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January 6, 2020

Dr. Darren Christle
Board Secretary and Executive Director
The Public Utilities Boardroom
400 – 330 Portage Avenue
Winnipeg, MB
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Sent via email

Dear Dr. Christle:

Re: MPI Application to Review and Vary Order 176/19

Introduction

Thank you for the opportunity to respond to the MPI Application to Review and Vary Order 176/19. The Consumers' Association of Canada, Manitoba Branch (CAC Manitoba) will offer brief comments regarding the proposed variance of Directives 13.10 and 13.7(a). It also will respond to some of the comments made by MPI regarding the Road Safety directives and IT benchmarking.

Directive 13.10

CAC Manitoba does not object to the proposed revision in schedule and believes it is reasonable given the timing challenges identified by MPI and the necessity of seeking instructions from the MPI Board in February 2020.

Directive 13.7(a)

Suggesting that it faces a compliance dilemma relating to the complexity of the Driver Safety Rating (DSR) issue and potential interactions with other branches of government, MPI requests that:

Directive 13.7(a) be held in abeyance until such time as MPI can advise that it is in a position to determine the future direction of the DSR or that the wording be modified to read:

(a) File information in the 2021 GRA as to the timeline and major milestones for determination of which rating model it intends to proceed with. (page 8/13)

CAC Manitoba does not object to a revision to Directive 13.7 (a) given the challenges identified by MPI. However, it does not recommend that the Directive be held in abeyance at the sole discretion of MPI especially since the concerns with the DSR were identified in an earlier General Rate Application

(GRA). CAC Manitoba supports the alternative recommendation of MPI that it file “ information in the 2021 GRA as to the timeline and major milestones for determination of which rating model it intends to proceed with.”

In the event a materially revised DSR application is advanced, CAC Manitoba does not object to a separate rate design application. Alternatively, a technical conference could be held in the spring of 2021 with the objective of reviewing whether the DSR proposal is just and reasonable at the GRA hearing in the fall of 2021.

Comment on Road Safety Directive 13.16 - First Nations road safety strategy

With regard to a First Nation road safety strategy, MPI identifies potential uncertainties such as:

- *Determine the interest and willingness of First Nations to participate or partner in such an effort, recognizing that First Nations in Manitoba are diverse in terms of geography, economic development, infrastructure, and law enforcement etc., all factors that could impact road safety programming; and,*
- *Determine the appropriate involvement of Federal and Provincial Governments, including which level of government should lead such an effort. (page 10/13)*

CAC Manitoba does not represent First Nations or purport to have insight into their perspective. It does note that in September of 2019, it reached out to a leading First Nation advocacy organization in Manitoba to gauge its interest on issues relating to road safety and First Nations and received an insightful response within a day or two of the initial contact.

CAC Manitoba also observes that two provinces, Alberta and British Columbia, have taken action to initiate First Nation road safety strategies. This suggests that federal/provincial wrangling does not need to impose undue barriers in addressing an important public policy, road safety and rate payer concern.

Finally, CAC Manitoba notes that engagement and action are key principles under *The Path to Reconciliation Act*, C.C.S.M. c. R30.5, consistent with our understanding that reconciliation is:

- *founded on engagement with Indigenous nations and Indigenous peoples; and,*
- *furthered by concrete and constructive action that improves the present and future relationships between Indigenous and non-Indigenous peoples.*

While CAC Manitoba appreciates the desire of MPI to proceed with due deliberation, the natural caution of MPI must be tempered by the significant public importance of First Nation road safety issues as identified during the recent GRA.

Directive 13.7 - Large Vehicle Analysis

With regard to the MPI comments on large vehicle analysis, there may be value in reviewing the report the 2018 report of Transport Canada regarding [Vulnerable Road Users and Heavy Vehicles Countermeasures Project](#).

Conclusion

Thank you for your consideration of these comments.

Yours truly,



Byron Williams
Director
The Public Interest Law Centre

BW/vs

CC: Gloria Desorcy, Consumers' Association of Canada
Katrine Dilay, The Public Interest Law Centre
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Registered Interveners
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