

MANITOBA PUBLIC UTILITIES BOARD

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Re: MANITOBA PUBLIC INSURANCE
CORPORATION
2006 RATE APPLICATION

Before Board Panel:

- Eric Jorgensen - Acting Board Chairman
- Denyse Cote - Board Member
- Len Evans - Board Member

HELD AT:

Public Utilities Board
400, 330 Portage Avenue
Winnipeg, Manitoba
July 5th, 2005

APPEARANCES

1
2 Walter Saranchuk) Board Counsel
3
4 Kevin McCulloch) Manitoba Public Insurance
5
6 Raymond Oakes) CMMG
7 Byron Williams) CAC/MSOS
8 Nick Roberts) MUCDA
9 Margaret Scurfield (np)) IBAM
10
11 Robert Dawson) CBA/MBA
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1 --- Upon commencing at 9:05 a.m.

2

3 THE CHAIRPERSON: Good morning everyone.
4 If we may, we'll get started. It doesn't seem to be that
5 long ago we were all here. So we'll be as brief as we
6 possibly can.

7 My name is Eric Jorgensen. And in the
8 absence of Chairperson Lane, I'll be acting as the Chair
9 for this Pre-Hearing Conference.

10 Sitting with me on the Panel, to my right,
11 Ms. Denyse Cote and, to my left, Mr. Len Evans. Also
12 with us today is Mr. Gerry Baron, the secretary to the
13 Board; Walter Saranchuk, Board Counsel.

14 The Manitoba Public Insurance Corporation
15 has applied to the Public Utilities Board for approval of
16 its premiums in accordance with the provisions of the
17 Crown Corporations Public Review and Accountability Act
18 and the Public Utilities Board Act.

19 In its Application the Corporation
20 indicates that the premium rates would take effect on
21 March the 1st, 2006, and are based on no overall change
22 in written premium revenue.

23 The Corporation's Application includes
24 references to rates, fees and other matters, in respect
25 to vehicle premiums, driver license premiums, rate group

1 expansion, service and transaction fees, permits and
2 certificate fees, an increase to the rate stabilization
3 reserve, and a mobilizer initiative fund, and various
4 answers and reports requested by the Board, all to be
5 found at SM-8.

6 I would now call on MPI Counsel, Mr. Kevin
7 McCulloch, to introduce himself and the representatives
8 with him today.

9 MR. KEVIN MCCULLOCH: Thank you, Mr.
10 Chairman. As indicated, my name is Kevin McCulloch. I
11 am appearing as Counsel for the Applicant at this Pre-
12 Hearing Conference.

13 And with me this morning, to my immediate
14 right is Ms. Marilyn McLaren, the President and CEO of
15 MPI, and to her right, Mr. Barry Galenzoski, who's the
16 Vice-President of Finance, Chief Financial Officer and, I
17 believe, Chief Administrative Officer as well.

18 To my left is Mr. Don Palmer, who is the
19 Director of Actuarial Services at MPI, and sitting at the
20 back table is Mr. Tom Strutt, Senior Solicitor in the
21 Legal Department at MPI.

22 THE CHAIRPERSON: Thank you, Mr.
23 McCulloch. I will now call on Mr. Saranchuk for his
24 opening remarks.

25 MR. WALTER SARANCHUK: Thank you, Mr.

1
2 MR. WALTER SARANCHUK: Secondly, The
3 Proposed -- revised Timetable.

4
5 --- EXHIBIT NO. PUB-2: The revised timetable.

6
7 MR. WALTER SARANCHUK: And thirdly, as
8 Exhibit Number 3, The Public Utilities Board Rules of
9 Practise and Procedure.

10
11 --- EXHIBIT NO. PUB-3: The Public Utilities Board
12 Rules of Practise and
13 Procedure.

14
15 MR. WALTER SARANCHUK: The revised
16 Timetable arose out of the fact that the Application was
17 filed by MPI on June 24th as opposed to June 15th, as was
18 initially thought to be the case.

19 The Hearing, however, will, according to
20 the continuing timetable, still commence on Monday,
21 October 3rd, here in the Board Offices at nine o'clock.

22 THE CHAIRPERSON: Thank you, Mr.
23 Saranchuk. And those documents will be filed into
24 evidence as noted.

25 With that background I will now call on

1 the parties present to identify themselves and their
2 organizations, along with any opening comments. We will
3 start with Mr. Williams from CAC/MSOS.

4 MR. BYRON WILLIAMS: Good morning, Mr.
5 Chair and Members of the Panel. Byron Williams from the
6 Public Interest Law Centre. I'm here on behalf of
7 CAC/MSOS and, alas, today I do not have a back row.

