

Order No. 94/22

MANITOBA PUBLIC INSURANCE CORPORATION (MPI OR THE CORPORATION):

**PROCEDURAL ORDER FOR THE 2023/24 GENERAL RATE APPLICATION
RE: APPLICATION FOR INTERVENER STATUS OF BIKE WINNIPEG INC.**

August 12, 2022

**BEFORE: Irene A. Hamilton, Q.C., Panel Chair
Robert Gabor, Q.C., Chair
Susan Nemec, FCPA, FCA, Member**

1.0 SUMMARY

By this Order, the Public Utilities Board of Manitoba (Board) accepts the application for Intervener status of Bike Winnipeg Inc. (BW) for the Board's public hearing of the General Rate Application (GRA) of Manitoba Public Insurance Corporation (MPI or Corporation), for the review and approval of base rates and premiums for universal compulsory driver and vehicle insurance to take effect April 1, 2023. The Board also provides BW with direction regarding procedural matters for the GRA.

2.0 INTRODUCTION

MPI filed the GRA with the Board on July 12, 2022. The deadline for applications for intervention was July 22, 2022.

The Pre-Hearing Conference (PHC) for the GRA took place on July 27, 2022. The purpose of the PHC included, among other things, to hear applications from prospective Interveners, consider the issues to be decided by the Board in the GRA, and establish a timetable for the GRA. BW did not file an application for intervention, nor did any representatives of BW attend the PHC.

On July 29, 2022, the Board issued Procedural Order 85/22 and granted Intervener status to the Consumers' Association of Canada (Manitoba) Inc. (CAC), Coalition of Manitoba Motorcycle Groups (CMMG), the Taxi Coalition (TC), and, on a limited basis, to Insurance Brokers Association of Manitoba (IBAM).

On August 4, 2022, BW filed an application for Intervener status in the GRA, advising that it had missed the deadline to apply due to a miscommunication between it and its counsel.

On August 8, 2022, MPI filed its response to BW's application, and BW filed a reply with the Board on August 9, 2022.

3.0 BW APPLICATION FOR INTERVENER STATUS

BW submits that, although its application was filed late, the GRA is still in its early stages such that granting intervention to BW would not cause any prejudice that could not be offset by its valuable contribution to the proceedings.

BW submits that it intends to intervene in this GRA to build on its contributions from prior GRAs and the 2023 Road Safety Technical Conference by testing the evidence and raising issues of concern and interest to vulnerable road users (VRUs). BW intends to assist the Board in its consideration of the issues arising out of the GRA and the Technical Conference and examine the following issues:

- The optimum size of MPI's road safety and/or loss prevention budget;
- The adequacy of MPI's road safety and/or loss prevention programs with respect to fatal and severe injury of VRUs; and
- The quality and clarity of MPI's data collection, analysis, and accessibility.

BW intends participate in the hearings, file Information Requests (IRs), and to cross-examine witnesses and make submissions regarding the subject-matter of its intervention. BW does not have any plans to submit its own evidence.

BW intends to seek an award of costs.

4.0 MPI RESPONSE

MPI takes issue with BW's late filing, commenting that it had served BW with the GRA on July 12, 2022 and included a copy of the Notice of Public Hearing, which specified that the intervener registration deadline was July 22, 2022.

Nevertheless, MPI does not oppose BW's application provided that the Board requires BW to abide by the existing timelines and procedures set out in Order 85/22. Round 1 IRs were filed on August 5, 2022 in accordance with the timetable approved in Order 85/22. As a result, BW would not have an opportunity to file IRs in Round 1, but could file IRs in Round 2.

MPI further submits that, to the extent that BW seeks to contribute to the issue of cost containment or loss prevention in a manner unrelated to the issue of road safety, other Interveners will be contributing to this issue. Therefore, MPI requests that the Board limit the scope of BW's intervention to cost containment/loss prevention related to the issue of road safety.

5.0 BW REPLY

BW advises it does not take issue with being required to abide by the existing timelines set out in Order 85/22, including being limited to one round of IRs. In addition, BW will limit the scope of its intervention to road safety issues and the issues of cost containment and loss prevention as they relate to road safety issues.

6.0 BOARD FINDINGS

The Board is satisfied that BW will assist the Board in its detailed consideration of road safety in this GRA and notes that, apart from ensuring that the GRA proceeds in an orderly fashion, MPI does not oppose BW's intervention. For these reasons, the Board is prepared to grant BW's application to intervene on road safety and cost containment and loss prevention related to road safety.

In order to ensure the GRA proceeds in an orderly fashion, BW will be required to comply with the timetable approved in Order 85/22, and consequently, will be limited to one round of IRs.

The Board expects that, as in previous GRAs, BW will organize its attendance at the public hearings in accordance with its issue-specific intervention, and that BW's proposed budget will reflect this attendance. As always, the Board expects a high degree of cooperation between BW and other Interveners, and with Board counsel, to avoid duplication and restrain regulatory costs.

In accordance with Board's Intervener Cost Policy (Policy) at Section 9.0, BW must file a detailed cost estimate, which follows the requirements of the Policy, with the Board no later than August 19, 2022. Board staff may provide comments on cost estimates but these are not binding. Board approval will only be granted when it determines the cost awards applications after the hearing. Interveners assume the risk that the Board may assess no costs, or a costs award lower than applied for.

BW should review the Policy and Part IV - Awarding Costs of the Board under the Board's Rules of Practice and Procedures that can be found on the Board web site.

7.0 IT IS THEREFORE ORDERED THAT:

1. Bike Winnipeg Inc. is hereby approved to intervene in the 2023 GRA in respect of road safety, and cost containment and loss prevention related to road safety.
2. BW shall be permitted to file one round of Information Requests only, in accordance with the date set out in the Timetable in **Schedule "B"** to Order 85/22.
3. BW shall follow the procedures and Timetable as set out in Order 85/22, and Schedules thereto, in its participation in the 2023 GRA.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with Section 36 of the Board's Rules of Practice and Procedure. The Board's Rules may be viewed on the Board's website at www.pubmanitoba.ca.

THE PUBLIC UTILITIES BOARD

"Irene Hamilton, Q.C."

Panel Chair

"Darren Christle, PhD, CCLP, P.Log., MCIT"

Secretary

Certified a true copy of Order 94/22
issued by the Public Utilities Board



Secretary