



MANITOBA PUBLIC UTILITIES BOARD

Re: PRE-HEARING CONFERENCE NUMBER 2
IN RESPECT OF MANITOBA HYDRO'S
NEEDS FOR AND ALTERNATIVES TO (NFAT)
REVIEW OF ITS PREFERRED DEVELOPMENT PLAN

HELD AT:

Public Utilities Board
400, 330 Portage Avenue
Winnipeg, Manitoba
September 4, 2013
Pages 1 to 94

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APPEARANCES

Bob Peters) Board Counsel

Patti Ramage) Manitoba Hydro
Marla Boyd)

Byron Williams) CAC (Manitoba)

William Gange) GAC
Peter Miller)

Antoine Hacault) MIPUG

Jessica Saunders) MMF

Michael Anderson (np)) MKO

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1 --- Upon commencing at 9:04 a.m.

2

3 THE CHAIRPERSON: Everybody's in
4 position. Welcome to the second pre-hearing conference
5 respecting the needs for and alternatives to, or
6 acronym, NFAT, review of Manitoba Hydro's proposed
7 Preferred Development Plan, which we tend to call PDP,
8 for the construction of the Keeyask generating station
9 and Conawapa generating station, associated domestic
10 transmission facilities, export contracts, and
11 Canada/US transmission interconnection facilities.

12 My name is Regis Gosselin and I'm the
13 Chair of the Public Utilities Board. In that capacity,
14 I will be chairing this pre-hearing conference as well
15 as the NFAT review panel. With me today for the
16 conduct of the pre-hearing conference are PUB members
17 Mr. Larry Soldier and Ms. Marilyn Kapitany. Additional
18 members will also serve on the Board's NFAT review
19 panel.

20 The Board will be assisted in the NFAT
21 review process by Board secretary and executive
22 director Hollis Singh; Board assistant secretary, Kurt
23 Simonsen; and associate secretary, Jennifer Dubois, who
24 is -- who is assisting us today. The project manager
25 is Josee Lemoine. The Board's le -- legal counsel will

1 be Mr. Bob Peters, assisted by Sven Hombach. And the
2 Board's advisors, including Roger Cathcart, Larry Buhr,
3 Wally Koschuk, Margaret Smith, and Jan Carr.

4 I mentioned the -- this -- that this is
5 the second pre-hearing conference for the NFAT review
6 hearing in respect of Manitoba's Preferred Development
7 Plan. As a result of the first pre-hearing conference
8 on May 16th, the Board approved Intervenor status for
9 five (5) Intervenor: the Consumer's Association of
10 Canada, Manitoba branch; the Green Action Centre;
11 Manitoba Industrial Power Users Group; Manitoba
12 Keewatinowi Okimakanak; and the Manitoba Metis
13 Federation.

14 In Board Order 67/'13, which followed
15 the first pre-hearing conference, the Board also
16 encouraged unsuccessful Intervenor applicants to seek
17 to form a coalition with approved Intervenor on the
18 issues for which the approved Intervenor had been
19 granted status. Intervenor should update the panel as
20 to any coalitions that have been formed since Order
21 92/'13.

22 In Order 67/'13, the PUB panel also
23 requested approved Intervenor to submit their proposed
24 lists of consultants and budgets. The PUB panel
25 reviewed the filings and granted Intervenor status --

1 pardon me -- granted Intervenor approvals as to
2 Intervenor's consultants and budgets in Order 92/'13,
3 all of which occurred prior to Manitoba Hydro filing
4 its NFAT review application on August 16th, 2013.

5 Now that Manitoba Hydro has filed its
6 application, one (1) of the purposes of this pre-
7 hearing conference is to ensure the participation of
8 Intervenor on approved issues is finalized. To that
9 end, each Intervenor is being asked to briefly review
10 today the consultants that they have retained and the
11 issues for which that consultant is to provide
12 testimony. That may assist other Intervenor in
13 planning their interventions.

14 Importantly, if any Intervenor is
15 proposing any change in assignments or budgets from
16 that approved in Orders 90 -- pardon me -- approved in
17 Orders 67/'13 and 92/'13, the PUB panel needs to hear
18 your submissions today, prior to adjudicating such
19 requests in the order that will follow this pre-hearing
20 conference. The Board did receive communications last
21 week from CAC, GAC, and the MMF regarding revisions
22 that should also be reviewed by their counsel in their
23 oral submissions.

24 As parties will know from the NFAT terms
25 of reference, in addition to the expert witnesses and

1 consultants engaged by Intervenor, the PUB panel may -
2 - may use one (1) or more independent expert
3 consultants to assist in the NFAT review.

4 In that regard, the PUB panel has
5 engaged the following consultants: Knight Piesold
6 Consulting, to assist in the review of construction
7 management and capital costing matters; POWER Engineers
8 to assist in the review of transmission matters;
9 Elenchus Research Associates Incorporated to assist in
10 the review of load forecasting and demand-side
11 management and energy efficiency matters; Potomac Eco -
12 - Economics to assist in the review of Midcontinent
13 Independent System Operator market matters, the MISO
14 market; MMP to assist in the review of the macro-
15 environmental matters; TyPlan Consulting Limited to
16 assist in the review of socioeconomic matters; Morrison
17 Park Advisors to assist in the review of financial
18 analysis and public sector finance matters; La Capra
19 Associates to assist in the review of power resource
20 planning and economic evaluations in business case and
21 risk assessment matters.

22 The Board has also provided for Mr.
23 Christian Monnin to -- to be the independent legal
24 counsel to the independent expert consultants, as they
25 require.

1 The terms of reference for the
2 independent expert consultants will -- will be
3 published by the Board in the next procedural order.
4 Parties attending the technical conference tomorrow and
5 Friday of this week will have an opportunity to meet
6 the individuals from each of these firms.

7 Order 92/'13 -- pardon me. Another
8 matter -- excuse me. The terms of reference -- the
9 terms of resin -- of reference also provide that these
10 independent expert consultants shall be available as a
11 resource to le -- legal counsel for registered
12 Intervenor, as deemed necessary by the PUB, to prepare
13 for the cross-examination of Hydro witnesses on
14 commercially sensitive information. The PUB
15 understands the undertakings to be executed by
16 Intervenor counsel to gain access to the commercially
17 sensitive information have been circulated. But to
18 date, no Intervenor counsel has executed the
19 undertaking and returned it to the Board.

20 Should that change and Intervenor
21 counsel also wants access to an independent expert
22 consultant, they can contact independent legal counsel,
23 Maitre Monet, directly to request access.

24 As for the technical conference tomorrow
25 and Friday, while the PUB panel will not be in

1 attendance, it is an opportunity for Manitoba Hydro to
2 explain its NFAT application materials and for parties
3 to raise questions and obtain information that will
4 assist them without the need for those same questions
5 to be repeated through written Information Requests.

6 The PUB panel expects the transcripts
7 and PowerPoint will -- will be posted on the Board's
8 website.

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: Order 92/'13 had the
13 most current PUB draft of the timetable attached as
14 Schedule A. That draft is different from the versions
15 considered at the pre -- at the first pre-hearing
16 conference. We will want to hear from each party its
17 view on the timetable, as they will be required to
18 adhere to it. Parties are aware that there is little
19 flexibility and certainly no additional time to
20 complete the NFAT review.

21 In the most current draft timetable,
22 there are two (2) dates for community hearings
23 presentations. Those dates of October 8 and 10 will
24 change. The PUB panel does want -- does want to hear
25 from the public, but new dates for hearing public

1 presentations will be confirmed at a -- at a later date
2 by the Board.

3 Public presentations are always welcome
4 by the Board. While a previous public notice indicated
5 presenters were to identify themselves by August 30,
6 the Board will not enforce that date as a deadline.
7 The Board will attempt to make reasonable accommodation
8 for any member of the public that seeks to make a
9 presentation. A number of interested persons have
10 already indicated an interest in making a presentation
11 to the Board, and more are expected. The Board will
12 schedule those dates for presentations on dates closer
13 to the commencement of the oral public hearings.

14 Another matter under consideration by
15 the panel is the conduct of the oral hearings based on
16 specific topics such as the ones that have been
17 identified for the technical conference tomorrow and
18 Friday. As examples, and those who have seen the
19 agenda for the technical conference will see, those
20 topics include load forecast, demand-side management,
21 energy efficiency, MISO matters, power resource
22 planning alternatives and economic evaluation, business
23 case and risk assessment, capital cost and construction
24 matters, macro-environmental and socioeconomic matters.

25 The list of issues to be reviewed at the

1 technical conference is not considered exhaustive but
2 does include issues from the terms of reference that
3 this panel is to consider. Should any party have
4 comments on conducting the oral hearing to hear all
5 evidence from all parties based on defined topics,
6 please provide them to us today.

7 I will now turn the microphone over to
8 Board counsel, Bob Peters, to provide us -- provide his
9 opening comments and to address the procedures
10 applicable to our purposes today. Mr. Peters...?

11

12 OPENING COMMENTS BY MR. BOB PETERS:

13 MR. BOB PETERS: Thank you and good
14 morning, Mr. Chair, Board member Mr. Soldier, and Board
15 member Ms. Kapitany, ladies and gentlemen, and perhaps
16 a special welcome back to Ms. Cheryl Lavigne.

17 For purpose of the record, my name is
18 Bob Peters and I'm legal counsel to the Public
19 Utilities Board Panel for the Manitoba Hydro NFAT
20 review hearing. In terms of proceedings this morning,
21 Mr. Chair, may I suggest that the Board call on the
22 Intervenor in the order that you mentioned them in
23 your opening comments.

24 That would be hearing from CAC and their
25 counsel, Mr. Williams, who is present today. After Mr.

1 Williams, then GAC. Mr. Gange is present today.
2 Following him, then MIPUG's counsel, Mr. Hacault. And
3 I presently do not see Mr. Anderson or anyone here on
4 behalf of MKO. If that changes, I'll bring it to the
5 Board's attention. And following that would be counsel
6 for MMF. And while we welcome back Ms. Saunders from a
7 new destination, I suppose would be the polite way to
8 say that, now associated with the law firm of Myers
9 Weinberg.

10 Now, the Intervenor, Mr. Chairman and
11 Board members, have been asked to provide their
12 submissions this morning to address various topics.
13 Those include, as you've mentioned, a brief overview of
14 their intended interventions, including the approved
15 issues found by the Board to be in scope. And the
16 Intervenor should identify the consultants that they
17 have engaged, including those for whom the Board has
18 approved funding in Board Order number 92/'13, together
19 with the scope of work for those consultants.

20 Additionally, Intervenor should present
21 today their requests for any revisions as to what the
22 Board has approved in Order 67/'13 as to in-scope
23 issues, as well as the budgets that have been approved
24 in Order 92/'13. And, lastly, Intervenor should
25 advise the panel of any collaborative arrangements that

1 they've made with other parties for the in --
2 information of the Board.

3 Now, Mr. Chair, you mentioned three (3)
4 requests for revisions have been received by Board from
5 last Friday, all filed, I believe, August 30th, 2013.
6 I'm not certain that my colleagues at Manitoba Hydro
7 have copies of all of that.

8 But firstly and specifically, Mr.
9 Williams had his colleague file some information
10 respecting a revised CAC budget. And I won't speak for
11 Mr. Williams, but from my review of the information, it
12 appears that an increase of approximately \$10,000 is
13 sought in respect of what I'll disbursements for Mr.
14 Stevens to purchase what I believe Statistics Canada
15 data, and I believe it's related to socioeconomic
16 matters. But I suggest Mr. Williams speak to that when
17 called on this morning.

18 Secondly, the Green Action Centre has
19 filed a revised, or maybe I can call it a refined scope
20 of work and budget seeking to engage the firm of Power
21 Advisory to work with Mr. Chernick. And that work
22 would be on meeting the Manitoba load growth with wind
23 as a renewable resource option, as well as with demand-
24 side management savings and also natural gas resources.
25 And I suggest that Mr. Gange speak to the panel about

1 that request when it's his turn.

2 I was going to ask Mr. Anderson on
3 behalf of MKO to advise the Board as to MKO's
4 intervention, including whether they have retained
5 legal counsel, which was an outstanding matter when the
6 Board issued Order 92/'13. And I'll communicate that
7 to him if he's not here and we'll try to get
8 information back to the Board.