8 We're ready to proceed and we do have
9 comments both about the scope of our intervention as well
10 as a couple of comments in terms of the dates, which we
11 will be offering when you invite us to. Thank you

12 THE CHAIRPERSON: Thank you.

13 Mr. Dawson, the CBA/MBA.

14 MR. ROBERT DAWSON: Good morning, Mr.
15 Acting Chair. My name is Robert Dawson of Dawson Law
16 Chambers. I appear on behalf of the Manitoba Bar
17 Association. We're ready to proceed, and like Mr.
18 Williams, we have some comments that we'll make at the
19 appropriate time.

20 THE CHAIRPERSON: Thank you.

21 Mr. Roberts from the MUCDA.

22 MR. NICK ROBERTS: Morning, Mr. Chairman.
23 My name is Nick Roberts, I'm with the Manitoba Used Car
24 Dealers Association. I don't have any other comments at
25 this time. Thanks.

1 THE CHAIRPERSON: Thank you. And Mr.
2 Oakes from CMMG.

3 MR. RAYMOND OAKES: Good morning, Mr.
4 Chairman. Raymond Oakes, law firm Booth Dennehy, on
5 behalf of the CMMG. We are prepared to proceed and
6 likewise we will have a submission relative to the
7 proposed timetable.

8 THE CHAIRPERSON: Thank you. I am
9 advised that the Insurance Brokers Association of
10 Manitoba will also be filing for intervention. But it is
11 my understanding Ms. Scurfield has other pressing matters
12 brought about by the weather.

13 We will go back now to Mr. Williams for
14 CAC/MSOS, and answer to some specific questions.

15 First, have you completed a written
16 request to intervene?

17 MR. BYRON WILLIAMS: Yes, I have, Mr.
18 Chair. And I'm certainly -- you can draw me through it
19 or I could probably take you through it, whichever you
20 think is more efficient.

21 THE CHAIRPERSON: I would appreciate if
22 you took me through it.

23

24 OPENING COMMENTS BY MR. BYRON WILLIAMS:

25 MR. BYRON WILLIAMS: Thank you very much.

1 In terms of the -- I'm going to jump down -- just one
2 point of note, the address for the Public Interest Law
3 Centre has changed, and I think when we were served with
4 the original documents, the people were still using the -
5 - our old address.

6 So, our current address, I would draw to
7 the attention of Members as room 610, 294 Portage Avenue;
8 that's on the Intervenor Request Form, so, that is two
9 floors higher. I'm not sure we're any higher in the
10 esteem of our organization but we -- we have risen
11 somewhat in -- in the building anyways.

12 In terms of the reasons for the proposed
13 intervention, if you want to look at the big picture, as
14 always CAC/MSOS will be considering whether the rates
15 proposed by MPI are just and reasonable, and whether the
16 projected -- the costs that they are projecting are --
17 are prudent and -- and necessary.

18 If you're looking for a particular focus
19 in terms of the CAC/MSOS intervention, I'd highlight I
20 guess seven (7) areas.

21 1) and it will be a central area of
22 concern for CAC/MSOS, will be the appropriate level of
23 the rate stabilization reserve, and the impact that that
24 level will have on rates.

25 As always, and it's a central concern

1 certainly in this hearing.

2 The second issue will be issues related to
3 loss prevention including both road safety and auto
4 theft.

5 Third will be issues related to PIPP, IRI
6 and the Barbara Attie Report which was -- I -- I would
7 characterize as a tenure review of the -- of the program
8 to a certain degree anyways.

9 A fourth area of interest will be the
10 impact in -- of the DDDL merger.

11 A fifth area of interest will be
12 investment performance.

13 A sixth area will be the ramifications of
14 Board Order 9705, which was the Claims Costs Attribution
15 Methodology proceeding, and my clients have some interest
16 in exploring where that may take us.

17 And as always, CAC/MSOS will also be
18 examining the reasonableness and prudence of corporate
19 expenditures.

20 And I'll -- I'll get to this point in a
21 little bit -- in a -- a little later, but I would note
22 that I've had some conversations with My Friend, Mr.
23 Dawson.

24 I think we've identified at least one area
25 where we're both interested and we certainly -- and --

1 will be the appropriate level of reserves, the rate
2 stabilization reserve.

3 Other potential subjects, and these are
4 less likely but we're still considering at this point in
5 time, are the performance of the investment fund and the
6 tenure PIPP review.

7 I can indicate that we will be applying
8 for costs under Board Order number 16387.

9 What we've not done in this case is
10 provided a detailed cost estimate, and we will do that
11 next week, again because one individual's in Europe I
12 didn't -- I thought it would -- I would be providing you
13 with more misinformation than with information.

