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July 2, 2013

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

Dear Mr. Singh:

**RE: MANITOBA HYDRO NFAT TERMS OF REFERENCE
LOAD FORECAST**

The Terms of Reference for the Needs For and Alternatives To (NFAT) review of Manitoba Hydro's Preferred Development Plan contemplate a process for the review of Commercially Sensitive Information (CSI) that the Panel determines to be relevant in the conduct of the NFAT. The Terms of Reference also provides that the PUB may exercise discretion over the access of any person to CSI. Appendix A to the Terms of Reference provides "Provisions For the Protection of Commercially Sensitive Information" and specifically references the need to ensure adequate protections are in place with respect to Manitoba Hydro's internal, non-public load forecast.

The issue of the disclosure of the internal Load Forecast was raised during the May 16, 2013 Pre Hearing Conference. Manitoba Hydro can confirm that the only difference between the internal and external versions of the Load Forecast is that the internal version contains an Appendix which contains a forecast of the electricity consumption of Manitoba Hydro's Top Consumers based on Manitoba Hydro's analysis of individual operating plans and expansion or contraction plans collected from industry news and publications, company prospectuses and confidential disclosure of business plans made to Manitoba Hydro.

The information contained in the Appendix to the Internal Load forecast will not add substantive value to the NFAT review and Manitoba Hydro does not believe this information should be disclosed to any party. Disclosure could result in harm to the businesses which voluntarily provided their confidential business plans to Manitoba Hydro, which information served to improve the quality of the Load Forecast. Manitoba Hydro expects that if disclosure of customer's commercially sensitive business plans is compelled in the NFAT process, it will not receive the benefit of this cooperation in the future. The confidential information provided by these customers with respect to their future plans provides substantive value to Manitoba Hydro as it helps to establish and refine plans for future transmission and distribution infrastructure improvements. Changes to Top Consumer loads have a substantial impact on the design, configuration and operation of the transmission and distribution system. The associated lead times (3 – 5 years) required for planning and implementation of transmission system

improvements dictate a need to obtain information on planned changes to customer operations as early as possible. If this type of information sharing is not forthcoming in the future due to concerns about confidentiality, it will invariably and negatively impact Manitoba Hydro's ability to serve the transmission and distribution needs of its customers in a timely and cost-effective manner, potentially increasing the costs for providing those services.

The contemplated processes for protection of Manitoba Hydro's Top Consumer's CSI are not adequate for the protection of this information. For example, some of the Top Consumers are competitors in business. Further, Manitoba is a relatively small business community and it would not be appropriate for counsel to access the CSI of businesses which potentially transact with their firm's clients.

Given that detailed customer CSI that will not add benefit to the NFAT and the potential harm to both customer's private business interests as well as the interests of Manitoba Hydro's ratepayers, Manitoba Hydro requests the PUB direct that this information not be required to be disclosed to any Party, including the PUB. If such direction is not immediately forthcoming, Manitoba Hydro suggests that MIPUG representatives be called upon to suggest alternatives, if any, acceptable to their membership.¹


Manitoba Hydro is in the process of assembling relevant documents containing CSI for review under the confidentiality process established by the PUB and as such would appreciate the PUB's direction with respect to this matter.

Yours truly,

MANITOBA HYDRO LAW DEPARTMENT

Per:



 **PATRICIA J. RAMAGE**
Barrister and Solicitor

PJR/

cc: R.F. Peters, Fillmore Riley LLP
Antoine Hacault, Thompson, Dorfman, Sweatman
Melissa Davies, InterGroup Consultants
Patrick Bowman, InterGroup Consultants

¹ Manitoba Hydro notes that MIPUG represents many, but not all Top Consumers. Manitoba Hydro would expect to consult with any Top Consumer who's CSI is referenced in the Appendix to the Load Forecast prior to releasing same to any person outside the Corporation.