

**Order No. 111/23**

**MOTION BY MANITOBA PUBLIC INSURANCE  
SEEKING CONFIDENTIAL TREATMENT OF DOCUMENTS  
AND INFORMATION IN THE 2024/2025 GENERAL RATE APPLICATION**

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**September 25, 2023**

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

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## 1. SUMMARY

By this Order, the Public Utilities Board (Board) grants, in part, the motion of Manitoba Public Insurance (MPI or the Corporation), seeking confidential receipt by the Board of certain documents and responses to Information Requests (IRs) filed by MPI in the 2024/2025 General Rate Application (GRA or the Application).

### 1.0 Overview

In its Interim Procedural Order 64/23, dated May 23, 2023, the Board outlined the process for the treatment of confidential or commercially sensitive information (CSI) in the GRA (CSI Process). Pursuant to the CSI Process, MPI was not required to bring a separate motion under Rule 13 of the Board's Rules of Practice and Procedure for confidential status of material each time it filed material claimed as such with the Board. Instead, MPI publicly filed redacted material claimed as confidential with the Board. MPI also provided non-redacted copies of material claimed as confidential to the Board, and to Board Advisors and Interveners who executed undertakings of confidentiality and confidentiality agreements, in forms approved by the Board.

The Board directed that, once all material claimed as confidential was filed by MPI, MPI was to file a motion pursuant to Rule 13 of the Board's Rules of Practice and Procedure, seeking confidential status of the material.

MPI filed the Application on June 15, 2023. It filed the public First Round IR responses on July 7, 2023, and the First Round CSI IRs on July 11, 2023. MPI filed most of the Second Round IR responses, both public and CSI, on September 6, 2023. MPI was delayed in filing responses to some Second Round IRs due to a strike action taken by its unionized employees, which commenced on August 28, 2023 and is ongoing.

MPI filed the within motion on September 12, 2023. On September 15, 2023, MPI filed an amended motion, in which it withdrew certain of its requests for confidentiality.

MPI's amended motion requests confidential treatment for the following:

**Documents Filed as part of the General Rate Application**

1. Part II, COM, partial redaction, Appendix 2, pages 6, 7, & 8
2. Part IV, BMK, full redaction, Attachment B
3. Part V, NOV, partial redaction, pages 9, 17, 36, 37, 38, 45, & 48
4. Part V, NOV, partial redaction, Appendix 1, page 34
5. Part V, NOV, full redaction, Appendices 2, 3, 4, 5, 7, 8, 9, 10, 11, & 12
6. Part V, IT, partial redaction, Appendix 1, pages 13 & 14
7. Part V, IT, partial redaction, Appendix 4, pages 1 & 3
8. Part V, IT, partial redaction, Appendix 6, page 4
9. Part V, IT, partial redaction, Appendix 7, pages 2, 3, 5, 6, 7, 8, 9, 10, 13, 14, 18, 19, 20, 21, 22, 24, 25, 26, & 27
10. Part V, VA, partial redaction, pages 23, 64, 71, 81, 82, 84, 86, 87, 88, 89, 90, 92, 93, 94, 95, 98, 100, 102, 104, 105, 106, 109, 110, 111, 115, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 136, 140, & 141
11. Part V, VA, partial redaction, Appendix 1a, pages 5, 10, 11
12. Part V, VA, partial redaction, Appendix 1b, page 2
13. Part V, VA, partial redaction, Appendix 1c, pages 1 & 5
14. Part V, VA, partial redaction, Appendix 1d, pages 1 & 4
15. Part V, VA, partial redaction, Appendix 4a, page 5

