



“When You Talk - We Listen!”



MANITOBA PUBLIC UTILITIES BOARD

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

Before Board Panel:

- Regis Gosselin - Board Chairman
- Karen Botting - Board Member
- Anita Neville - Board Member

HELD AT:

Public Utilities Board
400, 330 Portage Avenue
Winnipeg, Manitoba

June 28, 2013

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APPEARANCES

Candace Grammond) Board Counsel
Kathy Kalinowsky) MPI
Michael Triggs
Meghan Menzies) CAC
Raymond Oakes) CMMG
Liz Peters) CAA
James Benson) Bike Winnipeg
Charles Feaver)

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1 LIST OF EXHIBITS

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1 --- Upon commencing at 10:32 a.m.

2

3 THE CHAIRPERSON: Good morning, ladies
4 and gentlemen, and welcome to the pre-hearing
5 conference for MPI's 2013/'14 General Rate Application
6 filed June 14th, 2013. My name's Karen Botting, and
7 I'm a member of the Public Utilities Board. And on my
8 left, we have Regis Gosselin, who's the Chair of Public
9 Utilities Board, and on my right, Anita Neville who's
10 also a Board member.

11 Manitoba Public Insurance is applying to
12 the Board for approval of its premiums charged with
13 respect to compulsory driver and vehicle insurance.
14 This General Rate Application will be conducted in
15 accordance with the provisions of the Crown
16 Corporation's Public Review and Accountability Act and
17 the Public Utilities Board Act.

18 We will employ, throughout the process,
19 the Board's rules of practice and procedure, which can
20 be viewed on the Board's website, and if you have any
21 questions of the terms of locating the rules, you may
22 pose questions to our Board off -- Board office staff.

23 In its application, MPI proposes new
24 premium rates to take effect on March 1st, 2014, which,
25 if granted, will represent an overall 1.8 percent rate

1 increase over the current insurance year.

2 There are a number of issues that the
3 Board will be considering in this year's GRA,
4 including: The dyna -- dynamic capital adequacy
5 testing report to be put forward by MPI, road safety,
6 investments, financial forecasting, interest rate
7 forecasting, IFRS and benchmarking, as well as a
8 variety of other issues.

9 MPI bears the onus in this proceeding of
10 satisfying the Board that its application should be
11 granted on the whole of the evidence that it provides.

12 Our objectives for today's pre-hearing
13 conference are to identify perspective Intervenors, and
14 to learn the reason for their intervention; to gain an
15 appreciation of any cost awards that may be sought by
16 the Intervenors, and if so, the approximate quantum of
17 any such cost orders; and lastly, to discuss and arrive
18 at a timetable for the orderly exchange of evidence and
19 information through this GRA process.

20 I'm going to be calling upon our counsel
21 -- Board counsel, Candace Grammond for introductions
22 following MPI's -- followed by MPI's counsel, Ms.
23 Kalinowsky, to introduce the representatives of MPI
24 that are present, after which I'll call on the
25 perspective Intervenors that are present to introduce

1 themselves.

2 And once we've heard the introductions,
3 I'll call on the Board counsel to be making her opening
4 comments. So thank you. Candace, would you like to do
5 your introductions.

6 MS. CANDACE GRAMMOND: Thank you, Madam
7 Chair. So for the record, I'm Candace Grammond, of
8 Pitblado LLP. I'm counsel for the Board and will be
9 throughout this GRA proceeding. With me this morning
10 is Roger Cathcart, who is the accounting advisor to the
11 Board, and he'll be working with us, as well.

12 And although not present today, Brian
13 Pelly is the actuarial advisor for the Board, and
14 he'll be supporting us, as well.

15 THE CHAIRPERSON: Okay, Ms.
16 Kalinowsky...?

17 MS. KATHY KALINOWSKY: Yes, good
18 morning. Very pleased to be here. You'll notice that
19 the benches are a bit smaller today; but my name is
20 Kathy Kalinowsky. I'm the general counsel and
21 corporate secretary at Manitoba Public Insurance.

22 To my right is Mr. Michael Triggs, who's
23 the director of legal services. Usually the president
24 attends this, along with the CFO; and, unfortunately,
25 both of them are in re-insurance meetings. So we had

1 advised Board counsel about that before, if this were
2 the date of the pre-hearing conference, unfortunately,
3 they would be unable to attend. And they regret that
4 very much, that -- that both Ms. McLaren and Ms.
5 Reichert cannot be here.

6 Mr. Johnston is actually supposed to be
7 on holidays, but he's frantically trying to finish the
8 DCAT report. And I'll speak about the DCAT later on,
9 of course, in my comments; but that's it, at this
10 point. Thank you.

11 THE CHAIRPERSON: Thank you, Ms.
12 Kalinowsky.

13 The person representing Consumers
14 Association of Canada...?

15 MS. MEGHAN MENZIES: Hi. Meghan
16 Menzies, from the Public Interest Law Centre, appearing
17 on behalf of the Consumers Association of Canada
18 Manitoba branch. Byron Williams sends his regrets
19 today. But have no fear, he will be here throughout
20 the -- or, if we are granted status, he will be here
21 throughout the -- throughout the proceedings.

22 And behind me is Gloria Desorcy, from
23 the Consumers Association of Canada Manitoba branch.

24 THE CHAIRPERSON: Thank you, Ms.
25 Menzies.

1 And from the Coalition of Manitoba
2 Motorcycle Groups...?

3 MR. RAYMOND OAKES: Good morning, Madam
4 Chairperson. It's Raymond Oakes, from the law firm of
5 Booth Dennehy on behalf of the CMMG. Thank you.

6 THE CHAIRPERSON: Thank you, Mr. Oakes.

7 And from the Canadian Automobile
8 Association...?

9 MS. LIZ PETERS: Good morning. Okay.
10 So Liz Peters, from CAA Manitoba. And I do expect that
11 my CEO and president from CAA will be in attendance for
12 the -- for sure the beginning and end of the
13 conference, if we are granted status. Thank you.

14 THE CHAIRPERSON: Okay, thank you, Ms.
15 Peters.

16 And from the former Bike to the Future,
17 Bike Winnipeg...?

18 MR. JAMES BENSON: Good morning. James
19 Benson, counsel to Bi -- Bike Winnipeg. And beside me
20 is Charles Feaver, a Board member and provincial
21 affairs director.

22 THE CHAIRPERSON: Okay, thank you, Mr.
23 Benson. Now, Ms. Grammond, would you like to make the
24 omen -- opening comments?

25

1 OPENING COMMENTS BY MS. CANDACE GRAMMOND:

2 MS. CANDACE GRAMMOND: Yes. Thank you,
3 Madam Chair. My comments will be brief. Firstly,
4 there are three (3) exhibits to be entered on the
5 record for the Board. The first is the Notice of
6 Public Hearing and Pre-hearing Conference which was
7 signed by Board secretary Hollis Singh June 17th, 2013.
8 So that would be PUB Exhibit 1.

9

10 --- EXHIBIT NO. PUB-1: Notice of public hearing
11 and pre-hearing conference
12 signed by Hollis Singh June
13 17th, 2013

14

15 MS. CANDACE GRAMMOND: PUB Exhibit 2
16 would be the Board's rules of practice and procedure
17 found on the Board's website.

18

19 --- EXHIBIT NO. PUB-2: The Board's rules of
20 practice and procedure

21

22 MS. CANDACE GRAMMOND: And PUB Exhibit
23 3 would be the current draft of the GRA timetable that
24 has been circulated to the parties. And the content of
25 that may change after we discuss the timetable today.

1 --- EXHIBIT NO. PUB-3: Current draft of the GRA
2 timetable

3

4 MS. CANDACE GRAMMOND: So having put
5 those three (3) exhibits on the record, I just want to
6 comment a little bit about the perspective
7 interventions that the Board will be listening to
8 today. And I would ask that the perspective
9 Intervenor provide the following information to the
10 Board.

11 Number 1, an indication of their
12 constituency and interests.

13 Number 2, advise of the areas of the GRA
14 application that they intend to test, if granted
15 status.

16 Number 3, that they provide the reasons
17 for requesting Intervenor status.

18 Number 4, that they specify plans to
19 call evidence or witnesses, including witnesses.

20 And Number 5, that they indicate an
21 interest with respect to whether they are seeking
22 costs, and if, yes, that they provide a draft budget.

23 And as always, of course, the Board will
24 apply the criteria set out in its rules with respect to
25 awarding costs, and those decisions being in the sole

1 discretion of the Board.