14 I can say whether or not CAC/MSOS call
15 witness -- call an expert witness. It would be their
16 expectation that given the issues raised in this Hearing,
17 there's a few more that -- than in, for example, last
18 year's Hearing.

19 So even without calling an expert witness
20 we would expect the costs of CAC/MSOS to be somewhat
21 higher than in -- in last year's proceeding, not grossly
22 higher but they would be somewhat higher. I'll be able
23 to give better insight into that early next week.

24 I have some comments regarding the dates
25 but I'm not sure if you would like me to -- to wait, Mr.

1 Chair, or not.

2 THE CHAIRPERSON: No. Thank you, Mr.
3 Williams. If you would hold them to a little bit later.
4 And the Board will be interested in your cost summary
5 sheet when you're able to provide it.

6 Mr. Dawson...?

7

8 OPENING COMMENTS BY MR. ROBERT DAWSON:

9 MR. ROBERT DAWSON: Thank you, Mr.
10 Acting-Chair. As I said, the Manitoba Bar Association is
11 my client and I appear on their behalf. And it is their
12 intention to participate in this year's Hearing; by that
13 I mean, to participate in the interrogatory stage, to
14 test the evidence and to participate in the Hearing
15 itself, and to make closing arguments.

16 I can indicate to the Board that on behalf
17 of the Manitoba Bar Association an application to
18 intervene has been filed yesterday. I can supplement
19 comments that were rather vague in terms of the grounds
20 for intervention.

21 And I apologize for the vagueness, it
22 simply is that in order to have that draft application
23 approved by my clients, it had to be prepared back at the
24 beginning of June. So, that doesn't help us but that was
25 when they asked for it for their schedule.

1 There are at least three (3) points that
2 interest the Bar Association in terms of its
3 intervention. The first would fall under the category of
4 the management of PIPP costs, and this relates and arises
5 out of the material that appears in the Applicant's
6 filing at SM-8.8, namely the report on PIPP Loss
7 Experience.

8 The Board will recall that in last year's
9 participation the Manitoba Bar Association had taken the
10 position that there were some concerns with respect to
11 the Applicant's treatment of claimants as -- that is
12 claimants who had suffered injury as a result of a motor
13 vehicle's operation. And there was some concern that the
14 entitlement of those claimants which, of course, are
15 reflected in the expenses that are projected by the
16 Applicant in its application, were not, in fact, being
17 properly discharged.

18 We -- we will certainly continue along
19 those lines but we'd also broaden it to flipside, which
20 is to ask the question: Is the Applicant doing all that
21 it can in order to return claimants back to the workforce
22 and thus reduce their costs?

23 So, that's part of what we talk about in
24 terms of management of PIPP costs, as well as, of course,
25 as I say, relating to material that flows from the Attie

1 Report that has been filed.

2 The other two (2) areas are of lesser
3 importance in terms of our presentation, although not
4 overall, I suggest. The first appears at SM-8.10.2,
5 namely the Applicant's experience or rather general
6 experience with the Appeal's Commission.

7 There are some points that arise. This
8 was a point that was raised last year by the Bar
9 Association and there are some issues that remain to be
10 tidied up.

11 And at 8.10.3, we then have the experience
12 of personal injury law suits, as it's called by the
13 Applicant in its materials. This too flows from the
14 Manitoba Bar Association's participation last year. And
15 we're suggesting that there are a few points that need to
16 be tidied up.

17 As My Learned Friend Mr. Williams has
18 indicated, he and I have had an extensive discussion as
19 to the likelihood of being able to cooperate on some, if
20 not all, of these points. And I'm happy to indicate
21 that, certainly, the Bar Association is quite prepared to
22 work with Mr. Williams to the extent that it's in the
23 interest of our respective clients to do so.

24 I too have some comments relating to the
25 timetable, which I'll save at the appropriate time that

1 you may call upon me. As we have indicated in our
2 Application to intervene, we have made -- submitted a
3 budget for costs. That budget is predicated on a couple
4 of assumptions.

5 First, that this year's Hearing will, in
6 large part, duplicate the format of last year's Hearing,
7 meaning that if it were to run longer, obviously, the --
8 the budget is not there. And it's also based on the
9 assumption that we would not be calling a witness.

10 I can tell the Board that if, at this
11 stage, there are some consideration as to calling one (1)
12 witness but we're waiting to talk with Mr. Williams on
13 that, as well as the potential witness on that particular
14 point.