16. Part V, VA, partial redaction, Appendix 4b, pages 5 & 11
17. Part V, VA, full redaction, Appendix 5
18. Part V, VA, partial redaction, Appendix 7a, pages 2, 4, 6, & 8
19. Part V, VA, partial redaction, Appendix 7b, pages 1 & 5
20. Part V, VA, partial redaction, Appendix 10a, pages 2, 3, 6, & 7
21. Part V, VA, partial redaction, Appendix 10b, pages 1 & 2
22. Part V, VA, partial redaction, Appendix 11, pages 2, 3, 4, 6, & 7
23. Part V, VA, partial redaction, Appendix 12a, pages 2, 3, 5, 6, & 7
24. Part V, VA, partial redaction, Appendix 12b, pages 3, 4, 5, 7, 8, & 9
25. Part V, VA, partial redaction, Appendix 14, pages 1, 5, 7, & 9
26. Part V, VA, partial redaction, Appendix 15, pages 2, 3, 4, & 5
27. Part V, VA, partial redaction, Appendix 16, pages 1 & 3
28. Part V, VA, partial redaction, Appendix 17a, pages 3, 6, 8, & 11
29. Part V, VA, partial redaction, Appendix 17b, page 2
30. Part V, VA, partial redaction, Appendix 18, pages 2, 3, 5, 6, 8, 9, 10, & 11
31. Part V, VA, partial redaction, Appendix 20a, pages 2, 3, 4, 7 & 9
32. Part V, VA, partial redaction, Appendix 20b, page 1
33. Part V, VA, full redaction, Appendix 21
34. Part V, VA, partial redaction, Appendix 22, pages 2 & 5

35. Part V, VA, full redaction, Appendix 23
36. Part V, VA, partial redaction, Appendix 24a, pages 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, & 12
37. Part V, VA, partial redaction, Appendix 24b, pages 1 & 2
38. Part V, VA, full redaction, Appendix 25
39. Part V, VA, full redaction, Appendix 26
40. Part V, VA, partial redaction, Appendix 27a, page 7
41. Part V, VA, partial redaction, Appendix 27b, page 2
42. Part V, VA, partial redaction, Appendix 28a, page 7
43. Part V, VA, partial redaction, Appendix 28b, page 2
44. Part V, VA, full redaction, Appendix 29a, b, & d
45. Part V, VA, partial redaction, Appendix 29c, pages 1, 2, 3, & 4
46. Part V, VA, full redaction, Appendix 30
47. Part V, VA, partial redaction, Appendix 31a, pages 2, 3, 4, 5, 7, 8, & 9
48. Part V, VA, partial redaction, Appendix 31b, pages 1, 2, 4, & 5
49. Part V, VA, full redaction, Appendix 33
50. Part V, VA, partial redaction, Appendix 35a, page 8
51. Part V, VA, partial redaction, Appendix 35b, pages 1 & 5
52. Part V, VA, full redaction, Appendix 36

53. Part V, VA, full redaction, Appendix 37
54. Part V, VA, partial redaction, Appendix 38, pages 2, 3, & 4
55. Part V, VA, full redaction, Appendix 40
56. Part V, VA, full redaction, Appendix 41
57. Part V, VA, full redaction, Appendix 42
58. Part V, VA, full redaction, Appendix 43
59. Part IX, EXP, partial redaction, Appendix 20, pages 1 & 2
60. Part IX, EXP, partial redaction, Appendix 23a, pages 2, 6, 13, 14, 17, 19, 20, & 22
61. Part IX, EXP, partial redaction, Appendix 23b, pages 3, 4, 8, 9, 10, 11, 12, 14, 15, 19, 20, 21, 26, 27, 28, 31, 30
62. Part IX, EXP, partial redaction, Appendix 23c, pages 2, 4, & 5
63. Part IX, EXP, partial redaction, Appendix 23d, pages 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, & 19
64. Part XII, RMF, partial redaction, Appendix 4, items 1 and 2