2 Those are my comments, Madam Chair,
3 thank you.

4 THE CHAIRPERSON: Thank you, Ms.
5 Grammond.

6 Ms. Kalinowsky, have you some opening
7 comments?

8

9 OPENING COMMENTS BY MPI:

10 MS. KATHY KALINOWSKY: Yes, I do. I
11 don't intend to take a long time but I note that this
12 is, indeed, quite a momentous rate application in the
13 sense that, for the first time ever, there are one (1)
14 million insured units in Manitoba. So Manitobans love
15 their motor vehicles, and they insure them through MPI.
16 So I just want to bring that to the Board's attention.

17 Of course, as you mentioned earlier on,
18 Madam Chair, this is a rate application filed for a 1.8
19 percent increase for rates effective March 1st, 2014.
20 And it's the second time in sixteen (16) years that MPI
21 is coming for -- before this Board for a rate increase.

22 And that's even more remarkable when you
23 look at it against CPI, but also even more remarkable
24 when you look at the \$600 million that has been
25 provided in rebates over the last number of years, and

1 indeed even an 8 percent decrease in rates that was
2 ordered two (2) years ago. So it really shows the
3 benefits of public auto insurance, and how this
4 Corporation has managed its costs, and while still
5 providing world-class coverage to Manitobans.

6 Of course, if you've looked at the
7 materials, you'll notice that they are very different
8 this year. It's trying to be a lot more responsive to
9 the PUB's needs and the Intervenor's needs. We hope
10 that it's a lot easier to understand. It's now
11 organized by subject matter rather than by table, so
12 that should assist right -- right off the -- the bat,
13 so to speak.

14 In changing the format, we also looked
15 at: What are the standard types of IRs that are being
16 asked? What are the standard issues that are being
17 brought forward in the cross-examination at the
18 hearing? We tried to review what the Board and the
19 Intervenors are asking, and also what seems to be that
20 PUB seems to rely upon in the hearing and in making its
21 decision.

22 So we tried to be more comprehensive
23 than previous rate applications; and we've tried to
24 provide an awful lot more explanation. The rate
25 setting section is much better set out. The investment

1 section, much better set out. In fact, previously,
2 there was really no investment section. It was
3 scattered throughout different parts of the rate
4 application.

5 Now, this is something that is very much
6 directed by Ms. Reichert as the new CFO. When she
7 looked at the application last year, she was kind of
8 perplexed at its organization. And so we, of course,
9 welcome any comments that individuals might provide
10 throughout the hearing process as to whether this has
11 been a successful reorganization of the materials.

12 There is a roadmap provided which shows
13 what the application used to be and organized, and how
14 it's organized now so that all people -- all
15 participants can have some comfort that no information
16 has been deleted.

17 If an extra explanation is required at
18 some point, as to where information is or questions as
19 why it's organized, we'd be pleased to come and we
20 could do a session here to Intervenors or the Board and
21 explain that, of course.

22 But we're -- we're excited with this
23 improvement. We hope the others are too, and because
24 of this improvement in the application we are, indeed,
25 expecting much fewer Information Requests because the

1 information is indeed provided.

2 Last year -- we'd like to thank the PUB
3 for really focussing their IRs, last year. If you can
4 recall, I gave quite an extensive commentary at the
5 prehearing conference last year about the number of IRs
6 and, of course, the use of those IRs in -- in the
7 hearing afterwards. And it dramatically showed that
8 lots of IRs were asked, very few -- excuse me -- IRs
9 were relied upon.

10 So the PUB very much seemed to focus --
11 take that into focus in providing their IRs, and we
12 noticed a dramatic decrease in the number of IRs. And,
13 of course, believe that the Board still had all the
14 information that was required to provide a very
15 comprehensive Board Order.

16 I think CAC will put out the challenge
17 to you once again to really try and focus on the IRs,
18 and focus the numbers down as to what's -- what's
19 needed. And of course we're -- we're reluctant to see
20 any kind of IRs such as, you know, Please provide, you
21 know, the old TI.8 or TI.9 or TI.13, or of anything
22 like that. So really hope that this is a fresh -- a
23 fresh start for individuals.

24 I do have to mention a couple of things
25 that are in the filing, and one (1) is a correction.

1 And I sent out correspondence at the beginning of this
2 -- this week, and it's simply two (2) pages I believe
3 were transposed incorrectly from the Basic versus the
4 total financial statements, and those have been
5 corrected now. And we'll be correcting it when we send
6 out electronically. We've collect -- corrected it on
7 the website already, and we'll be correcting it on the
8 disc when we send the disc out. So I believe all
9 parties received that.

10 With respect to the -- the DCAT, I did
11 mention that Mr. Johnston is frantically working on
12 this and not taking his scheduled vacation
13 unfortunately. But the DCAT in -- incorporates an
14 awful lot of the conversation that was held in April
15 with respect to the technical conference that CAC
16 attended and the Board attended. And we found that to
17 be a very helpful exercise.

18 It was quite helpful to just hear the --
19 you know, the actuaries talk amongst themselves and an
20 awful lot was agreed to at that meeting, and -- or
21 conference, and an awful lot will change in the DCAT
22 because of that. So it's required an awful lot more
23 work from Mr. Johnston, so that's why the DCAT isn't
24 indeed prepared at this point in -- in final. So it
25 should be prepared by next week, and we will be filing

1 it next week.

2 The -- at the same time we will also be
3 filing the Gartner report, which is the IT score card
4 which we've filed over the past two (2) hearings, and
5 that is part of the benchmarking session -- section in
6 the Application. And indeed we had mentioned in there
7 that it wasn't -- wasn't finalized at the time or it
8 hadn't been brought before our Board. We'll be
9 following -- filing it next week.

10 With respect to MPI's witnesses, the
11 witnesses as mentioned in the Application will be
12 Marilyn McLaren, who is the president and CEO of the
13 Corporation. It'll be Heather Reichert who is the vice
14 president of finance and chief financial officer. And
15 it'll be Luke Johnston who is the executive directing -
16 - director of pricing and economics, and the chief
17 actuary of the Corporation. You're familiar with the -
18 - those witnesses from last year.

19 With respect to road safety, we will be
20 bringing in two (2) witnesses, both with the -- the
21 surname Robinson, so Messrs. Robinson. And they are
22 from an organization called ADTSEA, and I should have
23 looked it up as to what that acronym is but A-D-T-S-E-
24 A.

25 And they have done an enormous scan --

1 jurisdictional scan as to what constitutes best
2 practices, et cetera, with regards to high school
3 driver's ed, and we believe that the -- absolute world-
4 class experts on this area. And the executive summary
5 of the report has been provided in the Application.

6 The report is in excess of six hundred
7 (600) pages. So we've provided a fairly comprehensive
8 summary in the executive summary. And we hope that the
9 Board will be very interested in hearing from those
10 individuals with respect to high school driver ed. Of
11 course, high school driver ed composes approximately
12 half of the road safety funding every year.

13 I won't comment at this stage with
14 respect to the interventions other than to say that I
15 just found out when I got here just prior to 10:30 that
16 Bike Winnipeg would be seeking intervention status, so
17 I don't really have any prepared comments. And I would
18 have had some prepared comments in that regard because
19 it's a first time that they've attended. So I'll be
20 providing some comments right off the -- the top, so to
21 speak, in that regard.

22 So with that, we'll discuss later on the
23 timetable. We'll discuss later on the interventions
24 when the different Intervenors seeking status come
25 forward. And we -- at that stage I'll provide some

1 comments. Thank you very much.

2 THE CHAIRPERSON: Thank you, Ms.

3 Kalinowsky. Now I call upon Ms. Menzies.

4

5 OPENING REMARKS BY CAC (MANITOBA):

6 MS. MEGHAN MENZIES: Thank you very

7 much. Again, as I said before, Mr. Williams sends his

8 regrets, but I am very excited to appear before you

9 today representing CAC (Manitoba).

10 I'd first like to give a brief

11 introduction of our client, CAC (Manitoba), who have

12 been long-term Intervenors before this Board on a

13 number of matters. Those matters include Manitoba

14 Public Insurance general rate applications as well as

15 matters related to payday lending, and hydro and gas.

16 The long-standing role of CAC (Manitoba)

17 before this Board has to -- has been to represent a

18 broader consumer interest with a particular focus on

19 the private passenger class. However, they certainly

20 do try to speak to all consumer issues.

21 CAC (Manitoba) does its bre -- best to

22 bring a broad consumer perspective and the most broad

23 consumer perspective as possible. This perspective

24 used to be facilitated through their partnership with

25 the Manitoba Society of Seniors.

1 While they continue to seek out groups
2 with which to partner, their intention for this
3 hearing, should they be granted status, would be to
4 broaden the consumer perspective that they bring
5 through advisory groups and focus groups, as they did
6 last year.

7 In the past, these groups have consisted
8 of persons of -- from various organizations and various
9 demographics. It is this in -- is -- it is thi -- this
10 type of innovative initiatives, like focus groups, and
11 CAC Manitoba's consistent participation in consumer-
12 affecting regulatory proceedings, which equip CAC
13 (Manitoba) to bring as true and as vast a consumer
14 perspective as possible, a perspective which they hope
15 to share with -- with the Public Utilities Board in
16 this proceeding.