15 So, I'm not able to indicate at this point
16 whether or not the Bar Association would be calling a
17 witness.

18 Then, failing any questions that would be
19 my opening remarks, thank you.

20 THE CHAIRPERSON: Thank you, Mr. Dawson.
21 Mr. Roberts...?

22

23 OPENING COMMENTS BY NICK ROBERTS:

24 MR. NICK ROBERTS: Thank you, Mr.

25 Chairman. Our main purpose for -- well, I should start

1 by saying that we have applied for Intervenor status.

2 Once again, we've applied for costs.

3 We're trying to go with the idea that we're a non-profit
4 organization representing a group of ratepayers, so we're
5 hoping that the Board would approve costs for us, but I'd
6 just thought I'd put that in.

7 We're basically here to review the dealer
8 plate rates; that's our main focus. The timetable, we
9 can talk about later on, and that's all I have.

10 THE CHAIRPERSON: You intend to be present
11 throughout the Hearing, give final argument?

12 MR. NICK ROBERTS: Yes. And I'll tell Mr.
13 McCulloch that I'll make sure I'm here for his closing
14 arguments on the final day.

15 THE CHAIRPERSON: Thank you.

16 Mr. Oakes...?

17

18 OPENING COMMENTS BY MR. RAYMOND OAKES:

19 MR. RAYMOND OAKES: Thank you, Mr.
20 Chairman. As the Board's aware, we had applied for
21 Intervenor status on June 30, 2005. We'd supplied a
22 budget with respect to the intervention.

23 It follows the past dozen or so years
24 where we'll be testing the forecast methodology and rates
25 as applied for by the Applicant; that would involve,

1 necessarily, looking at the actuarial assumptions, the
2 formulas and looking at credibility weighting and other
3 issues that are used by the Corporation in its
4 methodology.

5 We certainly intend to appear throughout
6 the Hearing, participate in the testing of the evidence
7 and present final argument.

8 There will not be a witness this year.
9 And our budget details a round number for the
10 intervention of both legal counsel and resource person,
11 and Dr. Hickson has broken down his efforts with respect
12 to his portion of that sum, and his estimated budget
13 indicating the seven (7) activities that he foresees
14 having involvement in.

15 So, that in a nut shell is the CMMG
16 intervention.

17 THE CHAIRPERSON: Thank you, Mr. Oakes.

18 MR. LEN EVANS: Thank you. Just a quick
19 clarification, what number are we looking at Mr. Oakes,
20 for the total amount?

21 MR. RAYMOND OAKES: The Intervenor budget,
22 our Appendix 2, indicates a total of the fees for both
23 counsel and resource person, which is the sum of \$35
24 thousand dollars.

25 MR. LEN EVANS: I see. Yes, I saw the

1 statement earlier and it looked -- I -- my impression was
2 this was legal fees and the other was an addition, but
3 I'm pleased to see it's combined. Thanks.

4 THE CHAIRPERSON: Thank you, Mr. Oakes.
5 Mr. McCulloch, on behalf of the
6 Corporation, any comments on the applications for
7 intervention?

8 MR. KEVIN MCCULLOCH: Well, Mr. Chairman,
9 I think the Board might forgive me if my initial response
10 to your question is that I may be embarking on an
11 exercise in futility considering my record over the last
12 few years dealing with Intervenors and -- and raising
13 objections.

14 Clearly, the Corporation has no objection
15 to the Application of CAC/MSOS, and quite frankly the
16 other three Applications as well.

17 We don't realistically see an opportunity
18 of opposing those Applications, however, there are
19 concerns particularly in the -- in two (2) areas that the
20 Corporation has, and I'd like to bring those to the --
21 the Board's attention.

22 First of all, on the issue of -- of
23 witnesses, clearly Mr. Williams has indicated that he
24 should know once his travelling witness returns to Canada
25 as to whether he will be calling that individual.

1 Mr. Dawson was a little less firm on the
2 intention of the CBA/MBA to call a witness, and obviously
3 even though the timetable allows for the filing of
4 evidence on behalf of Intervenors, the sooner the
5 Corporation and I would suggest the Board is made aware
6 of the fact that witnesses will be called, and the areas
7 in which they will be giving evidence, the better off we
8 all are in -- in preparing for those witnesses, and
9 making sure that the timetable is adequate to allow for
10 those witnesses to be called.

11 So, the comment on -- on that area would
12 be that the sooner the Intervenors can provide us with
13 that information, the better we would like it, and I'm
14 sure the Board would like it as well.

15 The second area that is of concern to the
16 Corporation has to do with the question of costs. We
17 just went through, in the May timeframe, a three (3) day
18 special Hearing that was addressing an issue of loss
19 transfer. The total costs of the Intervenors, as applied
20 for from that hearing, are in excess of sixty thousand
21 dollars (\$60,000).