9 And the -- the third request from last
10 week, Mr. Chairman and Board members, was from MMF.
11 The MMF has filed also an August 30th email containing
12 revisions to previous information, I believe primarily
13 relating to the engaging of legal counsel from the law
14 firm of Myers Weinberg. And I would ask Ms. Saunders
15 to address that request in her opening comments.

16 All parties have also been asked to
17 address the timetable that was attached to Order
18 92/'13. I'm not aware of any revised timetable from
19 any of the parties. And as the Chair has noted, the
20 community hearings that were scheduled for Brandon and
21 Thompson on October 8th and October 10th will be
22 rescheduled for a later date. Those community sessions
23 are non-evidentiary in nature but will allow the public
24 to voice their issues. Intervenors are not being
25 funded to attend those community presentations.

1 And presenters will also have additional
2 time beyond the August 30th date to notify the Board of
3 their request to appear before the panel.

4 The timetable includes what are called
5 'motions days', where the PUB Panel will be available
6 to adjudicate requests by Manitoba Hydro, should it
7 seek not to answer certain Information Requests. And
8 there are also motion days for Intervenor to seek
9 further or better responses by Manitoba Hydro to
10 Information Requests posed by the Intervenor.

11 The parties seeking adjudication by the
12 PUB panel on Information Requests or the responses to
13 Information Requests need to notify the Board and all
14 parties of their motion in writing immediately when an
15 issue arises so it can be heard on the designated
16 motion day.

17 That being said, it is a new procedure.
18 But with the ability of Manitoba Hydro to provide
19 commercially sensitive information, the need for
20 motions days should be reduced.

21 Moving past the timetable, the parties
22 need to be aware that Manitoba Hydro will be filing
23 commercially sensitive. And at this time it's proposed
24 to be in a data room at Manitoba Hydro to facilitate
25 access, but in a controlled environment. Fillmore

1 Riley may also be setting up a secure data room for
2 approved persons, including the PUB panel members,
3 Board staff and advisors, to access commercially
4 sensitive information. Independent expert consultants
5 are required to sign non-disclosure agreements to gain
6 access to any commercially sensitive information.

7 The timetable includes timelines for the
8 submission of Information Requests. That's not
9 unusual. But the format of the Information Requests
10 has been changed and notice has been sent to the
11 parties last week. I would suggest that Manitoba Hydro
12 legal counsel review the new format and its features in
13 their comments that follow the submissions by the
14 Intervenor so we can all be aware as to how we are to
15 proceed in this NFAT hearing with our Information
16 Requests.

17 To facilitate the review and
18 searchability of Information Requests, it is requested
19 that they be referenced by specific topics. At this
20 point, those topics would be the same as mentioned by
21 the Chair and as used as topics on the agenda for the
22 technical conference. There will be additional topics
23 that the parties will propose.

24 And that leads to the Chair's comments
25 on conducting the oral evidentiary hearing on a topic-

1 by-topic basis. Parties can provide their views as to
2 conducting the evidentiary hearing using the same topic
3 headings as mentioned by the chair and as included on
4 the technical conference agenda.

5 Mr. Chair, after hearing from
6 Intervenors on the matters mentioned, they should
7 include any final comments they have on any remaining
8 matters that haven't previously been mentioned by them.
9 And following Intervenor submissions, I would suggest
10 that Manitoba counsel, Ms. Boyd and Ms. Ramage, be
11 called on for their response to those submissions, as
12 well as providing any additional comments that Manitoba
13 Hydro will have at this time.

14 So, Mr. Chair, subject to any questions
15 you or your panel members may have of me, those are my
16 comments. I, therefore, suggest you call on the
17 Intervenors for their submissions, starting with Mr.
18 Williams for CAC, followed by GAC, MIPUG, and MMF.
19 Thereafter, Manitoba Hydro should be canvassed for
20 their submissions. Thank you, sir.

21 THE CHAIRPERSON: Bonjour, Maitre
22 Williams. Over to you.

23

24 OPENING COMMENTS BY CAC (MANITOBA):

25 MR. BYRON WILLIAMS: Bonjour and -- and

1 good morning, members of the panel. On behalf of CAC
2 (Manitoba), I'll -- Mr. Peters, I think, gave us items
3 A through 'G' to address. And I'll try and address
4 them in the order that he sent out in his
5 correspondence of -- of a week or two (2) ago.

6 And just in terms of our intended
7 information, we have provided just a schematic. And I
8 -- it's very similar to the one (1) that was filed in
9 our June submission. So subject to any questions of
10 the Board, I -- I won't run you through it. We've
11 prettied it up a little bit, I hope, from the last time
12 you saw it. And it will have the same witnesses,
13 except for the -- the two (2) witnesses which the Board
14 chose not to fund. We have kept the subject areas but
15 just said that we will pursue those areas through
16 cross-examination and through argument. So it will be
17 very similar in format to the -- to the document that
18 the Board would have reviewed back in -- in June.

19 If you flip to the next page, you will
20 see the experts who have been retained by CAC
21 (Manitoba), and those will be the exact same list of
22 experts who were funded -- or approved by the Board and
23 in -- in its most recent order. And on the right-hand
24 side we flagged areas of collaboration; clearly on
25 financial, economic evaluation. That's a key area of

1 collaboration between CAC (Manitoba) and MIPUG. And I
2 believe that Mr. Bowman, Mr. Hacault, Mr. Williams, and
3 Mr. Harper will be meeting sometime today to -- to
4 further our discussions in that area.

5 We certainly anticipate, on the next
6 area of domestic rate increases, having further
7 discussions with the MMF and perhaps with the MKO. And
8 obviously CAC (Manitoba) has worked in close
9 collaboration with our friends at the Green Action
10 Centre, in terms of energy efficiency.

11 In -- in Mr. Peters's email to us he --
12 he asked Intervenors to advise the PUB whether the
13 Intervenors are proposing any changes to the issues
14 they have been approved to address. And -- and
15 certainly our clients aren't shortening the list. And
16 -- and generally, they -- they are -- they intend to
17 proceed on the same general lines as originally
18 outlined. But there are -- in reviewing at least the
19 initial review of the filing, there are three (3) --
20 three (3) items that CAC (Manitoba) wishes to bring to
21 the PUB -- PUB's attention that probably will affect
22 the intensity of their scrutiny in these -- these
23 particular issues.

24 One (1) of those is demand response
25 potential. And by -- by 'demand response potential',

1 our clients mean such items as utility load control,
2 customer load control, interruptible load, time-based
3 pricing, and perhaps backup generation.

4 And our clients were, at least on their
5 first review of the Hydro filing, somewhat taken aback
6 and surprised by what appeared to be a relative absence
7 of discussion of de -- demand response potential in
8 Hydro's analysis. And that's especially the case given
9 the role of peak demand in -- in the Hydro integrated
10 resource plan.

11 And our clients note the growing
12 emphasis across North America on securing demand
13 response resources in other jurisdictions. And if one,
14 for example, were to look at British Columbia's most
15 recent resource plan, you would see some attention paid
16 to that subject.

17 And our clients would also note that an
18 initial assessment of demand response by Mr. Dunskey's
19 firm in a province not unlike Manitoba found achievable
20 potential, economic achievable potential, in the range
21 of 5 to 15 percent of total peak demand over a ten (10)
22 year period. So that's an area of great interest to
23 our clients.

24 Ms. Desorcy, who's my instructing client
25 from CAC (Manitoba), is away on holidays right now. So

1 I know it's also a matter of great concern to CA --
2 GAC. And so we're not in a position to make a
3 determination whether CAC yet would be supportive of
4 bringing evidence in this area, but that is an area
5 that both Intervenors have flagged as a concern. And -
6 - and we await Ms. Desorcy's re -- return, from our
7 perspective, for further instructions.

8 A second issue of significant -- okay, a
9 second issue of significant concern flagged by our
10 clients in the initial review of Hydro's filing is just
11 the DSM potential study, and the results from which
12 appear likely to be an extreme outlier within the North
13 American context.

14 And our clients are struggling in terms
15 of what to do with that, quite frankly. At this late
16 date, it's -- it's obviously too late to revisit
17 redoing it, so there's -- there's some challenges for
18 our client with that regard. And again, we await
19 instructions from Ms. Desorcy in that regard.

20 And a final comment, and -- and again,
21 this is based on a preliminary review of the Hydro
22 filing. But in terms of the preliminary Hydro filing,
23 at least as Mr. Williams has reviewed it, on macro-
24 environmental issues, our client is concerned that --
25 that the -- the Board may not have enough information

1 before it to -- to perform an adequate comparison of
2 macro-environmental issues as compared to alternatives.

3 And again, just -- just as a couple of
4 quick comments, if -- if one looked through Chapters 1
5 and 2 of the -- the Hydro filing, to my knowledge, I
6 think the word 'mercury' appears only once. And again,
7 to my knowledge, and again this is subject to review,
8 there does not appear to be a mention of the concerns
9 by some of the Keeyask First Nations of -- of risks to
10 what they consider to be woodland caribou within the --
11 the area of -- of the Keeyask generating station.
12 Again, those are preliminary concerns, but those are
13 some issues that have -- that our client has flagged on
14 an early basis.

15 In terms of budget revisions, that's the
16 third page. Proposed budget revisions, that's the
17 third page of the outline. And the only one that CAC
18 (Manitoba) is seeking, they simply -- frankly, I
19 inadvertently excluded in our initial application the
20 work of Mr. Stevens and -- and Dr. Simpson, in terms of
21 impacts on residential ratepayers involves the purchase
22 of data from Statistics Canada. I think the acronym is
23 SLID, or it could be SID. My -- my memory is failing
24 me at this point in time, and we simply failed to
25 include it. It will either -- certainly we would

1 encourage the Board to enhance our budget request by
2 that amount. Otherwise it will -- it will have to come
3 out of the existing approved fees.

4 We're not, at this point in time, in a
5 position to indicate whether CAC would be supportive of
6 retaining evidence from Mr. Dunsky, in terms of demand
7 response. We -- again, that's because Ms. Desorcy is
8 not currently available.

9 In the event that we did solicit that
10 evidence and -- and presumably that would be in
11 collaboration with our friends at GAC, one -- one would
12 expect that it would be roughly twenty-five thousand
13 dollars (\$25,000) to do the work and then some
14 regulatory costs associated with it. Again, we await
15 instructions from -- from CAC. And -- and my friends
16 from GAC may have additional comments.

17 In terms of the timetable, from the
18 perspective our clients, we appreciate the Board's
19 flexibility, in terms of presenters notifying the
20 Board. And our client will certainly make some efforts
21 in the next little bit to -- to alert potential
22 presenters.

23 The only issue our client -- actually,
24 it's not our client, but one (1) of our experts has
25 with the timetable is that given holidays, Mr. Dunsky's

1 firm is hoping to file by the 16th their IRs, but they
2 may not be able to file them till the 19th.

3 I've spoken to my friend, Ms. Boyd; she
4 may have some comments on this. But what we would
5 suggest is from the perspective of -- of CAC
6 (Manitoba), if -- if we could be given the extension to
7 file Mr. Dunsky's IRs by no later than the 19th,
8 certainly we would -- if Hydro needed a -- a few days
9 of grace to respond, we'd be supportive of that. And
10 any Second Round IRs from Mr. Dunsky would be on -- on
11 schedule. So that would be our only concern in terms
12 of the timetable.

13 In terms of item number F, "Other
14 Issues," I do not currently have instructions to sign
15 the confidentiality undertaking. I presume my client
16 and others are pursuing discussions at the -- at the
17 legislature. I have no further update.

18 Finally, the Board is -- is
19 contemplating addressing the issues in the hearing on a
20 topic-by-topic basis. And our client has some
21 reservations about that approach. Typically, their --
22 they understand -- and they would be supportive of a
23 more typical approach, where Manitoba Hydro
24 orchestrated its presentations in the kind of
25 analytically -- in -- in the format that it's

1 comfortable with and then Intervenors did the same
2 thing.

3 One (1) of the concerns our client has
4 with kind of picking a topic-by-topic basis is, just
5 for example, what do we do with demand-side management?
6 Is it in load forecasts? Well, maybe from Hydro's
7 perspective it is; I -- I'm not sure. From our
8 client's perspective, it probably belongs in another
9 place.

10 So there's a -- our -- our client is --
11 is not particularly supportive of doing a topic-by-
12 topic; they're concerned it -- it will be artificial
13 and may impair the way that parties analytically design
14 their -- their cases, and Intervenors do. So I'm not
15 sure if -- if -- certainly if the Board wishes for
16 further comment on that, we're certainly prepared to
17 offer it.

