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BY E-MAIL

THE PUBLIC UTILITIES BOARD OF MANITOBA
400-330 Portage Avenue
Winnipeg, Manitoba R3C 0C4

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

Dear Dr. Christle:

Re: IGU Reply to CSI Motion
Our Matter No. 0210261 AFH

We write further to Centra's submission dated November 21, 2024. The following is IGU's Reply to Centra's submission with respect to IGU's motion for access to certain CSI for Mr. Friesen.

We submit that the crux of the issue is that that Centra has submitted no "compelling reasons" (see: Zacher and Duffy, Energy Regulation in Ontario, Chapter 3, VI, para. 3:16) as to why Mr. Freisen's signed Non-Disclosure Agreement ("NDA") ought not to be accepted. Centra has not identified any deficiencies in the form of NDA given by Mr. Friesen and has not identified any issues with respect to the Personal Risk Assessment of Mr. Friesen and/or any results thereof. Centra has provided no evidence that Mr. Friesen will not honour is NDA. That, we submit, is the legal test. Full stop.

With respect to Centra's other submissions, IGU acknowledges that Centra has not requested changes to the rate structure or rate riders, and acknowledges that Cost-of-Service methods have now been determined. However, IGU submits that COS methods are one, but not the only factor, to be decided with respect to rates and rate riders, which are live issues in this GRA. Accordingly, Mr. Friesen ought to be able to test whether the proposed rate structure and rate riders are consistent with regulatory principles.



It is submitted that:

- Information related to rate riders is relevant to the capacity and volumetric components of the rates proposed by Centra for Transportation Service, Western Transportation, and Sales Service customers.
- Recovery of deferral balances is relevant to the costs imposed on customers. One factor in the magnitude of the rate impacts relates to Centra's delay in filing its cost-of-service application and GRA application.
- Information related to rate class volumes, weather sensitivity, and heating value data is relevant as this information is used to allocate costs, establish rate design, and to determine rate components for capacity and volumetric costs.

Contrary to Centra's submission, we note that Mr. Friesen has not requested access to CSI related to procurement and transportation strategies, which we understand to be the information that Centra considers to be its most commercially sensitive information. IGU respectfully disputes Centra's submission that Mr. Friesen's access to CSI can or will directly or indirectly impact Centra's competitive market position (which, we note, presumes that he will breach his NDA, which there is no evidence of). Mr. Friesen does not provide IGU participants (or any other natural gas consumers in Manitoba or elsewhere) with analysis, advice or guidance for procurement of natural gas commodity volumes or transportation services.

Centra submits that IGU can rely on the expert evidence of Mr. Bowman instead of that of Mr. Friesen. While there may be some necessary overlap in the areas of analysis considered by Mr. Bowman and Mr. Friesen, our main submission has addressed the specific CSI which Mr. Friesen needs to perform his analysis. IGU acknowledges the strong message from the Board to avoid duplication. Moreover, Mr. Friesen has filed an acknowledgement of



his duty as expert witness and that his responsibility as expert witness is to assist the Board in its understanding of the Application.

Centra submits that counsel may share Koch specific CSI with Mr. Friesen by obtaining Koch's permission to do so. Respectfully, we do not agree that that is the case. Paragraph 2 of the Confidentiality Undertakings given by both myself and Mr. Hacault provides that we will not divulge Confidential Information to any person who is not a panel or staff member of the PUB, or to any other person who has not been authorized by the PUB to receive such information and who is required but has not executed a confidentiality agreement with Centra or filed an executed undertaking with the Secretary of the PUB.

We submit that neither of those conditions are met in this case – we have not been authorized by the PUB to share Centra's CSI related to Koch (particularly when sharing the Special Contract could allow other CSI to be determined). Moreover, while Mr. Friesen has executed an NDA and filed same with the Board, Centra has not executed same, which could expose us to a grey area as to whether we have complied our Confidentiality Undertakings.

Finally, Centra submits that Mr. Friesen may obtain additional information through the IR process. Respectfully, Mr. Friesen ought not to be limited to the IR process, particularly if he does not have the foundational information to be able to test the information received through the IR process.

Yours truly,

THOMPSON DORFMAN SWEATMAN LLP

Per:

A handwritten signature in blue ink, appearing to read 'Melissa Beaumont', is written over the printed name.

Melissa Beaumont

MDLB/nj

*Electronically executed