or nine (9) hearings that  
15 we've looked at. So we've picked slightly towards the  
16 upper end of that scale.

17           I would draw your attention to the  
18 hourly rate, which is, also at the directions of my  
19 bosses, seeking an increase from -- from last year.

20           Still staying on the overview, Mr.  
21 Dyck's hours, you will see, especially if you compare  
22 it with last year, are somewhat higher and it's a  
23 reflection of -- of a couple of factors.

24           One (1) is that he's assuming some of  
25 the -- the roles that Mr. Wightman previously held.

1 Another is the -- the fact that if -- in the event that  
2 we do bring expert evidence, we would get some modest  
3 assistance from Mr. Dyck in reviewing that evidence.

4                   And a third is just a scheduling  
5 challenge which legal counsel -- or, Board counsel may  
6 be aware of, in the event, Mr. Chairperson, Ms. Board  
7 member Proven, I'm booked for multiple hearings going  
8 at -- on at almost the same time in -- in the fall of  
9 2012, three (3) lengthy ones that are overlapping  
10 modestly.

11                   So there may be, from time to time,  
12 times when I -- I cannot be here. And we could have  
13 brought a lawyer in who knew nothing about the file.  
14 We thought it would be more efficient to, if need be,  
15 to have Mr. Dyck there instead.

16                   Next on the overview is Andrea Sherry,  
17 who is an actuary. Her hours would be somewhat lower  
18 than what were billed last year.

19                   And then you'll see the biggest range  
20 associated with Professor Simpson, and that's a  
21 reflection of if -- if his evidence is called, it will  
22 be the -- we expect it will be in the range of the  
23 higher number. If -- if we don't require evidence from  
24 Professor Simpson, then it will be the -- the much  
25 lower est -- estimate. That's why the -- the big range

1 is there.

2                   The fee total at the lower range would  
3 come in somewhat below what -- what was billed last  
4 year. In the event expert evidence is required, which  
5 wasn't brought last year, it would be somewhat higher.

6                   The other issue on the -- on the  
7 appendix, and this the Board may -- may wish to comment  
8 on it, I have put in a modest disbursement for focus  
9 groups.

10                   The Board -- that -- we've never brought  
11 that before. We've paid for those out of our -- our  
12 own costs. It will be up to the Board, in its  
13 discretion, to determine whether that's an appropriate  
14 cost to include or not. But I've put it in the budget  
15 and certainly would invite any comment the Board has in  
16 terms of its appropriateness.

17                   Mr. Chairman, I do have one (1) comment  
18 about the schedule. I'm not sure if you would like  
19 that -- that now, or if you would like me to provide it  
20 later?

21                   The schedule is -- is tight and I think  
22 the schedule may be tight in part to accommodate some  
23 of my scheduling issues, so I -- I thank Board counsel  
24 and MPI for that.

25                   The date that is of concern to our --

1 our experts is the -- the first round of Information  
2 Requests being July 6th. And from our client's  
3 perspective, we would certainly make best efforts to  
4 provide infor -- all Information Requests by that date,  
5 but we can't provide assurance to the Board that they  
6 would be available.

7                   So we were hoping to get a -- a small  
8 window of opportunity, perhaps to Tuesday the 10th.  
9 Our expert team had asked for the 17th, and I adv --  
10 advised them that that will not happen. So we're  
11 seeking the Board's mercy in terms of a -- a day or two  
12 (2) of additional time.

13                   Subject to any questions by the Board  
14 those are our client's submissions.

15                   THE CHAIRPERSON: At the outset of your  
16 comments, you indicated that you now have a  
17 consultative process in place to address the fact that  
18 you are no longer in -- in a relationship with MSOS.

19                   Could you talk a little bit more about  
20 that?

21                   MR. BYRON WILLIAMS: Yes, and it -- it  
22 changes on the -- on the hearing, Mr. -- Mr.  
23 Chairperson, but it's quite consistent with what CAC  
24 Manitoba does on a number of its projects.

25                   But we would seek out in this case

1 certainly representatives from potentially interested  
2 groups; in this case, obviously seniors or those on  
3 fixed incomes would be a group. On -- on the -- you  
4 know, on Hydro matters we would seek out low-income  
5 consumers. We'll -- we'll probably try and get some  
6 perspective on that, although it's perhaps less  
7 relevant for -- for MPI issues.

8                   But what that involves, Mr. -- Mr.  
9 Chairperson, is the legal team will -- will prepare a  
10 briefing for the consultative group and identify a  
11 number of key issues, and that will be discussed,  
12 usually facilitated by CAC Manitoba. And it's just a  
13 vehicle to test and develop the position.

14                   So the group itself, the final call, in  
15 terms of positions, is from CAC Manitoba. But input  
16 into that -- those positions will come from members of  
17 -- of the group. And there -- usually it would be four  
18 (4) to five (5) organizations.

19                   What CAC Manitoba also tends to do is  
20 literally focus group testing done -- would -- they  
21 would bring in six (6) to ten (10) consumers from  
22 various perspectives and would -- would identify a  
23 number of key issues related to the Rate Application  
24 and -- and get their feedback.

25                   Road safety would be one (1) that our



1 clients would -- would tend to -- tend to seek advice  
2 on in -- in this hearing, but there may be -- there may  
3 be some issues relating to risk tolerance, relating to  
4 -- you know, the rate -- rate stabilization reserve  
5 that -- that might be at issue.

6                   So that's the kind of process our  
7 clients use. We first experimented with it -- and I'll  
8 -- I'll be quiet on it, Sue, but I -- I'm quite  
9 intrigued by it. We first experimented it -- with it  
10 in the -- the most recent Manitoba Hydro general rate  
11 application, and we did both tools. We did a low-  
12 income consultation and kind of an advisory group, and  
13 then our clients also employed focus groups.

14                   And they found it quite effective in  
15 refining their positions, so we're quite excited about  
16 it as a group. We think it's an advancement on  
17 developing their positions, and -- and that's -- that's  
18 the experiment that our clients have undertaken.

19                   THE CHAIRPERSON: Do you have any  
20 questions, Ms. Proven?

21

22                   (BRIEF PAUSE)

23

24                   MS. SUSAN PROVEN: I was just  
25 wondering, maybe you're not the right person to ask,

1 Mr. Williams, but when we last met with MPI, there was  
2 talk about a safety conference of some sort. And I  
3 don't know -- I haven't kept up with just where that's  
4 at.

5 And I know it was the -- it was -- the  
6 Board was willing to work with a number of parties, and  
7 I take it that you're sort of proceeding then on your  
8 own in the area of safety issues?

9 Is that what you're suggesting with  
10 these -- these focus groups, that you would be kind of  
11 gathering information from people regarding all kinds  
12 of issues? I -- I think -- like for example, I heard  
13 the -- the call just about twenty-five (25) after 9:00,  
14 Where are you, but I didn't answer my cell phone  
15 because I was right outside the building. And I  
16 thought, Gee, I hope it's not the PUB.

17 But, I mean, we now know we are not  
18 supposed to answer our phones when we're driving, so --  
19 all these issues that distract drivers. But I was  
20 distracted obviously, because it was ringing.

21 So that's the kind of thing you're going  
22 to be discussing, and with a number of parties?

23 MR. BYRON WILLIAMS: Ms. Proven, just  
24 in terms of -- I don't think there's any secret, we --  
25 our clients certainly met with MPI on some road safety

1 issues, I would say, in Sep -- perhaps August or  
2 September of 2011. So there's been some -- certainly  
3 some discussions.

4                   There's not, to my knowledge, been a  
5 broader workshop, so I'm not aware of that. I -- I  
6 wouldn't want you to think that our clients are doing  
7 this in the absen -- or because something's not going  
8 on with Manitoba Public Insurance.

9                   Our clients have found that this type of  
10 process is very helpful in developing their -- their  
11 positions. They don't pretend to have a monopoly on  
12 the truth. And the more perspectives that -- that you  
13 can -- you can bring, our clients have found that --  
14 that helpful.

15                   Road safety is an enduring interest for  
16 our clients. And certainly issues, whether it's cell  
17 phones or issues related to what's the appropriate role  
18 for a Crown corporation using ratepayers' -- payers'  
19 dollars. So many of the same issues that MPI would  
20 canvass, our clients would canvass as well.

21                   But that would not be as, kind of, a  
22 judgment or denunciation of MPI, but as -- as a way to  
23 refine their position.

24                   MS. SUSAN PROVEN:     Just out of  
25 curiosity, you used to have a liaison with MAPO, you

1 know, Manitoba Anti-Poverty Organization. And I know  
2 that isn't the case any more.

3 But you -- when you talk about the low-  
4 income people, who are you looking at, in terms of,  
5 like what kinds of groups could you connect with?

6 MR. BYRON WILLIAMS: It would depend.  
7 I -- I won't use the organizations' names, because at -  
8 - at times we -- we take their comments based upon  
9 confidentiality. But we would look to food banks. We  
10 would look to groups that look at social policy related  
11 to -- to poverty. And we would, certainly on the Hydro  
12 side, there would be a particular First Nation or  
13 Aboriginal focus.

14 MS. SUSAN PROVEN: Thank you.

15 THE CHAIRPERSON: Mr. Williams, do you  
16 know that this not -- or, this proposal of focus  
17 groups, is that a vehicle that's used in other  
18 jurisdictions?

19 MR. BYRON WILLIAMS: I've not seen it  
20 done, Mr. Chairman; that's why I certainly wanted to  
21 drag it -- drag it -- bring it to your attention. So  
22 certainly other consumer organizations that I've --  
23 I've spoken with, I'm not sure that they use that  
24 process.

25 I would say that it -- it comes to CAC

1 and the Public Interest Law Centre from two (2)  
2 vehicles. One (1) is that CAC Manitoba uses them quite  
3 frequently to develop their own policy, as well as  
4 advisory groups.

5                   So they're -- and I would -- I would  
6 note that our centre, with a lot of our clients who are  
7 non-profits, have participated over the last five (5)  
8 or six (6) years in a lot of, kind of, what they call  
9 focus groups or I might call advisory groups and have  
10 taken a lot of value out of it.

11                   It's a -- for lawyers, it's a humbling  
12 process in a way, but it -- it's a good way to look at  
13 issues differently. So I can't speak of other  
14 jurisdictions. And certainly we've never applied for  
15 cost recovery associated with it.

16                   But it -- it comes through both the CAC  
17 Manitoba and Public Interest Law Centre experience on -  
18 - on policy or files that relate to both law and  
19 policy.

20                   THE CHAIRPERSON: Thank you. Any more  
21 questions, Susan? I'll turn it over to you, Mr. Oakes.

22

23 SUBMISSIONS BY CMMG:

24                   MR. RAYMOND OAKES: Thank you, Mr.  
25 Chairman. Good morning again. With respect to the

1 intervention by the Coalition of Motor -- Manitoba  
2 Motorcycle Groups, it will, as I indicated, follow  
3 other years' intervention.

4                   Of course, it deals with an examination  
5 of the loss experience for motorcyclists in Manitoba, a  
6 review of the annual claims data, with particular focus  
7 on the accuracy of the MBI's forecast, which have been  
8 problematic over the past few years; overall, an  
9 examination of the Corporation's wealth and its  
10 financial status with a view to promoting, where  
11 appropriate, a larger general decrease than what has  
12 been applied for.

13                   With respect to other issues, the CMMG  
14 is active in the area of prevention of wildlife  
15 collisions, and its position is that MPI is not  
16 performing a fulfilling role with respect to  
17 initiatives to deal with wildlife collisions.

18                   Road safety is of paramount concern to  
19 the CMMG, and the investment in road safety has been  
20 deficient with respect to the motorcyclists and  
21 programs aimed at dealing with experience. And so  
22 we'll continue to look for an increase in initiatives  
23 and expenditures in that area.

24                   We have a number of questions about the  
25 practice and policies of the Corporation with respect

1 to products for motorcyclists. We will, at the  
2 conclusion of the hearings, as indicated by the  
3 Intervenor application, be seeking costs. Our costs  
4 are comparable to our other applications for costs,  
5 which have been approved without comment by MPI for  
6 some time now.