18 I note that in past Clean Environment
19 Commission proceedings, there has been some efforts to
20 have the -- Manitoba Hydro like have a caribou day or
21 days like that. But I -- I don't think the Clean
22 Environment Commission yet has gone to the extra step
23 which the -- this Board seems to be contemplated --
24 contemplating of, you know, perhaps having all the
25 experts on one (1) particular issue speak in one (1)

1 particular week. As I said, our clients are not
2 particularly keen on that idea.

3 Subject to any questions the Board may
4 have, those are the submissions of CAC (Manitoba).

5 THE CHAIRPERSON: Mr. Williams, you --
6 you expressed concern about the -- the paucity of
7 information regarding macro-environmental matters, and
8 specifically alluded to the fact that mercury is only
9 mentioned once and woodland caribou probably not
10 addressed very much. I didn't hear you offer any
11 suggestions on how to -- to address that.

12 MR. BYRON WILLIAMS: I -- I concede,
13 Mr. Chair, I -- I've got lots of complaints and not a
14 lot of constructive suggestions, for the first time
15 ever, I have to say. I wanted to keep my powder dry on
16 that, frankly, because one (1) of the things our client
17 was contemplating was making a motion seeking to compel
18 Manitoba Hydro to provide further and -- of an amended
19 filing in -- in that regard.

20 But I -- I don't have a lot of
21 suggestions right now, and I -- I certainly don't have
22 instructions from our client. But it is a concern. I
23 recognize we're all in a awkward position, because we
24 have an EIS ongoing. But the -- again, I can only
25 reiterate the concern of our client that the -- that

1 the underlaying of information, again, based on very
2 quick review, is not what -- what our client would have
3 liked to have seen.

4 So the best I can offer is, certainly in
5 the next couple of days, I expect to have a lot of
6 opportunity to talk with our -- with -- with Manitoba
7 Hydro and -- and other legal counsel. Perhaps Manitoba
8 Hydro will persuade me that I've missed something in
9 the filing, or perhaps we can have a -- a bit of a
10 discussion online. So certainly from our client's
11 perspective, we're not seeking a remedy at this point
12 in time. We're flagging a concern, and that we may
13 seek a remedy at a -- a later date.

14 THE CHAIRPERSON: Now, Mr. Williams, I
15 know that in the past in regular rate applications you
16 have assembled some clients to sort of gauge their
17 perception of -- of the requests being made by Manitoba
18 Hydro.

19 Have you considered that in this
20 particular case for any -- any issues surrounding the
21 Preferred Development Plan?

22 MR. BYRON WILLIAMS: Yes, and I -- I'm
23 going to have to -- I've gone -- we -- we've had some
24 fairly extensive discussion with CAC (Manitoba). And
25 if memory serves me right, and I am going off of

1 memory, I think we've planned at least two (2) focus
2 groups. One (1) would be of a -- a general consumer
3 population, and then one (1) we would be seeking the
4 perspective from a -- more of a -- a Northern and --
5 and First Nation perspective. So that's general
6 consumer focus groups.

7 And then our client has -- is working
8 with a -- to develop a advisory group comprised of,
9 certainly, environmental concerns, low-income concerns,
10 seeking some First Nation input and Aboriginal persons'
11 input. And so there are, to my -- if -- if memory
12 serves me right, at least two (2) focus groups and then
13 a -- there'll be ongoing advisory groups over the
14 course of -- over the course of the application. And
15 just as one (1) example, for the technical conference,
16 Ms. Desorcy is unable to make it, so one (1) member of
17 our -- our advisory group will be attending.

18 THE CHAIRPERSON: Thank you very much
19 for those comments, Maitre Williams.

20 MR. BYRON WILLIAMS: Mr. -- Mr. Chair,
21 if I could have, at -- at a late -- perhaps in the
22 Board's order, just typically once we know we have a
23 budget, we manage -- we try to manage within that --
24 that budget. And I -- I just would appreciate
25 clarification from the Board.

1 What may happen, in -- in my experience
2 is, you put in an estimate for one (1) expert of one
3 hundred (100), or let's say seventy thousand dollars
4 (\$70,000). They came -- come in at sixty thousand
5 dollars (\$60,000), which we sometimes feel able to
6 allocate to another expert whose estimates are off the
7 other way.

8 We -- we -- it would certainly be
9 helpful to -- to get clarification from the Board if
10 that approach would be acceptable in -- in this hearing
11 as well. If so, that allows us to manage our budget
12 between experts and between legal counsel with some
13 flexibility. And I was assuming that was the case, but
14 out of an abundance of caution, it -- it would be
15 helpful to have that clarified.

16 THE CHAIRPERSON: We'll -- we'll do
17 that in part of the order. Thank you.

18 MR. WILLIAM GANGE: Thank you, Mr.
19 Chair.

20 THE CHAIRPERSON: Bonjour, Maitre
21 Gange.

22

23 OPENING COMMENTS BY GAC:

24 MR. WILLIAM GANGE: Good morning, sir
25 and members of the panel. The Green Action Centre

1 provided to all the parties and to the Board on August
2 30th, 2013, a supplemental work plan and budget
3 application. I trust that the Board has received that
4 from Mr. Singh and has had an opportunity to take a
5 look at that.

6 Many of the issues that Mr. Peters
7 advised us on Thursday that -- that the Board wanted us
8 to review have been addressed in there. But I will go
9 through a number of -- of the issues in terms of -- in
10 -- in a similar fashion to Mr. Williams, responding to
11 Mr. Peters's outline of issues.

12 The -- the first one was to review
13 intended interventions as determined by the orders and
14 advise of any joint interventions that have been
15 arranged since Order 92/'12. And we have -- since the
16 -- the Order of 92 -- I -- I -- 92/'13 I guess it
17 should be, Green Action Centre has been in close
18 contact with CAC, as Mr. Williams advised, to bring
19 forward the evidence of Mr. Dunskey with respect to
20 demand-side management.

21 We have also recently, as Mr. Williams
22 stated, had conversations with Mr. Dunskey with respect
23 to demand response. Those issues were not fully
24 developed prior to the -- the filing of -- of Hydro's
25 submission, partly because it was difficult to

1 anticipate exactly what would be in it.

2 But now that Mr. Dunsky has had an
3 opportunity to review at length the -- or -- or --
4 well, it isn't at length yet, but has had an
5 opportunity to review Manitoba Hydro's submission, he
6 has raised the -- the issue of demand response. And
7 you heard Mr. Williams say that he's waiting for
8 instructions from Ms. Desorcy with respect to that
9 issue.

10 I can advise you that Professor Miller,
11 on behalf of my client, Green Action Centre, is most
12 anxious to proceed with an analysis of that by Mr.
13 Dunsky. Mr. Dunsky has given to us information from
14 British Columbia, in terms of -- of their review of --
15 of demand response. And he advised us -- well, he's
16 provided to us the -- the BC Hydro report that's just
17 been issued.

18 Mr. Dunsky has also advised that -- that
19 he expects that -- that the cost of that would be
20 between thirty (30) and thirty-five thousand dollars
21 (\$35,000) to do that review. As you heard Mr. Williams
22 say, his client isn't certain that -- that they want to
23 go down that path because he hasn't been able to
24 discuss that because of the recent development with Mr.
25 Dunsky.

1 We certainly do wish to -- to have that
2 reviewed because we think that it's a very important of
3 the needs for analysis. We think that the DSM and --
4 and the demand response review that Mr. Dunsky could
5 provide would be very helpful for Manitoba Hydro and
6 for the Board in undertaking its analysis of the -- the
7 basis of the application.

8 So we are going to be asking the Board
9 to give consideration to that. Whether we do it alone
10 or whether we do it with CAC remains to be seen once
11 Mr. Williams has an opportunity to discuss that with
12 Ms. Desorcy. But from our perspective, we think that
13 it's a very important part of this process that needs
14 to be considered in depth. And -- and we -- we think
15 that Mr. Dunsky is the guy to do that. We --

16 THE CHAIRPERSON: I'm sorry, Mr. Gange.

17 MR. WILLIAM GANGE: Yes, sir.

18 THE CHAIRPERSON: Just to clarify, the
19 -- that proposal would incremental to the supplemental
20 proposal that you've provided to us?

21 MR. WILLIAM GANGE: Yeah, we just got
22 that information. And so what -- what -- the -- the
23 supplemental budget that we provided, Mr. Chair, has to
24 do with the analysis of -- of wind. And so -- and I'll
25 get to that in -- well, I might as well get to it right

1 now because we're on that topic.

2 One (1) of the issues that -- that Green
3 Action Centre has, for some significant period of time,
4 been interested in is the analysis of the use of wind
5 within the Manitoba Hydro power grid. And so we were
6 hopeful that when the analysis came out and the -- the
7 various options were provided by Manitoba Hydro, that
8 there would be a -- an analysis of -- of the use of
9 wind as one of the alternatives to the Preferred --
10 Preferred Development Plan.

11 We don't think that's been done. We
12 think that it's a very important part for the Board to
13 satisfy itself that, in fact, the -- the 'alternatives
14 to' portion of this hearing is actually looked at. We
15 don't think that -- that right now the 'alternatives
16 to' have received a -- a robust examination.

17 And so as a result of that, Professor
18 Miller and I have been in contact with a -- a firm from
19 the United States, Power Advisory. I -- I believe that
20 the Board had some discussions with Power Advisory as
21 well. We've had quite lengthy discussions with the
22 senior partner in the firm, Mr. Dalton. I'll -- I'll
23 be candid with you, he's a little dismayed at the
24 approved rates that -- that the PUB has set, but -- but
25 at the same, you know, that's life. I suppose we all

1 are somewhat dismayed by that, but it's the reality of
2 the process.

3 And so we've had discussions with Mr.
4 Dalton and with Mr. Chernick, who also has a
5 significant degree of -- of knowledge with respect to
6 wind issues. And we've asked them to put together a
7 joint budget. So we asked Mr. Chernick and Mr. Dalton
8 to knock their heads together to try to divide up this
9 process to see how we could most efficiently bring
10 forth this kind of an 'alternative to'. And that's the
11 budget that we put forward for you, which totals a
12 hundred and seventy-seven thousand dollars (\$177,000).

13 And the -- the mention that I just made
14 of Mr. Dunsky, that number came up actually after we
15 had submitted the proposal because of -- of our
16 discussions with -- with Mr. Williams, Mr. Dunsky,
17 Professor Miller, Ms. Desorcy, and myself. And -- and
18 so we only received that number -- that would be
19 yesterday that we received that information. We asked
20 -- we asked for it from Mr. Dunsky, and -- and we were
21 provided with that information yesterday. So, yes, you
22 are correct that it is supplemental to what we have
23 asked for.

24

25

(BRIEF PAUSE)

1 MR. WILLIAM GANGE: Professor Miller
2 points out to me that -- that although wind is
3 mentioned in the -- in the proposal, it's not mentioned
4 in the way that we want to look at it. And -- and so
5 that's why we think that it's important. That -- that
6 -- we think that the -- that the approach that we want
7 Power Advisory and Resource Insight to -- to address
8 would be significantly different than how it's been
9 approached so far.

10 That will require, by the way, Mr.
11 Chair, us requesting of Manitoba Hydro to run models
12 for us. You will recall that -- that in past hearings
13 we've had discussions on why the modelling information
14 cannot be shared. And one of the discussions -- one --
15 one of the -- the insights that we've had from Manitoba
16 Hydro is the fact that these are very complex modelling
17 systems and that -- and Manitoba Hydro has -- has said
18 consistently for some considerable period of time,
19 actually pre-dating all of the -- the present members
20 of the Board, that if -- if Intervenors wish to have
21 that information, they can provide the -- the
22 assumptions to Manitoba Hydro and they'll run them
23 through their modelling. We're going to be calling on
24 Manitoba Hydro, if -- if approved on this wind
25 proposal, to do exactly that, because we're going to

1 need that -- that assistance from them.

2 We also -- Ms. Saunders has also
3 mentioned to me that -- that -- just this morning,
4 because apparently she left a -- a message on my voice
5 mail that I don't listen to -- yesterday -- actually, I
6 wasn't -- I wasn't in the office in the afternoon and
7 so I didn't get the message, but it -- advising that --
8 that some of her witnesses would like to have
9 discussions with Mr. Chernick and Mr. Dalton with
10 respect to the 'alternatives to'. And -- and so we
11 expect that there may -- there may well be further
12 collaborative efforts on that process with MMF.