17 I would now like to draw your attention
18 to the Intervenor request form that was distributed
19 electronically yesterday. And then a hard copy was
20 distributed this morning.

21 First I would like to draw your
22 attention to point 8, the reasons for the proposed
23 intervention, which begins at the beginning of page 2.
24 As has been the case in past hearings, CAC (Manitoba)
25 intends to test all aspects of the rate application

1 with a view to determine whether or not the proposed
2 rates are just and reasonable.

3 Specifically, they have identified
4 twelve (12) questions which are of particular interest
5 to them. Number 1: Is a rate increase of 1.8 percent
6 on overall Basic insurance just and reasonable, and is
7 this increase supported by the evidence?

8 Secondly, CAC (Manitoba) intends to ask
9 whether the new financial forecasting model is adequate
10 or, to put in other words, whether stakeholders can
11 have confidence that MPI's forecast and forecasting
12 procedures are accurate.

13 Thirdly, CAC (Manitoba) will ask whether
14 the assumptions in various operating capital revenue
15 claims and investment income forecasts are reasonable
16 and statistically supported.

17 Fourth, they would want to ask whether
18 public insur -- they would want to ask about public in
19 -- Manitoba Public Insurance's accounting policy
20 changes. At this stage, Manitoba Public Ins -- sorry,
21 CAC (Manitoba) would want to ask whether these changes
22 have impacted the 2014 GRA and whether they will impact
23 future GRAs.

24 CAC would further ask whether the
25 accounting policy changes are prudent and consistent

1 with the public interest. As for the fifth question,
2 this was discussed at length in the last general rate
3 application, the atten -- the intent of CAC (Manitoba)
4 in this hearing would be to continue to monitor
5 Manitoba Public Insurance's spending, especially as it
6 relates to staffing levels and operations.

7 CAC (Manitoba) intends to inquire into
8 the Ward Group (phonetic) benchmarks provided in MPI's
9 application, and would like to better understand what
10 standards flow from these benchmarks and whether there
11 is accountability in the standards and whether they are
12 consistent with the public interest.

13 CAC (Manitoba) will ask about Manitoba
14 Public Insurance's most serious risks and how they can
15 be mitigated in a manner which is consistent with the
16 public interest. And they would want to ask whether
17 the anticipated benefits of the PIPP infrastructure
18 project and the business transformation office are
19 being realized.

20 CAC (Manitoba) intends to pay particular
21 attention to the Corporation's investments in road
22 safety and would ask whether these investments are
23 prudent and consistent with the public interest.

24 CAC (Manitoba) will ask whether the
25 proposed levels of resource associ -- resource of

1 reserves associated with the RSR are appropriate and,
2 lastly, whether the development of the DCAT is
3 consistent with modern risk-management practices.

4 As has been the case in past hearings,
5 CAC (Manitoba) intends to test all aspects of the Rate
6 Application, but those are just twelve (12) of the
7 highlights that we've identified for you.

8 Moving on to box 9, our clients intend
9 to appear throughout the hearing to test the evidence
10 through Information Requests, and to cross-examine, and
11 to present final argument. In terms of Section 9C, CAC
12 (Manitoba) has identified road safety as a key issue
13 with -- with the potential to reduce claim costs and
14 the social -- and reduce the social and human costs of
15 accidents. And this has already also been identified
16 by Manitoba Public Insurance.

17 This is the first time that someone has
18 been brought by CAC (Manitoba) to offer to look at
19 whether the programs are being delivered to achieve
20 maximum value for ratepayers, and whether they are
21 being evaluated in a manner which insures that future
22 programs will achieve maximum value for ratepayer
23 dollars. This is also in response -- or our attempt to
24 respond to the Board Order 22/'13.

25 It would be the intention of CAC

1 (Manitoba) to call an expert witness. This ex -- this
2 expert witness is Mavis Johnson, and we've all -- also
3 distributed one of her -- or her CV, her curriculum
4 vitae. Is it before the Board? Yes?

5 It is our believe that Ms. Mavis Johnson
6 is an outstanding road safety specialist who would be
7 called to provide testimony on a number of issues
8 related to road safety. Those issues relate to the
9 development, implementation, and evaluation of cost-
10 effective road safety programs which are consistent
11 with the mandate of a Crown-owned monopoly.

12 More specifically, she would provide
13 insight into road safety good or best practices. She
14 would identify important criteria for the evaluation of
15 road safety or good practice. She would discuss the
16 importance of positive cost-benefit analysis in
17 designing specific programs and in designing an
18 efficient port -- portfolio of programs.

19 Ms. Johnson would discuss opportunities
20 and risks for Crown corporations in investing in road
21 safety cor -- in -- investing in road-safety
22 programming. She would discuss the role of evidence-
23 based planning and would provide a review of road-
24 safety programming. She would identify common
25 challenges in delivering road-safety programming, and

1 provide a crit -- critical analysis of the existing and
2 proposed MPI road-safety programs as compared to good
3 or best practice. She would hopefully also be able to
4 provide recommendations to assist MPI.

5 As is clear by our form, and clear by
6 Ms. Johnson's curriculum vitae, she is well qualified
7 to speak to these issues. Since 2003 she has been the
8 president of the Canadian Traffic Safety Institute, and
9 she has forty-three (43) years of experience in
10 developing, managing, and participating in engineering
11 enforcement and education programs relating to road
12 safety.

13 In 2010 she conducted the mid-term
14 review of Canada's road-safety strategy through Road-
15 Safety Vision 2010 for the Canadian counsel of motor --
16 transport administrators. And from 1987 to 2003 she
17 worked for the Insurance Corporation of British
18 Columbia, or ICBC, where she developed, managed, and
19 enforced safety programs.

20 Ms. Johnson has undertaken safety
21 projects at an international, national, and provincial,
22 municipal, and local community level. She has
23 consulted in projects in several countries, has
24 authored numerous papers, and presented training
25 programs on a variety of road safety topics. She is

1 also the recipient of a number of awards.

2 I will -- I will finish going on about
3 Ms. Johnson but I just want to make clear that she is
4 well qualified to speak to these issues and CAC
5 (Manitoba) would be very excited to -- to be able to
6 present her to the Board.

7 In terms of the role of consultants
8 retained by CAC (Manitoba), we would be retaining two
9 (2) of the same consultants as were retained by last
10 year -- in last year's hearing: one (1) being Mr. Peter
11 Dyck, a former MPI staff member and an accountant. Mr.
12 Dyck would have overall carriage of the analysis.

13 Secondly, CAC (Manitoba) intends to
14 retain Ms. Andrea Sherry, who is an actuary, and would
15 focus specifically on actuarial issues, especially as
16 they relate to claims liability.

17 In addition to these two (2)
18 consultants, CAC (Manitoba) has included a modest
19 contingency should we require someone with knowledge on
20 a econ -- econometrics and microeconomics for issues
21 relating to investment income, forecasts, or risk
22 analysis.

23 As we have done in the past, we intend
24 to have ongoing discussions with our friends from CAA
25 so that we can bounce ideas off of each other and

1 ensure that a broad perspective is provided to the
2 Board. We have actually already had discussions with
3 CAA about possible collaborations with Ms. Mavis
4 Johnson. We also intend to be in contact with other
5 intervenors as circumstances allow.

6 In terms of the cost application that
7 our clients are seeking, I would ask that we turn to
8 the last page of the form -- or of the application.
9 This provides an overall overview of our costs. But it
10 should be noted that the previous pages provide more
11 detailed analysis of the costs that we are seeking.

12 On this last page, there are a few
13 things that I would like to draw to the Board's
14 attention. First of all, in terms of the hours of the
15 legal team, Mr. Williams is estimated to work
16 approximately two hundred (200) to two hundred and
17 forty (240) hours.

18 This number is based on an estimate of
19 ten (10) to twelve (12) hearing days with approximately
20 twenty (20) hours per hearing day, which was the
21 average from last year's proceeding. This is slightly
22 higher from last year's estimation, where we predicted
23 a range of seventeen (17) to twenty (20) hours per
24 hearing day.

25 This is due to our observation from last

1 year, where Mr. Williams was averaging closer to twenty
2 (20) hours a day and because of the road safety matter
3 which are not as familiar with and which would require
4 more reading on his pa -- on Mr. Williams's behalf.

5 Mr. Williams has also increased his
6 hourly rate to two hundred and ten dollars (\$210) an
7 hour, which is still below the PUB tariff given his
8 twenty-one (21) years of experience.