7                   With respect to the intervention of Mr.  
8 Gray, I know the Board will ask for the CMMG position  
9 with respect to it. And basically put, the CMMG does  
10 not object to Mr. Gray's application.

11                   In any event of the Board's decision  
12 with respect to Mr. Gray's application, we would  
13 cooperate with Mr. Gray. We would seek to minimize any  
14 duplication with respect to Mr. Gray's application.

15                   He indicates a number of issues that the  
16 CMMG would not be dealing with in the application. The  
17 first would be in terms of the inclusion of fire and  
18 theft, how we do not have questions designed around  
19 that issue.

20                   With respect to motorcycle and body shop  
21 rates, although the CMMG represents the majority of  
22 dealers in Manitoba, I don't have any instructions to  
23 deal with motorcycle and body shop rates. I have no  
24 objection to that issue. In fact, I've dealt with that  
25 extensively before this Board in the early '90s on

1 behalf of the Automotive Trades Association. But that  
2 is not something that is presently a part of our  
3 intervention this year.

4           There are other issues that Mr. Gray  
5 brings forward a wealth of experience about. I note  
6 his one (1) point about studying the methods that MPI  
7 uses to evaluate in the event of a total loss. And  
8 certainly we would have no objection to incorporating  
9 questions like that into our intervention in the event  
10 that he's not successful in getting Intervenor status.

11           Mr. Gray has been invited to be a part  
12 of the CMMG intervention. There was a board meeting  
13 this week. Mr. Gray was invited to come and design  
14 questions with the executive with a view to having  
15 those questions form part of our round of  
16 interrogatories.

17           So in any event of the Board's decision,  
18 we will certainly cooperate with Mr. Gray and  
19 recognizes the wealth of knowledge that he brings to  
20 the motorcycle issues, and also his past extensive  
21 background with the CMMG.

22           With respect to the schedule, I have the  
23 same concern of -- as Mr. Williams set out. If that  
24 first date for the first round of interrogatories could  
25 be moved to the 10th, I think that would be fair,



1 reasonable, and equitable, recognizing all of the  
2 scheduling demands on the Board and on MPI.

3 I note that with respect to Mr. Gray's  
4 intervention, he may not find out until July 4th  
5 whether he gets Intervenor status approved. And so  
6 having to have his questions in within forty-eight (48)  
7 hours seems a little unreasonable.

8 As well, my own personal selfish  
9 reasons, I'm attempting to get four (4) days of holiday  
10 annual leave next week. And that doesn't seem to be  
11 difficult until you attempt it and then have deadlines  
12 like this rearing their head.

13 But in any event, that's the application  
14 for CMMG. As I indicated, it follows previous years.  
15 And that hasn't been a problem for MPI or the Board in  
16 the past, and we don't expect it to be this year unless  
17 we hear otherwise this morning. Thank you.

18 THE CHAIRPERSON: Mr. Oakes, could you  
19 enlighten me about the group that you represent? I'm  
20 not familiar with the group. And I'd like to know a  
21 little bit more about how many me -- how many groups  
22 are members and so on and so forth.

23 MR. RAYMOND OAKES: I would be happy  
24 to, Mr. Chairman. I perhaps should have received  
25 current membership data before. Given the fact that it

1 hasn't been raised in previous years, I didn't source  
2 that information.

3                   My under -- thank you, Mr. Gray. The  
4 current membership status is apparently four hundred  
5 and eighty (480) members. The CMMG was formed in 1991  
6 or '2. The purpose was to be an umbrella group for all  
7 of the motorcycle groups in Manitoba. So that would  
8 include everything from the Harley Owners Group to the  
9 Dancing Men's Scooter Association at one (1) point,  
10 although that was a short-lived membership.

11                   It includes the Christian Bikers of  
12 Manitoba, a number of other groups. It also includes  
13 the majority of dealers, and we have events that  
14 involve the participation of dealers.

15                   Certainly this, if there's a graduated  
16 licensing for motorcyclists, it's something the dealers  
17 would be very interested in that issue, because that  
18 would definitely affect their sales.

19                   So that -- that's the group in a  
20 nutshell. There is an executive that works with me  
21 with respect to design of questions, circulation of the  
22 information. We've, in past years, since 1991, had  
23 varying levels of membership attendance at these  
24 hearings, but there have been years where this room has  
25 been packed with motorcyclists.

1                   And certainly depending on the issues  
2 raised, that may in fact occur again.

3                   THE CHAIRPERSON:     Any questions, Mrs.  
4 Proven?

5

6   (BRIEF PAUSE)

7

8                   THE CHAIRPERSON:     Mr. Gray, over to  
9 you.

10

11 SUBMISSIONS BY MR. ROBYN GRAY:

12                   MR. ROBYN GRAY:     What question do you  
13 have? I'm sorry.

14                   THE CHAIRPERSON:     Well, we'd like you  
15 to go through your request form regarding --

16                   MR. ROBYN GRAY:     Okay.

17                   THE CHAIRPERSON:     And perhaps before  
18 you start, just en -- enlighten us about the group you  
19 represent, the number of members and so on, so I get an  
20 idea of -- of the -- the scope of your activities.

21                   MR. ROBYN GRAY:     I'm representing the  
22 motorcycling -- eve -- everybody that rides a bike. We  
23 probably number in the twelve thousand (12,000) to  
24 thirteen thousand (13,000) people.

25                   I was the -- instrumental in starting

1 the CMMG and I hired my friend, Ray Oakes, to represent  
2 the CMMG at that point. I -- I had several businesses  
3 and I'm retired now, but I had three (3) motorcycle  
4 shops and furniture manufacturing companies, so I -- I  
5 couldn't spend as much time with the CMMG in the past  
6 as I would have liked to.

7 I -- I'm a current member, not a board  
8 member, but just a member of the CMMG. I do attend all  
9 their meetings, but I felt there's certain issues, like  
10 Ray had mentioned, that I think need discussing that is  
11 -- is not part of what the CMMG's mandate is.

12 Originally, I started the CMMG our --  
13 our main goal was to bring affordable, fair insurance  
14 to Manitoba motor -- motorcyclists. The past is, you  
15 know, the motorcyclists, we have not enjoyed the  
16 fourteen (14) years of the last fifteen (15) with the  
17 dec -- with decreases.

18 We have had, usually, the rate shock of  
19 15 percent imposed upon us since the beginning. I've  
20 always felt that some of the methodology that we --  
21 that they use to calculate the -- the rates is not  
22 right, which I'd like to explore.

23 And also, MPI's position is that we have  
24 the -- some of the most affordable or cheapest  
25 insurance or comparable insurance to other

1 jurisdictions in North America. And I have a dispute  
2 over their methodology for calculating that, because at  
3 some point in time they went back to a five (5) month  
4 pay -- pay -- they -- basically motorcyclists pay for  
5 their insurance in five (5) months.

6 I ride with a group of people who ride  
7 high-dollar Harley Davidsons, and their insurance is  
8 five hundred dollars (\$500) a month, which exceeds  
9 probably their -- their payment.

10 Yet, if you -- if you insure your bike  
11 in the off season, it drops down to eight dollars (\$8)  
12 a month. By comparing -- you're not comparing apples  
13 to oranges when you look -- when you compare this to  
14 other jurisdictions, because there's no -- say in  
15 Saskatchewan if you had the regular insurance --  
16 they're -- this -- I -- MPI, to my knowledge, is the  
17 only jurisdiction that you pay for a year's insurance  
18 in five (5) months.

19 So to compare it to Saskatchewan, what  
20 you have to do is take their rate and -- because they  
21 can cancel their insurance in the -- in September. So  
22 in essence, they get a refund for the months that  
23 they're not using their -- their motorcycle, where with  
24 MPI you can't, because you pay in this five (5) month  
25 period.

1                   There is no -- so in -- to -- to compare  
2 our rates with Saskatchewan, you need to -- you need to  
3 take the number that MPI charges, divide it by five (5)  
4 and multiply it by twelve (12), which almost doubles  
5 the -- which almost doubles the amount that we pay.

6                   THE CHAIRPERSON:    Yeah.  I -- I think  
7 you're getting into a little bit of your -- your issue.

8                   MR. ROBYN GRAY:    Yes, I am.  My  
9 apology.

10                  THE CHAIRPERSON:    Okay.  So we really -  
11 - what  what I'm trying to get at is really get a sense  
12 of why you would want to have separate intervention sta  
13 -- Intervenor status and -- when we already have Mr.  
14 Oakes representing the motorcycle groups.

15                  MR. ROBYN GRAY:    I have different  
16 views.  I've -- I've discussed this with the CMMG.  
17 There are certain things that they feel that are not  
18 that important.  And -- and one (1) thing I -- I would  
19 like to pursue is -- is why, as stated on here, why --  
20 why do us Manitoba motorcyclists, we're the only --  
21 we're the only division that our fire and theft is not  
22 included in our -- in our road insurance.  It's handled  
23 by Brandon.  We're not privy to those numbers.

24                  But just from mental calculations, one  
25 (1) of the -- the gentleman that ran the -- that

1 particular division spoke at the CMMG meeting, actually  
2 the last one. And I just asked him some general que --  
3 questions about how many -- how many bikes were insured  
4 for fire and theft. And he gave me a number. And how  
5 much -- and how many claims they had and what was the  
6 average cost of the claim. Well, MPI is making a  
7 fortune off the motorcyclists by insuring us for fire  
8 and theft.

9                   And yet that money doesn't go back to us  
10 to -- to offset our -- and everybody knows how -- how  
11 high our -- how high our insurance premiums are for  
12 motorcycles. We need every -- we need every -- any --  
13 any help we can get. And yet they're taking the profit  
14 from that and they don't tell us where it goes, because  
15 the Court of Appeal ruled that they don't have to give  
16 us any information at all. But I'd like to know where  
17 that money goes.

18                   THE CHAIRPERSON:    Okay. In respect of  
19 the -- your seeking Intervenor status, you -- you have  
20 developed a -- a budget. Could you talk to us or  
21 explain that to us a little bit?

22                   MR. ROBYN GRAY:    Basi -- basically the  
23 budget, what I've presented is -- is my time. I've --  
24 I've -- this is my first experience at pre --  
25 presenting or preparing a -- a budget for what I'm --

1 and it's basically my time.

2 I have spent, well Ray knows how much  
3 time I've spent for -- for the Manitoba motorcyclists  
4 in the past to promote motorcycling and to just even be  
5 at these meetings. Ray is -- I used to come to all of  
6 these and I used to organize a ride. We -- we would  
7 have this -- we would have this room -- we would have  
8 this room filled with motorcyclists that -- just to  
9 show how much we cared.

10 THE CHAIRPERSON: Do you intend to  
11 participate throughout the -- the hearing?

12 MR. ROBYN GRAY: Ab --

13 THE CHAIRPERSON: In other words, you  
14 intend to be there for the eleven (11) days?

15 MR. ROBYN GRAY: Absolutely.

16 THE CHAIRPERSON: Okay.

17 MS. SUSAN PROVEN: For some reason I'm  
18 not able to use that one. I'm just wondering, we've  
19 had others who come as presenters, and they do have the  
20 right to ask questions. They present their issues and  
21 their thoughts on those issues. And you didn't -- you  
22 chose not to take that route.

23 But our concern, I suppose, being the  
24 Public Utilities Board is that we made a decision long  
25 ago to fund intervention. And we did so, of course,



1 knowing that we were spending public dollars. So we  
2 have to limit the amount of funding that we give. And  
3 we try to get parties to cooperate and work together.