22 If the Board looks at the amount of costs
23 that were awarded in connection with last year's General
24 Rate Application and compares it with the estimates that
25 we have coming forward today -- and we only have two (2)

1 firm estimates, if you can call an estimate firm, one (1)
2 from the Manitoba Bar Association and one (1) from CMMG.

3 I guess part of the reaction of -- of the
4 Applicant is that at the -- the Loss Transfer Hearing Mr.
5 Dawson came forward and -- and was quite upfront and said
6 that his clients hadn't given him any instructions as to
7 a position that he should take on loss transfer. Fees on
8 that amounted to just over ten thousand dollars
9 (\$10,000).

10 Admittedly, Mr. Dawson was here and
11 provided the Board and the Panel with some of his
12 personal observations. But, when an Intervenor doesn't
13 instruct Counsel as to a position on issues that are
14 before the Board, the -- the Corporation, sort of,
15 questions the role that that Intervenor is playing, not
16 Counsel. Counsel is here on the instructions from his
17 client. But, if the Intervenor can't even give
18 directions on the important issue, it leaves the
19 Corporation questioning the involvement.

20 Mr. Dawson's estimate of fees this year
21 for the upcoming General Rate Application is in the
22 neighbourhood of twenty-two thousand four hundred dollars
23 (\$22,400). And Mr. Oakes has put in a round figure
24 estimate of thirty-five thousand dollars (\$35,000) for
25 the intervention of CMMG.

1 In the Applicant's view, these costs are
2 escalating considerably. The issues, particularly for
3 some of those Intervenors that are -- are very issue-
4 orientated. CMMG, for example, has a much narrower scope
5 than does CAC/MSOS, which paints with a broader brush.
6 The Corporation is concerned about the escalation of --
7 of these costs.

8 And while this, obviously, is not the time
9 to make specific representations, we won't be able to do
10 that until the conclusion of the Hearings and the actual
11 bills are submitted, the Applicant would certainly
12 appreciate if the Board could give some direction to
13 Intervenors that this ongoing constant escalation can't
14 be allowed to continue without some serious question.

15 THE CHAIRPERSON: Thank you, Mr.
16 McCulloch.

17 On the first issue of witnesses, I do
18 believe Mr. Dawson did say that once Mr. Williams had
19 confirmed his witness, either appearing or not, Mr.
20 Dawson would then be able to take a look at whether they
21 would be calling a witness. And, most certainly, we will
22 look to both Mr. Williams and Mr. Dawson to provide us
23 timely notification.

24 As to the issue of costs, most certainly,
25 the Board is cognizant of the overall cost of these

1 regulatory Hearings. It is one that the Board has taken
2 on very seriously and will continue to do so. And it is
3 one where the Board has been, I think, more diligent in
4 the last short period in urging Intervenors to
5 collaborate, to work together effectively toward an
6 efficient and effective hearing.

7 We will also be closely watching hourly
8 billings and hourly rates to ensure that they are not
9 excessive. But I would look to any of the Intervenors,
10 particularly Mr. Dawson or Mr. Oakes, as Mr. McCulloch
11 has raised these issues.

12 MR. ROBERT DAWSON: Mr. Acting Chair, I
13 do have one (1) or two (2) comments. First, just, not to
14 quibble, Mr. McCulloch has indicated that my client
15 supposedly gave no instructions.

16 I believe the record will show that I
17 said, in the recent Loss Transfer Hearing that my client
18 took no position.

19 They gave me instructions certainly, and
20 that was to appear to put forward the public interest to
21 argue the philosophical basis that might assist the
22 Board.

23 There's a big difference, I submit,
24 between turning someone loose and saying, just fill some
25 time and sit in the chair, and saying it's important that

1 certain things be said but we don't really have a
2 position on whether loss transfer is adopted or not. So,
3 that's just by way of clarification.

4 In terms of costs, and I don't know
5 whether Mr. McCulloch raises this because he's
6 referencing indirectly an article that I wrote on this
7 very subject for the Lawyer's Weekly, which is the
8 Nationally newspaper for lawyers on the 15th of April,
9 but the question of costs before tribunals is always one
10 of interest.

11 I think, and I can't speak for Mr. Oakes
12 because I haven't seen his submission, but I'm going to
13 suspect that like I, he's cognizant of balancing two
14 things; 1, whenever fee requests are submitted to this
15 Board, we realize that the person that ultimately pays
16 those fees is in fact the ratepayer.

17 And there's a tremendous obligation upon
18 lawyers who are appearing here to not only act
19 extraordinarily fairly in setting their rates, but to do
20 so with an eye of public service, almost.