9 In addition, we have put in an
10 estimation of one hundred and fifty-seven (157) to one
11 hundred and sixty-two (162) hours for a junior
12 associate, whose role it would be to assist Mr.
13 Williams, given his commitment to other proceedings and
14 in order to prepare an orderly transition of
15 responsibility of the file in future proceedings.

16 No hours would be billed for this junior
17 associate unless there is a unique task which does not
18 involve Mr. Williams. In this event, we would expect
19 Mr. Williams's hours to be somewhat reduced.

20 Mr. Dyck's hours are estimated at one
21 hundred and eighty-six (186) hours, which is less than
22 the hours billed last year. This year, he is now
23 charging two hundred dollars (\$200) an hour, an
24 increase from last year but still below the tariff,
25 given his experience.

1 Lastly, there is Ms. An -- not lastly,
2 sorry. Then there is Ms. Andrea Sherry, who, like I
3 said, is an actuary and is the actuary who assisted CAC
4 (Manitoba) during last year's general rate application.
5 Her hours are essentially the same as last year and she
6 will be billing at two hundred and fifty dollars (\$250)
7 an hour, which is well below her market rate.

8 Ms. Mavis Johnson has a relatively large
9 role to fill and she has estimated a range of one
10 hundred and thirty-six (136) hours to one hundred and
11 sixty (160) hours of work, or seventeen (17) to twenty
12 (20) eight (8) hour days. Her rate is well below the
13 tariff, at one hundred fifty dollars (\$150) per hour.

14 Lastly, as I mentioned earlier, we have
15 included a modest contingency of twenty (20) to forty
16 (40) hours should CAC (Manitoba) require an expert in
17 microeconomics and econometrics. We are estimating a
18 fee of one hundred and fifty dollars (\$150) an hour
19 should this be necessary.

20 Our determination as to the contingency
21 will be based on our evaluation of the Information
22 Requests and evidence. The fee total for -- for our
23 budget estimate is at the lower range. At the lower
24 range is somewhat lower than what was estimated last
25 year but is higher than what was billed for last year.

1 This ha -- primarily has to do with road safety matters
2 that we are intending to introduce.

3 Cognizant of -- of what was brought up
4 by Manitoba Public Insurance, CAC (Manitoba) is
5 listening, and we listen to these concerns regarding
6 Information Requests. And we did reduce our
7 Information Requests last year and we intend to
8 continue to be mindful of our Information Requests.

9 However, it is still our position that
10 it is important to fully test the case. CAC notes the
11 new filing approach of MPI and is hopeful that this
12 will reduce the number of Information Requests
13 required.

14 In addition, we are open to meeting with
15 MPI prior to the filing of first and second Information
16 Requests to discuss ways to min -- to minimize the
17 Information Requests that we present.

18 Subject to any questions by the Board,
19 those are our client's submissions. But I would want
20 to say I am also requesting permission for the
21 opportunity for Mr. Williams to respond in writing to
22 any issues that might arise from today's pre-hearing
23 conference. Thank you.

24 THE CHAIRPERSON: Thank you, Ms.
25 Menzies.

1 Does anybody have a question? Okay,
2 thank you. Now I'd like Mr. Oakes, please, from CMMG.

3

4 OPENING REMARKS BY CMMG:

5 MR. RAYMOND OAKES: Thank you, Madam
6 Chairperson, members of the Board, ladies and
7 gentlemen. I represent the Coalition of Manitoba
8 Motorcycle Groups, the CMMG, which has been in
9 existence for twenty (20) years and a registered
10 Intervenor for that same twenty (20) years before the
11 this Board.

12 The CMMG is the umbrella group for all
13 organized motorcycle riding groups. They would include
14 everything from the Christian Bikers Association to the
15 Antique Motorcycle Associations, and as well as various
16 sport bike constituencies, and the like. Its purpose
17 is to advocate for motorcycle safety, and reasonable
18 and fair, equitable insurance rates.

19 You might think that motorcyclists would
20 be very pleased this year, having -- facing an
21 Application for a 7.6 percent decrease while car owners
22 are somewhat less fortunate. I suggest to the Board
23 that the reason for the decrease is that motorcyclists
24 were overcharged for a period of almost two (2)
25 decades. To put it into context, the average rate for

1 motorcyclists is still over a thousand dollars (\$1,000)
2 and that's for four (4) months.

3 During the period from 1992 when this
4 organization was formed until a decade later,
5 there was a 227 percent increase over that period.
6 CMMG pro -- was a proponent every year that the claims
7 experience did not justify those large 15 percent
8 increases year after year. It pointed to loss ratios
9 of between 50 and 85 percent for that -- for years in
10 that period.

11 And much like the surplus problem that
12 MPI found itself with some \$300 million that it didn't
13 know that it had, the CMMG was the voice in the
14 wilderness with respect to that. And that was remarked
15 on by previous Chairman Lane, that the CMMG was
16 pointing to these paddings of reserves and the
17 overabundance of premiums collected from Manitobans.

18 With respect to the present Application
19 then, I would ask the Board to consider all those
20 motorcyclists during those twenty (20) years that were
21 forced off the road due to high insurance rates and ask
22 -- and we'll be asking MPI how this present decrease
23 will help all of those riders who left that particular
24 mode of transportation due to cost.

25 We have a number of issues obviously

1 with respect to the Application. We will not -- we'll
2 have a very limited amount of questions related to the
3 RSR, the rate stabilization -- the stabilization
4 reserve, whether it's DCAT or MCT as the appropriate
5 test. Our primary focus will be on the rate-making
6 methodologies that relates to the establishment of
7 rates for motorcycles, and as well, obviously, road
8 safety and loss prevention which has been a huge banner
9 of the CMMG, particularly in respect to wildlife
10 collision claims losses.

11 With respect to that, I can advise, as I
12 have advised Board counsel, that we are still
13 interviewing experts, and I'll touch on that a bit
14 later. We're certainly looking for trends in the
15 losses given the historical perspective that I've just
16 provided to the Board.

17 We're looking at dealing with the
18 forecasted PIPP rate dealing with the declining
19 frequency that we've been seeing for a long period of
20 time. And we -- we'll be dealing with the
21 Corporation's tendency to reserve too much money with
22 respect to claims, and their accumulation of surpluses
23 in various parts of their rate-making methodology.

24 We'll be dealing with their estimates in
25 terms of the PIPP claim variabilities, and we notice in

1 their Application that again they've indicated a \$14
2 million overbudget PIPP claim experience.

3 With respect to investment income, CMMG
4 does not have the expert resources that perhaps the
5 Board has and we find it surprising, however, in this
6 application that only now MPI comes forward and says,
7 We're concerned about low bond yields. Historically,
8 low interest rates have been with us for more than half
9 a decade. You would think that anyone that understands
10 the bond market would have been concerned at the outset
11 of that low interest period.

12 The indications are more that interest
13 rates will be increasing in the future given the
14 statements of the US Reserve chairman about a week ago
15 or two (2) weeks ago. In any event, that isn't an area
16 that'll be fully examined. And we'll be leaving that
17 to the Board and Monsieur Gosselin for his expertise,
18 but we will have some questions and comments relative
19 to that.

20 With respect to that same issue, we're
21 again surprised page 8 of the GRA overview, Overview 7,
22 says:

23 "The Corporation did not have the
24 modelling tool to properly forecast
25 the impact of changing interest rates

1 on net income for rate setting
2 purposes."

3 And I read that. And I'm shocked and
4 surprised and will certainly be wanting to canvas that.
5 The corporation that was formed forty-one (41) years
6 ago, and set rates for each of those years didn't have
7 a modelling tool to properly forecast the impact of
8 changing interest rates on the investment income side?

9 So there's a number of areas obviously,
10 we're very concerned about. Road safety will be a --
11 the primary focus. With respect to experts in that
12 area, we are interviewing other experts. We wish to
13 speak with Mavis Johnson, obviously, to avoid
14 duplication and find out her background with respect to
15 wildlife collision prevention.

16 We've provided this Board with a draft
17 budget. It's more or less what it was last year. That
18 budget would change if CMMG produced a witness, it
19 would increase. As well, I can advise the Board that
20 we intend to immediately review the hourly rate present
21 in that draft budget. We think that there should be
22 parity. I've got thirty (30) years at the bar and
23 twenty (20) years before this Board, so we'd want the
24 counsel rates to be somewhat more uniform.

25 I can advise the Board my market rate is

1 two seventy-five (275) an hour. But I anticipate a
2 reduced hourly rate, recognizing that there's a public
3 interest matter at stake.

4 So those would be our comments relative
5 to this application. And I trust that we'll receive
6 Intervenor status much as we have the last twenty (20)
7 years.

8 THE CHAIRPERSON: Thank you, Mr. Oakes.

9
10 And next I'll call upon Ms. Peters, from
11 CAA.