4 And so, you don't feel -- I gather you  
5 don't feel that adding your questions to their  
6 intervention, getting your questions asked by Mr. -- by  
7 Robyn -- Mr. Oakes, right. That's not going to do it  
8 for you, just getting those questions on --

9 MR. ROBYN GRAY: No.

10 MS. SUSAN PROVEN: -- on the record?

11 MR. ROBYN GRAY: No.

12 MS. SUSAN PROVEN: No? Okay.

13 MR. ROBYN GRAY: One (1) --

14 MS. SUSAN PROVEN: All right.

15 MR. ROBYN GRAY: One (1) of the reasons  
16 that I'm doing this now is because -- because I don't -  
17 - I don't have any businesses to run and I have the  
18 free time. And I -- I need to be compensated for the -  
19 - the research I'm going to put into what I'm going to  
20 present.

21 I've discussed with the CMMG some of my  
22 goals, and they are not in alignment with what they  
23 want to achieve. You know, I've -- I've had a lot of  
24 experience with MPI at every level. I have a -- I -- I  
25 do an -- arbitrations -- I've done them both,

1 representing MPI in the past and representing clients.  
2 And I'm doing that ba -- I'm doing that again. And I'm  
3 finding that that's -- there's a -- there's a great --  
4 the education is not out there. The -- the clients are  
5 not told properly what they get when the insure their  
6 motorcycle for more value, because they ask that when  
7 they get their registration. Well, it's a -- it's a  
8 whole grey area.

9                   And I've got one (1) arbitration right  
10 now that I had to take to an umpire to get resolved.  
11 And if that doesn't happen it's going to have to go to  
12 court because there's no clear-cut methodology that's  
13 been developed by the -- by MPI on how to evaluate  
14 these, especially Harley Davidsons.

15                   And -- and why -- and why should a  
16 client -- why should a client have to go and hire  
17 because they -- the clients pay me to represent them.  
18 And then they -- they have to pay for the -- the --  
19 they have to pay for the -- the umpire, which this one  
20 is happening next week. And that's an area that I want  
21 really -- you know, I don't think it's fair that when  
22 any -- any motorcyclist walks into an insurance agent  
23 and they say, Well, how much do you -- you know, what  
24 do you feel the bike's worth.

25                   Well, you know, some of -- you can dream

1 any number up. But there are people that do have  
2 legitimate invoices and -- and the work was done,  
3 whatever, recently. And -- and insuran -- MPI's  
4 position is that they insure every permanently attached  
5 piece of equipment to vehicles. That's stated right in  
6 their brochure. And so these people are paying  
7 insurance. And then when -- when they have a total  
8 loss they're told, No, it wasn't worth that, yet they  
9 have all the documentation to prove the value of it.

10 And I do clearly understand that it's  
11 fair market value, which is -- you know, it -- there  
12 has to be a better -- if it's going to continue like it  
13 is, the insurance agents in Winni -- in -- Win -- in  
14 Manitoba have to be told to tell the clients that,  
15 Well, it's going to depend on how our -- MPI's  
16 interpretation of what it's worth.

17 MS. SUSAN PROVEN: Thank you.

18 THE CHAIRPERSON: Thank you, Mr. Gray.  
19 We'll -- we'll advise you of a decision in the order to  
20 follow.

21 MR. ROBYN GRAY: Thank you kindly.

22 THE CHAIRPERSON: Mrs. Peters...?

23

24 SUBMISSIONS BY CAA:

25 MS. LIZ PETERS: Yes, thank you. As I

1 already mentioned, My name's Liz. I'm with the  
2 Canadian Automobile Association. And we have been  
3 Intervening for many years, but we do it in a watching  
4 capacity. Our membership is two hundred thousand  
5 (200,000) members and growing.

6                   And we attend every year. And we -- I  
7 mean, I make an effort, every effort, to come to every  
8 meeting whether we're participating in questioning or  
9 not because our membership does look to us for advice  
10 and they do look to us for insight and information when  
11 it comes to issues dealing with Manitoba Public  
12 Insurance. So we feel that having that information is  
13 important.

14                   And I mean, of particular interest, road  
15 safety. I know that's no surprise that the initiatives  
16 that the Corporation undertakes, and ideas and  
17 experiences for the future that they intend to  
18 undertake is of particular interest. And we  
19 potentially may have some insight or questioning about  
20 those particular things, the road safety in particular,  
21 even some of the issues raised by the Board already  
22 this morning, about demerits or distracted driving.

23                   Those time and time again are indicated  
24 to us by our membership as being their top priority  
25 issues, distracted driving in particular. And I mean,

1 above all, our membership is predominantly motorist,  
2 but they're consumers too. So when it comes to cost of  
3 claims and, you know, cost of insurance rates, that's  
4 something as well that we always listen very closely to  
5 our fellow Intervenors and the questioning that they  
6 ask, and the Board as well, just so that we can give an  
7 enlightened opinion at the end of the proceedings.

8                   So we would make some closing comments  
9 at the end. We won't seek any costs. We never have  
10 and we won't. But we do intend to be here throughout.  
11 So that's the reason why we choose to intervene. Thank  
12 you.

13                   THE CHAIRPERSON: Thank you for that.  
14 For the sake of transparency, I should let everyone  
15 know that I am a longstanding mem -- long-standing  
16 member of CAA. Mrs. Kalinowsky...?

17                   MS. KATHY KALINOWSKY: If I could just  
18 take two (2) minutes -- break right now to just get  
19 some instructions. There is a lot that went on. And I  
20 just want to make sure that I have instructions before  
21 I speak, please.

22                   THE CHAIRPERSON: Could we extend that  
23 to ten (10) minutes so that Mrs. Proven can have a  
24 quick coffee.

25                   MS. KATHY KALINOWSKY: Yes.

1 --- Upon recessing at 10:31 a.m.

2 --- Upon resuming at 10:42 a.m.

3

4 THE CHAIRPERSON: Ms. Kalinowsky...?

5 MR. BYRON WILLIAMS: Mr. Chairman, if I  
6 could interrupt My Learned Friend for just one (1)  
7 second. There was one (1) other scheduling issue that  
8 I -- I should have brought to the Board's attention  
9 that I neglected to do so, and I apologize for that.

10 But if -- if one looks to items 11 and  
11 13 on the schedule, item 11 speaks to Intervenors, if -  
12 - if there is expert evidence, receiving Information  
13 Requests on September 18th and then responding by  
14 September 21st, which is a fairly tight window,  
15 especially given -- if -- if there are -- given the  
16 nature, if Mr. -- if Professor Simpson does give  
17 evidence, given the -- the complex mathematical nature  
18 of some of his evidence.

19 So I apologize again for not bringing  
20 this to the Board's attention, but one (1) thought that  
21 my clients had was perhaps bringing the filing of his  
22 Information Request out to one (1) -- one (1) week from  
23 the ori -- initial day, i.e., being September 24th.

24 That would be during the hearing, but  
25 Professor Simpson is not likely to be up as a witness

1 until later in -- in the hearings. So that was one (1)  
2 thought our clients had, Mr. Chairman.

3 THE CHAIRPERSON: I confess, I've lost  
4 you. What -- what number are you referring to?

5 MR. BYRON WILLIAMS: Sir, if -- if you  
6 go to item 11, you'll see that Information Requests for  
7 expert evidence of the Intervenors is to be -- is on  
8 September 18th. You'll see, if you go to item 13, that  
9 the responses are to be provided three (3) days later,  
10 being September 21st.

11 And I think that would be a very  
12 ambitious schedule, so we're suggesting that it be  
13 moved into the -- into the next week, certainly to the  
14 Monday, but better still to the Tuesday, being  
15 September 24th.

16 The issue I would raise, and certainly  
17 it -- it puts pressure on all parties in the sense that  
18 they're being filed in the midst of the hearing, but  
19 we're -- we're dealing with tight schedules, and I'm  
20 not sure how else to address it unless one wanted to  
21 back -- or be more aggressive with MPI's time to  
22 respond to second -- second-round Information Requests.  
23 So that would be one (1) other way to do it.

24 But those are -- are our comments, Mr.  
25 Chairman.

1 MS. SUSAN PROVEN: Mr. Williams, why --  
2 why do you say it's during the hearing? I thought the  
3 hearing commenced on September 25th?

4 MR. BYRON WILLIAMS: I misled the Board  
5 inadvertently again. So I'm -- I'm -- it would be just  
6 prior to the hearing.

7 MS. SUSAN PROVEN: Yeah.

8 MR. BYRON WILLIAMS: I apologize.

9 MS. SUSAN PROVEN: Okay.

10 THE CHAIRPERSON: Does anyone have any  
11 concerns about that date -- that proposed date?

12

13 (BRIEF PAUSE)

14

15 MS. CANDACE GRAMMOND: I'll just  
16 comment on that, Mr. Chairman. From the Board's  
17 perspective, if Mr. Simpson's -- or, Dr. Simpson's  
18 prefiled testimony is made available on September 14th  
19 and -- and we are to serve questions by September 18th,  
20 the Tuesday, it is a little bit tight, given that  
21 there's a weekend in there.

22 So one (1) or two (2) more days on that  
23 would be -- would be okay. But if this is what the  
24 Board wishes we'll live with the September 18th  
25 deadline at item 11. And -- and I'm -- subject to what



1 Ms. Kalinowsky has to say about MPI's view, I don't  
2 have an issue with giving Dr. Simpson more time, as Mr.  
3 Williams has asked, to answer the IRs.

4                   And if they come in the day before the  
5 hearing starts, or even the day that the hearing  
6 starts, I -- I agree with Mr. Williams that Dr. Simpson  
7 wouldn't actually be testifying until mid to later  
8 October, so certainly everyone would have time to read  
9 his answers and formulate cross-examination.

10                   I guess the only question, and -- and  
11 again Ms. Kalinowsky may have comments about this, is  
12 if the MPI witnesses need to inform themselves as to  
13 his answers for the purposes of them being cross-  
14 examined on the same issues, and again if that's a  
15 timing -- or, a point of timing, we -- we can work that  
16 in and not cross-examine them on those points until  
17 they've had a chance to do that. But we'll hear what  
18 she has to say.

19                   THE CHAIRPERSON: Ms. Kalinowsky, on  
20 this issue of date?

21                   MS. KATHY KALINOWSKY: Yes. I'll talk  
22 to two (2) issues of the dates there. The first is the  
23 one (1) that we're just dealing with right now with  
24 respect to moving the filing of the Intervenor  
25 evidence.

1 MPI could be agreeable to moving it  
2 slightly by a few days with the caveat that that might  
3 require a bit of a compression, because MPI absolutely,  
4 as Board counsel referenced this, MPI absolutely needs  
5 to have the information all filed prior to the -- the  
6 commencement of the hearing. And we would be able to  
7 even review it if it comes in the morning of, let's  
8 say, the 24th, if indeed the 25th is going to be the  
9 start date.

10 What might be helpful is just for the  
11 three (3) counsel to kind of have a little sidebar and  
12 just discuss kind of a -- this little aspect of the  
13 evidence and the IRs that might be forthcoming should  
14 Professor Simpson testify. And we can do that just  
15 immediately after the -- the hearing.

16 I see nods from Board counsel and I see  
17 a nod from Mr. Williams, so that might be the most  
18 efficient way to do this.

19 THE CHAIRPERSON: I think that's a  
20 wonderful suggestion.

21 MS. KATHY KALINOWSKY: Thank you. I  
22 also did want to mention one (1) other item with  
23 respect to the timetable, since we seem to be delving  
24 into the timetable right off the mark, so to speak,  
25 this morning -- and Mr. Williams asked for an extension

1 from July 6th to the 10th. And then that was  
2 particularly for maybe not all of the IRs, but some of  
3 the IRs, but I can say that MPI will be addressing the  
4 issue of IRs later in my submission this morning.

5 But should Mr. Williams agree -- and as  
6 he mentioned that they'll likely have a reduction in  
7 the number of -- of IRs, if indeed there is a -- a  
8 substantial decrease in the number of IRs, then  
9 absolutely MPI will agree to moving the date for the  
10 first round of the IRs to be in --at July 10th, which  
11 was his suggested date instead of July 6th, which was  
12 on the draft timetable.