21 I can say that in my past practice in
22 submitting fee requests to this Board, I've done two
23 things. 1, I've always adopted a significantly lower
24 rate for any time that I spent, so to speak, out of this
25 particular arena meaning, if I'm doing work in my office

1 on behalf of this particular application, I always charge
2 a lower rate.

3 And I do that on the ground that I can do
4 that work at a later time. But, when I'm sitting here of
5 course I'm losing the time that I could have been serving
6 a client so I charge my normal rate for administrative
7 law proceedings when I appear here. So, that's one
8 example.

9 The second thing is, I've always indicated
10 in the itemized accounts that I've submitted that if we
11 added up the real hourly rate, it would almost be double.

12 I don't charge for most of the things that
13 the average client would be paying, and I do that out of
14 a sense of public service and I suspect that when Mr.
15 Oakes formulates his bills he does the same, and I
16 suspect that Mr. Williams also does the same.

17 I very much resent Mr. McCulloch's
18 opportunity to use this forum today to essentially make
19 another attack upon a submission of fees.

20 He knows very well that this Board has
21 before it currently Applications for costs that he could
22 have objected to as strenuously as he wanted, and the
23 fact that he now comes before this Board at this
24 particular time to again raise the question of fees is, I
25 think, objectionable and should not be tolerated, and

1 should have been shut down a lot sooner.

2 I'm going to suggest that this approach by
3 the Corporation is an attempt to try and chill
4 intervention, which is bad for business for everyone.

5 It sends a message to people like Mr.
6 Roberts next to me, wondering whether or not, Gee, last
7 year I made a request for costs, I heard what Mr.
8 McCulloch said, I'm going to get costs at all this year,
9 should we spend money that might improve the quality of
10 our intervention, might we not get that money.

11 This is not the right place to raise that
12 kind of a particular concern, especially because the
13 whole purpose of this meeting is to try and determine the
14 nature of intervention, whether leave ought to be
15 granted, not the question of costs which is an argument
16 that we make at the end.

17 I'm going to submit that if there's a true
18 concern about costs, and I resent also the notion that
19 the costs are being inflated from year to year, in fact,
20 if we look at it and considering also that Mr. McCulloch
21 has made reference to the after tax costs, it's
22 unfortunate but there's a 14 percent surtax courtesy of
23 the Provincial Government and the Federal Government of
24 all the fees that we submit there.

25 But if there's a true concern about costs,

1 and there's an attempt to streamline these things, the
2 way that this can be done is by way of an informal
3 conference at a later time when the appropriate question
4 of costs arises.

5 So, failing any questions, those are my
6 replies to Mr. McCulloch's comments.

7 THE CHAIRPERSON: Thank you, Mr. Dawson.
8 I can assure you that this is a completely separate
9 process, and that the issue of costs on the previous
10 hearing this year will not be affected by any comments
11 made here.

12 But I do believe on behalf of the Board
13 and on behalf of all involved that the issue of costs is
14 an important one. And while the discussion here may not
15 be pertinent to the decision made at the end of the
16 Hearing, it is one that all should be aware of.

17 Mr. Oakes...?

18 MR. RAYMOND OAKES: Briefly, I'd like to
19 make some comments along the same line as Mr. Dawson.

20 I'd like to point out to the Board that
21 the hourly rate that the CMMG Counsel has submitted since
22 its first intervention in 1992 has remained the rate of a
23 hundred and fifty dollars (\$150) per hours. My private
24 practice rate is a hundred and ninety-five dollars (\$195)
25 an hour.

1 This is very technical work and,
2 certainly, there's a relative few practitioners in the
3 province that are perhaps qualified to do this type of
4 work.

5 But regardless of that and despite the
6 effects of inflation over those dozen years, the rate has
7 remained at one hundred and fifty dollars (\$150) per
8 hour. And that's, again, cognizant of the public service
9 that Mr. Dawson speaks about.

10 With respect to the timing, I think Mr.
11 McCulloch somewhat indicated that he knew that it was
12 inappropriate to make the comments and, certainly, the
13 level of detail that he made in those comments this
14 morning.

15 I note that Mr. McCulloch continues to
16 flout the rules, the practice rules set for this Board in
17 failing to respond to the Board with respect to
18 Applications for costs following the last Hearing. And
19 that's been a common practice that he fails within ten
20 (10) days to provide the responses to costs.

21 And I think that this Board needs a new
22 rule perhaps, and that's if Mr. McCulloch doesn't respond
23 within ten (10) days, then his consent should be deemed
24 to be received by the Board. Certainly perhaps a
25 provision for interest, where his failure to respond

1 causes the -- the award of costs to be delayed. And now
2 we're into an -- another Hearing without the last
3 Hearing's costs being addressed.