12

13 OPENING REMARKS BY CAA:

14 MS. LIZ PETERS: Thank you. So CAA
15 Manitoba, we're an organization that's been in
16 existence in Manitoba for a hundred and nine (109)
17 years, and in Canada for a hundred and twelve (112)
18 years. For two (2) decades now, CAA (Manitoba) has
19 been participating as an Intervenor in these hearings.
20 And through the most part of those hearings, we have
21 participated with a watching brief, and we do foresee
22 to proceed in the same manner.

23 That said though, because my president
24 and CEO, as I indicated in my introductions, does
25 intend to attend for the beginning and the end and

1 possibly in-between, possibly the discussions about
2 road safety, we do ask for some leeway if he do -- does
3 decide to ask questions, that hopefully that would be
4 possible.

5 And in terms of areas that we're
6 interested in, of course, we are always watching the
7 rate setting process, that it's fair and accountable,
8 and that's always of interest to us. But more so, this
9 -- this year we're looking at the road safety
10 discussion, the -- Mavis Johnson being brought in, and
11 also the -- the evidence that will be brought by MPI
12 about the Driver Education Program. We're very
13 interested in that, and possibly may have some
14 questions.

15 Really, overall, the reason for our
16 intervention, number 1, we have two hundred thousand
17 (200,000) members in Manitoba, and that number
18 continues to grow. They do ask for advice. They do
19 ask for guidance. And in years past, our presence at
20 these hearings have allowed us to provide information
21 to provide guidance. And we do think that's a value to
22 our membership, and it's something we hope to continue.

23 And then, secondly, as I previously
24 mentioned, just the evidence as it's tested, moreso by
25 CAC and CMMG, how the rate application will affect

1 consumers in -- in a more wholesome way is something
2 that we're also very interested in.

3 In terms of costs, we don't -- it's
4 usually just myself so we won't be applying for costs
5 as it is just a watching brief. And we do appear -- we
6 do intend to appear for the majority of the hearings.
7 So if there's any questions, please do feel free, but
8 other than that, thank you very much.

9 THE CHAIRPERSON: Thank you very much.

10 And now I'd like to call upon Mr. Benson
11 from Bike Winnipeg.

12

13 OPENING REMARKS BY BIKE WINNIPEG:

14 MR. JAMES BENSON: Good morning,
15 members of the Board, ladies and gentlemen. My name is
16 James Benson. I'm counsel for Bike Winnipeg, which is
17 formerly Bike to the Future. We were involved last
18 year as presenters, not as Intervenors. Mr. Tom McMann
19 (phonetic), then co-chair, made a presentation to the
20 Board which resulted in -- in an order that we -- we
21 much appreciated.

22 Our -- our membership is currently just
23 shy of eight hundred (800). We have approximately
24 sixteen hundred (1,600) who are receiving regular
25 newsletters and emails. And on Bike to Work Day, which

1 was this past Friday, the official tally is in: thirty-
2 five hundred (3,500) people registered as riding.
3 That's more or less on par with last year, which --
4 four thousand (4,000) last year. The weather was not
5 quite as beautiful this year.

6 As well, you may have heard of Bike
7 Valley Winnipeg, which is a subsidiary of -- of Bike
8 Winnipeg. Invol -- they're involved in parking --
9 parking situation at the new Bomber stadium.

10 Essentially our -- our organization
11 exists to work to make cycling in Winnipeg a safe,
12 enjoyable, accessible, and convenient transportation
13 choice year-round. We're -- we're a volunteer
14 organization, and have been around since 2007 when it
15 was incorporated as a non-profit organization.

16 First off, I'd -- I'd like to thank MPI
17 for a recent advertising campaign which focussed on
18 cycling safety in which they consulted with Bike to
19 Future, now Bike Winnipeg, and just hats off to you.
20 Thank you. Beside me is our provincial affairs
21 director, Charles Feaver.

22 With regard to the -- the focus of our
23 interest in this proceeding, it would be strictly on
24 the road safety aspect. Our mandate is the safety of
25 Manitoba cyclists using -- safety of cyclists using

1 roads in Manitoba.

2 Based on our previous presentation
3 before the Board last year, there was an order for a
4 technical conference to be scheduled in March but that
5 ended up not going ahead. I note that the witnesses to
6 be called this year by MPI include the Robinsons, who
7 can speak to the driver training aspect of road safety.
8 And although I suppose by training and accumulative
9 effect year-to-year that eventually will affect every
10 driver in -- in the province, it is a slow process, I
11 suppose. I understand it's approximately twelve
12 thousand (12,000) a year out of six hundred (600) --
13 six hundred thousand (600,000) drivers, which leaves a
14 large gap of drivers who are -- who are not covered by
15 the expertise of those -- the Robinsons.

16 This -- this gap was recognized by the
17 Public Utilities Board last year in the -- the order
18 for the technical conference to take into account the
19 safety of Manitoba roads, including a growing segment
20 of users on Manitoba roads: cyclists. That's -- that's
21 a segment that I don't think anybody anticipates will
22 be going down anytime in the near future.

23 So our -- our focus during the road
24 safety is going to be to encourage Manitoba Public
25 Insurance to effectively message to drivers to change

1 behaviour for safer roads for Manitoba cyclists. We
2 want to do that by two (2) ways. One (1) is by
3 communicating with drivers, proper communication,
4 ensuring that the -- the communication that's going out
5 there is getting the message home. And then secondly
6 determining what is the message that is to be
7 communicated.

8 Our plans for witnesses and evidence in
9 this regard, we have -- we -- we haven't come up
10 entirely with name -- with names that we'd like to call
11 forward, partially because we are hoping that MPI or
12 the Board would -- would be calling witnesses who would
13 be covering that.

14 The Robinsons may be able to speak to
15 the -- the communication and training aspect of things.
16 I -- I don't know how much overlap there will be beyond
17 the -- the novice market. I note as well -- I'm
18 pleased to note that CAC is -- is asking to bring Mavis
19 Johnson.

20 Upon a further review of her CV it may
21 be that she is the -- the witness that we would be
22 looking for to speak to the substance of what message
23 we need to be getting across to drivers with regard to
24 road safety. In order to do that we -- I'd obviously
25 have to have a closer look at her -- at her CV to

1 determine if -- if she has valid experience regarding
2 cyclist safety on roads.

3 She may also have experience with
4 regards to evaluation, but we want to assure that that
5 evidence on effectiveness is a sufficiently
6 sophisticated level required to move MPI's measurement
7 and methodologies up a level.

8 We also need to -- to verify whether
9 CAC's witnesses is qualified for that. With regard to
10 two (2) of those witnesses, if -- if we will be
11 required to put forward names other than those
12 currently before the Board, we would ask that they be
13 called by either the -- the Board or by MPI.

14 Bike Winnipeg is a volunteer
15 organization and simply doesn't have the resources to
16 bring forward witnesses -- which brings me to the --
17 the issue of costs. We -- I did file our -- our
18 request for costs before the -- the Board. And I just
19 note now that when I -- when I did that, I was
20 operating on a misunderstanding as to the rates. And I
21 would ask that the rate I put be amended to reflect the
22 tariff of the Board for a lawyer of my -- my seniority.
23 And I can put that forward in writing, as well.

24 That -- that estimate does not account
25 for calling witnesses. If we are required to call

1 witnesses, it -- it will change. Subject to any
2 comments or questions, those are -- those are my
3 submissions.

4 THE CHAIRPERSON: Thank you very much,
5 Mr. Benson. Is this the end?

6 MS. CANDACE GRAMMOND: We'll -- we'll
7 go back to Ms. Kalinowsky for --

8 THE CHAIRPERSON: Okay.

9 MS. CANDACE GRAMMOND: -- comments that
10 she may have in response to what the Intervenors have
11 said.

12 THE CHAIRPERSON: Okay, thank you.

13

14 REPLY BY MPI:

15 MS. KATHY KALINOWSKY: It's never the
16 end without giving me a change to speak. But I'll just
17 provide a number of comments with respect to CAC. Of
18 course, we always value their intervention. And I'm
19 just looking at my notes here, and habits are -- old
20 habits are hard to break because I wrote down
21 "CAC/MSOS," so -- it is CAC though.

22 But, of course, the Board members will
23 be familiar that there's a number of outstanding
24 concerns that MPI has with respect to previous GRA
25 billings by CAC with respect to a costs award. That's

1 still outstanding.

2 Our comments last year from the pre-
3 hearing conference still stand. And our comments with
4 respect to the written submission that I provided with
5 respect to the cost award still stand. And we hope
6 that CAC, of course, takes those into account for this
7 upcoming year.

8 We're quite excited to -- to hear about
9 -- hear Ms. Johnson. And MPI, of course, is very
10 familiar with Ms. Johnson. She's a highly respected
11 witness. And we'll look forward to CAC bringing her
12 forward into this forum and think that it's a very
13 valuable contribution.