13 THE CHAIRPERSON: Thank you. Any  
14 other issues with respect to the timetable at present?

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: If not, we're back  
19 to you, Mrs. Kalinowsky.

20

21 SUBMISSIONS BY MPI:

22 MS. KATHY KALINOWSKY: This -- this  
23 covers very well the date leading up to the hearing.  
24 With respect to the actual hearing dates I just want to  
25 confirm, is it correct then that the hearing dates --

1 the hearing will commence on Tuesday, September 25th.  
2 And from my understanding the Board will be sitting  
3 that week, but will not be sitting the following week  
4 at the request, I believe, of Mr. Williams.

5 The following week, which is the week of  
6 October 8th, MPI is unable to be in attendance in that  
7 week and then would -- the following week of the 15th  
8 and the 22nd there would be more hearing dates. Is  
9 that correct in my understanding?

10 MS. CANDACE GRAMMOND: I can speak to  
11 that, Mr. Chairman. Yeah, the -- the intention is we  
12 would commence Tuesday the 25th of September at 9:30.  
13 We would sit Tuesday, Wednesday, Thursday of that week,  
14 so September 25, 26, 27.

15 We will set dates the first week of  
16 October. We know that Mr. Williams may or may not be  
17 able to be here, but just given the time frames and the  
18 other commitments of the Board we have to set dates  
19 during that week. So we will sit October 2nd, 3rd, and  
20 4th, which again are the Tuesday through Thursday of  
21 that week, commencing at 9:30. We know that during the  
22 week of the 8th, which is that Thanksgiving week MPI is  
23 not available, so there will be no dates that week.

24 Then we'll reconvene on Tuesday, October  
25 16th. We'll sit 16, 17, 18. We'll sit as well the

1 following week, 23, 24, 25. So that's twelve (12)  
2 days. So we've got four (4) weeks where we're sitting  
3 Tuesday, Wednesday, Thursday. That's the last week of  
4 September, the first week of October, and the third and  
5 fourth weeks of October. So that's the -- the schedule  
6 that we're working with at this point.

7

8

(BRIEF PAUSE)

9

10 MS. KATHY KALINOWSKY: Sorry, I brought  
11 one (1) calendar, but eventually I needed to -- to  
12 resort to my BlackBerry on this. For the -- the dates  
13 of the first week of October, I can advise that we have  
14 board of directors meetings and committee meetings  
15 scheduled for Thursday and Friday the 4th and 5th. So  
16 we would be amendable to sit the 1st, 2nd, and 3rd,  
17 which is the Monday, Tuesday, Wednesday of that week if  
18 that is -- works with the Board and others.

19

MS. CANDACE GRAMMOND: I see Mr. Singh  
20 is nodding, but Mr. Chairman and -- and Board member  
21 Proven, I don't know how you feel about the October  
22 1st?

23

Okay, good. I'm -- we're getting nods  
24 all around. So it will be, then, that week, October  
25 1st, 2nd, and 3rd, which will be Monday through

1 Wednesday.

2 THE CHAIRPERSON: Could I ask you, Mrs.  
3 Grammond, to summarize the dates again, just to make  
4 sure I've got them right?

5 MS. CANDACE GRAMMOND: Absolutely. So  
6 the hearing dates will be September 25, 26, 27.  
7 October 1st, 2nd and 3rd. October 16th, 17th and 18th.  
8 And October 23rd, 24th and 25th. So that's a total of  
9 twelve (12) days. Obviously, if any of those days  
10 aren't needed as the hearing unfolds, we'll drop them  
11 once we get into that time frame.

12 THE CHAIRPERSON: Agreed. I think I  
13 see a lot of nodding heads. Okay. I think we have a  
14 schedule. Back to you, Mrs. Kalinowsky.

15 MS. KATHY KALINOWSKY: Thank you very  
16 much. With regards to the applications for  
17 intervention, on an overall basis -- and I'll deal with  
18 budget and some of the other items later on. But the  
19 Corporation has -- actually would support the  
20 application for CAC to have Inter -- Intervenor status.  
21 The Corporation will support that of CMMG for  
22 Intervenor status. The Corporation will also support  
23 that of CAA for Intervenor status. The Insurance  
24 Brokers Association of Manitoba is not here and their  
25 application was fairly high level. But the Corporation

1 has no opposition, and indeed would support that  
2 application too.

3 That gets to the one (1) individual of  
4 Mr. Robyn Gray. And I'd like to address that in a  
5 number of different ways. And I appreciate some of the  
6 questions that both Board members asked in that regard.

7  
8 Both in his written Intervenor request  
9 form and in his oral presentation this morning, Mr.  
10 Gray stated that he wanted to study the feasibility and  
11 to introduce an unbiased review by a separate entity.  
12 Well, that unbiased review is exactly what the Public  
13 Utilities Board does. That's their mandate, is to  
14 provide a unbiased view toward setting rates. So that  
15 is already accomplished through this process.

16 As with respect to why the motorcycle  
17 division is the only division to not include fire and  
18 theft in their road insurance, that is something that  
19 the legislature of Manitoba has control over in terms  
20 of what is within the basic program and what is within  
21 the extension and other lines of business. So that's  
22 not something that the PUB has jurisdiction with  
23 respect to its mandate.

24 In the Board's own Notice of Hearing  
25 that is issued, and which was referred to and is marked

1 as one (1) of the exhibits, it actually states in there  
2 that the Board has no jurisdiction over extension line  
3 of business, SRE, special risk extension line of  
4 business, or DVA matters. And so anything that is to  
5 be discussed within this forum is supposed to be within  
6 the basic. So theft and fire for motorcycles is an  
7 extension matter. That's a decision that's been made  
8 by the legislature. And we're not prepared to have  
9 that discussed here.

10                   With respect to the method that MPI  
11 determines the motorcycle and body shop rates. In  
12 response, I believe, to one (1) of the questions by Ms.  
13 Proven, Mr. Gray said, well labour rates, no he -- that  
14 was one (1) of the things that he was interested in.  
15 And he also mentioned that he does not formally  
16 represent dealers. He himself has been a dealer in --  
17 in the past of a number of different and very prominent  
18 dealerships in the motorcycle community. But we also  
19 noticed when the question was asked of Mr. Oakes of  
20 CMMG, who in fact is -- is CMMG, he also mentioned that  
21 CMMG already represents a number of these dealers.

22                   So, indeed, what you have is an  
23 individual who is seeking to bring forward intervention  
24 on a number of different items. And some of these  
25 items -- there -- there are already other -- other



1 avenues, other forums, other types of accountability  
2 for each one (1) of those types of items. So he  
3 mentioned, well, the in -- independent arbitration.  
4 Well, that's something that's set up in terms of total  
5 losses. That's something that's set up under the MPIC  
6 Act. And umpires are appointed by the different  
7 parties. And that is a process that exists.

8                   And there's a process through the court  
9 system for the appointment of umpires, should the  
10 parties not be able to approve umpires. So something  
11 like that already exists. It's a form of  
12 accountability that's already out there. We mentioned  
13 extension. That's not here, in terms of this form of  
14 the Board. Labour rates, we mentioned that very  
15 briefly already.

16                   Mr. Gray made a rather interesting and  
17 rather large and bold assertion that he is here  
18 representing everybody that rides a bike. But that's,  
19 with all due respect to Mr. Gray, that's in his belief.  
20 And -- and I believe that he correctly views that.

21                   But he also then indicated that he is a  
22 member of the CMMG and he attends all meetings, and he  
23 indeed needs to simply bring forward things that he's  
24 brought forward to CMMG meetings. And CMMG, in their -  
25 - as Mr. Oakes referred to them, an umbrella

1 organization for all the different disparate  
2 motorcyclists in Manitoba and motorcycling groups.

3 CMMG has decided that certain issues  
4 should not be brought forward, either because CMMG is  
5 an overall body, is accepting of those practices and  
6 policies of MPI or rates or methodology has been worked  
7 on over a number of years.

8 I would like to bring forward at this  
9 time a -- something that may assist the Board in terms  
10 of...

11

12 (BRIEF PAUSE)

13

14 MS. KATHY KALINOWSKY: Something that  
15 might assist the Board in making their decision on this  
16 intervention status. And maybe Board counsel has  
17 provided or will be providing legal advice. But I  
18 thought I could bring this forward and have it marked  
19 as an exhibit.

20 What it is, is it's a number of copies  
21 from the "Practice and Procedure Before Administrative  
22 Tribunals". It's the, I think, six (6) or seven (7)  
23 volume set by Macaulay and Sprague, which no doubt  
24 you're becoming familiar with, Mr. Chair, in your new -  
25 - in your capacity. It might be your new bedside

1 reading companion at this point.

2 But I always go towards -- and I know  
3 that Mr. Williams often goes toward -- towards the  
4 "Practice and Procedure Before Administrative  
5 Tribunals" and cites it quite here regularly, as do  
6 others. So I'd like to pass this out.

7 And I don't know if it's required to  
8 marked as an exhibit, Ms. Grammond.

9

10 (BRIEF PAUSE)

11

12 MS. CANDACE GRAMMOND: My inclination,  
13 Mr. Chairman, would be not to mark it as an exhibit  
14 because it's authority as opposed to evidence. But, I  
15 mean, it will re -- be received on the record as  
16 material relied upon by MPI that the Board will  
17 consider but not as evidence, per se. It's part of  
18 argument.

19 THE CHAIRPERSON: Agreed. You weren't  
20 proposing to read it to us, were you?

21 MS. KATHY KALINOWSKY: I was just going  
22 to highlight a couple of little, smart, short areas  
23 that I wanted to read to you, certainly not the entire  
24 thing. But it's kind of confusing to -- to talk about  
25 the page numbers. But at the bottom, 12-66.4, partway

1 through that paragraph, if you do have that in front of  
2 you, I just want to read in one (1) quote there about:

3 "The degree of participation will be  
4 determined by the extent the agency  
5 feels the Intervenor's participation  
6 will assist it in its mandate.

7 Sometimes two (2) or more individuals  
8 or groups may bring before the  
9 agencies" --

10 THE CHAIRPERSON: Could I just stop you  
11 there before you -- before you go just to make sure  
12 everybody's on the same page, the same location. It's  
13 roughly -- it's roughly in the middle of a paragraph.  
14 And it starts with, "The degree of participation."

15 Everybody on the same -- same location?  
16 Mr. Gray, okay.

17 MS. KATHY KALINOWSKY: Sure. So I'm  
18 just get -- just getting to the second sentence there.

19 "So sometimes two (2) or more  
20 individuals or groups may bring  
21 before the agency essentially the  
22 same expertise or views. In that  
23 case, the agency..."

24 And this -- and -- and this is the  
25 Board. It's just their word of describing a Board in

1 this series of books here:

2 "The agency may require that they  
3 pool their resources and appear  
4 through a single spokesman. However,  
5 it must be remembered that an  
6 Intervenor is there to bring a view  
7 or an expertise before the agency  
8 which will be useful in determining  
9 the matter which is before the  
10 agency. If the person seeking  
11 Intervenor status is not bringing  
12 anything of potential use to the  
13 agency, or is simply repeating which  
14 will already be brought or could be  
15 brought to the agency by other  
16 parties, the agency should not grant  
17 Intervenor status out of concerns  
18 respecting the public and the  
19 parties' interest in efficient and  
20 expeditious proceedings."

21 The next page, it's actually the -- the  
22 footnote, and the footnote is the -- cites the legal  
23 cases, which although they're court cases the analogy  
24 is very, very strong. And I'm sure that Ms. Grammond  
25 and others are -- are aware of -- of them and can

1 provide -- Ms. Grammond can provide advice to the Board  
2 on this.

3                   But it's the Khadr case, and it cites  
4 previous case -- and it sets out the grounds for  
5 Intervenor status there for the test of the following  
6 factors that the Board should use for the  
7 consideration. And I thought this would be helpful to  
8 run through these with you this morning.

9                   So number 1:

10                   "Is the proposed Intervenor directly  
11 affected by the outcome?"

