



August 08, 2022

Via E-Mail

The Public Utilities Board of Manitoba
400 – 330 Portage Avenue
Winnipeg, MB R3C 0C4

Attention: Dr. Darren Christle, Board Secretary and Executive Director

Dear Dr. Christle:

RE: Manitoba Public Insurance (MPI) 2023 General Rate Application (GRA) – Intervener Application of Bike Winnipeg Inc. (BW)

Please accept this letter as the response of MPI to the Intervener Application of BW, which we understand was filed with the Public Utilities Board of Manitoba (PUB) on August 4, 2022.

As counsel for BW notes, the deadline for making an application for intervener status in the 2023 GRA was July 22, 2022. MPI understands that the reason BW failed to apply for this status before this deadline relates to a misunderstanding between it and its counsel, though the nature of the misunderstanding and the steps taken by BW between July 22, 2022 and August 3rd, 2022 to rectify the situation remain unclear.

MPI indicates that it served representatives of BW and its counsel with its GRA on July 12, 2022 via e-mail correspondence. Therein, MPI included a copy of its Public Notice of Hearing, which specifically states:

“Those seeking Intervener status should notify the Board of their intention, by applying to the Board Secretary until July 22, 2022.”

In advance of this deadline, MPI also published this Notice in the majority of Manitoba newspapers. It also understands that the PUB published this Notice on its website, and that it was therefore available to the public as early as June 30, 2022. Moreover, MPI notes that the PUB did send counsel for BW a copy of its Order 60/22, which approved, on an interim basis, the Preliminary Issues List for the 2023 GRA. Finally, MPI notes that, on June 23 and 24, 2022, BW participated in the Road Safety Technical Conference hosted at the PUB and that, in its current application for intervention, BW states that it “... wishes to build upon its most recent participation in the Technical Conference which was held prior to the 2023 General Rate Application.”

All of this is to say that the reason for the late filing is certainly of concern as it appears that BW had timely knowledge of the application deadline and well knew that it was interested in participating in this GRA as an intervener.

The PUB addressed a similar situation in its Order 115/19, arising from the 2021 GRA. In that situation, the Insurance Brokers Association of Manitoba (IBAM) applied for intervener status nearly a month following the application deadline and 25 days following the issuance of PUB Procedural Order 92/19. While the PUB ultimately accepted its late application, it also held that IBAM was to comply with existing timelines and procedures, stating:

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“The orderly proceeding of the GRA must not be affected by IBAM’s decision to file an application after the deadline and therefore the Board will not amend the Timetable, previously approved in Order 92/19, to accommodate this late filing.”

Practically speaking, the result above precluded IBAM from participating in more than one round of Information Requests (see: Directive 5.2 from Order 115/19). While MPI appreciates the importance of the discovery process, it also notes that it has already received 274 Information Requests in Round 1 of this GRA, with a total of approximately 700 different questions (an increase of nearly 100 questions from the 2022 GRA). A number of these questions already address the topic of road safety and, in particular, whether the budget of MPI for its road safety initiatives is optimized.

In Order 85/22, the PUB approved the final issues list for the 2023 GRA, specifically stating that “road safety” is an issue that requires a more detailed consideration in this GRA. Given this designation, the historical participation by BW in GRAs and the unique perspective it brings, MPI agrees that BW would likely contribute significantly to this proceeding in a manner that would be of assistance to the PUB (if permitted to do so on the limited issue of road safety). While BW also applies to address the issue of “Loss Prevention,” that particular issue is not identified in the Final Issues List. Issue No. 8 is “Cost of operations and cost containment measures,” which MPI submits may include what BW characterizes as “loss prevention”. MPI notes however that Issue No. 8 is not one requiring a detailed consideration in this GRA.

As a result, while MPI does not oppose the Intervener Application of BW *per se*, in the event that the PUB is prepared to approve same, MPI submits that, in much the same way it did in its Order 115/19, the PUB should require BW to abide by the existing timelines and procedures set out in Procedural Order 85/22 (including limiting it to one round of information requests). Further, to the extent that BW would seek to contribute to the issue of cost containment or loss prevention in a manner unrelated to the issue of road safety, MPI would remind the PUB that there are already a number of other interveners contributing to this issue and should therefor limit the scope of the intervention of BW to cost containment/loss prevention related to the issue of road safety.

Respectfully Submitted,

ANTHONY L. GUERRA
Legal Counsel
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cc: C. Monnin, counsel for Bike Winnipeg Inc.
K. McCandless and PUB Advisors
C. Klassen/B. Williams, counsel for Consumers Association of Canada (Manitoba Branch)
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