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REFERENCE NO:

April 27, 2022

Via Email

Public Utilities Board
400-330 Portage Avenue
Winnipeg, Manitoba
R3C 0C4

Attention: Ms. Rachel McMillan, Associate Secretary

Dear Ms. McMillin,

Re The Consumers Association of Canada (Manitoba) Inc. (CAC) – Access to Confidential Information regarding Centra Gas Manitoba Inc. (Centra) Cost of Service Methodology Review Application

Further to my correspondence of April 18, 2022, we have been unsuccessful with Centra in terms of gaining access to redacted information. We sought a Confidentiality Agreement from Centra on April 8, 2022, pursuant to the Board's procedural Order 36/22 issued April 7, 2022. We were subsequently asked by Centra to justify the need for the redacted information. Given the short turnaround time for filing IRs, we devoted our time to drafting IRs as best as possible in the absence of CSI by the April 22 deadline. Having met that deadline requirement, CAC is now bringing this matter to the PUB for formal resolution.

Please accept this letter as CAC's motion seeking full access to the redacted information upon the signing of a confidentiality agreement consistent with the confidentiality procedures developed by the PUB for these types of occurrences. This access is being sought for the following reasons:

1. It is clear from now having gone through the Centra Application and Atrium Report, that the evidence is at such a high level that little or no understanding has been provided as to how a methodology works, which will require access to confidential information. As assessment of methodology needs to also consider how such a methodology is applied – while a concept can be debated and understood, there are generally multiple applications of that concept that can and will produce

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significant differences in allocated costs to customer classes and which may or may not comport well with the operations of a utility.

A discussion of coincident peak (“CP”) is instructive. CP can be defined to range from a maximum day based on the one most extreme operating condition, to a number of maximum design days, to an average of several historical actual peaks, to a forecast of anticipated peak, to a number of forecast peaks. The greater the number of peaks assumed in the definition of CP, the greater the implicit influence of annual throughout (i.e volumes) within a demand allocator, each with a number of pros and cons. Atrium has recommended a maximum day as its definition of CP, which is not currently available to Centra. Thus, it is unclear how these definitions of CP would be applied, whether other definitions of CP (or non-CP) were analyzed and worthy of consideration (like that done for purposes of MH COS as well as other Canadian gas LDCs), and how this data has been reflected, if at all, for purposes of the proposed treatment of upstream demand. To assess the appropriateness of the proposed methodology requires for our own experts to have access to the data in order that their own conclusions be drawn and supported based on evidence.

2. CAC noted in its March 14, 2022 submission that it intended to seek access to confidential material and expected that there should be no issues as the material is of a similar nature to the 2018/20 Centra GRA. It is unclear what has changed since that time.

Alternatively, IGU has recommended as part of its information requests, that models be provided with “dummy” values such that analysis can be undertaken without access to CSI. This may be a workable alternative if such information is agreed to be made available by Centra. However, providing this kind of model as an alternative to CSI by the deadline for responses to information requests on May 16, 2022, will be insufficient to provide meaningful instruction to Intervenor evidence that is to be filed only five business days later, and in the absence of a second round of information requests.

We are cognizant of the PUB’s direction in Order 36/22 that interveners are to focus their submissions on the appropriateness of Atrium’s and Centra’s COS recommendations or provide alternative methodologies appropriate for Centra’s specific circumstances in Manitoba. The effective participation of Interveners is reliant on such data in order to review and test a complete evidentiary record. It is also clear from Order 36/22 that despite the condensed timetable for the process, the Board intends for a robust review of Centra’s COS that is fair, transparent and in the public interest.

Lastly, we are now at a crossroads. Historically, intervenors received access to all filed information as contributing to a fair and transparent process in the public interest. It then morphed into a process of access to information predicated on the execution of a confidentiality agreement; and now, has devolved into a process whereby Manitoba Hydro is the “gatekeeper” of what filed information the intervenors should see. Not only is this lack of access impinging upon the already compressed time limits but it is overkill. I remind the PUB that CAC has no commercial or other interest in the information. Its only interest is to perform its analysis in the most informed fashion to assist the PUB. If the PUB is relying on the information provided, fundamental fairness requires that the same opportunity be given to CAC.

In order that the timetable as set out in Order 36/22 be preserved and process costs minimized, we are requesting resolution of this matter by the PUB expeditiously.

Relief Sought:

CAC requests:

- 1.) Access to all redacted information immediately upon receipt by Centra of an executed Confidentiality Agreement;
- 2.) The opportunity to submit IRs in connection with the redacted information; and,
- 3.) The opportunity to file supplemental evidence in connection with the redacted information if the existing timetable does not permit.

If there are any questions, please feel free to contact me.

Yours truly,

DD WEST LLP

Per:



Brian J. Meronek, Q.C.

BJM /yw

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c.c. PUB Counsel & Approved Intervenors (email)