12                   Well I can say, Yes he is, but of course  
13 every Manitoba ratepayer in this province is affected  
14 by this outcome in this type of a wide hearing. So  
15 that's not really applicable in terms of the analogy  
16 for a large scale Public Utilities Board review.

17                   Number 2:

18                   "Does there exist a justiciable issue  
19 and a veritable public interest?"

20                   Well, yes. I mean, of course these  
21 things are of public interest. Number 3:

22                   "Is there an apparent lack of any  
23 other reasonable or efficient means  
24 to submit the question of the court?"

25                   No. We have -- here we have CMMG, which

1 is dealing directly with motorcycling issues. And of  
2 course CAC has often granted -- has often pursued  
3 things on an overall basis with respect to, let's say,  
4 setting of the IR -- RSR or cost allocations, or any  
5 one (1) of a number of matters like that.

6 So number 4:

7 "Is the position of the proposed  
8 Intervenor adequately defended by one  
9 of the parties to the case?"

10 Well, yes, CMMG. Number 5:

11 "Are the interest of justice better  
12 served by the intervention of the  
13 proposed party?"

14 No, I would argue. Number 6:

15 "Can the court hear and decide the  
16 case on its merits without the  
17 proposed Intervenor?"

18 Yes. Mr. Oakes said that CMMG was  
19 formed in either, I believe, 1991 or 1992, and has been  
20 at every PUB process since then. So we've got twenty  
21 (20) some years of -- of hearing experience there.

22 The Court of Appeal then stated that,  
23 you know, there's certain three (3) questions that are  
24 more important of -- than the others. So I'll leave  
25 that with you at this point and say that this is a very

1 helpful framework that the Board might be interested in  
2 using in framing it's decision with respect to the  
3 intervention status of Mr. Gray.

4                   One (1) final thing I would -- would ask  
5 is that the name of the requesting party is Robyn  
6 Gray/Motorcycling in Manitoba. There was no evidence  
7 providing us, with respect to, Is Motorcycling in  
8 Manitoba an organization, is it an incorporated group,  
9 is it -- what -- what is this, what's its membership,  
10 what its constituency is, or is this indeed the  
11 individual of Mr. Gray with -- I mean, I -- I -- Mr.  
12 Gray has tremendous experience in the motorcycling  
13 industry and community, but is that applicable for a  
14 Public Utilities Board hearing. I would suggest that  
15 it is not.

16                   And so just to summarize then, Manitoba  
17 Public Insurance opposes the application of Mr. Robyn  
18 Gray to be an Intervenor and submits that CMMG has  
19 provided appropriate intervention in the past with  
20 respect to motorcycling issues, and other issues at  
21 times, and certainly seems to be capable of doing that  
22 into the future.

23                   And as Mr. Oakes said that he would be  
24 willing to take forward some of the questions, and  
25 could kind of use Mr. Gray, I don't know if the word



1 is, but as a special consultant in some kind of  
2 capacity, and be able to ask some of the questions on  
3 his behalf.

4 So I would encourage that the Board deny  
5 the application for Intervenor status.

6

7 (BRIEF PAUSE)

8

9 MS. KATHY KALINOWSKY: I'd like to  
10 address a couple of the other things that were  
11 mentioned in various other applications for  
12 intervention by different intervid -- individuals. And  
13 I was very heartened to hear Mr. Williams state that  
14 they'd be able to reduce the number of Information  
15 Requests, and I'll come back and address that in a few  
16 minutes. But I am pleased at -- at that.

17 He mentioned just very briefly that the  
18 hourly rate has increased at the behest of his -- his  
19 clients. And I do note that in the Board's draft -- or  
20 sorry, the Board's Rules of Practice and Procedure,  
21 there is a compon -- there is a section there, Section  
22 45, which I can just point to, is that:

23 "Costs awarded under this section may  
24 include disbursements, the amounts  
25 allowed under the Manitoba Government

1 Employee Rate approved from time to  
2 time for travel, meals, and  
3 accommodation. Consideration will be  
4 given to -- providing different  
5 amounts if they can be justified.  
6 They should be at the sole discretion  
7 of the Board, and may include the  
8 fees of consultants, expert  
9 witnesses, and counsel associated  
10 with the intervention."

11 Historically, CAC has set their -- in --  
12 their hourly rate at the same rate as Board counsel,  
13 and we would submit that unless Board counsel has had a  
14 recent increase in her hour -- their -- her and their  
15 hourly rate that this practice continue into the  
16 future. It's a minor item, but I think it's just  
17 something that -- it's just one (1) of those symbolic  
18 issues that is important, that we all look at costs.

19 With respect to the focus group, I'm --  
20 I also was intrigued and was interested to hear the  
21 Board ask some questions about that. It's always  
22 interesting to see that CAC is trying to grasp, you  
23 know, kind of get a -- a good, you know, pulse on the  
24 ratepayers as to what their actual opinions are. So on  
25 one (1) hand that's certainly something that CAC and

1 the intervention led by the Public Interest Law Centre  
2 is certainly welcome. It was mentioned that this is  
3 something that's new in this jurisdiction and doesn't  
4 seem to be, to his knowledge, anywhere else. This is  
5 the first I've ever heard about it.

6 But I did have one (1) caution, and that  
7 was with respect to the budget estimate that he had  
8 included for the focus group. And again, it's a minor  
9 amount of fifteen hundred (1,500) to two thousand  
10 dollars (\$2,000). But in looking at the -- the draft -  
11 - or sorry, the Rules of Practice and Procedure, for so  
12 many years they were draft Rules of Practice and  
13 Procedures. We always used to call them Draft Rules of  
14 Practice Procedures. They're no longer a draft, so I  
15 apologize for that. But looking at that section that I  
16 had mentioned early on, which is Section 45 there,  
17 there doesn't seem to be anything that costs could be  
18 awarded under that nature.

19 It's not a fee of a consultant. It's  
20 not a fee of expert witnesses and it's not counsel  
21 fees. So I'm saying that that is something that --  
22 again, it's a small amount, but still, it's something  
23 that isn't within the purview of the Board's criteria  
24 for cost award.

25 I did want to make a comment about the

1 overview of the budget estimate with respect to CAC,  
2 and in particular some of the hours. Now this is  
3 listed Appendix A after this lime green sheet that Mr.  
4 Byron Williams referred to earlier on. And quite  
5 frankly, Mr. Byron Williams, I have absolutely no  
6 difficulties with hi -- the number of hours that he  
7 proposes, a hundred and ninety (190) to two hundred and  
8 twenty-eight (228). I think he runs a very, very  
9 efficient operation himself and would commend him for  
10 that on a -- on a personal and professional level.

11                   That doesn't always extend,  
12 unfortunately, to the consultants that are retained for  
13 the CAC. And you look at Mr. Peter Dyck. And that's  
14 two hundred and sixty (260) hours, which is a  
15 phenomenal amount of hours. And I know it's broken  
16 down later on, but that -- but that is six (6) or seven  
17 (7) full-time weeks, which is a remarkable amount of  
18 time being spent on this general rate application.

19                   Ms. Sherry, she was new last year and  
20 asked an awful lot of questions with respect to the  
21 actuarial review. I'm hoping for some -- now that  
22 she's been through this, wants some improvement in --  
23 in those questions.

24                   I'm not sure whether she will also be  
25 tackling the -- the DCAT analysis or not, or whether

1 it's just the actuarial review. If it's just the  
2 actuarial review then I find that those hours for a  
3 budget estimate are relatively high.

4                   And with respect to Mr. -- Mr. Simpson -  
5 - Professor Simpson, the forecasting abilities of  
6 forty-eight (48) to a hundred and sixty-five (165),  
7 that's a absolutely terrific range. And I know it will  
8 change as to whether he is going to be a -- a witness  
9 or not. But I still find that those are quite  
10 significant there.

11                   So I think I've tried to be, overall,  
12 balanced on those. But with -- particularly with the -  
13 - the requirements for the -- the consultants, I think  
14 that those are very, very high. And I can address some  
15 other matters about that on an overall basis in a few  
16 minutes.

17                   And I have no comments with respect to  
18 the -- the budget of Mr. Oakes. It's very much the --  
19 the standard budget. And there's a remarkable  
20 adherence in-between his forecasting of the budget and  
21 the actual costs that come in by the end of the day.  
22 So after twenty (20) some years, he's tried and true  
23 for his abilities there.

24                   CAA, there's no budget or anything of  
25 that nature. So I can see someone giving a thumbs up

1 on this row, so thank you for that. Just one (1)  
2 moment please.

3

4 (BRIEF PAUSE)

5

6 MS. KATHY KALINOWSKY: As I mentioned  
7 earlier, I just wanted to talk a little bit and give an  
8 over -- overview about the hearing and the hearing  
9 process and how it's changed over a number of -- of  
10 years.

11 The Board, in its very recent past, has  
12 challenged MPI to improve its efficiencies and to  
13 reduce its costs. That's fair enough. That's what  
14 we're always here, every year, attempting to do. And  
15 we explain that here and we work on that throughout the  
16 year.

17 So efficiency and low cost are key  
18 components in the Corporation's value equation. And  
19 the value equation, it's -- every year it's in the rate  
20 application. It's in our annual report. It's  
21 something that the Corporation takes very seriously.  
22 The value equation is service plus price, plus access,  
23 plus coverage, equals value.

24 In looking at its operations and  
25 expenditures, the Corporation has identified

1 improvement also in the general app -- the general rate  
2 application process. To put this in context, I'm going  
3 to provide a few statistics for the consideration of  
4 the Board and of the Intervenors. The costs of the  
5 2012 general rate application were 69 percent higher  
6 than the 2008 GRA. So that's five hundred and two  
7 thousand dollars (\$502,000), compared to two hundred  
8 and ninety-seven thousand dollars (\$297,000).

9                   The 2008 GRA hearing took seven (7)  
10 days. By the 2012 GRA, this has increased to eleven  
11 (11) days. And this year we're scheduling twelve (12)  
12 days.

13                   The number of IRs increased from five  
14 hundred and seventy-six (576) in the 2009 GRA to one  
15 thousand two hundred and fifty-one (1,251) in the 2012  
16 GRA.

17                   So I'll talk a little about the cost of  
18 the hearings first. The five hundred and two thousand  
19 dollar (\$502,000) amount that I had cited for the 2012  
20 GRA is just the external costs associated with the  
21 hearing. So that's -- let's see, PUB counsel, PUB  
22 advisors, Intervenor cost awards, counsel and advisors,  
23 some of the publication costs of the notice. Those are  
24 -- the last amount is very, very small.

25                   This does not include the cost of the

1 Corporation to prepare the application, to respond to  
2 the twelve hundred (1,200) IRs that come in, to prepare  
3 to testify, to attend the hearing for the witnesses of  
4 -- and for the back row, and to complete the  
5 undertakings that are provided throughout the hearing.

6 I'd like to pass out -- and this might  
7 have to be marked as evidence, but it's a spreadsheet  
8 of some of these costs for the past several years.

9 MS. CANDACE GRAMMOND: Yeah, I would  
10 say that it would be marked as an exhibit. But we'll  
11 take a look.

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON: Should this be  
16 labelled as an exhibit?

17 MS. CANDACE GRAMMOND: Yes. Yes.

18 THE CHAIRPERSON: So what number should  
19 we assign to this one (1)?

20 MS. CANDACE GRAMMOND: Well, it would  
21 be MPI Exhibit 1.

22 THE CHAIRPERSON: Exhibit 1.

23 MS. KATHY KALINOWSKY: Yes, this should  
24 be marked as MPI Exhibit number 1.

25



1 --- EXHIBIT NO. MPI-1: Spreadsheet of costs to MPI  
2 associated with past GRAs

3

4 CONTINUED BY MS. KATHY KALINOWSKY:

5 MS. KATHY KALINOWSKY: And note that on  
6 the left-hand side, and I'll just help with  
7 interpreting this -- this spreadsheet, but the GRAs are  
8 listed there from the most current backwards down. The  
9 DSR hearing has been pulled out of -- out of this. But  
10 these are the fees that MPI pays year over year. And  
11 you can see some of the increases and some of the --  
12 the con -- the -- the continuous matters that exist  
13 over time.

