



REPLY TO: Jessica Saunders  
FILE NO.: 37462-001

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August 30, 2013

\*\*\*VIA Email and Regular Mail\*\*\*

The Public Utilities Board  
400-330 Portage Ave.  
Winnipeg, MB R3C 0C4

Attention: Hollis Singh, Secretary

Dear Mr. Singh:

**Re: Manitoba Metis Federation (MMF) Scope of Work and  
Budget for Legal Counsel Submission to the Public Utilities  
Board (PUB) in the Needs for and Alternatives To Review (NFAT)  
of Manitoba Hydro's Proposed Preferred Development Plan (Plan)**

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In accordance with the PUB's NFAT Procedural Order on Matters Arising from Board Order 67/13 ("Order 92/13"), we are submitting the MMF's scope of work and budget for legal counsel for the PUB's consideration. The MMF's scope of work and budget is attached as Schedule "A". In preparing for the Pre-Hearing Conference on September 4, 2013 we are also further advising the PUB of details regarding the MMF's participation in the NFAT.

***Scope of Work and Budget for Legal Counsel***

A draft outline and budget for MMF's legal representation in the NFAT was previously provided in the MMF's Application to Review and Vary. Having received direction from the PUB in Procedural Orders to date and having discussed this matter further with our client, we have prepared a scope of work and budget document for the PUB's further consideration. For ease of reference and for the purposes of comparison to the current scope of work and budget being provided at this time, we have attached a copy of the previous draft outline and budget as Schedule "B".

You will note that we have adjusted the previous draft budget amount of \$239,000 to \$184,375. Since becoming involved in this file we have had the opportunity to review, and in some cases revisit, transcripts of proceedings, Procedural Orders and correspondence from Manitoba

Hydro, the Public Utilities Board and other Interveners on various matters and have a better understanding of the process and what is required. As a result, you will note that attendance at community hearings has been removed, the amount of disbursements has been estimated at \$2,000 rather than \$3,500, certain disciplines have been removed, and the number of hours required for counsel overall has decreased from 1,405 hours in the previous draft budget to 1,195 hours.

Considering the in-scope items for the MMF, the amount proposed in this scope of work and budget is in our view, reasonable to allow for the MMF to conduct a meaningful intervention that will assist the PUB in accomplishing its task.

#### **Details of MMF's Intervention**

We have received the agenda for the Pre-Hearing Conference from PUB counsel, Mr. Peters, and look forward to the opportunity to provide further details of the MMF's proposed intervention. In this process, the MMF will be presenting and testing evidence on in-scope matters for the MMF based on analysis of Manitoba Hydro's Plan and Alternatives. In adhering to the PUB's direction in Order 92/13, the MMF will be presenting evidence and testing evidence in accordance with the definition of "Socio-Economic Impact" and "Macro Environmental" and will not be presenting evidence that has already been presented in the Clean Environment Commission (CEC) on Keeyask. As a result, the MMF will not be including Ms. PattLarcombe as a witness/consultant as was previously proposed.

In order to assist the MMF in strategizing and re-focusing its analysis, we have asked Mr. Rick Hendriks to attend the Technical Conference as we feel his presence and assistance will be most helpful in MMF's preparations. We are also in the process of making arrangements to have Mr. Hendriks meet with other expert consultants that are expected to attend the Technical Conference with a view to ensuring collaboration on common issues.

We are aware of the timetable for this process and the need for the PUB to provide its report by June 20, 2014. We have confirmed our availability to commit to represent the MMF in this process. If there is any other information that you require or if you would like to discuss this further please contact us at your earliest opportunity.

Yours truly,

**MYERS WEINBERG LLP**

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Per: **"Sent Electronically"**

**JESSICA SAUNDERS**

JMS/bm

cc. R.F Peters, Board Counsel, Fillmore Riley LLP  
Patricia J. Ramage & Marla D. Boyd, Manitoba Hydro  
Al Benoit & Marci Riel, Manitoba Metis Federation

Attachments:

Schedule "A": MMF Scope of Work and Budget for Legal Counsel

Schedule "B": Draft Outline and Budget for MMF's Legal Representation in the NFAT

# **Schedule "A"**

## Scope of Work and Budget for MMF Legal Counsel in NFAT

The MMF has required legal counsel for the following:

1. Prepare Intervener Request Form and attend first Pre-Hearing Conference;
2. Prepare response to Order 67/13;
3. Prepare application for review/vary of decision in Order 67/13;
4. Search for expert consultants and witnesses and have initial discussions with proposed expert consultants and witnesses;

The MMF has retained Myers Weinberg LLP (MW) for the following:

5. Development of approach for MMF participation for those items in-scope for MMF as set out in Order 67/13, and further refined by Order 92/13 ("in-scope items for MMF");
6. Research of relevant legislation, literature reviews, and further research on in-scope items for MMF;
7. Retain expert consultants to review the Plan and Alternatives (Hydro's Filing) and work with experts to prepare and provide evidence on in-scope items for MMF;
8. Work with other counsel and Intervener experts in collaborating on common issues;
9. Review Hydro's Filing and all other materials to be provided by Hydro;
10. Review evidence and other materials to be provided by other Interveners, the PUB/PUB's Independent Expert Consultants;
11. Prepare MMF Budget and Invoices;
12. Prepare MMF's direct examination of witnesses on in-scope items for MMF;
13. Prepare MMF's cross examination of witnesses on in-scope items for MMF;
14. Attend second Pre-Hearing Conference;
15. Review transcripts and materials from first Technical Conference and attend second Technical Conference;
16. Complete information requests (IRs) to other parties and review other parties' information requests (inclusive of round 1 and 2 IRs of Hydro and IRs to other Interveners and PUB Independent Expert Consultants);
17. Review and complete IRs from other parties;
18. Prepare for and attend hearings;