**Responses to Round One Information Requests**

65. PUB (MPI) 1-19, partial redaction
66. PUB (MPI) 1-80, full redaction, Appendix 5, partial redaction, Appendices 2, 3, & 4
67. PUB (MPI) 1-85, partial redaction, Appendix 1
68. PUB (MPI) 1-93, partial redaction, part (b) and Appendix 1
69. PUB (MPI) 1-106, partial redaction, part (b)
70. PUB (MPI) 1-109, partial redaction, Appendices 3, 4, 5, & 6
71. PUB (MPI) 1-120(b), full redaction, Appendices 1 & 15, partial redaction, Appendices 4, 5, 8, 9, 11, & 13
72. CAC (MPI) 1-3(b), full redaction
73. CAC (MPI) 1-12, partial redaction, all Appendices
74. CAC (MPI) 1-42, partial redaction, pages 2, 3, & 4
75. CAC (MPI) 1-44, full redaction, Attachments A & B
76. CAC (MPI) 1-49, full redaction
77. CAC (MPI) 1-82, full redaction, Appendix 1, Attachments A & B



**Responses to Round One CI Information Requests**

- 78. PUB CI (MPI) 1-1
- 79. PUB CI (MPI) 1-2
- 80. PUB CI (MPI) 1-3
- 81. PUB CI (MPI) 1-4
- 82. PUB CI (MPI) 1-5
- 83. PUB CI (MPI) 1-6
- 84. PUB CI (MPI) 1-7
- 85. PUB CI (MPI) 1-8
- 86. PUB CI (MPI) 1-9
- 87. PUB CI (MPI) 1-10
- 88. PUB CI (MPI) 1-12
- 89. PUB CI (MPI) 1-21
- 90. CAC CI (MPI) 1-1
- 91. CAC CI (MPI) 1-2
- 92. CAC CI (MPI) 1-3
- 93. CAC CI (MPI) 1-4
- 94. CAC CI (MPI) 1-5
- 95. CAC CI (MPI) 1-7

96. CAC CI (MPI) 1-8
97. CAC CI (MPI) 1-9
98. CAC CI (MPI) 1-10
99. CAC CI (MPI) 1-11
100. CAC CI (MPI) 1-12
101. CAC CI (MPI) 1-13
102. CAC CI (MPI) 1-14
103. CAC CI (MPI) 1-15
104. CAC CI (MPI) 1-16
105. CAC CI (MPI) 1-17
106. CAC CI (MPI) 1-18
107. CAC CI (MPI) 1-19
108. CAC CI (MPI) 1-20
109. CAC CI (MPI) 1-21
110. CAC CI (MPI) 1-22

**Responses to Round Two Information Requests**

- 111. PUB (MPI) 2-1, partial redaction, Appendix 2
- 112. PUB (MPI) 2-12, full redaction, Appendix 1
- 113. PUB (MPI) 2-36, full redaction, Appendix 1
- 114. PUB (MPI) 2-52, partial redaction, Appendix 1
- 115. PUB (MPI) 2-55, partial redaction, Appendix 1, page 1
- 116. PUB (MPI) 2-64, partial redaction, Appendix 1
- 117. PUB (MPI) 2-65, partial redaction, Appendix 1
- 118. PUB (MPI) 2-70, partial redaction, Appendices 1 & 2
- 119. CAC (MPI) 2-38, full redaction, Appendix 1

**Responses to Round Two CI Information Requests**

- 120. PUB CI (MPI) 2-2
- 121. PUB CI (MPI) 2-3
- 122. PUB CI (MPI) 2-4
- 123. PUB CI (MPI) 2-5
- 124. PUB CI (MPI) 2-6
- 125. CAC CI (MPI) 2-1
- 126. CAC CI (MPI) 2-2
- 127. CAC CI (MPI) 2-3
- 128. CAC CI (MPI) 2-4
- 129. CAC CI (MPI) 2-5
- 130. CAC CI (MPI) 2-6
- 131. CAC CI (MPI) 2-7

(collectively, the "Documents").

On September 13, 2023, through counsel, the Coalition of Manitoba Motorcycle Groups advised that it was taking no position on the motion. Similarly, on September 14, 2023, through counsel, Consumers Association of Canada (Manitoba) Inc. (CAC) and Duffy's Taxi Ltd. and Unicity Taxi Ltd. (Taxi Coalition) advised that they were taking no position on the motion.

The Board did not require an oral hearing on the motion.

