

Order No. 131/25

**MOTION BY MANITOBA PUBLIC INSURANCE
SEEKING CONFIDENTIAL TREATMENT OF THE PROJECT NOVA
CLOSEOUT REPORT**

October 8, 2025

BEFORE: Irene A. Hamilton, K.C., Panel Chair
Patrick Ireland, MBA, Member
Kim Sharman, Member

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1. SUMMARY

By this Order, the Public Utilities Board (Board) grants the motion of Manitoba Public Insurance (MPI or the Corporation), seeking confidential receipt (partial redaction) by the Board of the Project Nova Closeout Report (Report).

1.0 OVERVIEW

MPI filed a motion accompanied by an affidavit on September 29, 2025 seeking confidential treatment for certain portions of the Report (Nova Motion). Through the Nova Motion, MPI requests confidential treatment for the following:

- The Report, partial redaction, pages 3-5, 9, 12, 15, 16, 17, 19, 21, 27-30, 32, 40, 42, & 44¹

(collectively, the Redacted Report Sections).

The Board did not require an oral hearing on the Nova Motion.

¹ The Board notes that the Report contains two sets of page numbers at the bottom of each page (one located at the bottom centre of each page, and the other located at the bottom right corner of each page). For greater certainty, the Redacted Report Sections referenced herein relate to the page numbers that are located at the bottom centre of the Report's pages.

2. PARTIES' POSITIONS AND BOARD FINDINGS

2.0 *MPI*

The grounds for the MPI's request for CSI status of the Redacted Report Sections are that:

- The Redacted Report Sections could interfere in negotiations being carried out by MPI under s. 39(3)(a)(iv) of the Board's Rules of Practice and Procedure; and/or
- The Redacted Report Sections consist of proprietary intellectual property or of financial, commercial scientific or technical materials that is consistently treated confidentially by MPI under section 39(3)(b) of the Board's Rules of Practice and Procedure.

The Nova Motion was supported by the affidavit of Alison Beyer, Director of Legal Services for MPI (Beyer Affidavit), affirmed September 29, 2025, which was filed on a confidential basis. The Beyer Affidavit supported MPI's claim for confidentiality for the Redacted Report Sections listed in the Nova 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, and it will make this determination by considering the factors under Rule 39(3):

- (a) the potential harm that could result from disclosure, including whether making the information public could result in

- i. undue financial loss or gain to any person;
 - ii. prejudice to the competitive position of any person;
 - iii. a breach of contractual obligations by any person; or
 - ii. interference in negotiations carried out by a party to the hearing;
- (b) whether the information consists of proprietary intellectual property or of financial, commercial, scientific or technical material that is consistently treated as confidential by the person filing it with the Board;
 - (c) whether the information relates to public security;
 - (d) whether the information is personal identification;
 - (e) whether the Manitoba Ombudsman or a court has previously decided that similar information should be made public or kept confidential;
 - (f) whether the Board has previously held that similar information should be kept confidential;
 - (g) whether the information is required by legislation to be kept confidential; and
 - (h) whether the person whose information is included in the document has provided evidence to support the claim for confidentiality.

On hearing a motion under Rule 37, the Board may make any of the following orders, pursuant to Rule 40: the Board may order that the document be kept confidential; order that the document be placed on the public record (in whole or in part); direct the person filing the document to make revisions to any proposed redactions to the document placed on the public record; direct the person filing the document to describe the confidential portions of the document and place that description on the public record; or make any other order the Board finds to be in the public interest.

The Board has reviewed and considered all of the information filed by MPI and has taken into account that the Nova Motion was unopposed. Having considered the criteria outlined in Rule 39, the Board is satisfied that the Redacted Report Sections be received in confidence.

The restrictions requested on the Redacted Report Sections are necessary in order to:

1. Protect against interference in negotiations being carried out by MPI under Rule 39(3)(a)(iv); and
2. Prevent public disclosure of proprietary intellectual property or financial, commercial scientific or technical material that is consistently treated as confidential by MPI under Rule 39(3)(b).

The Board therefore grants MPI's Nova Motion with respect to the confidential status of the Redacted Report Sections.

3. IT IS THEREFORE ORDERED THAT:

3.1 The Board hereby grants leave to MPI to file the Report with the Redacted Report Sections, as more particularly set out in the Beyer Affidavit, affirmed September 29, 2025, in confidence with the Board.

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 58 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, K.C."

Panel Chair

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

Secretary

Certified a true copy of Order No. 131/25
issued by The Public Utilities Board



Secretary