13 And -- and of course, Green Action
14 Centre would be delighted to be able to bring as much
15 information with as -- as much support from the
16 Intervenor as we possibly can. So we expect that we
17 will have further discussions on that.

18 With respect to item C, the -- whether
19 there are any changes to the issues, we've set that out
20 in the letter of August 30th. And that is that -- that
21 -- with respect to the wind issues and also with
22 respect to the demand response from Mr. Chernick, that
23 we expect that there will be some -- or, pardon me,
24 from Mr. Dunskey, that there will be a slight change.
25 But -- but from the start, we've advised the Board that

1 one of the issues that we will wish to address would be
2 the -- the wind question.

3 I've addressed changes to budget. With
4 respect to a timetable, we all understand, Mr. Chair
5 and -- and members of the Board, that we're all going
6 to have to be putting in some late hours with respect
7 to this. And -- and our consultants are -- are aware
8 of that.

9 I should say that -- that we do -- we --
10 we would find it, as you can appreciate, helpful if the
11 Board could get its ruling with respect to changes to -
12 - to the budgetary process out, because we do have
13 these people that -- that have to get working -- well,
14 we -- we think they're already are -- they already are
15 working on getting IRS ready. But we have a fairly
16 tight timetable and we have to be able to advise Mr.
17 Dalton and Mr. Chernick to get moving with respect to
18 their situation.

19 With respect to -- well, I've already
20 addressed 'F', that we will be testing a number of
21 scenarios with -- with modelling that we will need to
22 coor -- coordinate with Manitoba Hydro. The topic-by-
23 topic basis, which Mr. Peters raised as 'G', I'm -- I
24 have to admit I'm not really certain how that would
25 work. And -- and so I -- I, from my perspective, am

1 still a little bit puzzled by that, in terms of does
2 the Board -- or -- or is the question being raised, in
3 terms of topic by topic, that all of Manitoba Hydro's
4 evidence and then the Intervenor's evidence will be led
5 on one (1) topic and then move to the next topic and
6 Manitoba Hydro commence again and Intervenor bring
7 their evidence?

8 I'm just not certain on -- on that,
9 because in the past, of course what we have always
10 done, in my time with the Board, has been to listen to
11 Manitoba Hydro's evidence and then have our evidence as
12 one (1) block, to have CAC's evidence as one (1) block,
13 to have MIPUG's evidence as one (1) block.

14 And I'm not sure about the efficiency of
15 doing it bit by bit, because, for instance, Mr.
16 Chernick, we expect, is a person that's -- that's --
17 that -- that we're counting on for assistance on many
18 of the issues. He's our main guy, in terms of getting
19 a -- a review on this. And I don't want to have him
20 flying back and forth from Boston more than once.

21 I don't want -- now, Mr. Dalton is a
22 little bit different, because he's going to be
23 concentrating on one (1) issue. Mr. Dunsky may be
24 commenting; again, there may be some overlap. Again, I
25 don't want to fly him in from Montreal more than once.

1 So that's the concern that I have on there. And -- and
2 I do have that issue that I'm -- I'm just not certain
3 how that would work. So there needs to be
4 clarification on that.

5 You raised the fact that -- that none of
6 the counsel have signed the confidentiality
7 undertaking. I have not. And we've raised, with --
8 with Board counsel, concerns that we have about the
9 confidentiality undertaking. At present time, I must
10 say, I -- I don't intend to sign it. And -- and I
11 recognize that we will not have access to that
12 confidential material.

13 But the -- the difficulty, and -- and
14 the -- it -- it presents a very significant problem to
15 me as a lawyer and -- and having information that I
16 cannot share with Professor Miller. And -- and I -- I
17 just don't know that I can do that. And so the safest
18 way for me, rather than -- rather than run afoul of the
19 undertaking, is not to sign it and not to have access
20 to it. And that's -- un -- unless something changes
21 dramatically over the next couple of weeks, I don't
22 expect that I will.

23 I think that that addresses all of the
24 issues. We -- we -- as you can see, we've put in a
25 supplemental proposal which will -- will involve a

1 number of different things: least-cost loads, least-
2 cost supply, and wind power. And those are the issues
3 that we expect that we will be -- that -- that we hope
4 to advance to assist the Board in this analysis, Mr.
5 Chair.

6 And just -- I just have one (1) -- if I
7 may just have one (1) second with...

8

9 (BRIEF PAUSE)

10

11 MR. WILLIAM GANGE: In -- in term --
12 Professor Miller raises with me the fact that we would
13 expect Resource Insight Inc. and Power Advisory to be
14 doing simplified modelling, to -- to come up with a
15 basis for their analysis on wind, but that from that
16 simplified modelling, that's where we would expect that
17 we would take that information that -- that they had
18 developed, and then go to Manitoba Hydro for a more
19 thorough analysis, running -- running the Manitoba
20 Hydro models.

21 Hope that -- I hope I didn't confuse
22 things with my earlier comment.

23 THE CHAIRPERSON: Just for my
24 edification though, the -- the reason that you are
25 suggesting that would be to confirm the data -- the

1 results of the simplified model from Mr. Dunsky. Is
2 that...

3 MR. WILLIAM GANGE: Not from Mr.
4 Dunsky; from Mr. Dalton and Mr. Chernick. Yes, that's
5 -- that -- we -- we recognize -- Manitoba Hydro's
6 modelling system, as we've heard at a number of
7 hearings -- and actually the risk management hearing,
8 we -- we had a very lengthy discussion about the
9 modelling process. And it's pretty impressive. And --
10 and we understand that.

11 And so we certainly don't want to be
12 presenting to the Board a simplistic view that could
13 then fall apart, un -- under -- under the closer
14 scrutiny and the more intense scrutiny of the Manitoba
15 Hydro modelling. So that what we would hope is to have
16 scenarios developed by Chernick, by Dalton, and then
17 take that to Manitoba Hydro, ask them to run the
18 modelling so that we can confirm or not confirm the
19 more simplistic analysis that would be undertaken with
20 -- with the resources that -- that our experts would
21 have.

22 I should also just mention one (1) other
23 thing that -- that slipped my mind. We had raised the
24 fact that -- that we are seeking assistance in -- in
25 terms of technical information from -- from a wind

1 supplier. And -- although they will not be part of --
2 of the intervention, they will be one (1) of our
3 resource checks so that we -- we can satisfy ourselves
4 that -- that what we bring to the Board is realistic.
5 Yeah.

6 And if -- and if -- if -- we certainly
7 aren't going to be taking instructions -- I'm not going
8 to be taking instructions from -- from that firm, but
9 they may wish to present -- to -- to be a presenter at
10 some point. And -- and Professor Miller and I will
11 discuss that with them and -- and figure out exactly
12 how that's done.

13 THE CHAIRPERSON: Now, I understand
14 that you will not be signing the NDA, so I -- I
15 conclude from -- from that that you will obviously not
16 be seeing any of the contracts and so on.

17 But I guess the question is in terms of
18 examining the independent consultants who will be
19 seeing those contracts, do you -- do you expect to
20 examine them?

21 MR. WILLIAM GANGE: I -- I expect to
22 meet with them. I -- I expect to seek assistance --
23 and -- and, obviously, Mr. Chair, I'd have to be very
24 careful in -- in those discussions and I would make
25 that clear with Messr. Monet of what -- of -- of what

1 my situation is. And so I -- I -- I'm sure that a
2 protocol could be worked out with Messr. Monet to -- to
3 make certain that -- that they don't disclose to me
4 anything that they shouldn't be disclosing.

5 And -- and I think that's just a matter
6 of logistics that Messr. Monet and I can work out. And
7 -- and any of the other counsel who similarly have not
8 signed the confidentiality agreement, I suspect that
9 they'll be in the same boat in terms of talking to
10 Messr. Monet on that point.

11 THE CHAIRPERSON: I just had a signal
12 that we should probably take a few minutes. We'll --
13 let's take five (5) minutes. And just to signal to
14 Manitoba Hydro, my intention is to hear from the other
15 counsels and then we'll take another break at that
16 point and perhaps you can have a bit of time to prepare
17 your response.

18 So let's take a first break for five (5)
19 minutes? Five (5) minutes.

20

21 --- Upon recessing at 10:03 a.m.

22 --- Upon resuming at 10:13 a.m.

23

24 THE CHAIRPERSON: I believe we're ready
25 to resume. I'll turn the microphone over to Maitre

1 Hacault. Bonjour, Maitre Hacault.

2

3 OPENING COMMENTS BY MIPUG:

4 MR. ANTOINE HACAULT: Bonjour, Messr.
5 President. Good morning all. I'll also be doing my
6 presentation using Mr. Peters's outline.

7 So the first one was to advise whether
8 there was anything changing in joint interventions.
9 There's no -- nothing additional to advise. You heard
10 from Mr. Williams that we are -- we have been speaking
11 to their group and we are meeting with him and we
12 continue. Even this morning, as things developed, we
13 heard more about the wind and the demand response, so
14 we were having discussions with GAC on that issue.

15 The second item was with respect to who
16 has been retained. Nothing has changed since the
17 application except with respect to the public sector
18 finance. We were to identify that person. The person
19 that was our preferred expert witness was not
20 available. We continue to search for an appropriate
21 expert, and we'll file a detailed scope and work budget
22 submission if we're able to find somebody.

23 But we also note, based on the listing
24 this morning, that the PUB has retained independent
25 experts in the public sector. And what would be useful

1 for us, Mr. Chair, would be to know the terms of
2 reference and scope so that -- again, we would want to
3 try and avoid duplication if we can have access to that
4 person or those persons and achieve the objective, we
5 think, which is to get you quality information.

6 We may be able to do that through the
7 independent expert. We'll really only have a better
8 handle on that once we have a chance to meet with them,
9 which we will over the next couple days, as I
10 understand.

11 And one (1) thing that will also have to
12 be worked out for us, because I also at this time don't
13 intend to sign the non-disclosure agreement -- that may
14 change, but it also causes me issues as to what I can
15 and can't communicate and -- and my concern. And --
16 and as recently as yesterday, I was reading an update
17 of a lawyer who had breached an undertaking and was
18 subject to significant contempt fines and disciplinary
19 proceedings, even though it occurred inadvertently. So
20 it's -- it's something that we -- we have to be very
21 careful of as a professional.

22 Moving on to the net -- next subject,
23 which was 'C', any changes to issues, we have no
24 changes to what we had identified. The previously
25 approved topics were impact on domestic rates,

1 including long-term impacts. Next, risks to domestic
2 customers through Manitoba Hydro's investments and
3 subsidiaries, export ventures, and new programs. And I
4 won't repeat them all, but there's nothing that's been
5 changed since those were outlined and approved by this
6 Board.

7 With respect to the budget, subject to
8 the public sector finance witness issue, MIPUG is
9 proposing no revisions to the approved budgets.

10 With respect to the draft timetable,
11 which is the next item, MIPUG proposes no revisions but
12 welcomes very much the flexibility on presentations.
13 And I'll explain that further because we have started a
14 consultation process with various groups, and those
15 people may, as a result of the interaction we're having
16 with them, wish to make presentations at some point in
17 time.

18 With respect to the new issues
19 identified by CAC and GAC, usually Intervenors would
20 not be asked to comment on new issues. But if the
21 Board feels it's useful, we could comment on whether or
22 not, in our view, some of the issues that they've
23 identified in further detail this morning are useful
24 and needed tasks for the 'need for an alternatives to'
25 process.

1 So I don't know if the Board can react
2 to that this morning, but we wouldn't propose to
3 comment on that this morning unless the Board wishes us
4 to do so. And we would prefer to do so in writing
5 within the next twenty-four (24) hours if that was the
6 Board's wish.

7 The next issues which was raised was
8 possibly conducting the hearing process on a topic-by-
9 topic basis. My question initially was: What was the
10 object in trying to do that? I know we have a very
11 long hearing, forty (40) days. And when we did the
12 lengthier risk hearing, by the time you get to some of
13 the Intervenor evidence, you kind of say, Well, what
14 exactly was said by the Hydro panel people like twenty
15 (20) days ago?

16 That concern, in my respectful
17 submission, can be handled with -- because we do have
18 the transcripts. We do have all the documents. My
19 experience, in the course of my legal career, is that
20 when we tried to segregate issues in the sense of
21 having Hydro present on, say, for example, DSM, and
22 having all other Intervenors or other people present on
23 DSM, that it usually, in the context of other hearings
24 I have done, it seems attractive, but it usually
25 doesn't result in very much efficiencies, for a couple

1 of reasons.