## 2. PARTIES' POSITIONS AND BOARD FINDINGS

### 2.0 *MPI*

The grounds for the MPI's request for CSI status of the Documents are, among others, that:

- MPI is contractually required to treat some of the Documents as confidential and is prohibited by the respective owners of the Documents from making them, and the information contained therein, available to the public;
- The disclosure of the Documents and the information therein could reasonably be expected to result in undue financial loss or gain to or significantly harm the competitive position of a person directly or indirectly affected by the proceeding, including, but not limited to, MPI; and
- The information in the Documents is personal, financial, commercial, scientific or technical in nature, has been consistently treated as confidential by persons directly affected by the proceeding and the interest in maintaining confidentiality over the Documents outweighs the public interest in their disclosure.

The motion was supported by the affidavit of Tadeu (Ted) Augusto Costa De Albuquerque Meira, Director of Regulatory Affairs for MPI (Meira Affidavit), affirmed September 15, 2023, which was filed on a confidential basis. The Meira Affidavit supported MPI's claim for confidentiality for each of the Documents listed in the motion.

## 2.1 Board Findings

Pursuant to Rules 3(2) and 4(1) of the Board's Rules of Practice and Procedure (Rules), the Board maintains a broad discretion to issue directions on procedure, and may supplement, dispense with, or vary any of the provisions of the Rules.

Proceedings before the Board are public, and documents filed with the Board by a party to a proceeding are placed on the public record. However, the Board may receive information in confidence on any terms it considers appropriate in the public interest, when the test under Rule 13(2) is met:

- (a) If the Board is of the opinion that disclosure of the information could reasonably be expected
  - i. to result in undue financial loss or gain to a person directly or indirectly affected by the proceeding; or
  - ii. to harm significantly that person's competitive position

or

- (b) If
  - i. the information is personal, financial, commercial, scientific or technical in nature; or
  - ii. the information has been consistently treated as confidential by a person directly affected by the proceeding; and
  - iii. the Board considers that the person's interest in confidentiality outweighs the public interest in the disclosure of the information.

On hearing a motion under Rule 13, the Board may order the information in question be placed on the public record, order the document not be placed on the public record with

such conditions on access imposed as the Board considers appropriate, order an abridged version of the document be placed on the public record, or make any other order the Board finds to be in the public interest. Rule 13(5) allows the filing party to request that the document be withdrawn prior to being placed on the public record where the Board has determined to place any part of the document on the public record.

The Board has reviewed and considered all of the information filed by MPI and has taken into account that the motion was unopposed.

The Board is satisfied that, with one exception, the information in the Documents should be received in confidence, as they meet the test under Rule 13(2).

MPI has redacted the totals of the Project Nova budget, both before and after the 2022 re-baseline, at Part II, COM, Appendix 2, page 7 of the GRA. The Project Nova overall budgets have been public information in previous GRAs and there is therefore no need for this redaction. The Board therefore dismisses MPI's application to file this information in confidence.

The restrictions requested on the remainder of the Documents are necessary in order to protect third party proprietary information, confidential, proprietary or commercially sensitive information and the Board therefore grants MPI's motion with respect to the confidential status of those Documents.

### 3. IT IS THEREFORE ORDERED THAT:

3.1 The Board hereby grants leave to MPI to file the following documents, as more particularly set out in the Affidavit of Affidavit of Tadeu Augusto Costa De Albuquerque Meira, affirmed September 15, 2023, in confidence with the Board:

#### **Documents Filed as part of the General Rate Application**

1. Part II, COM, partial redaction, Appendix 2, pages 6 & 8
2. Part II, COM, partial redaction, Appendix 2, page 7, excepting Project Nova overall budget amounts;
3. Part IV, BMK, full redaction, Attachment B
4. Part V, NOV, partial redaction, pages 9, 17, 36, 37, 38, 45, & 48
5. Part V, NOV, partial redaction, Appendix 1, page 34
6. Part V, NOV, full redaction, Appendices 2, 3, 4, 5, 7, 8, 9, 10, 11, & 12
7. Part V, IT, partial redaction, Appendix 1, pages 13 & 14
8. Part V, IT, partial redaction, Appendix 4, pages 1 & 3
9. Part V, IT, partial redaction, Appendix 6, page 4
10. Part V, IT, partial redaction, Appendix 7, pages 2, 3, 5, 6, 7, 8, 9, 10, 13, 14, 18, 19, 20, 21, 22, 24, 25, 26, & 27
11. Part V, VA, partial redaction, pages 23, 64, 71, 81, 82, 84, 86, 87, 88, 89, 90, 92, 93, 94, 95, 98, 100, 102, 104, 105, 106, 109, 110, 111, 115, 124, 125, 126, 129, 130, 131, 132, 133, 134, 135, 136, 140, & 141
12. Part V, VA, partial redaction, Appendix 1a, pages 5, 10, 11



13. Part V, VA, partial redaction, Appendix 1b, page 2
14. Part V, VA, partial redaction, Appendix 1c, pages 1 & 5
15. Part V, VA, partial redaction, Appendix 1d, pages 1 & 4
16. Part V, VA, partial redaction, Appendix 4a, page 5
17. Part V, VA, partial redaction, Appendix 4b, pages 5 & 11
18. Part V, VA, full redaction, Appendix 5
19. Part V, VA, partial redaction, Appendix 7a, pages 2, 4, 6, & 8
20. Part V, VA, partial redaction, Appendix 7b, pages 1 & 5
21. Part V, VA, partial redaction, Appendix 10a, pages 2, 3, 6, & 7
22. Part V, VA, partial redaction, Appendix 10b, pages 1 & 2
23. Part V, VA, partial redaction, Appendix 11, pages 2, 3, 4, 6, & 7
24. Part V, VA, partial redaction, Appendix 12a, pages 2, 3, 5, 6, & 7
25. Part V, VA, partial redaction, Appendix 12b, pages 3, 4, 5, 7, 8, & 9
26. Part V, VA, partial redaction, Appendix 14, pages 1, 5, 7, & 9
27. Part V, VA, partial redaction, Appendix 15, pages 2, 3, 4, & 5
28. Part V, VA, partial redaction, Appendix 16, pages 1 & 3
29. Part V, VA, partial redaction, Appendix 17a, pages 3, 6, 8, & 11
30. Part V, VA, partial redaction, Appendix 17b, page 2
31. Part V, VA, partial redaction, Appendix 18, pages 2, 3, 5, 6, 8, 9, 10, & 11

32. Part V, VA, partial redaction, Appendix 20a, pages 2, 3, 4, 7 & 9
33. Part V, VA, partial redaction, Appendix 20b, page 1
34. Part V, VA, full redaction, Appendix 21
35. Part V, VA, partial redaction, Appendix 22, pages 2 & 5
36. Part V, VA, full redaction, Appendix 23
37. Part V, VA, partial redaction, Appendix 24a, pages 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, & 12
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50. Part V, VA, full redaction, Appendix 33
51. Part V, VA, partial redaction, Appendix 35a, page 8
52. Part V, VA, partial redaction, Appendix 35b, pages 1 & 5
53. Part V, VA, full redaction, Appendix 36
54. Part V, VA, full redaction, Appendix 37
55. Part V, VA, partial redaction, Appendix 38, pages 2, 3, & 4
56. Part V, VA, full redaction, Appendix 40
57. Part V, VA, full redaction, Appendix 41
58. Part V, VA, full redaction, Appendix 42
59. Part V, VA, full redaction, Appendix 43
60. Part IX, EXP, partial redaction, Appendix 20, pages 1 & 2
61. Part IX, EXP, partial redaction, Appendix 23a, pages 2, 6, 13, 14, 17, 19, 20, & 22
62. Part IX, EXP, partial redaction, Appendix 23b, pages 3, 4, 8, 9, 10, 11, 12, 14, 15, 19, 20, 21, 26, 27, 28, 31, 30
63. Part IX, EXP, partial redaction, Appendix 23c, pages 2, 4, & 5
64. Part IX, EXP, partial redaction, Appendix 23d, pages 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, & 19
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70. PUB (MPI) 1-106, partial redaction, part (b)
71. PUB (MPI) 1-109, partial redaction, Appendices 3, 4, 5, & 6
72. PUB (MPI) 1-120(b), full redaction, Appendices 1 & 15, partial redaction, Appendices 4, 5, 8, 9, 11, & 13
73. CAC (MPI) 1-3(b), full redaction
74. CAC (MPI) 1-12, partial redaction, all Appendices
75. CAC (MPI) 1-42, partial redaction, pages 2, 3, & 4
76. CAC (MPI) 1-44, full redaction, Attachments A & B
77. CAC (MPI) 1-49, full redaction
78. CAC (MPI) 1-82, full redaction, Appendix 1, Attachments A & B