14 So we have no concerns there with
15 respect to CAC's application for Intervention status
16 other than I was a bit confused on one (1) aspect,
17 which is talking about the concerns with the accounting
18 policy. And I'm not sure that Ms. Menzies can respond
19 to that, but I'm not quite sure what changes to
20 accounting policy she's actually speaking about.

21 The changes to accounting policies will
22 probably happen in -- is it 2018 or something like that
23 with re -- 2017 with respect to IFRS, so I'm not quite
24 sure what is really being referred to there. But other
25 than that, we're fine, of course, with the intervention

1 of CAC and, of course, I think that it's valuable. And
2 as I mentioned, their participation in the DCAT
3 technical conference was very helpful there.

4 With respect to CMMG's application for
5 costs, I figure after thirty (30) years, Mr. Oakes is
6 due for a raise, so have no difficulties if he wants to
7 amend his application, to set it at the same tariff as
8 I believe it would be senior counsel or se -- I'm not
9 quite sure what the criteria is, but that the PUB uses.
10 So we're fine with that, of course.

11 I did note that CMMG -- I was bit
12 surprised this morning when they -- when Mr. Oakes
13 indicated that he had advised Board counsel about
14 possibly interviewing witnesses because I checked his
15 Intervenor -- Intervenor form, and it says, No intent -
16 - and you marked an 'X' -- No intention to bring
17 forward a witness, so I'm not quite sure what's
18 happened in-between that. And perhaps Mr. Oakes could
19 clarify that, too.

20 So I have no further comments. And
21 CMMG, of course, has always been a long-standing
22 witness and that's certainly fine with -- and I expect
23 that they'll be granted Intervention status, of course.

24 With respect to CAA, of course, they
25 always participate as a form of a watching brief. And

1 although I do remember Mr. Crook occasionally doing
2 cross-examination and grabbing a microphone, but of
3 course we have no opposition to their intervention
4 request from CAA.

5 Bike to the Fut -- Bike Winnipeg, sorry,
6 and I did mention earlier that I was surprised when I
7 showed up here at a few minutes before the -- the
8 hearing commenced that there was a new application for
9 intervention status. It wasn't forwarded to MPI, and
10 I'd encourage Mr. Benson to try and -- if -- if he is
11 indeed granted intervention status to make sure that
12 MPI is copied on all correspondence, et cetera, because
13 we are, of course, the applicant to this.

14 I notice that their -- their request for
15 Intervenor status is very -- very broad, and have to
16 remind the Board, as we always remind the Board at this
17 kind of juncture, is that this is the rate setting
18 Board. Section 26, well familiar with it from the
19 Crown Corporation's Public Review and Accountability
20 Act, jurisdiction is to set rates for basic automobile
21 insurance.

22 Of course, there is -- the Board is well
23 familiar with a lot of correspondence that's gone back
24 and forth from MPI, and Intervenors at times have been
25 copied of -- or Intervenors have been copied with the -

1 - the correspondence as to what MPI's position is with
2 respect to road safety, reinforce that right -- right
3 again at the outset.

4 But of course that is the sole
5 jurisdiction of the PUB, and we very much have always
6 valued the process that is open, transparent. We're
7 always on the record saying: Because of this process,
8 at the Public Utilities Board, we believe all
9 Manitobans have benefited and, indeed, the rate setting
10 process within the Corporation has dramatically
11 benefited from this transparency, and the scrutiny that
12 exists there.

13 But let's talk to Bike -- Bike -- let's
14 talk about Bike Winnipeg. Now, I mentioned at the
15 outset that -- you know, this is a very interesting
16 year because we finally just hit over one (1) million
17 insured units. So those insured units are all, of
18 course, motor vehicles or trailers which are drawn by a
19 motor vehicle.

20 So MPI does not insure bikes. If a
21 cyclist has an accident in terms of say, hitting a pot
22 hole, and -- unfortunately and they're tossed off their
23 bike, and they break an arm or something like that,
24 sustain an injury, we neither insure the bodily injury
25 component, or if indeed the bike was broken because it

1 was a really large pothole, and the rim bent and other
2 parts of the -- the bike broke, we do not insure the
3 replacement or repair of the bike. So no physical
4 damage to the bike or no -- no bodily injury component.

5 What MPI does insure is motor vehicles.
6 So if a motor vehicle hits another motor vehicle we, of
7 course, that's, you know, the typical accident that
8 people think of that MPI covers. We also, of course,
9 if MPI insured car hits a -- say it takes out your
10 fence or something like that, or it hits a building, we
11 repair the building, repair the fence. That's the type
12 of thing that's covered. If a tree falls on a parked
13 car, we cover that of course, and we don't repair the
14 tree, replant the tree, or of anything like that but we
15 repair the motor vehicle or replace the motor vehicle
16 more likely.

17 If a cyclist is involved in a collision,
18 regardless of whose fault it is, with a motor vehicle
19 then -- and there's a bodily injury, then that's
20 covered. So a cyclist of course, unfortunately, will
21 often be injured if there's -- if they're struck by a
22 motor vehicle, and they are entitled to full PIPP
23 benefits, of course.

24 I don't have the facts and figures here
25 but we have provided them in the past as to how many

1 cycling claims there are per year, and what the extent
2 of those costs are. But when you look at the overall
3 number of claims that exist per year, an enormous
4 amount of claims, well over a quarter of a million
5 claims, very, very, very, very small amount of those
6 involve cyclists.

7 You look at the hundreds of millions of
8 dollars paid out every year in PIPP benefits, a very,
9 very, very, very small amount of those are paid to
10 cyclists. So I want to take a look at the Intervenor
11 request from Bike Winnipeg. And they talk about the
12 purpose is to encourage MPI to do effective messaging
13 to drivers to change their behaviour to make cycling
14 safer on Manitoba roads; of course, laudable.

15 I mean, everybody wants cyclists to be
16 safe on Manitoba roads, but is this the correct forum?
17 Does it satisfy the test for intervention? If I had
18 some preparation, I would have brought forward the test
19 for intervention from the rules. I also spoke at
20 length last year, Mr. -- Mr. Gosselin, if you can
21 recall, with respect to the pre-hearing conference.

22 We had an individual that came forward
23 and wanted to discuss motorcycle rates. And I provided
24 a whole bunch of criteria there in respect of Mr.
25 Grey's application for Intervention status. I set out

1 what the standards were for who can be an Intervenor,
2 what the test is. I set out what the requirement is
3 under the Board rules. And I also set out what the
4 legal texts, such as the leading administrative law
5 text by McCauley and Sprigg, practice and procedure
6 before administrative tribunals. I also set out what
7 the test was there. And I wish I had a copy of that
8 transcript from last year because I would go through
9 that. So I'd encourage Ms. Grammond to perhaps grab
10 that copy and provide the relevant sections to you for
11 -- to assist you in your deliberations, of course.

12 But on an overall basis, the test for
13 intervention is: Can they make a meaningful
14 contribution to the issue? Well, what's the issue
15 here? I've talked about it. The issue is rates.

16 So you have to look at it and somewhat
17 say that bike few -- Bike -- Bike Winnipeg, their
18 intention to do effective messaging to drivers to
19 change their behaviour is tangential at best to the
20 rate setting process. It's hard to link that through
21 to rates.

22 And if you look at, you know, parts of
23 their Intervenor request form where they want to look
24 at driver psychology and motivation, how to communicate
25 with drivers, how drivers and cyclists should share the

1 road within our current laws; how is that part of the
2 rate setting process?

3 These are very much operational
4 concerns. And in dealing with operational concerns, we
5 very much value and recognize that the -- the
6 advantages that Bike Winnipeg brings to cycling safety.

7 So, as Mr. Benson mentioned earlier on,
8 MPI met with Bike Winnipeg. They had a number of
9 meetings. They made some progress in different
10 aspects. There was an advertising campaign recently
11 about bike safe -- biking -- cycling safety. And Bike
12 Winnipeg was quite happy with that. They had input.

13 I've also met with Bike Winnipeg on a
14 number of different occasions, a number of different
15 aspects; and we very much value that contribution, want
16 to advance that relationship more, and think that over
17 the past year, that it's become quite a positive
18 relationship and we really want to build upon that.

19 It's interesting to note that the
20 Intervenor request form actually doesn't even mention
21 rates. It doesn't mention anything about rates in
22 there. The minutia of questions are to specifically
23 test MPI communication tools, such as advertising,
24 signage, driver instruction, but it doesn't deal with
25 rates, at the end of the day.

1 How does, and I quote:

2 "How drivers and cyclists should
3 share the road with current laws and
4 infrastructure to minimize
5 accidents..."

6 End quote, relate to rates? Now, I
7 think Mr. Benson clarified his position that Bike
8 Winnipeg will be only attending the road safety
9 components of -- of the hearing so that's -- I'm
10 pleased about that.