14 Also, I pulled out the Manitoba Bar  
15 Association's costs since they have not been here for  
16 every year and didn't want to have that kind of  
17 reflected as either going up or -- or down, and  
18 instead, to make it much more constant.

19 But of interest is the attached  
20 spreadsheet that shows the increases in fees paid to  
21 legal counsel and consultants since the 2008 GRA.  
22 During this period of time, the consumer price index  
23 has increased 7.5 percent.

24 However, some of the consultant fees  
25 have seen rate increases from 62 percent to as high as

1 259 percent. For the 2008 general rate application,  
2 CAC/MSOS consultants were paid twenty-five thousand  
3 dollars (\$25,000). That increased to ni -- increased  
4 to ninety thousand dollars (\$90,000) in 2012.

5 Cathcart Advisors, who are advisors to  
6 the -- the Board, were paid fifty-nine thousand  
7 (59,000) in 2008 GRA. This increased to a hundred and  
8 fifty-two thousand (152,000) in the 2012 GRA.

9 Eklar Consultants were paid sixty  
10 thousand (60,000) in the 2008 GRA, and this was  
11 increased to ninety-seven thousand (97,000) in the 2012  
12 GRA. With respect to that latter cost, the Corporation  
13 does of course acknowledge the increase in the  
14 actuarial fees which were attributable to the  
15 heightened scrutiny of the external actuary reviews  
16 which occurred in the 2012 GRA following the  
17 significant reserve releases.

18 I'm not going to spend any more time  
19 going through this spreadsheet. But I would urge the  
20 Board, and I'd also urge the Intervenors, to review  
21 these increased costs and consider this throughout the  
22 IR process and throughout the hearing.

23 I can say that MPI places great value in  
24 this PUB process. And it's on the record many, many  
25 times, frequently saying that the PUB process has

1 improved greatly, the rate setting methodology of the  
2 Corporation and the transparency of the universal  
3 compulsory and vehicle insurance. What the Corporation  
4 is simply seeking now is improved efficiency both in  
5 costs and in time spent.

6           So I've talked about some of the costs.  
7 Let's talk about the time spent now. I'm going to talk  
8 about hearing days. In the 1990s when I started being  
9 part of this -- this process in the mid '90s the  
10 hearings were -- consumed one (1) week. That was it.  
11 They often covered four (4) or five (5) days of  
12 evidence, and one (1) day for closing argument the  
13 following week.

14           In the 1990s, these were even  
15 applications in which increases were sought. And in a  
16 couple of the years not only was an increase sought but  
17 there was an increase surcharge sought on top of that.  
18 So there were quite significant rate increases sought  
19 at that time.

20           There were also very complicated issues.  
21 And those issues, in some way, shape, and form, are  
22 similar to the issues that we're seeing today. It's  
23 the methodology to calculate the RSR. That's coming up  
24 today again in this hearing. There were large IT  
25 expenditures at that time associated with the Y2K

1 issues. There were new cons -- computer systems  
2 introduced, such as CARS, the Claims Administration  
3 Reporting System. And of course there was the new no-  
4 fault system of PIPP, which made forecasting quite  
5 difficult, of course.

6 In those periods of complicated issues,  
7 the Board, PUB, had sufficient information in five (5)  
8 days of oral hearings to issue ord -- orders approving  
9 increases in rates. I would respectfully (sic) submit  
10 that nothing has much changed since that date.

11 I want to talk now a little bit about  
12 Information Requests. The Corporation believes that  
13 greater efficiencies and cost reductions could be  
14 attained by reducing some of the Information Requests.  
15 Information Requests are -- are, of course, an  
16 extremely important tool for the Board and Intervenors  
17 to seek clarification on the materials submitted by the  
18 Corporation. And, of course, any other information  
19 that is required.

20 However, the Corporation believes that  
21 many of the Information Requests do not assist the  
22 Board in approving rate bases and premiums charged with  
23 respect to compulsory driver and vehicle insurance. In  
24 fact, enormous numbers of the Information Requests seem  
25 to be what could euphemistfal -- euphemistically be

1 called, Tire kickers, or what the courts refer to as,  
2 Fishing expeditions. Well, if I cast my rod around in  
3 enough different places I eventually might pull out  
4 something.

5                   For the 2008 General Rate Application,  
6 there were five hundred and fifty-nine (559)  
7 Information Requests submitted to the Corporation.  
8 This then increased by 125 percent to one thousand two  
9 hundred and fifty-one (1,251) Information Requests.  
10 Obviously it takes an awful lot of time, awful lot of  
11 enf -- effort, and more resources, and more staff to  
12 answer one thousand two hundred and fifty-one (1,251)  
13 Information Requests than it does in the five hundreds  
14 (500).

15                   A very significant amount of time and  
16 effort is required for each response. Many of the  
17 responses require many different people in the  
18 Corporation to blend their data sets, their knowledge,  
19 and come up with one (1) response. And there's also a  
20 review process within the Corporation.

21                   I would not be here -- sitting here  
22 making this submission on behalf of the Corporation if  
23 the Corporation believed that almost all of the answers  
24 assisted the Board in its task of -- of approving rate  
25 bases and premiums charged with respect to compulsory

1 driver vehicle insurance.

2                   However, having been involved in general  
3 rate applications for more than fifteen (15) year --  
4 yeah, well over fifteen (15) years now, it has been my  
5 experience that the Information Requests that are of  
6 the most importance in assistance to the Board in  
7 fulfilling its mandate are those that are contained in  
8 the books of documents.

9                   These are the IRs that are referred to  
10 by Board counsel in their cross. They're referred to  
11 by the different Intervenors in their cross-  
12 examination. And they're often referred to, of course,  
13 in the closing comments by the different parties.

14                   And I have a chart that I'd like to  
15 share with -- with everybody. And this compares the  
16 number of Information Requests that are asked compared  
17 to the number that's included in the book of documents  
18 for the -- in the past four (4) general rate  
19 applications. And again, I would submit that this  
20 should be marked as MPI Exhibit number 2.

21

22 --- EXHIBIT NO. MPI-2:           Chart showing the number of  
23   Information Requests from  
24   1990 GRA to 2012 GRA

25

1 MS. KATHY KALINOWSKY: What this chart  
2 shows is the number of Information Requests from 1990  
3 to the 2012 GRA. And you can see it kind of goes along  
4 in some wa -- waves, so to speak, that are relatively  
5 up -- up and down over the first fifteen (15) years --  
6 fifteen (15) to twenty (20) -- fifteen (15) to eighteen  
7 (18) years. And then all of a sudden in the 2010, '11,  
8 and '12 GRA, there's a dramatic increase.

9 The second chart below that is the  
10 number of Information Requests compared to Information  
11 Requests used in the book of documents. So you can  
12 look at the one (1) on the far right, for instance,  
13 where there's over twelve hundred (1,200) Information  
14 Requests -- tw -- one thousand two hundred and fifty-  
15 one (1,251) Information Requests. And the number that  
16 makes it into the book of documents, I believe is forty  
17 (40) something.

18 So there's a real disparity between what  
19 the Board counsel and the Intervenors are asking in  
20 terms of the number of Information Requests versus the  
21 ones that are really crucial for the Board, and are  
22 really of assistance for the Board to make their --  
23 their findings for the Board order.

24 The issue on how to determine what  
25 should be asked to the Corporation really comes down to

1 the relevancy of the information sought. And that  
2 relates to the mandate of the Board. This is a  
3 decision for the Board to make. And you can look up  
4 Mcaulay & Sprague again, in their -- their practice and  
5 procedure before administrative tribunals at chapter  
6 17.1(d). And it discusses relevance there. It says:

7 "The information which is offered  
8 must be capable, assuming that it  
9 were true, of logically establishing  
10 some fact which an agency needs in  
11 order to accomplish its mandate."

12 And that is the question that I would  
13 ask and urge Board counsel and the advisors and the  
14 Intervenors, and particularly its -- mainly the  
15 Intervenor CAC at this point, not so much CMMG. But  
16 it's a question that they should be asking themselves  
17 when they're posing an Information Request. The  
18 question is:

19 "Does the Board really require this  
20 information to accomplish its mandate  
21 of approving changes in rate bases  
22 and premiums with respect to  
23 compulsory driver and vehicle  
24 insurance?"

25 The Corporation is cognizant of the fact



1 that some may claim any constraint on the scope of  
2 questions posed to the Corporation is supporting a lack  
3 of transparency. This is simply not the case in any  
4 way, shape or form.

5 The Board's mandate, as stated the Court  
6 of Appeal, which is quoting the Crown Corporations  
7 Public Review and Accountability Act, is -- states:

8 "The Board's mandate is to review and  
9 approve rate bases and premiums  
10 charged with respect to compulsory  
11 driver and vehicle insurance."

12 The Board controls this through its  
13 procedures and its directions, how this mandate is  
14 accomplished. The Board determines what information it  
15 requires to accomplish this mandate and can direct its  
16 advisors and counsel to obtain this information. The  
17 Board can also direct its advisors not to seek  
18 information that the Board does not require.

19 On the other hand, for Intervenors, the  
20 Board can issue a direction in advance, or later after  
21 the fact could deny cost awards. The Corporation would  
22 appear -- would prefer the former approach. And I can't  
23 speak for the Intervenors, but presumably they would  
24 prefer the former approach, which is to issue a  
25 direction in advance.

1                   Any direction from the Board on limiting  
2 the scope and number of IRs could be addressed either  
3 today at this pre-hearing conference or following in  
4 the -- when the order is issued approving  
5 interventions, or some kind of a practice direction  
6 could come from the Board at some point.

7                   Of course, it goes without saying that  
8 the Intervenors are encouraged to self-regulate both  
9 the number and scope of the IRs.

10                  I want to really thank you for listening  
11 to these comments. They're made in the spirit of  
12 respect for this administrative process. And that's  
13 required for the public rate setting that the Public  
14 Utilities Board does every year.

15                  The comments are also made in the spirit  
16 of improving this very important process and by adding  
17 further efficiency and focus. As I mentioned at the  
18 outset of my comments, just like MPI is challenged  
19 every year here by the Board and Intervenors to show  
20 efficiency and reduced its cost throughout the entire  
21 Basic AutoPac Program in the Corporation, MPI is now  
22 challenging the participants in this hearing to show  
23 efficiency and reduce their costs.

24                  With that, thank you very much for  
25 listening to these comments. I'll just consult with my

1 client here to see if there's any other -- anything  
2 else.

3

4 (BRIEF PAUSE)

5

6 MS. KATHY KALINOWSKY: Thank you. I  
7 have no other comments at this time.

8

9 MS. CANDACE GRAMMOND: I think, Mr.  
10 Chairman, having heard Ms. Kalinowsky's comments, there  
11 -- we should probably give an opportunity for a reply  
12 from Mr. Gray and probably Mr. Williams, and Mr. Oakes  
13 may want as well, and of course Ms. Peters if she wants  
14 to.

15 THE CHAIRPERSON: I agree with that.  
16 Would you like to start, Mr. Williams?

17

18 REPLY BY CAC:

19

20 MR. BYRON WILLIAMS: Yeah, I'll be  
21 relatively brief. And I'll try and -- there was a  
22 number of comments by My Learned Friend. So just in  
23 terms -- she may have inadvertently misspoke in terms  
24 of the -- the rou -- the root of where the request for  
25 the increased hourly rate for CAC does come from. It  
does not come from the clients. It -- it comes from  
Legal Aid Manitoba.

1                   So her submissions are well taken. And  
2 I just don't want to lay the blame on my clients. It's  
3 coming from my boss. So the Board will do with it as  
4 it wishes. I just want to clarify the record.

5                   In terms of --

6                   THE CHAIRPERSON:    Could I -- could I  
7 stop you right there? Like enlighten me a little bit  
8 about what Legal Aid Manitoba has told you.