2 Usually there's -- it's done in the
3 context of a number of issues, and to properly
4 understand the issue, you -- you -- it's -- it's
5 intertwined with something else, so you inevitably have
6 to go outside that issue to better understand it and
7 how it fits into the entire process. You also get some
8 issues as to which box do you put your information in.
9 And then with fairness issues, you say, Well, listen,
10 you should have talked about that when we were talking
11 about DSM.

12 And we've heard, for example, in that,
13 that parties may have a different view. Some may have
14 a view that it's a load issue. Some people may have a
15 view it's more kind of a resource issue, getting closer
16 to wind. So do we get into some fairness issues as to
17 when do you put your information; when you don't put
18 your information in; when you have to ask questions?
19 When -- if you didn't ask questions in a particular
20 aspect, there would be -- there may be some issues with
21 respect to how the hearing evolves if -- if we try to
22 break it up, because it isn't always very easy to do
23 so.

24 The -- if the Board believes it still
25 wishes to go towards -- I'm going to call -- really

1 segregating issues, and having everybody present
2 evidence, which I -- I'm not sure that it'll give
3 efficiencies. We may have people travelling in and out
4 more than once, et cetera. I would very much like, if
5 it would be possible, and we had done this during the
6 risk hearing, have counsel meet together as a group to
7 see if -- if, and what parts, would make the most
8 sense, if any at all, to do that way.

9 It may be collectively we can come up
10 with some solutions that enhances the hearing process.
11 Everybody wants this to work as efficiently as
12 possible, and to have the information presented in a
13 very logical and thorough way. The default is -- is
14 usually in the -- and -- and I believe it's -- there is
15 a reason for it, is that the party who applies presents
16 its case in the way it thinks it can best explain it.
17 And that would be Hydro having the opportunity to
18 present its entire case, and show us how all the pieces
19 fit together. And then every Intervenor would have its
20 chance to present its evidence on the issues that we've
21 cooperated with, or specific issues.

22 I think it -- I would appreciate,
23 though, when we did the last hearing, this is my view,
24 I thought it went well, if the Hydro panel was finished
25 speaking on kind of an area, it worked fairly well for

1 counsel to be able to cross-examine that panel in that
2 area. I thought that went fairly well. But, again, I
3 would encourage that if there'd be some discussion
4 between counsel, it may be easier to kind of pick what
5 might make sense to do in the -- in that regard.

6 So those are the comments I have on the
7 issue of trying to make more focussed parts of the
8 hearing on various topics. With respect to the
9 consultation, I would like to update the Board as to
10 some of the things that have happened. And if the
11 Board wants further updates, we can -- we can do so.

12 In the first week of August, there were
13 two (2) meetings with Hydro, a major account customers'
14 advisory group. One (1) held in Brandon; it is my
15 understanding nineteen (19) people attended that
16 hearing, so it was a fairly good turnout. I won't go
17 through everything that was discussed. They
18 represented fourteen (14) different companies and
19 government organizations, and in the following areas:
20 agriculture, oil and gas, retail, municipal services,
21 and provincial agencies.

22 And the Winnipeg meeting generated
23 between thirty (30) and forty (40) attendees. So that
24 was, again, very positive, and from various sectors,
25 including property management, manufacturing,

1 provincial agencies, and public services.

2 We also -- when I say, "we," it's MIPUG
3 -- continues to follow consultation with the Manitoba
4 Chambers of Commerce. And it's proposed that there
5 would be a newsletter to the interested general service
6 customers via email. And that's why initially I said
7 it may be that, as a result of the kind of consultation
8 and information sharing, that there may be some people
9 that wish to make presentations at some points in time.

10 And MIPUG also plans to set up a meeting
11 with the Manitoba Chamber of Commerce following the
12 submission of the First Round IRs on the NFAT in mid-
13 September. And there is another tentative follow-up
14 meeting planned for later on this year with the
15 Manitoba Major -- Manitoba Hydro major account customer
16 advisory groups, both in Brandon and in Winnipeg.

17 Those are all my comments, members of
18 the Board. If there's any questions, I'd be pleased to
19 take them.

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON: Speaking personally,
24 one (1) concern of mine is making sure that the
25 concerns of business are -- are adequately ventilated,

1 and -- and that means business of all sizes. So I know
2 that you represent traditionally the -- the major users
3 of Man -- of Manitoba Hydro's electricity.

4 Are you fairly satisfied that you'll be
5 able to -- to canvass smaller businesses as well, in
6 terms of establishing what the concerns are and so that
7 we can make sure those ventilated in the hearing
8 process and addressed as part of the -- the panel's
9 review?

10 MR. ANTOINE HACAULT: I guess two (2)
11 things. The first thing is that you can bring the
12 water to the horse, but will the horse come and drink?
13 I'm not so sure.

14 But, you know, the connect -- that was
15 one (1) of the major reasons, at least from my
16 perspective, that we were integrating the Manitoba
17 Chambers of Commerce and -- and having, what I would
18 call, a newsletter on a -- on a, you know, recurring
19 basis. And also having the Manitoba Hydro industrial -
20 - or the -- the advisory group; it's not just
21 industrial.

22 So will we get all the small businesses?
23 I mean, do we get -- I -- I guess if -- if we -- we can
24 advise of the people who ended up being interested as a
25 result of our attempts, I don't know how, as a Board --

1 I mean, there's only so much we can do as -- as an
2 association. I don't know that we can do a lot more
3 that -- than -- the Public Utilities Board will be
4 doing some advertising and trying to generate interest
5 too.

6 If Manitobans don't take interest in
7 this themselves and -- and participate in the processes
8 that we've established, I don't know that there's
9 anything much else we can do, unless the Board has some
10 suggestions.

11 THE CHAIRPERSON: Did you -- I just
12 noticed that you focussed on the Manitoba Chamber; have
13 you talked to the Winnipeg Chamber at all?

14 MR. ANTOINE HACAULT: I'm not too sure
15 to what extent Dave Angus is speaking to the Manitoba
16 Chamber. Of course, Winnipeg Chamber is one (1) of the
17 members of the Manitoba Chamber of Commerce, as all
18 other Chambers of Commerce are throughout the province.
19 The size of the Winnipeg Chamber with Mr. Angus is --
20 they've got a bigger Chamber of Commerce than a lot of
21 the other cities or towns across the province. But
22 they are part of that Manitoba Chamber of Commerce
23 umbrella.

24 THE CHAIRPERSON: Thank you very much,
25 Maitre Hacault. I will now ask Ms. Sanderson, please.

1 I'm sorry, Ms. Saunders. I'm sorry.

2 MS. SAUNDERS: Saunders. Yes, thank
3 you.

4 THE CHAIRPERSON: Sorry.

5

6 OPENING COMMENTS BY MMF:

7 MS. JESSICA SAUNDERS: Thank you, Chair
8 Gosselin, and PUB members Soldier and Kapitany. I'm
9 pleased to appear today on behalf of the Manitoba Metis
10 Federation, and I'm accompanied by Ms. Marci Riel from
11 the Manitoba Metis Federation.

12 Before I speak to the matters that
13 you've asked us to consider today, I would like to
14 briefly note a few procedural matters. Much has
15 happened, of course, since our last appearance before
16 you on May 16th. We sent a letter on August 27th, as
17 counsel Bob Peters mentioned, notifying you that we had
18 been retained by the MMF to act on its behalf in this
19 process.

20 The PUB, in Order 91/'13, granted the
21 MMF's application to review and vary and directed that
22 the MMF can proceed to apply for legal costs in order
23 to meet its legal requirements. Accordingly, we
24 prepared a scope of work and a budget for MMF's legal
25 representation in the NFAT and filed it with Secretary

1 Singh on August 30th for your consideration.

2 As we indicated to you in our submission
3 of August 30th, as counsel Peters also mentioned, the
4 MMF will be presenting and testing evidence on in-scope
5 matters for MMF based on an analysis of Hydro's plan
6 and alternatives in accordance with the PUB's direction
7 of Order 92/'13 regarding procedural matters that arose
8 in Order 67.

9 I just wanted to note, while I did in
10 the submission, I -- I feel it important to note today
11 for the benefit of -- of other counsel that the MMF
12 will be presenting and testing evidence in accordance
13 with your direction and the definitions you provided in
14 your order of socioeconomic benefit and macro-
15 environmental. And we will not be presenting evidence
16 that has already -- or that will have already been
17 presenting in the CEC on Keeyask.

18 As a result, while the PUB was prepared
19 to consider a scope of Work and budget for Ms. Pat
20 Larcombe, we will not be calling Ms. Larcombe as we had
21 previously proposed.

22 Regarding a brief overview of our
23 intended intervention. As we have been very recently
24 retained, and while I am in some respects up to speed
25 on proceedings to date, our review of Hydro's filing

1 and technical discussions with the MMF's consultants
2 regarding the filing and MMF's intervention plan have
3 not begun until recently. Having received the filing
4 and the direction from the PUB in procedural orders to
5 date, I can advise that the MMF is refocusing its
6 intervention plan.

7 I can confirm that we have had
8 discussions with MMF consultants and with our client
9 with a view to refocusing our intervention, but that
10 these discussions, while we're mindful of the PUB's
11 timeline, are not yet complete. More time would be
12 needed in order to provide an overview of the MMF's
13 refocused intervention plan and whether or not, having
14 received Hydro's filing, we would be proposing
15 revisions to our consultants' scope of work and -- and
16 budgets.

17 Towards fast-tracking these further
18 discussions, however, we've asked Mr. Hendriks, our --
19 our generalist witness, so to speak, I guess, in our
20 original proposal, we have asked him to attend the
21 technical conference with a view to meeting with us and
22 our client in order to strategize and refocus our
23 interven -- intervention, and as well to collaborate
24 with -- with other Intervenors and their experts.

25 In that regard, we anticipate a meeting

1 with the Consumers' Association, with the CAC
2 consultant and witness, Mr. Harper. And as you've
3 heard from Mr. Gange, we would also hope to arrange
4 another meeting with the GAC, whether or not they are
5 going to be present. Even if those discussions occur
6 over the phone, we do intend to further our discussions
7 in order to make sure that we can collaborate with
8 those witnesses as soon as possible.

9 So we would propose that we provide the
10 details of our -- of our refocused intervention plan
11 and any changes to our consultants' scope of work and
12 budgets soon after we've concluded these discussions,
13 by end of next week.

14 Regarding the other matters that -- the
15 other procedural matters that you've asked for us to
16 consider today, I did have the opportunity to speak
17 with our consultants and our clients regarding the
18 timetable. Possibly, of course, more time would be
19 appreciated. We understand, for instance, with the
20 Intervenor Information Requests, our consultants
21 indicated more time is always better. However, we note
22 that Hydro gets about the same amount to review our
23 evidence and then come up with Information Requests.
24 We get pretty much the same amount of time to then
25 respond to those Information Requests.

1 So we understand that everyone is making
2 their best efforts in order to make sure that we stay
3 within the time frame. So while more time is always
4 better, we note that there is a timeline that needs to
5 be followed.

6 Regarding the comments on the topic-by-
7 topic basis proposal, we hear the comments of -- of
8 other counsel on -- on these matters. And while it
9 seems easy for us, as we've been provided scope to
10 speak to a block of issues that are -- that are pretty
11 organized in the terms of reference items F through
12 'J', it might be easier for us to -- to do so on a
13 topic-by-topic basis. But we hear the comments, in
14 terms of a fulsome analysis and -- and whether or not
15 dealing with those items topic by topic would -- would
16 be efficient or not.

17 We do know that -- at this point, we are
18 hoping that Mr. Hendriks is our -- our expert that can
19 help facilitate a majority of our evidence. And so we
20 would be mindful too, as well, of his travel costs.
21 And -- and while we would, you know, be able to speak
22 to those matters if it does go by topic-by-topic basis,
23 he may be able to -- to stay for the whole time. He
24 may be required to come back. We -- we do see that
25 that poses some logistical problems.

1 However, we do note that there may be
2 some areas -- and if we do meet with counsel to discuss
3 this further, some areas, such as socioeconomic impacts
4 and benefits and -- and the consideration of -- of
5 those issues and whether they're kind of getting at
6 that overall analysis in -- in item J of the terms of
7 reference that could be left appropriately for the end
8 of -- of our -- the pre -- presenting of our evidence,
9 we're open to further discussions to see how things
10 will really be organized.