11 Which then brings me to the next
12 question of their costs. Well, they're asking in
13 submitting a budget for thirteen thousand (13,000)
14 which I understand now might be subject to an -- an
15 increase based on the rate to match it to the Board
16 tariff, and we're fine with matching rates to the Board
17 tariff. I think that that's appropriate if indeed
18 intervention status is -- is granted.

19 But they're -- they're asking for
20 thirteen thousand dollars (\$13,000), and they're
21 looking at one (1) little wee tiny, tiny aspect -
22 cycling safety. And this can be, you know, compared to
23 Mr. Oakes who I believe is seeking approximately
24 twenty-three (23) or twenty-four thousand dollars
25 (\$24,000) -- twenty-three thousand dollars (\$23,000),

1 and you heard the broad issues that he was going to be
2 discussing. And of course, the numerous motorcycle
3 issues with respect to rates. Of course, that's always
4 dead and centre in any kind of his interventions, of
5 course, because the rates that are set by the Public
6 Utilities Board, and Mr. Oakes believe -- talked about
7 investments, talked about the RSR, a number of
8 different things there.

9 And you have to really juxtapose as how
10 -- how is one counsel asking for twenty-three thousand
11 dollars (\$23,000) and who's going to cover everything,
12 and another counsel thirteen thousand (13,000) to just
13 counsel -- to just canvass a tiny, tiny little area
14 there.

15 So at the end of the day, I'll leave it
16 with the -- the Board members, of course, but we do
17 have, you know, a significant challenge that MPI is
18 putting up with respect to their intervention status,
19 and we do note that it's such a small tiny area, it's
20 an area that really, at the end of the day, is
21 informational for the Board, and it's not directly
22 within the square of setting rates for basic insurance.

23 So with that, I'll leave it and I wish I
24 had prepared comments much better cause it would have
25 been a lot more cohesive and a lot more powerful, and I

1 apologize for that but I'll leave it at that. I think
2 I've addressed all of the Intervenors now.

3 THE CHAIRPERSON: Thank you, Ms.
4 Kalinowsky.

5 MR. REGIS GOSSELIN: I have a question,
6 just in relation to -- you indicated that you had met
7 with Bike -- Bike Safety -- the bike safety group, Bike
8 Winnipeg, and you indicated that you intend to continue
9 to build on that relationship.

10 Could you -- could you tell us what's
11 planned there?

12 MS. KATHY KALINOWSKY: If I had had
13 more notice I would have spoken to my colleague down
14 the hall, who is in charge of community and corporate
15 relations, and would have gotten a -- a brief so to
16 speak of all the different areas.

17 But I do know that she has said that
18 they've had really good progress over the past year.
19 These are kind of discussions that we have, you know,
20 in the hallway or at a management committee, et cetera,
21 and it has been very positive. And we're looking
22 forward to working with them in the future.

23 So I can't really provide anything right
24 off the top, and I apologize for that.

25 MR. REGIS GOSSELIN: No, but the

1 colleague down the hall is responsible for what?

2 MS. KATHY KALINOWSKY: She's the vice
3 president of corporate and community relations,
4 including, not only as you think of community relations
5 which would be an organization like Bike Winnipeg, but
6 also within her organizational division is the road
7 safety division of the Corporation.

8 So it's -- you know, it's very close to
9 her, and she spends a lot of time on road safety of
10 course.

11

12 (BRIEF PAUSE)

13

14 THE CHAIRPERSON: Ms. Grammond...?

15 MS. CANDACE GRAMMOND: I guess in terms
16 of next steps, Madam Chairman, if -- if Mr. Benson has
17 anything that he wants to say in reply to something new
18 raised by Ms. Kalinowsky then we should give him the
19 opportunity to do that. Obviously, not just saying,
20 oh, what was said before.

21 And then once we've heard from Mr.
22 Benson I would suggest we talk about the timetable.

23 THE CHAIRPERSON: Okay, thank you. Mr.
24 Benson...?

25

1 REPLY BY BIKE WINNIPEG:

2 MR. JAMES BENSON: Thank you. I would

3 -- I would like the opportunity to reply, please.

4 Firstly, I -- I want to apologize to MPI. I -- look --

5 looking at my fax notes, it appears my application was

6 sent only to Mr. Singh, and not -- I don't see that it

7 was actually was cc'ed to you, so my -- my apologies

8 for that.

9 With regard to the -- the focus of -- of

10 our group, it was called, kind of, at least three (3)

11 times, a very, very tiny, very small area, but with

12 huge impacts. We're -- we're dealing with the lives of

13 cyclists on Manitoba roads which, although perhaps only

14 a very small percentage of PIPP benefits, I -- I

15 suspect the -- if you look at the actual cases, the --

16 that very small percentage is going to be a huge damage

17 compared to the -- the dollars spent on accidents

18 involving purely vehicles, or trees and vehicles or

19 what have you.

20 It -- it really is a question of -- of

21 value for rates. These -- these are rates paid by all

22 Manitobans, all -- all Manitobans who are insuring

23 vehicles, anyway. And by reducing the -- the amount of

24 those rates that need to be paid out in -- in cycling -

25 - cycling-related accidents, we're getting better value

1 for dollar by all Manitobans.

2 Now, we -- at the -- at the previous
3 hearing there -- there was, as you're aware, an order
4 for a technical conference that was later rescinded at
5 MPI's request. And in the Board's agreement to rescind
6 that we understood that the -- the Board decided that
7 road safety would -- would be evaluated with reference
8 to cyclists, among others, at the start of this
9 hearing. And that was -- we took that as an invitation
10 to come forward, and to put our -- our expertise before
11 the Board. We're hoping that still proceeding --
12 proceeding with regard to that cost -- or sorry, with
13 regard to that course.

14 And, lastly, just to touch on the rates,
15 we -- unlike that others, this is our first appearance
16 applying for Intervenor status before this Board. The
17 -- I was assisted by Mr. -- Mr. Oakes, who we -- we're
18 of the same firm, although we have different clients.
19 He kind of gave me a bit of guidance. And if -- if
20 those hours are -- end up not being accurate, of
21 course, they'll be amended to reflect our actual
22 involvement if -- yeah.

23 And, lastly, I don't think that the --
24 Bi -- Bike Winnipeg does look forward to building --
25 building a relationship with MPI in the future. And I

1 think that the Intervenor status before this Board
2 would -- would certainly help, and not hinder, that --
3 the building of that relationship. I thank you for
4 your chance or -- for the chance to reply.

5 MR. REGIS GOSSELIN: I have a question.
6 Last year, as I recall, your organization, under a
7 different name, of course, but your organization made a
8 very effective presentation to this -- to this Board.
9 I remember it very clearly. And it's still open to
10 your organization to make a presentation.

11 Now, why -- why would you now be seeking
12 intervention as opposed to a simple presentation in
13 which, frankly, was very effective last year?

14 MR. JAMES BENSON: The -- the purpose
15 of seeking intervention as opposed to presenter --
16 presenter status was that the -- the presentation which
17 was made last year, which resulted in an Order for that
18 technical conference, ultimately was of -- of no effect
19 as that order -- that element of that Order was -- was
20 later cancelled.

21 And the -- with the conference not being
22 -- being held, we understood that the -- the road
23 safety portion would be dealt with during the actual
24 hearings this year. And also, we'd want -- want the
25 opportunity not only to make a presentation, but as CAC

1 may be calling witnesses and oth -- other parties may
2 be calling witnesses who have relevant information to
3 give with regard to road safety, we'd like the
4 opportunity to cross-examine those witnesses, as well,
5 in addition to just simply pre -- presenting our own --
6 our own presentation.

7 MR. REGIS GOSSELIN: It is open to your
8 organization to collaborate with other parties. For
9 example, you could collaborate with -- with CAC or
10 could CCM -- CCMG -- CMMG. Have you considered that as
11 an option?

12 MR. JAMES BENSON: I haven't been in
13 contact with either of those parties to consider that.
14 I -- I can't speak for their positions, but if that is
15 something that the Board decides is -- is the best,
16 then that's something we will -- we would consider, I
17 suppose, or we'd have to consider.

18 THE CHAIRPERSON: Okay, thank you, Mr.
19 Benson. And is there anything else we need to --
20 should we look at the timetable now?

21 MS. CANDACE GRAMMOND: I think so,
22 Madam Chair, unless someone else has anything.

23 MS. MEGHAN MENZIES: Just before that,
24 just -- if it is the wish of the Board, I can do my
25 best to respond to Ms. Kalinowsky's question regarding

1 the accounting policies, or we could wait for -- okay.
2 So I'm going to do my best to respond to this, however,
3 if -- Mr. Williams might wish to respond in writing.