9                   MR. BYRON WILLIAMS:    When -- as -- as  
10 the Board may or may not be aware, for many years the -  
11 - the hourly rate of CAC Manitoba -- or this lawyer,  
12 anyways -- was at a certain level. And then we raised  
13 it by ten dollars (\$10) an hour last year. And I was  
14 directed by the executive director -- or, the -- the  
15 management committee of Legal Aid to go to -- to seek  
16 two hundred dollars (\$200).

17                   And it's reflective of the -- the move  
18 of Legal Aid and the increased overhead associated with  
19 it. So those are costs out of my control. So that's  
20 the mandate that my bosses gave me. What the Board  
21 decides is obviously what the -- the Board decides.  
22 And -- but that's where -- the roots of that -- that  
23 request.

24                   In terms of the issue of focus groups, I  
25 disagree with My Learned Friends in terms of whether

1 the Board has authority to do it. It's a disbursement  
2 of counsel. It's a -- it's a disbursement that -- the  
3 Public Interest Law Centre has borne in -- in the past.

4

5 So it will either be borne by the Public  
6 Interest Law Centre or by MPI through a cost award.

7 That again will be at the Board's discretion. But it  
8 would be erroneous to -- in -- in our submission, to --  
9 to as -- to assume that there's no jurisdiction.

10 Certainly our clients would want to  
11 comment on the suggestion that the overall hours, in  
12 terms of reviewing an application by this -- the -- the  
13 consultants employed by CAC Manitoba with regard to  
14 this application, are -- are somehow high.

15 Certainly we would invite the Board to  
16 look at the hours spent in reviewing MPI applications,  
17 general rate applications, or Centra general rate  
18 applications. And I think you'll find -- I'm confident  
19 you'll find that the hours devoted to file review are  
20 actually much higher in terms of those files than you  
21 would file -- find within MPI.

22 What -- what the -- what you're starting  
23 to see is a modernization of the approach to -- to  
24 regulating MPI, driven by two (2) fundamental factors,  
25 which were the gross errors in forecasting over the

1 last four (4) or five (5) years, and -- and also the  
2 chagrin we all felt when we identified a \$250 million  
3 over -- overestimate, in terms of needed act --  
4 actuarial reserves.

5                   So I think the -- the events that --  
6 that the MPI has correctly identified as increased  
7 costs of regulation would be a factor both of the  
8 modernization of MPI regulation as compared to Hydro or  
9 others, and also just the -- the gross forecasting  
10 errors that -- that were identified, and -- and the  
11 forensic expeditions that -- that were needed to -- to  
12 trace the roots of that \$250 million overestimate of  
13 actuarial reserves.

14                   One (1) -- just at a high level, an  
15 examination our clients tend to perform, and we asked  
16 these questions of -- at the last Hydro GRA, we looked  
17 at the overall regulator expenditure as compared to  
18 corporate revenues.

19                   I note certainly that costs are of  
20 concern to everyone, but at -- at a global perspective,  
21 a figure that MPI has neglected to add is -- is that  
22 comparison. And I think one would find that it's --  
23 certainly the figures here are less than one-tenth  
24 (1/10) of 1 percent of the basic revenues of the  
25 Corporation. So that may be -- to put these in

1 perspective, in a way it's the price of a monopoly.  
2 And -- and certainly from our client's perspective,  
3 that's important to keep in mind.

4           My Learned Friend made some comments  
5 about a gross range, in terms of the hours of estimates  
6 of Professor Simpson; and that's simply not the case.  
7 There -- there is forty-eight (48) hours if he's not  
8 giving evidence; if he's giving evidence, it's one  
9 hundred and sixty-five (165) hours. So it's not a  
10 error of estimation; it's not an extremely broad --  
11 broad range.

12           It is alerting to the Board to the  
13 different consequences if he gives evidence or not, so  
14 certainly we would disagree with our -- our Learned  
15 Friend's characterization of that.

16           Our Learned Friends are -- are correct  
17 that -- that there is an onus on all Intervenors to  
18 self-regulate. We do that regularly, and some of the  
19 changes that we -- have been brought in our Application  
20 this year reflect -- reflect that.

21           In terms of Information Requests, there  
22 is a very simple mechanism for Manitoba Public  
23 Insurance, if it's of the view that an Information  
24 Request posed is irrelevant and unnecessary for  
25 determination in the hearing. It's to decline to

1 answer that, stating that the Information Request is  
2 irrelevant and unnecessary for determination.

3 MPI does that with regard to certain  
4 Information Requests each year. Certainly on behalf of  
5 our clients, we look at that refusal to answer. In  
6 certain years, our clients may bring a motion. If we  
7 agree with MPI, then -- then we don't. It's notable  
8 that how few objections have been made by Manitoba  
9 Public Insurance in terms of alleged irrelevant  
10 Information Requests.

11 So there's a very simple tool available  
12 to MPI. Certainly if our clients feel they're misusing  
13 that tool, we would bring a motion to -- to seek  
14 additional production. But from the -- from the  
15 perspective of -- of CAC Manitoba, there's -- there's  
16 no need to -- to set out some artificial direct --  
17 directive that -- that may or may not reflect the  
18 reality of the -- of the hearing. MPI has a tool in  
19 its own hands that -- that, if well used, should --  
20 should address those concerns.

21 I think those are the -- that -- that  
22 would cover the -- the thrust of my clients. I -- I do  
23 appreciate the opportunity for reply.

24 THE CHAIRPERSON: Mr. Oakes, did you  
25 want to comment?



1 REPLY BY CMMG:

2 MR. RAYMOND OAKES: Thank you, Mr.  
3 Chairman. The difficulty with making wide-ranging,  
4 extensive comments is that when you have a room full of  
5 lawyers, every one of them is going to have something  
6 to say in reply. Having said that, my comments are  
7 very brief.

8 My Learned Friend, Ms. Kalinowsky,  
9 talked about Mr. Gray's application for Intervenor  
10 status. And to be clear, CMMG does not oppose same but  
11 takes no position with respect to same.

12 I do note that Ms. Kalinowsky indicated  
13 that two (2) of the -- the reasons in box 6 of Mr.  
14 Gray's Intervenor request form, she spoke about the  
15 body shop rates for motorcyclists and said that wasn't  
16 appropriate.

17 And as I had pointed out in my initial  
18 comments, not only have I made them on behalf of  
19 previous Intervenor like the ATA, but they're  
20 presently in the materials filed by the Board dealing  
21 with the labour rates, their recycling, usage of parts,  
22 all the rest of that is -- is material that they've  
23 deemed relevant to include in the Application, so I'd  
24 suggest that Intervenor status reviewing motorcycle and  
25 body shop rates is appropriate.

1                   With respect to the other issue that My  
2 Learned Friend commented on, saying that in terms of  
3 the umpire and the other systems dealing with disputes  
4 on claims, that that's not appropriate for an  
5 Intervenor to review, I'd argue that certainly the  
6 intervention of the Manitoba Bar Association was  
7 primarily aimed at looking at the various systems,  
8 including the appeal system, and determining whether it  
9 was carried out fairly to Manitoba motorists.

10                   So I would suggest that just because  
11 there is a system in place, that doesn't end the  
12 inquiry. It's whether the system works and whether  
13 it's fair for the insured.

14                   So those are my brief comments with  
15 respect to that. With respect to the wide-ranging  
16 comments about the Information Requests, I'd suggest  
17 that it would assist this Board much more if the  
18 Corporation was more responsive.

19                   We get a number of unresponsive answers  
20 to questions. We see side-stepping. We see -- we see  
21 cute remarks. We see a disregard for some of the  
22 questions, and then the plain refusals that Mr.  
23 Williams spoke about.

24                   So I'd suggest that that would be of  
25 great assistance to this Board and would prevent

1 Intervenor from having to spend further money of the  
2 public and having to bring motions for compelling  
3 evidence.

4                   Finally, with respect to the review of  
5 legal fees, after a review of this and seeing myself as  
6 low man on the totem pole for all of these years, I'm  
7 not sure whether I should seek to represent the poverty  
8 groups that Mr. Williams is no longer representing, or  
9 whether I should apply for a membership. But those are  
10 my comments.

11

12                   (BRIEF PAUSE)

13

14                   THE CHAIRPERSON:     Mr. Gray...?

15

16 REPLY BY MR. ROBYN GRAY:

17                   MR. ROBYN GRAY:    Is -- it's on now,  
18 okay. Well, obviously I'm going to answer some of  
19 these criticism of why I shouldn't be here. The first  
20 thing I want to state is I think if I'm not accepted as  
21 an Intervenor, I think you should look at taking the  
22 word "public" out of the Public Utility Board, because  
23 that's who I'm representing. This is not a -- just for  
24 special interest groups.

25                   The first one (1) is the study of the

1 feasibility. She says, well that -- that's covered,  
2 you know, for the -- basically a report card on how  
3 they do every year.

4                   How did they do last year? Do you guys  
5 know that? She said you guys cover that. Okay. Does  
6 anybody here know how MPI did? Are they fulfilling the  
7 -- the needs of the Manitoba motorists? I don't know.  
8 Do you guys -- people know? Is that covered? I don't  
9 think it's covered.

10                   There -- there is no system. It's --  
11 because they have a monopoly, they have -- there has to  
12 be a system to make sure that they're delivering what  
13 they're mandated by legislation to do. And there's  
14 nothing for that. The Public Utility Board doesn't do  
15 that. This is about a rate application.

16                   I think the Manitoba taxpayers are  
17 entitled -- entitled to see how the Corporation was  
18 doing. As far as I'm concerned, they're not doing a  
19 good job; they're really not. Our insurance should be  
20 a lot cheaper than it is. I really, firmly believe in  
21 government insurance.

22                   What it does it -- they don't have to  
23 advertise like you see GEICO and all these other on the  
24 American stations trying to get a piece of the pie.  
25 Hey, they've got a -- they've got a built-in clientele.

1 You have to buy their insurance from them.

2 Why do they spend the amount of money?

3 And that's another thing I'd like to research is, how  
4 much money do they spend on advertising each year and  
5 how they control the media by the amount of money that  
6 -- I had a -- I've got examples of -- myself,  
7 personally, how I was told by the people in the media  
8 how they -- they couldn't carry certain things in their  
9 -- in -- in my criticism of MPI because they didn't  
10 want to upset the amount of money that they were  
11 getting from MPI.

12 We certainly need advertising -- we  
13 certainly need advertising for road safety and -- and  
14 especially with this cell phone thing, you know. It's  
15 a...

16 THE CHAIRPERSON: You know, Mr. Gray,  
17 I --

18 MR. ROBYN GRAY: I may be getting off  
19 the --

20 THE CHAIRPERSON: Yeah, you are.

21 MR. ROBYN GRAY: But I want to address  
22 what she's --

23 THE CHAIRPERSON: Yeah.

24 MR. ROBYN GRAY: Can I go to the next  
25 one?

1 THE CHAIRPERSON: Yeah, please.

2 MR. ROBYN GRAY: Okay. I'm sorry. I -  
3 - this is my first rodeo, I guess. And as far as my  
4 asking where the money from the motorcycle division  
5 goes, is -- not unreasonable. The Court of Appeal did  
6 rule that -- and see, the reason -- the reason MPI  
7 gives for not giving this information out is that their  
8 competition, it would be unfair for them to know their  
9 pricing, so they -- you know, to price their product.

10 Their competition -- well they own 93  
11 percent of that -- of that market. You know, they're -  
12 - they drive everybody out of the business. You talk  
13 to people that are in that business, they don't even --  
14 they -- they don't even compete in Manitoba because of  
15 what MPI does to them.