11 So I believe, subject to any questions
12 you have, that -- those would be my comments for today.

13 THE CHAIRPERSON: You haven't addressed
14 the NDA. Have you decided --

15 MS. JESSICA SAUNDERS: Oh, yes.

16 THE CHAIRPERSON: -- what to do about
17 the NDA?

18 MS. JESSICA SAUNDERS: In my -- and I
19 guess this is my involvement previously with the
20 Manitoba Metis Federation as kind of in-house counsel.
21 I did discuss with them the NDA. However, our -- our
22 discussions so far were focussed on getting on track
23 with the filing and such. I didn't have the
24 opportunity to canvass that with them, I guess, my --
25 my firm constructions in that re -- instructions in

1 that regard. So I will discuss with them the NDA.

2 But at this time, I -- I do recall our
3 discussions, and I explained to them the difficulties
4 that I would have in that. And so it would be a matter
5 of just confirming my -- my instructions in that
6 regard.

7 THE CHAIRPERSON: I believe those are
8 all the questions that the panel has. Now, I promised
9 a bit of a break at this point so that -- are you ready
10 to go? Okay, let's proceed then.

11

12 OPENING COMMENTS BY MANITOBA HYDRO:

13 MS. MARLA BOYD: It's a good thing I
14 agreed with her. Good morning, Mr. Chair and Board
15 members. Just by way of introduction, we're familiar,
16 I think, faces to the panel, but just for the -- the
17 record, my name is Marla Boyd. I'm counsel to Manitoba
18 Hydro. With me is Patti Ramage, who's assistant
19 general counsel for Manitoba Hydro, and Mr. Ed
20 Wojczynski, who's a division manager of portfolio proj
21 -- projects management.

22 Behind me is Ms. Dawn Nedohin, and she
23 is an integral part of our NFAT team. She is also the
24 woman that I look to when my computer doesn't do what
25 it's supposed to and when I have trouble with IRs. So

1 -- so I'm -- I'm certain she'll be familiar to all of
2 you by the time we're through this process.

3 I did file this morning, with the Board
4 secretary, the affidavit of serve and publication, so
5 it's -- it's been on -- put on record with the Board.
6 If you'd care to sign an exhibit number to it, that
7 could be done. I haven't looked at the record, so if
8 you choose to do that later, that's -- that's
9 acceptable, as well.

10 MR. BOB PETERS: I would suggest we'll
11 -- we'll do that later, in conjunction with other
12 exhibits as they're filed, if that suits counsel.

13 MS. MARLA BOYD: Certainly. Thank you.
14 With respect to Mr. Peters's agenda items, and the
15 first thing that he's asked us to do on the agenda is
16 to respond to submissions made by the Intervenors this
17 morning.

18 I was un -- appreciative of receiving
19 from MMF and from GAC their submissions in advance.
20 And I believe CAC may have had the intention to include
21 us, but we weren't actually provided with that
22 information until later yesterday.

23 The information that we were provided by
24 CAC was only an attachment which indicated a revised
25 budget. As I read it and compared to the previous

1 material, it appeared to be lower. So I was a little
2 bit surprised this morning by Mr. Williams's comments
3 that he was actually seeking an increase of ten
4 thousand dollars (\$10,000) in his funding. We would
5 appreciate the opportunity to take that back to our
6 clients and to consider that more fully and to respond
7 in writing.

8 I do note that the agenda that was sent
9 out indicated that Manitoba Hydro could have until
10 September 6th, which is Friday, to respond in writing
11 to any of those comments that were raised today. As
12 the Board is aware, we are going to be fully engaged
13 for tomorrow and Friday in the technical conference.
14 So we would appreciate it if you could extend that
15 until Tuesday, which I believe is the 10th of
16 September.

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: I'm looking for some
21 signal from Mr. Peters. Do you have any concerns, Mr.
22 Peters, at all with the -- before we rule on this
23 matter?

24 MR. BOB PETERS: No. The Board also
25 heard, I believe, more -- mostly from Mr. Gange, that

1 the earliest opportunity the Board can provide its --
2 its pre-hearing conference order that follows this pre-
3 hearing conference will provide guidance to his client
4 and his potential witnesses and consultants.

5 So earlier is always better, but Ms.
6 Boyd is correct that this week is -- is booked with the
7 technical conference. And if that has her occupied,
8 it's going to make it difficult to -- to perhaps
9 provide the review by the end of Friday, so.

10 MR. BYRON WILLIAMS: Mr. Chair --

11 THE CHAIRPERSON: So Tuesday it is.
12 Next Tuesday.

13 MR. BYRON WILLIAMS: And, Mr. Chair, if
14 I might? I was away for last week, so I certainly
15 apologize -- or for two (2) days of last week, so I
16 apologize to My Friends at Manitoba Hydro for that
17 oversight.

18 MS. MARLA BOYD: Thank you. And thank
19 you, Mr. Chair.

20 With respect to the submissions made
21 this morning by MMF, Manitoba Hydro had no objection to
22 the material that was filed in advance. We understood
23 that to be an indication that MMF was prepared to
24 confine its intervention to the scope that had been
25 mandated by the Board and that the information that was

1 provided was the budget for legal fees which were
2 contemplated by the Board's Order 91/'13. We don't
3 have any objection or comment with respect to the
4 budget for legal fees that was in -- included in that
5 material.

6 There were some comments this morning
7 that suggest that there may be additional material, and
8 obviously we can't comment on that today, as we haven't
9 seen anything further from MMF in that regard. And we
10 certainly have some concern about an ongoing change of
11 scope and the need for Manitoba Hydro to focus its
12 efforts on responding to repeated submissions for
13 changes in scope. So that poses some concern from our
14 perspective. A little finality in some of those areas
15 is appreciated as we get ready to start answering what
16 we expect will be a significant volume of Information
17 Requests. So we'd ask the Board to be mindful of that
18 as -- as it considers those requests.

19 I'm going to turn the mic over to Ms.
20 Ramage to respond to the comments of GAC and the
21 proposed work plan that they filed, and then I'll take
22 it back when she's finished, if that's acceptable to
23 the Board.

24 MS. PATTI RAMAGE: Thank you, Ms. Boyd.
25 GAC's work plan proposes that it be authorized to

1 present evidence on an additional three (3) topics to
2 the work approved in 92 of -- Order 92/'13. To do this
3 work, they're -- in their written submission, they were
4 seeking an additional a hundred and seventy-seven
5 thousand dollars (\$177,000) this morning. I hear that
6 number is now closer to two hundred and twenty thousand
7 dollars (\$220,000), which more than doubles the hundred
8 and ninety-five thousand dollars (\$195,000) in costs
9 that were approved in Order 92/'13.

10 GAC has submitted today that DSM and
11 alternate energy strategies, including wind, have not
12 received the attention they deserve in Manitoba Hydro's
13 various development plans. In particular, they
14 complain that there's no integrated plan or portfolio
15 that includes DSM and alternate energy as essential
16 building blocks for realizing the benefits of the new
17 seven hundred and fifty (750) interconnection -- 750
18 megawatt interconnection and the 675 megawatts of new
19 export contracts.

20 The fundamental flaw with that complaint
21 is that it fails to recognize that there will be no new
22 interconnection without new hydro resources. Mr.
23 Cormie made this absolutely clear during the July
24 technical conference, when, in response to a question
25 of Professor Miller as to whether Manitoba Hydro could

1 supply the proposed export contracts with wind instead
2 of Keeyask, Mr. Cormie stated, and I'm quoting:

3 "The simple answer is they're not
4 interested in wind. They have more
5 wind than they know what to do with
6 under their mandate in Minnesota."

7 He went on to say:

8 "But really, they're not interested
9 in anything but a hydro product,
10 because Manitoba wind has no
11 advantage to them, except -- and it
12 has a huge disadvantage to them
13 because it's not subsidized the way
14 the US wind is."

15 And there I'm referring to transcript
16 page 180 from the July technical conference.

17 Furthermore, Manitoba Hydro has provided
18 the results for a wind-base plan. And here I refer you
19 Chapter 9 of the filing, Figure 9.3 on page 25, where
20 you'll see a wind plan followed by gas -- a wind
21 followed by gas plan, which proved to be very
22 uneconomic relative to an all gas plan.

23 And then if one was to go to Figure 9.2,
24 page 15 of Chapter 9, Manitoba Hydro also looked at
25 three (3) plans with Conawapa in 2026 preceded in each

1 of the plans respectively by wind, simple-cycle gas
2 turbines, and combined-cycle gas turbines. Again, wind
3 generation was much less economic than the gas
4 turbines.

5 These plans demonstrate that the
6 addition of gas is more beneficial than the addition of
7 wind. We don't need to spend a gre -- great deal of
8 time analyzing how wind would play into a sale
9 scenario, given we know the economics of wind are less
10 favourable than those of gas.

11 In Chapters 9 and 10 of the filing,
12 Manitoba Hydro also provides analysis of plans with the
13 750 megawatt and 250 megawatt interconnections which
14 have Conawapa being displaced by natural gas. As is
15 made abundantly clear in Chapter 14:

16 "As the future unfolds, the timing
17 and selection of resources may
18 change. And wind or natural gas will
19 continue to be evaluated as an option
20 Manitoba Hyd -- for Manitoba Hydro to
21 consider subsequent to Keeyask. But
22 it's not, however, critical at this
23 juncture to make that decision
24 because optimization will be
25 determined as the need for the

1 resource draws closer."

2 GAC is also proposing to adjust Manitoba
3 Hydro's load forecast for DSM, rate design, and fuel
4 choice. Manitoba Hydro screened DSM -- DSM in as a
5 primary resource option for inclusion in its
6 development plans, including both the sale and non-sale
7 scenarios in our alternatives.

8 As explained in Chapter 12 in the
9 filing, beginning at page 14, Manitoba Hydro used base
10 DSM forecast along with one point five (1.5) -- a one
11 point five (1.5) DSM sensitivity and four point zero
12 (4.0) times DSM stress test.

13 The objective of the NFAT is not to
14 design DSM programs to achieve these results. Rather,
15 it's to assess whether enhanced DSM has the potential
16 to cause Manitoba Hydro's Preferred Plan to be less
17 beneficial than other plans. Only if this higher level
18 of DSM was sufficient to change the rankings of the
19 plants -- of the plans would it be necessary to
20 consider whether such results are realistically
21 achievable.

22 As explained on page 3 of Chapter 14,
23 economic evaluation sensitivities demonstrate that
24 increasing the level of DSM with even an extreme range
25 for its analysis -- that's the four (4) times current

1 projections -- that did not change the conclusion that
2 the sale plans are clearly more economic than those
3 without the new exports or new interconnection.

4 As a result, it is not necessary to
5 further include different levels of DSM in the detailed
6 evaluations and development plans to be able to assess
7 the attractiveness of the plans with the new
8 interconnections and exports.

9 Having said this, Manitoba Hydro
10 recognizes there is an interest in considering the
11 potential for further load reductions through DSM.
12 Manitoba Hydro is currently working with the recently
13 completed DSM market potential study to provide updated
14 DSM plans and sensitivities refined from those provided
15 in Chapter 12. It is the intent of the Corporation to
16 include the filing of economic evaluations of two (2)
17 levels of DSM similar to or approaching those in
18 Chapter 12, as well as pro forma financial statements
19 with these results.

20 We've previously indicated to the Board
21 the significant amount of time required to conduct this
22 type of analysis, and that hasn't changed. The
23 information is not expected to be available until well
24 into the new year, and that takes into account the
25 concurrent demands on staff. Notably, they're going to

1 be answering IRs; they'll be completing the updated DSM
2 Plan with consultation with government to meet the
3 deadline of March 31st, 2014, as required under the
4 Energy Savings Act; and they'll be completing the IFF.
5 So the timing of the new DSM evaluations will
6 ultimately depend on how demanding IRs are in this
7 process.

8 GAC has also made the request that
9 Manitoba Hydro run its plans through the Corporation's
10 models. That cannot be accomplished in the time
11 allotted in this process.

12 With respect to Mr. Gange's comment
13 regarding Manitoba Hydro's invitation to run its
14 models, such invitation has in fact been made, but it's
15 been made in the context of general rate applications
16 using Manitoba Hydro's financial models. It is -- it
17 was -- has not been made, nor is it practical, in -- in
18 an NFAT proceeding using resource planning models.