4 But it was our understanding that the
5 Corporation had adopted the IF -- IFRS effective of
6 March 1st, 2011, and so our interest would be in -- in
7 review -- reviewing any possible changes to policies,
8 or -- or position papers that might exist. So any
9 possible changes that might have come of that, or the
10 impact of those changes. And so that, I think...

11 MS. KATHY KALINOWSKY: Yes, I can
12 advise that IFRS was a huge issue approximately three
13 (3) GRAs ago. Maybe Mr. Cathcart can -- can assist me
14 with that, three (3) and indeed four (4), and we
15 provided a stack of very exciting accounting papers
16 from Deloitte on IFRS. Went through that for numerous
17 days. Getting thumb -- thumbs up here from Mr.
18 Cathcart on that, you know, 'cause he was very much
19 involved in that.

20 We've -- we've done all of that. IFRS,
21 kind of, Phase 1 wasn't enormous for MPI. It's IFRS-4,
22 which is the insurance contracts, right, is very, very
23 big for MPI. And just last week the -- what is it, the
24 International Accounting Standards Board released its
25 draft paper, so to speak, or policy on this, and is

1 inviting comments, et cetera, at this time.

2 But that will be the big one 'cause the
3 first phase of IFRS, the big item there was property,
4 plant, and equipment; that's not a huge item for MPI.
5 Insurance contracts, that's a huge item for MPI. So
6 I'm not really quite sure as to going through the old
7 IFRS is really going to be of any benefit there.

8 I would expect us to be looking forward,
9 as part of rate setting also, as what's going to come
10 down the pipe there because initial comments that we've
11 received from the different accounting firms and our --
12 our auditors is that there will be differences.

13 MS. MEGHAN MENZIES: Okay. And I -- I
14 can't speak to those distinctions but I will ask that
15 perhaps Mr. Williams have an opportunity to respond in
16 writing, if that's -- pleases the Board. Okay. Thank
17 you.

18

19 DISCUSSION

20 MS. CANDACE GRAMMOND: So, Madam Chair,
21 the timetable. I think everyone has it. I don't know
22 if anyone has suggested changes, so maybe we can open
23 it up and turn to see if anyone has any proposed
24 changes that can be discussed.

25 THE CHAIRPERSON: Ms. Kalinowsky...?

1 MS. KATHY KALINOWSKY: Maybe if I could
2 just speak to this in -- in advance is that: When we
3 create the timetable, what we do is we take, you know,
4 kind of what's happened over the past several years and
5 look at that, and it's done partially in conjunction
6 with Board counsel as to when our filing date is going
7 to be, and also of course, when the hearing dates are
8 going to be.

9 So the hearing dates have kind of been
10 arranged with respect to Board counsel, and the filing
11 date, well that's -- that's also -- so we've got the
12 two (2) bookends on -- on either side there, which I
13 under -- well, we've already filed, and I -- I assume
14 that the dates for the hearings aren't going to change.

15 So you have to, in a period of sixty-
16 nine (69) days that elapses from the filing to -- 69
17 working days, the filing to the actual hearing, you
18 have to, you know, look at all the different steps that
19 occur. So we're already at day seven (7), and have
20 work -- elapsed working days, so we're down to sixty-
21 two -- two (62) working days now to get in, you know,
22 basically it's two (2) rounds of IRs and Intervenor
23 evidence.

24 So there's an awful lot there that has
25 to be covered. Of course, the -- the big tasks for the

1 parties are the IRs, or course, and the Intervenor
2 evidence. And this year, we know at least one
3 Intervenor is going to be bringing forward some
4 evidence.

5 So we know that it takes a lot of time
6 to prepare IRs but it takes way more time to answer the
7 IRs. And so we've looked at that, and tried to balance
8 that very much in terms of time spent on this, and it
9 very much reflects previous timetables.

10 And it also with -- the focus of the IRs
11 are basically -- it'll be in three (3) areas this year
12 from what I'm -- what I'm hearing but there's going to
13 be an awful lot, of course, on the DCAT pre --
14 presumably, when that's filed. There's going to be an
15 awful lot on road safety. And as always, there's a lot
16 in finance/investments.

17 So it really comes down to three (3) or
18 four (4) people in the Corporation answering the
19 overwhelming amounts of those IRs. They've tried to
20 plan out their summers, et cetera, with their families
21 based on this timetable.

22 And we very much hope that we can really
23 stick to the dates of this. Everybody is crunched for
24 time and everybody wants more time. But when you think
25 of it as two (2) bookends and we've got an awful lot to

1 do in-between -- there's an awful lot to do in-between
2 there. And I -- I'll leave it at that at this point.

3 MS. CANDACE GRAMMOND: Madam Chair, if
4 I might. I just have a question. And that is, Ms.
5 Kalinowsky, you've indicated that the DCAT report and
6 the CIO scorecard will be forthcoming next week.

7 Do you have any sense of when? Because,
8 of course, our deadline for First Round questions is
9 Monday July 8th.

10 MS. KATHY KALINOWSKY: In fact, the CIO
11 scorecard could be filed later today. Our Board just
12 met and just reviewed it. So, literally, that could --
13 I could go back to the office and have it filed right
14 away.

15 The DCAT, Mr. Johnston is working on it
16 now, working on the weekend. And I can't provide
17 anything more than that.

18 MS. CANDACE GRAMMOND: Just because,
19 obviously, if we get it Thursday or Friday, the
20 opportunity to ask IRs on Monday will be limited. Now,
21 I'm not necessarily suggesting that that date be
22 changed. But what I am suggesting is we may end up in
23 a situation where we're asking, effectively, our First
24 Round questions regarding the DCAT in the Second Round,
25 and then may have to ask pre-asks or something since we

1 wouldn't then be getting a Second Round.

2 MS. KATHY KALINOWSKY: Maybe what we
3 could do then in that regard is have -- First Round
4 deals with everything in terms of First Round A, and
5 then First Round B maybe a few days later, after
6 there's some time to digest the -- the DCAT, and have
7 another date within this process of -- for the DCAT and
8 just try and -- and do that because I agree, it's one
9 (1) of the important areas, of course, for the
10 Corporation, as I mentioned earlier.

11 And, of course, the Board and
12 Intervenors would likely want two (2) rounds of DCAT
13 questions. So maybe that's an option that I'm just
14 throwing out here is, you know, have it, you know, so
15 many days after the DCAT is filed, then IRs can come
16 in.

17 MS. CANDACE GRAMMOND: Yeah, that would
18 work for us.

19 MR. REGIS GOSSELIN: I just want to put
20 the -- the participants today on notice, that the week
21 of the 8th, 9th, 10th may be problematic for the panel,
22 so -- so we might have to extend it to the -- the
23 week...

24 So I -- I don't think we'll resolve it
25 today, but just, in our plans, we may have to modify it

1 to either work more days in the previous weeks or,
2 alternatively, add a few more days at the end. We'll
3 see.

4 MS. KATHY KALINOWSKY: As always, we'd
5 prefer to work more days upfront than add days at the
6 end. It's very difficult for the vice-presidents -- or
7 the vice-president and the president to leave the
8 Corporation, back and forth, back and forth, and try
9 and juggle operational aspects with the Board. And
10 it's much easier for -- for them to kind of put things
11 on hold operationally, so to speak, and do an intense
12 hearing. So that's our preference.

13 THE CHAIRPERSON: Any other questions
14 or comments?

15 MS. CANDACE GRAMMOND: It doesn't look
16 it, Madam Chair.

17 MR. REGIS GOSSELIN: I have a question.
18 And I'm not sure if it's in the right order, but I am
19 intrigued about Mr. Grey.

20 Has Mr. Grey been in touch with you?

21 MR. RAYMOND OAKES: Happily, Mr. Grey's
22 interests in the CMMG appear to dovetail more now. And
23 he's an executive member again, so that's been a happy
24 resolution.

25 MS. CANDACE GRAMMOND: What I would

1 suggest then, Madam Chair, is that maybe we close the
2 pre-hearing conference and counsel, Ms. Kalinowsky and
3 I and -- and the Intervenors can just have a discussion
4 about some of those dates for the DCAT round of first
5 questions. And we don't need to do that in -- in the
6 hearing room.

7 So if -- if no one has anything else, we
8 can probably adjourn.

9 THE CHAIRPERSON: Okay, thank you very
10 much, everyone, for coming today. And I would like to
11 formally close the pre-hearing for the MPI GRA for 2000
12 -- and, oh, yes, I'm supposed to wish everybody a happy
13 July 1st. It'll be Canada Day on Monday, so enjoy the
14 long weekend. I guess Mr. Johnston won't be though.

15

16 --- Upon adjourning at 11:53 a.m.

17

18

19 Certified correct,

20

21

22 _____

23 Lorraine Douglas, Ms.

24

25

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