19. Prepare and provide MMF's closing argument;

20. Complete all tasks required of legal counsel in MMF's intervention;

<b>Legal Representation</b>				
<b>Discipline</b>	<b>Counsel</b>	<b>Rate</b>	<b>Hours</b>	<b>Cost Subtotal</b>
Intervener Application, Response to Order, Application to Review/Vary (Items 1-4 above)	Jessica Saunders/MMF	\$125	25	\$3,125
Senior Counsel preparation for hearings	Tony Marques/MW	\$200	200	\$40,000
Junior Counsel preparation for hearings	Jessica Saunders/MW	\$125	250	\$31,250
Senior Counsel attendance at hearings (20 days)	Tony Marques	\$200	200	\$40,000
Junior Counsel attendance at hearings (40 days)	Jessica Saunders	\$125	400	\$50,000
Senior Counsel preparation of closing submission	Tony Marques	\$200	40	\$8,000
Junior Counsel preparation of closing submission	Jessica Saunders	\$125	80	\$10,000
<b>Disbursements</b>				<b>\$2000</b>
<b>TOTAL</b>				<b>\$184,375</b>

## **Schedule “B”**

## **Draft Outline and Budget for MMF's Legal Representation in the NFAT**

To date, the MMF has required legal counsel for the following:

1. Prepare Intervener Request Form and attend pre-hearing conference;
2. Prepare response to Order 67/13;
3. Prepare application for review of decision in Order 67/13;
4. Search for expert consultants and witnesses and have initial discussions with proposed expert consultants and witnesses;

The MMF is seeking to retain legal counsel for the following:

5. Development of approach and coordination of MMF participation in NFAT hearing based on the Terms of Reference;
6. Research relevant legislation, literature review and further research on items (f) through (j);
7. Retain expert consultants to review Plan and alternatives and work with experts to prepare and provide evidence on items (h), (i) and (j) of the Terms of Reference;
8. Review Plan and alternatives, and all other materials to be provided by the Applicant;
9. Review evidence and other materials to be provided by other Interveners;
10. Review all materials to be provided by the PUB;
11. Prepare Appendix II Intervener Budget and Cost Summary Form;
12. Prepare MMF's direct examination of witnesses for items (h), (i) and (j), and other approved areas;
13. Prepare MMF's cross examination of witnesses for items (f) through (j);
14. Work with MMF to identify and prepare panelists for participation in item (f);
15. Attend technical conferences;
16. Ensure the completion of information requests and review other information requests;
17. Prepare briefing notes to client and receive instructions from client;
18. Attend PUB hearings;
19. Attend community hearings;
20. Prepare and provide MMF's closing argument.



<b>Legal Representation</b>				
<b>Discipline</b>	<b>Personnel</b>	<b>Rate</b>	<b>Hours</b>	<b>Cost Subtotal</b>
Intervener Application, Response to Order, Application for Review (1-4 above)	Jessica Saunders	\$125	25	\$3,125
Senior Counsel preparation for hearings	TBD	\$200	225	\$45,000
Junior Counsel preparation for hearings	TBD	\$125	225	\$28,125
Senior Counsel attendance at hearings (30 days)	TBD	\$200	240	\$48,000
Junior Counsel attendance at hearings (30 days)	TBD	\$125	240	\$30,000
Senior Counsel review of evidence	TBD	\$200	150	\$30,000
Junior Counsel review of evidence	TBD	\$125	150	\$18,750
Senior Counsel preparation and collaboration with consultants retained by the MMP, other Interveners and reporting to and instructions from the MMP	TBD	\$200	100	\$20,000
Junior Counsel preparation and collaboration with consultants retained by the MMP, other Interveners and reporting to and instructions from the MMP	TBD	\$125	100	\$12,500
<b>Sub-total</b>				<b>\$235,500</b>
Disbursements (printing, etc.)				<b>\$3,500</b>
Community Hearing Travel Expenses (* Appropriate rates and actual amount to be finalized once details regarding these hearings are confirmed)				<b>TBD</b>
<b>Total Cost Estimate</b>				<b>TBD</b>
<b>NOTE:</b>				
<b>Total Cost Estimate, based available info above</b>				<b>\$239,000</b>
<b>Total Cost Estimate, submitted by MMP to date (with \$180,790 for other expert consultants/witnesses</b>				<b>\$419,790</b>

PLEASE NOTE: this budget and outline is subject to change pending the filing of the Applicant's materials and the finalization of the hearing schedule. Additionally, a number of matters are currently in discussion and final decisions/directions have not yet been provided by the PUB. If, for instance, the scope of "Socio-Economic impacts" and "Macro Environmental" as used in the Terms of Reference is revised in any way and/or if more alternatives to the Plan are added, this budget and outline would need to be reviewed and adjusted accordingly.