4 So, I'm finding very disappointing this
5 morning those comments. I note that Mr. McCulloch has
6 vociferously opposed every Application for costs of this
7 Intervenor over the last dozen years, regardless of what
8 the amount is, with the exception of the year that MPI
9 executives helped themselves to bonuses of up to twenty
10 thousand (20,000) per year, at which time they were
11 silent at that point.

12 So, again, this is not the forum for
13 argument on any of those points, but certainly, we wish
14 to respond in a limited fashion at this time.

15 THE CHAIRPERSON: Once again, thank you,
16 Mr. Oakes. Once again, perhaps we have gone too far
17 afield. The issue here is one of intervention in this
18 GRA and not a discussion on any previous Hearings, nor
19 previous applications for costs.

20 Those decisions are being made by the
21 Board at this time and Intervenors will be advised
22 accordingly, and we will move forward on the basis of
23 this Application.

24 MR. BYRON WILLIAMS: Mr. Chair, if -- if
25 I might add some very briefs comments at a higher level

1 perhaps. I think it's, echoing Mr. Dawson's comments,
2 Intervenors do struggle with the desire to bring in the
3 best -- best people they can and to put forth the best
4 case they can, at the same with the -- the issue of
5 keeping the process as cost efficient as -- as possible.

6 I think the Board's efforts in recent
7 years, some of which I think may be a result of some
8 suggestions I made at a CAMPIT (phonetic) Conference a
9 couple years ago, have been helpful in doing that. And -
10 - and I've certainly noticed, from my own perspective, a
11 greater effort at cooperation between Counsel. So, I
12 would expect that to continue.

13 My only point would be -- and -- is that
14 each cost application at the end of the day has to be
15 judged on the merits. And it's -- when one looks at the
16 budgets that come in, I think all Counsel are mindful of
17 the unique experience that is being presented within a
18 particular application.

19 So, if there is an issue of escalation,
20 for example, with -- with regard to this General Rate
21 Application, it may be that the issues raised are more
22 weighty than, at least from the private passenger class
23 perspective, than in -- than in other years.

24 Those are my comments.

25 THE CHAIRPERSON: Thank you, Mr.

1 Williams.

2 All Intervenors are aware of the Board
3 criteria on the awarding of costs and should there be any
4 questions there, I would encourage all Intervenors to
5 consult with Board Staff in that regard. And the Board
6 will continue to use that criteria in awarding of costs.

7 We will provide direction with respect to
8 Intervenor status in due course and get those orders out
9 accordingly.

10 And, at this point in time, we'll move on
11 to the timetable. And I note that a number of
12 Intervenors have mentioned wishing to speak to that, so
13 we will start with Mr. Williams again.

14 MR. BYRON WILLIAMS: Mr. Chairman, I am,
15 from the perspective of my clients, the timetable works
16 very well until we get to Item 11, which is the date set
17 for Intervenors to file pre-filed testimony. And it's
18 currently set at September the 2nd, which I believe is --
19 is -- yeah, it's September the 6th, excuse me, which is a
20 -- a change of four (4) days from the previous
21 proceeding.

22 And what we would suggest is we note that
23 the Second Round Interrogatory Responses of Manitoba
24 Public Insurance are proposed and now to be filed on
25 Friday, September the 2nd. And the difficulty that

1 presents to expert -- to the filing of the CAC/MSOS
2 expert evidence, is that the -- that it will provide a
3 very short turnaround time, essentially over a long
4 weekend to -- to incorporate any new information that
5 comes from the Second Round Information Requests into the
6 Intervenors evidence.

7 Usually by that stage of the game, the
8 Intervenors' evidence is sketched out in broad strokes
9 but the Second Round Information Requests are often quite
10 important to incorporate into the proposals or evidence
11 that is presented by the expert witness.

12 So, what I would suggest is that rather
13 than using the date of Tuesday, September the 6th, that
14 the Board may look at Friday, September the 9th, which
15 would -- it will probably still involve work over the
16 long weekend but that's what the noble Intervenor
17 witnesses are always prepared to do.

18 And so adjusting that from the 6th to the
19 9th in Item 11(a), and that would still provide -- and
20 then adjusting the date for Intervenors to be in receipt
21 of the Information Requests from all parties, from
22 September the 12th to September the 16th, which would
23 again give parties a week to review the evidence and fall
24 Interrogatories.

25 From our perspective there would be no

1 need to change any of the other dates, so, essentially
2 what we're asking is three (3) more working days to deal
3 with incorporation of the Second Round Information
4 Requests into the expert evidence, and then, out of
5 consideration to other parties, also granting them, in
6 fact, it looks like four (4) more working days to draft
7 their Information Requests.