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- 83. PUB CI (MPI) 1-5
- 84. PUB CI (MPI) 1-6
- 85. PUB CI (MPI) 1-7
- 86. PUB CI (MPI) 1-8
- 87. PUB CI (MPI) 1-9
- 88. PUB CI (MPI) 1-10
- 89. PUB CI (MPI) 1-12
- 90. PUB CI (MPI) 1-21
- 91. CAC CI (MPI) 1-1
- 92. CAC CI (MPI) 1-2
- 93. CAC CI (MPI) 1-3
- 94. CAC CI (MPI) 1-4
- 95. CAC CI (MPI) 1-5
- 96. CAC CI (MPI) 1-7

97. CAC CI (MPI) 1-8
98. CAC CI (MPI) 1-9
99. CAC CI (MPI) 1-10
100. CAC CI (MPI) 1-11
101. CAC CI (MPI) 1-12
102. CAC CI (MPI) 1-13
103. CAC CI (MPI) 1-14
104. CAC CI (MPI) 1-15
105. CAC CI (MPI) 1-16
106. CAC CI (MPI) 1-17
107. CAC CI (MPI) 1-18
108. CAC CI (MPI) 1-19
109. CAC CI (MPI) 1-20
110. CAC CI (MPI) 1-21
111. CAC CI (MPI) 1-22

**Responses to Round Two Information Requests**

- 112. PUB (MPI) 2-1, partial redaction, Appendix 2
- 113. PUB (MPI) 2-12, full redaction, Appendix 1
- 114. PUB (MPI) 2-36, full redaction, Appendix 1
- 115. PUB (MPI) 2-52, partial redaction, Appendix 1
- 116. PUB (MPI) 2-55, partial redaction, Appendix 1, page 1
- 117. PUB (MPI) 2-64, partial redaction, Appendix 1
- 118. PUB (MPI) 2-65, partial redaction, Appendix 1
- 119. PUB (MPI) 2-70, partial redaction, Appendices 1 & 2
- 120. CAC (MPI) 2-38, full redaction, Appendix 1

**Responses to Round Two CI Information Requests**

- 121. PUB CI (MPI) 2-2
- 122. PUB CI (MPI) 2-3
- 123. PUB CI (MPI) 2-4
- 124. PUB CI (MPI) 2-5
- 125. PUB CI (MPI) 2-6
- 126. CAC CI (MPI) 2-1
- 127. CAC CI (MPI) 2-2
- 128. CAC CI (MPI) 2-3

- 129. CAC CI (MPI) 2-4
- 130. CAC CI (MPI) 2-5
- 131. CAC CI (MPI) 2-6
- 132. CAC CI (MPI) 2-7

3.2 The Board dismisses MPI's application to file Project Nova overall budgets set out in Part II, COM, Appendix 2, page 7 of the GRA, in confidence, and hereby directs MPI to re-file Part II, COM, Appendix 2, page 7 of the GRA with Project Nova overall budget amounts on the public record.


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](http://www.pubmanitoba.ca).

THE PUBLIC UTILITIES BOARD

"Irene A. Hamilton, K.C"  
Panel Chair

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

Certified a true copy of Order No. 111/23  
issued by The Public Utilities Board

  
Secretary