19 Manitoba Hydro, however, is confident
20 that the work done by the Corporation and included in
21 the submission will comprehensively address all
22 realistic alternatives. While the creation of a
23 variation on the scenarios presented by Manitoba Hydro
24 is not useful or practical, Manitoba Hydro has no
25 objection to GAC presenting evidence of its views

1 regarding wind power costs and performance.

2 Manitoba Hydro is also concerned with GA
3 -- GAC's proposal to produce evidence regarding rate
4 design and fuel switching. GAC sought funding to deal
5 with fuel switching in its July 9th budget proposal and
6 such funding was not approved in Order 92/'13. There
7 is no reason to change the rule -- the Board's ruling
8 in this regard, particularly given Manitoba Hydro has
9 provided a sensitivity analysis on its load forecast,
10 assuming reduced load in the 10th percentile and four
11 (4) times DSM, both of which demonstrate the ranking of
12 the plans does not change.

13 Furthermore, the DSM sensitivities in
14 Chapter 12 utilized updated 2013 load forecast
15 information, which includes a reduction reflecting
16 ongoing and planned heating fuel choice initiatives and
17 which are reduced to reflect reduced population
18 forecast.

19 Manitoba Hydro disagrees with the
20 suggestion that DSM and wind receive short shrift in
21 the NFAT filing and has serious concerns with GAC's
22 work proposal. The work is not necessary and it's not
23 a luxury we can afford, given the -- the work must be
24 accomplished prior to the Board's completion of its
25 recommendation to government.

1 If I could also take a moment to comment
2 on -- as Ms. Boyd indicated, we did not receive CAC's
3 budget proposal, but I did hear from Mr. Williams this
4 morning a few comments regarding a Stats Canada data --
5 the purchase of Stats Canada data for Mr. Stevens's
6 work.

7 And if I could simply comment on that,
8 that evidence such as the Stats Canada data might be
9 interesting. I -- I think it might be more interesting
10 in a GRA context, because the purpose of this process
11 is to look at and evaluate alternatives to Manitoba
12 Hydro's Preferred Development Plan.

13 The one (1) thing we heard at the
14 technical conference is there is no 'do nothing'
15 option. Manitoba Hydro fully recognizes that rate
16 increases are not welcome to any aspect of the
17 population, and we can take that as a given.

18 I don't think we need to spend money on
19 that kind of evidence. I don't think we need to, in
20 this forum, look at the rate impacts from the extent of
21 the -- to the -- from the eye of the impact on
22 different segments of the population. We know they're
23 not welcome.

24 The purpose is to look at the
25 alternatives to see which is the best alternative of

1 new generation when there is no choice but to spend
2 some money and put new generation in place.

3

4 (BRIEF PAUSE)

5

6 MR. PATTI RAMAGE: And I had left that
7 on. So I -- with that, Mr. Chairman, if you have any
8 questions on that piece, I'd be happy to respond.
9 Otherwise, we can turn this back to Ms. Boyd.

10 THE CHAIRPERSON: We have no questions.

11 MS. MARLA BOYD: Thank you. I'll move
12 on to the second item on Mr. Peters's agenda, which was
13 a request that we walk parties through the Information
14 Request form and process and provide the explanations
15 and samples.

16 I believe that the form has been
17 distributed by the Public Utilities Board, Ms. Lemoine,
18 last week. I do have copies available here if -- if
19 parties are wanting to see a copy of the form. It --
20 it's an Excel spreadsheet. It ultimately is fairly
21 self-explanatory, I think, once people start to work
22 with it a little bit. The use of items such as
23 keywords and topics are open to parties to add their
24 own descriptors into. Those will become useful to
25 parties as we move forward in the process.

1 The ultimate expectation is that
2 Manitoba Hydro and the Public Utilities Board will be
3 able to have available a share point site. It will not
4 be maintained on Manitoba Hydro's networks; it will be
5 maintained in a cloud outside of Manitoba Hydro.
6 Parties will have password access to it so that they
7 can work inside their individual organizations to be
8 able to draft Information Requests and, then,
9 ultimately decide when they're ready for them to be
10 shared with the greater group.

11 It will allow people to, then, search
12 using the keywords and the reference terms that they've
13 used in their IRs. They'll be able to search and find
14 responses to Information Requests, those kind of items.

15 So it's viewed as something which would
16 enhance the efficiencies of the process and we hope
17 will be useful to all parties to -- to work with, what
18 I expect, will be a significant volume of information.

19 I know Ms. Lemoine has offered her phone
20 number and contact information to parties who have
21 questions and, certainly, Manitoba Hydro is prepared to
22 provide any assistance it can, as well, in terms of any
23 difficulties that parties encounter in using those
24 forms. The Excel spreadsheet is the first step in --
25 in the process, and it's our hope that, as we move

1 forward, parties will actually be able to go online and
2 to submit the questions directly online, rather than
3 having to use the two (2) step process that we've
4 started with right now.

5 With respect to commercially sensitive
6 information, we are committed, as you know, to having
7 as much of this process held in the public domain --
8 without need to resort to commercially sensitive
9 information or to in camera proceedings -- as we can.
10 There are some items which remain commercially
11 sensitive and -- which -- will be governed by the terms
12 of reference, should parties want access to those.
13 That includes Manitoba Hydro's power resource plans,
14 the electricity price forecast, and the term sheets and
15 power sales agreements with our export contract
16 customers.

17 We have this material available for
18 viewing by parties who, by terms of reference, are
19 permitted, or who have entered into the undertakings or
20 non-disclosure agreements. Consistent with our
21 contractual obligations, we've obtained the consent of
22 the export price forecasters to have that information
23 available. They have expressed to us their concerns
24 with respect to that, but have ultimately consented and
25 asked that we give notification of reliance in terms of

1 those things. We'll do that for parties who chose to -
2 - to access it.

3 In order to access the commercially
4 sensitive information, counsel who have exe -- executed
5 undertakings, or the independent consultants who have
6 executed non-disclosure agreements, are invited to
7 contact Manitoba Hydro to arrange to -- to view that
8 information. As Mr. Peters indicated, we have a -- a
9 document room set up at Manitoba Hydro where that
10 information is securely stored and we'd make access to
11 parties available.

12 Only authorized persons who have
13 executed the appropriate agreement, or otherwise are
14 authorized by the terms of reference, will be permitted
15 access to that room. And it's our intention that we
16 would supply blue paper for people to make notes on, in
17 terms of the material that they -- they access in that
18 room, so that in their files, once they leave the room,
19 there's an indication, of course, of the sensitivity of
20 that information.

21 The comments this morning that counsel
22 don't intend to execute undertakings presents an issue
23 that I hadn't really considered very much until we
24 raised it today. And -- and you raised it in your
25 question, Mr. Chair, in terms of the independent

1 experts. And we'll -- we'll have, of course, the --
2 the caution, I suppose, that independent experts will
3 need to be aware that the parties that they are dealing
4 with haven't signed those agreements, so that they
5 don't fall into the category of people who are entitled
6 to receive commercially sensitive information. And I
7 think that will be the same in the -- in the room here,
8 as it will be in meeting, so we'll -- we'll just need
9 to be sure that parties are aware of the circumstances
10 when they engage in their discussions.

11 With respect to the timetable, there was
12 a draft timetable which was included in Order 92/'13
13 that I wanted just to respond to briefly. As the
14 Board's aware, we have some concern with the amount of
15 time that's allotted to the response for First Round
16 Information Requests. Manitoba Hydro has been quite
17 firm, and I think quite consistent, in its view that it
18 required six (6) weeks to respond to the expected
19 volume of Information Requests in that First Round.

20 The schedule that's been put forward
21 allocates five (5) weeks for that, and during that
22 time, currently, there are scheduled two (2) motions
23 days, as well as community hearings. And I did hear
24 today that those may change, so that may eliminate some
25 of that concern.

1 Manitoba Hydro certainly intends to use
2 its best efforts to respond to Information Requests by
3 the specified deadline. We do have to caution parties,
4 though, that we think that that's going to be a
5 significant challenge. And if the -- if the Board
6 could see in its schedule a way where it could extend
7 that to six (6) weeks, we certainly would appreciate
8 that. It would be our suggestion that that would be
9 helpful. That would move the October 21st deadline to
10 October 28th and would, of course, require a bit of
11 modification of the schedule after that. We do
12 appreciate that the timelines are very tight here, but
13 we do have some significant concerns in terms of being
14 able to meet that October 21st date.

15 With respect to the motions days that
16 are scheduled, we would encourage the PUB to follow the
17 process that's outlined in the Rules of Practice and
18 Procedure. Section 22 of the -- the Rules specify that
19 a motion should be made in writing and it should be
20 served at least six (6) days before the motion is to be
21 heard with parties wishing to respond to file their
22 response by 2:00 p.m. two (2) days before the motion is
23 heard.

24 Now, we note that the Second Round
25 Information Requests are scheduled for November 4th,

1 with a motion four (4) days later. That obviously
2 wouldn't permit that schedule to be -- to be followed.
3 So we would suggest it would be more appropriate for
4 that date to be November 18th. That would permit
5 Manitoba Hydro to prepare and file its motion, if
6 necessary, on November the 12th.

7 Similarly, the December 2nd motion day
8 is only six (6) days after Intervenors receive
9 responses to our Second Round Information Requests.
10 And we'd suggest that that's likely not adequate time
11 for them to review the responses to determine whether a
12 motion is required, and then to prepare, file, and
13 serve it. So we would invite the Board to revisit
14 those -- those timelines.

15 We would also appreciate the Board
16 guidance in terms of the expected commencement of the
17 hearing. It's not noted on the schedule. And from our
18 perspective, of course, it's important to understand
19 when the Board expects the hearing to actually
20 commence. It would also be useful for us to have an
21 understanding of the Board's intention with regard to
22 sitting days, if it intends to sit five (5) days a week
23 or some other schedule, so that we can have our
24 witnesses prepared and available to testify as
25 necessary.

1 The other item, just as a note, if the
2 Board in -- in seeking information from presenters who
3 wish to make presentations to the Board, we would
4 certainly encourage and ask that if any presenters
5 provide written material, that it be provided in
6 advance and that copies be made available to Manitoba
7 Hydro.

8 You heard several comments this morning,
9 I think, from all counsel with respect to the conduct
10 of the hearing and, you know, the consideration of
11 items to be done topic by topic. Manitoba Hydro has a
12 strong preference that it be allowed to present its
13 evidence through what we expect will be several panels,
14 each to be cross-examined prior to the commencement of
15 the next panel but without being interspersed with
16 Intervenor evidence in between.

17 In our view, interspe -- interspersing
18 Intervenor evidence between our witnesses will create
19 delays and will create inefficiencies, as some
20 witnesses will potentially have to appear more than
21 once to give evidence on various topics.

22 Having received and, we hope now,
23 commenced review of the NFAT filing, we hope it's
24 apparent to all parties that this material does not
25 lend itself to review on a topic-by-topic basis. One

1 (1) area of discussion will logically flow into
2 another, and we think that some of that will be lost.
3 It would do a disservice to Manitoba Hydro's
4 presentation of its case if it were to be divvied up
5 and have Intervenor evidence in between.

6 We suggest that Manitoba Hydro ought to
7 be allowed to prepare its case fully and to submit it
8 fully to the Board and to Intervenors before it's --
9 they begin their cross-exam -- before they begin their
10 interventions. This allows all parties to have an
11 understanding of the Utility's submission and to fully
12 understand the case that we've put forward. I think it
13 will also provide some benefit to the experts who are
14 asked to testify, for them to have an opportunity to
15 hear the full Manitoba case, to understand the
16 interconnections and how items and issues interplay
17 before they begin to give their own evidence.

18 One (1) final note, I think, to make for
19 the Board is that Manitoba Hydro, in the course of its
20 review since its filing, has noted a couple of areas of
21 re -- revisions that are necessary. We have filed with
22 the Board a letter already which has been updated, and
23 we intend to do the same.

24 We -- we've noted a few. Some of the
25 them are very minor in nature, things like bookmarks

1 that need to be corrected, those kind of items. But
2 there are a couple of more substantive corrections that
3 we wish to make, and we'll make those in the next
4 couple of days, before parties start posing Information
5 Requests.

6 Just by way of example, one (1) of the
7 areas that we'll be addressing is the DSM potential
8 study. That study has -- we've identified a few spots
9 where different lines or tables haven't been quite
10 updated, so some of the numbers don't reconcile. We'll
11 attend to that.