16 But that's not the point. The point is,  
17 yeah we can't see the finances and that was ruled by  
18 the -- the Court of Appeal. But at the same token, why  
19 can we not -- they did not rule that we -- we can't ask  
20 the question -- what -- what they do with that money.  
21 Does anybody know where that money goes? Is that not a  
22 valid question? Okay. That's that one (1). I'm  
23 sorry, you're getting bored, but --

24 THE CHAIRPERSON: No, I -- I'm not sure  
25 that we're getting bored. I -- I think, you know --

1 MR. ROBYN GRAY: I've got a lot of  
2 issues and I'm sorry if I'm --

3 THE CHAIRPERSON: Yeah. No, I  
4 appreciate that and I -- I think that I encourage you  
5 to -- just to focus on the --

6 MR. ROBYN GRAY: Yeah.

7 THE CHAIRPERSON: -- just the --

8 MR. ROBYN GRAY: Yeah.

9 THE CHAIRPERSON: -- you know, the --  
10 the -- whether or not you should intervene, focus on  
11 the issue of the costs of the hearings, and so on.

12 MR. ROBYN GRAY: Yeah.

13 THE CHAIRPERSON: So --

14 MR. ROBYN GRAY: Okay, I will -- I will  
15 stick to the agenda.

16 THE CHAIRPERSON: -- let's not argue  
17 what you'd like to argue in the -- in the full hearing.

18 MR. ROBYN GRAY: Well, I might not get  
19 the chance. Okay. This -- she didn't even bring this  
20 one (1) up, to study the motorcycle division's expense  
21 allocation to ensure it is proportion -- it is in -- is  
22 in proportion -- wrong word I have in there, to what  
23 the division actually uses and that it is cost  
24 effective, which I think is a valid point.

25 Like, are us motorcyclists paying our --

1 our normal share or are we paying more than what we  
2 should? The -- as far as -- I appreciate Ray Oakes'  
3 comments that it is valid that I look at the -- what  
4 the shop rate is.

5 I can start an association tomorrow.  
6 It's no problem. And actually that was what I was  
7 going to do. I even got the name registered of -- of  
8 the Mani -- Manitoba Motorcyclists for Fairness, the  
9 MMF. And I men -- I made mention of that in my  
10 summation, or when I made my presentation.

11 But I decided to go with the CMMG. Why  
12 reinvent the wheel? But unfortunately, the CMMG is not  
13 addressing some of the things that are key issues of  
14 why our motorcycle insurance is so high.

15 And the shop rates are a joke. I quit -  
16 - the last shop I had, I had a chopper shop after I had  
17 my Harley shop. I quit doing business with MPI,  
18 because I couldn't -- I -- I was tired of losing money.  
19 At that time their shop rate was fifty-four dollars  
20 (\$54.00) an hour. My shop rate was ninety (90). I pay  
21 my mechanics twenty-five (25) bucks an hour -- and I'm  
22 getting off the topic.

23 And definitely the -- the -- she talks  
24 about leg -- stuff being in legislation. Well, please  
25 read the legislation. You know, there -- it's not in



1 the legislation about the fire and theft for  
2 motorcycles. Please, show that to me some day. You  
3 know, that's a policy decided by the -- whoever decides  
4 things at MPI. That's another thing I'd like to know,  
5 who makes some of these policies up.

6                   Because it is -- it's a real problem.  
7 And I feel MPI is not being honest when they sell that  
8 extra insurance. They have to in -- they have to  
9 educate the insurance companies, the -- the brokers, to  
10 explain this to the motorcyclists that, you know, you  
11 might not get your money.

12                   Ray Oakes made a -- a comment, oh  
13 several years ago, about some of the -- why motorcycle  
14 insurance is so expensive. And they say, well you get  
15 -- and we do. I -- I will not -- I don't dispute that.  
16 We -- we have the Cadillac of insurance, because I know  
17 about insurance all over North America. And we get --  
18 our -- our benefits are unbelievable. You know what I  
19 said to Ray? I says, yeah that's right. But try and  
20 collect it. You know? You've got to fight tooth and  
21 nail to get money out of these people at every level.

22                   The last one (1) is, and it wasn't  
23 brought up, to study and compare motorcycle rates that  
24 MPI offers to -- in comparison to other jurisdictions.  
25 And that's some research that I'd like to do, because

1 they keep claiming they've got the -- you know, some of  
2 the best rates. And I'd like to do it on maybe some  
3 other vehicles. Because I know for a fact, just from  
4 personal experience, you go to Alberta and you can  
5 insure a car cheaper there than you can here. And  
6 that's not -- doesn't make sense because we -- they  
7 don't have the -- the advertising costs.

8                   And the biggest thing that they're send  
9 -- the -- the beauty of government insurance is you  
10 don't -- you -- there's no litigation between insurance  
11 companies when there's an accident. It's all done  
12 internally. And I really wonder why they still got  
13 five (5) top lawyers on -- on staff. That's to bring  
14 all the -- you know, why -- why does the Public Utility  
15 Board have to go to court to get information out of MPI  
16 that should be rightfully ours in a democratic society.

17                   And also just to -- the last one (1) was  
18 that five (5) -- five (5) month payment plan. I -- I  
19 can show -- I can -- I got -- I can bring in -- I can  
20 bring in evidence, and I can work it all out and show  
21 exactly what I'm talking about.

22                   And all my -- you know, and this is  
23 another thing that I want to pursue. I think when that  
24 was brought in they were going -- they're -- the sha --  
25 the rate shock was -- was exceeded by more than 15

1 percent. And I can show that on a -- on a spreadsheet,  
2 how it worked. That particular year when they brought  
3 in the five (5) month payment period, they actually --  
4 the -- the amount of money, if you look at apples to  
5 apples, that they increased it was extraordinary. It  
6 was probably in the neighbourhood about 65 percent.

7                   These are things that I want to bring to  
8 the Public Utility Board. I -- I really feel that MPI  
9 tries to befoozle us, and -- at every level. And --  
10 and especially when they start stating that, Oh you  
11 guys are spending too much money on gathering  
12 information and this whole process.

13                   Come on. This is not Russia. You can't  
14 tell us what we can ask for and what we can't ask for  
15 on a -- based on cost. This hearing costs what it  
16 cost. You know, start saving money on your own --  
17 maybe how you run your corporation, and how you treat  
18 people. You treat people -- you don't treat people  
19 properly. Disrespect all the time. I hear about it  
20 all the time. You know, there's no code of conduct.

21                   THE CHAIRPERSON:    Can I -- can I --

22                   MR. ROBYN GRAY:    I'm getting off on  
23 that --

24                   THE CHAIRPERSON:    -- back in the loop.

25                   MR. ROBYN GRAY:    Yeah, okay. Just --

1 that's it.

2 THE CHAIRPERSON: Okay. Ms. Peters,  
3 I'm looking forward to hearing from you because you're  
4 the only Intervenor here who has not asked for -- for  
5 costs.

6 MS. LIZ PETERS: Yes.

7 THE CHAIRPERSON: And I'd like to get  
8 your perspective on costs.

9 MS. LIZ PETERS: You know, I -- I think  
10 I'd refrain from commenting on that. I -- I don't  
11 understand all the -- all the background costs and  
12 needs that go with retaining legal and actual --  
13 actuarial support. So I think I'll refrain from that.

14 But I did have one (1) comment about Mr.  
15 Williams' request for a focus group. CAA would --  
16 would definitely encourage and support that request.  
17 Speaking from personal knowledge, CAA, with our  
18 membership, we quarterly at a national level and semi-  
19 annually at a local level, do focus group testing and  
20 different kinds of serving of our memberships.

21 And it actually really helps us pinpoint  
22 some of the areas of focus, and areas of concern from  
23 the public's perspective. So we get a non-biassed  
24 opinion about those issues and then -- I mean, if he  
25 thinks it's a tool that would help him bring

1 information -- focussed information and questioning to  
2 this proceeding then I think that that would be  
3 valuable to everybody. So we would support that.  
4 That's my only comment.

5 THE CHAIRPERSON: Thank you. Ms. --  
6 Ms. Grammond...? No, nothing. Ms. Kalinowsky...?

7

8 REPLY BY MPI:

9 MS. KATHY KALINOWSKY: Just two (2)  
10 very minor comments. And when I get the transcript  
11 I'll be very interested to see what I -- I said about  
12 labour rates because it was certainly not my intention  
13 to say that labour rates are irrelevant. They're part  
14 of the application. Every year it's part of the costs.  
15 They are irrelevant (sic). So if I misspoke, I  
16 apologize on that regard, but absolutely they -- labour  
17 rates are -- are relevant.

18 And we've been through this in past, I  
19 guess two (2) years ago, about the significant  
20 agreement that we have with the MMDA, Manitoba Motor  
21 Dealers Association, and ATA, the Automotive Trades  
22 Association, and the extensive negotiations and the  
23 process that was lead up to there. And there was a lot  
24 of evidence called on that about two (2) years ago, I  
25 believe, in the application.

1                   The second aspect is just to address Mr.  
2 Williams on one (1) minor report -- one (1) minor  
3 aspect that he mentioned, and that was with respect to  
4 the Information Requests where he said, Well there's a  
5 relatively simple tool -- and I'm paraphrasing him here  
6 but, MPI can simply decline to respond to IRs.

7                   Well, MPI has only declined to ever  
8 respond to IRs if they're beyond the jurisdiction of  
9 the Board. So, for instance, if somebody were to ask -  
10 - a typical one (1) is: What are going to be the  
11 future retained earnings of SRE?

12                   MPI provides a response, says something  
13 like, This is not germane to this application, in that  
14 regard. But MPI has never taken the position of  
15 considering materiality with respect to the Information  
16 Request responses.

17                   Rather than doing that, we're simply  
18 asking at this stage for the different Intervenors and  
19 the Board to consider that when they are asking some of  
20 the questions. So with that, I have no further  
21 comments.

22                   THE CHAIRPERSON: I take to heart the  
23 comments you've made about keeping a cap on the costs  
24 of these proceedings, limiting to the extent possible  
25 the number of IRs. And I acknowledge freely that --

1 that it's in -- it's in the interest of Manitoba  
2 ratepayers and taxpayers that we maintain the costs of  
3 our work at a level that's affordable to Manitobans.

4 I don't have a lot of brilliant  
5 solutions to the dilemma you've posed, from the  
6 perspective of -- of this Board. But I -- I certainly  
7 see it as a personal goal to -- to find and seek ways  
8 that will make us an effective regulatory body.

9 So I think it's all in -- in all our  
10 interests to work collectively to identify ways by  
11 which we might more effectively and efficiently  
12 accomplish the work we set out to do.

13 And so I'm -- I'm not sure what vehicle  
14 we could do -- we could use to accomplish that goal or  
15 vehicles we might use to accomplish that goal, but I  
16 think we need to collectively get our heads together  
17 about how these processes might be made more efficient.

18 And I think it's -- if we can ma -- if  
19 we can succeed in that, I suspect we will make it more  
20 transparent to -- to ratepayers as well. And so I will  
21 personally be looking for ways in which we might seek  
22 improvements to the processes, the practices we hold.  
23 We're looking to other jurisdictions.

24 And certainly we'll be receptive to any  
25 suggestions that this group might make to this Board to

1 accomplish that goal. I mean, we're clearly not the  
2 only regulatory body dealing with this issue. There --  
3 there are a number of regulatory bodies.

4 I can think of one (1) hearing that may  
5 involve some four thousand (4,000) Intervenors in -- in  
6 the National Energy Board, I believe. I can just --  
7 just shudder at thinking how -- what that would cost.

8 But in any case, I think, you know,  
9 being Manitobans, we should try to find ways that will  
10 make us a leader in this area and will show that we can  
11 be successful in addressing this -- this Gordian knot.

12 So thank you, all. I think that we're  
13 done. And I appreciate your commentary. I want to  
14 close by wishing you all a very good Canada Day. And  
15 the lawyers in this room I hope will stay home, will  
16 stay with their families and enjoy that day.

17 I think we should all be thankful we  
18 live in this great country and we have liberties and  
19 the privileges we do. So all the best on Canada Day.

20

21 --- Upon adjourning at 12:02 p.m.

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1 Certified correct,

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7 Cheryl Lavigne, Ms.

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