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October 17, 2013

Mr. H. Singh
The Public Utilities Board
400 - 330 Portage Avenue
WINNIPEG, Manitoba R3C 0C4

Dear Sir:

RE: NFAT TIMETABLE – FIRST ROUND INFORMATION REQUESTS

During the September 30, 2013 Motions Day, Manitoba Hydro made a number of comments regarding its ability to respond to the approximate 2100 first round Information Requests (IR) which have been filed in the NFAT by the October 21, 2013 deadline contained in the draft timetable affixed to Order 92/13 as Schedule “A”. Specifically, Manitoba Hydro indicated that assuming it were successful on each of the objections raised in the Motion and assuming the Independent Expert Consultants (IEC) withdrew all of their IRs, the remaining IRs could be responded to by November 12th. This of course would impact the remainder of the schedule.

Subsequently, PUB Counsel requested a meeting of counsel for all Parties to discuss the timetable for the NFAT, which meeting took place October 7, 2013. Both Manitoba Hydro and PUB Counsel proposed alternative timetables at this meeting. Manitoba Hydro proposed a schedule with a November 12th First Round IR response deadline and which had IEC and Intervenor evidence submitted concurrently in mid-January, 2014. PUB counsel proposed a schedule with First Round IRs due November 6th combined with very short turnaround times for Manitoba Hydro’s Second Round IR responses and for Intervenor and IEC evidence and IRs. A number of concerns were raised with respect to these schedules. From Manitoba Hydro’s perspective the November 6 First Round Information Request response date in the PUB Counsel timetable is not achievable.

Intervenors subsequently proposed an alternative schedule which would accommodate their desire to review IEC evidence prior to submitting their own evidence. It is of note that Intervenors did not propose alternative dates to those proposed by Manitoba Hydro with respect to filing responses to First and Second Round IRs (First Round responses to be filed November 12, Second Round IRs to be filed December 2 with responses filed December 23).

To date, the PUB has not made any changes to the draft timetable affixed to Order 92 /13. As noted, the draft schedule has Manitoba Hydro respond to First Round IRs October 21, 2013. Manitoba Hydro is requesting the PUB issue further direction regarding the October 21st filing date as soon as possible. If the PUB is not in a position to issue a revised schedule for the

entire NFAT proceeding, Manitoba Hydro requests that the PUB address the filing of First Round IRs immediately, with the balance of the schedule to be dealt with at a later date.

Manitoba Hydro proposes the date for the filing of First Round IRs be amended to November 12th, with a preliminary filing to be made November 6th.

While Manitoba Hydro has been actively engaged in preparing responses to IRs and meeting with the IECs, it is not in a position to make an October 21, 2013 filing. Manitoba Hydro recognizes that the PUB would like to see at least some responses sooner than later, hence the two part filing. There are not however sufficient responses fully finalized (that is where all parts to the Information Request have been drafted and reviewed), to merit an October 21 filing. In addition, an October 21 filing will necessitate diverting staff attention from the primary task of responding to IRs and moving them through the review process, to instead preparing those IRs that have been completed for filing. This is an inefficient use of both technical and administrative staff time in the circumstance.

Manitoba Hydro considered an earlier date for part one of the two part filing however given that a number of key staff are scheduled to be in meetings with IECs for most of the week of October 21, it is doubtful that many additional IRs will be drafted and reviewed if only one additional week is provided. Manitoba Hydro views the meetings with IECs as critical to moving the NFAT process forward. In Order 119/13 the PUB encouraged IECs to obtain answers to Information Requests through direct discussions with Manitoba Hydro. Order 119/13 also provided the IECs with clear authority to withdraw IRs. To date no IRs have been withdrawn. Manitoba Hydro is hopeful that this will change during next week's sessions.

In conclusion, Manitoba Hydro respectfully requests that the PUB give immediate attention to amending the date for the filing of first round information requests from October 21, 2013 to November 12, 2013, with a preliminary filing to be made November 6, 2013 and that such direction be communicated to Parties forthwith.

Yours truly,

MANITOBA HYDRO LAW DIVISION

Per:



PATRICIA J. RAMAGE

Barrister & Solicitor

cc. R. F. Peters
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Counsel for Registered Intervenors