12 And given the -- the hurry-up offence by
13 which Manitoba Hydro and its consultant completed that
14 report in order to be able to include it in the filing,
15 the appendices have not yet been included, and those
16 are coming from the consultant and will be finalized
17 and included with the report, as well.

18 Subject to any comments that you have or
19 any questions you have, that concludes our comments
20 this morning. Thank you for your time.

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: On the issue of the
25 modified system for IRs, keeping track of them and so

1 on, I -- I haven't heard any comments from anybody, and
2 I -- my sense is that that's acceptable to all the
3 parties? We can make an immediate ruling on that,
4 unless I hear objections. In fact, I think it should
5 be applauded for having implemented that change. I
6 think it's going to make things much more efficient.
7 So thank you very much for doing that.

8 I think that I would like to pause for
9 about five (5) minutes so that we consult Mr. Peters,
10 and we'll come back after those five (5) minutes.

11 MR. BYRON WILLIAMS: Mr. Chair, we --
12 sorry.

13 THE CHAIRPERSON: Mr. Williams?

14 MR. BYRON WILLIAMS: Certainly we would
15 probably need about three (3) minutes for a brief reply
16 to Hydro's submissions.

17 THE CHAIRPERSON: Okay.

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON: I -- I -- perhaps we
22 could do that right now, then, if you don't mind?

23

24 REPLY BY GAC:

25 MR. WILLIAM GANGE: Mr. Chair, perhaps

1 I'll jump in first, as -- as Ms. Ramage commented at
2 length with respect to the -- the GAC proposal. And
3 this hearing is considering the construction of two (2)
4 dams. And -- and the scenarios, the Preferred
5 Development Plan, deals with that. And -- and, yes,
6 the -- Ms. Ramage made the comment that there is no
7 inter-tie connection with respect to wind. It's with
8 respect to hydro power. We recognize that. We heard
9 Mr. Cormie make those comments.

10 However, it -- it certainly was not my
11 understanding, nor Professor Miller's understanding,
12 that -- that -- that the inter-tie connection was
13 dependent upon both dams. And so the analysis that we
14 want to undertake is if there is -- if there is
15 construction -- some -- some dam construction, does --
16 do you need both dams? Or can you, as an alternative,
17 if you have that inter-tie connection, what is the
18 process -- what -- what are the options available with
19 looking at wind power?

20 And so that's -- and that has not been
21 considered in -- in the current plan. The -- the -- as
22 -- as we said in -- in the letter of August 30th, that
23 -- that what we want to be able to do is look at the --
24 the use of wind in the context of the transmission to
25 inter-tie. And how does that -- how -- is -- is there

1 something that can be done that is more beneficial than
2 what is being put forward in the Preferred Development
3 Plan?

4 With respect to DSM, what we said was
5 that employing higher levels of DSM as a stress test,
6 in comparison of other portfolios, is not the same as
7 constructing a portfolio out of aggressive DSM resource
8 acquisition and alternative energy strategies. And
9 that's the process that we want to have Resource
10 Insight and Power Advisory take a look at.

11 So that it's -- it's not quite as -- as
12 -- well, it's not in -- in any way, as -- as simple as
13 Ms. Ramage has -- has stated in -- in the comments.
14 That -- that we do believe that we can bring forward to
15 the Board an analysis that is going to challenge the
16 Preferred Development Plan. And that's what our role
17 is, in order to assist you in your analysis of the
18 Preferred Development Plan.

19 If there is no alternatives, if there is
20 no alternative that is brought forward to you, then
21 this hearing is -- is missing a part of its mandates,
22 the needs for and the alternatives to. We think, and -
23 - and well, we -- we think that we're the only
24 Intervenor that's -- that's bringing forward th
25 alternatives to -- to you.

1 It -- it may be that after all of that
2 analysis, the Board says, Yes, we're satisfied with the
3 Preferred Development Plan. That's fine. But you will
4 have done your job in saying, Okay, we ac -- we've come
5 to this conclusion. Or you may come to the conclusion
6 that -- that there are different alternatives. But
7 unless you analyze those alternatives, unless you have
8 something here before you as an alternative, then the
9 process is only half done.

10 And -- and so we think that -- that
11 contrary to what Manitoba Hydro is urging upon you, we
12 think that the -- that the process that we've put
13 forward is very important.

14 With respect to the comment that we are
15 doubling the budget, yes, that's true. That was
16 contemplated in 92/'13, when -- when the Board
17 specifically said, We want you to take a look at this
18 and bring forward a proposal with respect to Power
19 Advisory and -- and consultants on this process. So
20 from my perspective, this -- where we're at now is
21 something that the Board contemplated in 92/'13.

22 THE CHAIRPERSON: Mr. Williams...?

23

24 REPLY BY CAC (MANITOBA):

25 MR. BYRON WILLIAMS: Yes, thank you.

1 Just in terms of the importance outlined by the Green
2 Action Centre in terms of constructing a portfolio with
3 an im -- important energy efficiency component, our
4 clients would note that a flaw in the Wuskwatim
5 proposal which was flagged by the Clean Environment
6 Commission so many years ago was the -- the absence of
7 early consideration of energy efficiency. And -- and
8 that same concern exists for our client, and clearly
9 for GAC, in this proceeding. So that -- that part of
10 the -- of the -- the concern flagged by -- by the Green
11 Action Centre is -- is very important from our client's
12 perspective.

13 We've got the additional challenge when
14 we look at -- at the Hydro DSM potential study. And
15 it's -- it's interesting and, our clients would
16 suggest, an implicit admission of the -- the initial
17 flaws in the -- the Hydro alternative analysis that
18 they are looking at doing some additional work with the
19 DSM potential study, which they tell us will be
20 available early in the new year.

21 Our client's concern -- our client
22 certainly applauds what they consider to be Hydro's
23 implicit admission that -- that there was flaws in the
24 initial resource planning analysis. They are concerned
25 though about the damaged vehicle for conducting this

1 analysis. And our clients are -- are of the view that
2 a critical analysis of that potential study in the
3 course of this hearing will reveal it to be an extreme
4 outlier within North American analysis, drastically
5 below expectations and studies coming out of many other
6 parts of North America.

7 So the question then becomes, given --
8 given Hydro's interest in -- in walking down -- further
9 down this analytical path, what remedy we might -- we
10 might consider in terms of this flawed -- fundamentally
11 flawed, we're -- we're like to conclude DSM potential
12 study.

13 And -- and certainly it would be helpful
14 if Hydro could outline in writing what they're
15 proposing to do in terms of their additional analysis.
16 And our clients would appreciate the opportunity to
17 consult with our experts to -- to suggest what they
18 would consider more realistic potential based upon
19 other -- other jurisdictions for -- for inclusion in
20 that analysis.

21 I had to listen -- I -- I had to listen
22 with admiration to My Friend, Ms. Ramage's, comments
23 about the budget for Mr. Stevens, because she -- she
24 certainly expressed her resistance on behalf of
25 Manitoba Hydro to that budget initially. And -- and

1 the -- and -- and certainly I thought it was clever
2 that she tried to reintroduce her resistance to that
3 budget this morning. And I -- I applaud her legal
4 creativity. I'll have to keep that in my back pocket
5 for the next time I do a reply.

6 The simple fact is that, in the initial
7 proposal for Dr. Simpson and Mr. Stevens, we expressly
8 put in a research task to prepare and submit a res -- a
9 request for special tabulations of Statistics Canada.

10 I think in -- at that time we were
11 looking at the LAD, L-A-D, Longitudinal Administrative
12 Database (sic). I think, upon reflection, we are
13 looking at SLID, and I can't remember -- S-L-I-D for
14 the reporter. I can't remember what that -- that
15 means. But that -- that need for Stats Canada data was
16 recognized from the start. It's integral to the
17 analysis of Dr. Simpson and Mr. Stevens.

18 And that analysis is important because
19 it goes to the impacts upon ratepayers; and that's an
20 important part of the socioeconomic impacts. And not
21 all plans have the same impacts. And not all plans
22 have the same impacts, certainly, over the next twenty
23 (20) years. And that's -- that type of analysis is
24 central to the CAC (Manitoba) -- the CAC (Manitoba)
25 alternatives analysis.

1 Just a final point. The oversight, in
2 terms of putting in that request, was legal counsel --
3 legal counsel's oversight. It wasn't contemplated from
4 the start. We apologize for the oversight, but the
5 need for that investment to do Dr. -- Dr. Simpson and
6 Mr. Stevens's work is nonetheless there. Thank you.

7 THE CHAIRPERSON: Maitre Hacault or Ms.
8 Saunders, any -- any concerns? Does Manitoba Hydro
9 want to add anything?

10

11 (BRIEF PAUSE)

12

13 MS. MARLA BOYD: Thank you. Sorry.
14 We're -- we're fine. We have nothing to add.

15 THE CHAIRPERSON: I'd like to have this
16 proceeding stand down for a few minutes, so that we can
17 consult with Mr. Peters. We'll be back as soon as we
18 can. Thank you.

19

20 --- Upon recessing at 11:18 a.m.

21 --- Upon resuming at 11:39 a.m.

22

23 THE CHAIRPERSON: Thank you for your
24 patience in this -- this matter. We have had a chance
25 to caucus and -- and have some -- made some decisions.

1 Start -- starting with the first one.

2 We have considered the suggestion -- or the request by
3 Maitre Hacault in respect of having Intervenor comment
4 on the other Intervenor's submissions and we've decided
5 that we will not do that. We'll follow the regular
6 practice.

7 We have also decided that we will agree
8 to allow Manitoba -- the Manitoba Metis Federation to -
9 - to submit its revised focus -- scope focus document
10 by September 13th. I'm not expressing myself very
11 well. But to -- to submit a document that refreshes
12 its scope perspective, and do that by September 13th.
13 And we will also provide that Manitoba Hydro has two
14 (2) business days following that to respond to that
15 submission from the Manitoba Metis Federation, which,
16 by my calendar, would make it September 17th. And the
17 Board then will -- will submit its order as soon as
18 possible after that date.

19 Now, we have made some immediate
20 decisions. We have decided that that written order
21 will confirm our approval to -- approval of the
22 expenditure of ten thousand dollars (\$10,000) for the
23 Stats Canada study. So that's a green light, Mr.
24 Williams. And then we'll confirm that in the written
25 order.

1 As well, we also will confirm in that
2 order our approval for the expenditure of thirty
3 thousand dollars (\$30,000) to complete the demand
4 response potential study by Mr. Dunskey. So that,
5 again, Mr. Williams, will be -- Mr. Williams, Mr.
6 Gange, will be confirmed in the written order that we
7 will issue.

8 And in respect of Manitoba Metis
9 Federation's request to be allowed to submit its IRs by
10 September -- by -- pardon me, for an additional time to
11 submit their IRs, we would expect Manitoba Metis
12 Federation to -- to follow the schedule, which is to
13 submit the First Round IRs by September 16th.

14 MS. JESSICA SAUNDERS: Oh, excuse me,
15 Mr. Chair? I bel -- I -- we didn't ask for an
16 extension regarding the First Round of Information
17 Requests.

18 THE CHAIRPERSON: I'm sorry. You're
19 right.

20 MS. JESSICA SAUNDERS: My apo -- my
21 apologies.

22 THE CHAIRPERSON: I guess I'm -- I --

23 MS. JESSICA SAUNDERS: Yeah, I think it
24 was CAC that had asked for an extension for the First
25 Round of Information Requests? We just commented on

1 the timetable. Yeah.

2 MR. BYRON WILLIAMS: I -- I think I had
3 actually just said, with regard to Mr. Dunsky, we were
4 -- were requesting till the 19th.

5 MS. PATTI RAMAGE: If it's of
6 assistance, Mr. Chairman, Manitoba Hydro doesn't have
7 an objection to that, given -- assuming that the Board
8 allows Manitoba Hydro the same grace period on the
9 other end, as suggested by Mr. Williams.

10 THE CHAIRPERSON: Okay. Let me clarify
11 my -- we are in agreement. I apologize for the
12 confusion.

13 And, finally, on the other issues,
14 you'll have to wait for the written decision of the
15 Board to address the balance of the decisions. And as
16 I indicated earlier, the order of the Board will be
17 issued as soon as possible after the September 17th
18 date. And that, I think, is the end of business for
19 today, unless I have objections from anyone in the
20 room. There being no objections, we stand adjourned.
21 Thank you very much, everyone.

22

23 --- Upon adjourning at 11:43 a.m.

24

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1 Certified Correct,

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7 Cheryl Lavigne, Ms.

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