8 We think that would be enough -- appropriate
9 accommodation.

10 THE CHAIRPERSON: Thank you, Mr.
11 Williams. We'll go through all of the Intervenors and
12 then go back to the Corporation to determine their
13 response.

14 Mr. Dawson...?

15 MR. ROBERT DAWSON: I share My Friend Mr.
16 William's comments, and I'd ask the Board to draw its
17 attention to Item number 16 on the proposed Timetable,
18 and that is the actual Hearing dates.

19 It would be exceedingly helpful for
20 lawyers who are in private practise if we could have as
21 many of the Hearing dates listed in advance as early as
22 possible.

23 And so if it's possible to do, as we have
24 done in the context of the Loss Hearing -- Loss Transfer
25 Hearing, to indicate that the Hearing dates will begin at

1 least, not only on the 3rd, but fill the following X, Y,
2 Z dates as well, that would be extremely helpful.

3 Of course I'm mindful of the fact that
4 extra days may have to be added, changes to the schedule
5 may have to arise, but the planning purposes for lawyers,
6 I think, in private practise, would be greatly helped if
7 we could possibly have as many of those Hearing dates
8 listed as early as possible.

9 Thank you, Mr. Chairman.

10 THE CHAIRPERSON: Thank you, Mr. Dawson.
11 Mr. Roberts next...?

12 MR. NICK ROBERTS: Thank you, Mr.
13 Chairman. The only concerns we have on the proposed
14 Timetable are Number 6 and Number 8. We'd like a bit
15 more time in there, but I'm going to defer that to -- to
16 Mr. Oakes, seeing as we both use the same resource
17 person, it -- it maybe stretches it out a little bit.
18 So, I will let Mr. Oakes decide what dates.

19 THE CHAIRPERSON: Thank you.

20 Mr. Oakes...?

21 MR. RAYMOND OAKES: I'll accept that
22 responsibility, Mr. Chairman. The CMMG's difficulty with
23 the timetable, and of course we had provided a proposed
24 timetable with some amendments, specifically three (3)
25 amendments, and I had a discussion with Board Counsel

1 yesterday, we're retracting the request for the Board to
2 change the proposed timetable to the extent that we had
3 in our Application, asked them to amend the timetable.

4 Our difficulty is that Dr. Hickson is
5 taking some treatments outside the Province during the
6 summer.

7 I know that, from my own schedule, I'm
8 doing a case in Calgary next week and, frankly, the next
9 ten (10) days from now, we're just not able to get in the
10 First Round Information Request in that very short period
11 of time.

12 So, we're asking that the CMMG, and the --
13 My Learned Friend's organization may face the same
14 difficulties, but we're asking that we be allowed to
15 provide our First Round Information Request up to a week
16 late with respect to Number 6. And with respect to
17 Number 8, if we could have until September the 2nd to
18 deliver those Second Round Information Requests.

19 The rest of the timetable, from our
20 perspective, can proceed unamended. We had asked that
21 Item 10(a) be delayed, but that was to accommodate the
22 Corporation given the other dates moving back.

23 And with respect to Item 16, the hearing
24 date, we proposed October 10th. I now understand, from
25 discussions with Board Counsel, that the schedule of the

1 executive requires a start on the 3rd of October, and we
2 can certainly live with that. Again, that was something
3 just to accommodate MPI given other changes in dates.

4 But the ones that we really have the
5 difficulty with are Items 6 and 8, and they follow from
6 the late filing of the Application as well as from Dr.
7 Hickson's own scheduling difficulties.

8 THE CHAIRPERSON: Thank you, Mr. Oakes.
9 If we were to look at Number 8 and that date changed to
10 September 2nd, how would that impact on 10(a)?

11 MR. RAYMOND OAKES: Again, that's why we
12 proposed giving the Corporation an extra two (2) weeks at
13 that point. I think that's something that Mr. McCulloch
14 can answer best.

15 If the other Intervenors don't have those
16 difficulties, perhaps they can supply their information
17 request by August 15th, and then the Corporation could
18 have them all done, with the exception of the outstanding
19 CMMG information request.

20 You know, we -- we're certainly happy to
21 work with the Corporation.

22 MS. DENYSE COTE: Mr. Oakes, it sounds
23 like you're not working from the same timetable we have,
24 because it says August 22nd for Item 8.

25 MR. RAYMOND OAKES: That's correct. With

1 respect, the request is to change from August 22nd to
2 September the 2nd, for at least the CMMG and the dealers.

3 MS. DENYSE COTE: And what was the date
4 you were proposing for the 6, for the Number 6 Item?

5 MR. RAYMOND OAKES: Somewhere in the
6 neighbourhood of July 21st.

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: Thank you.

11 Mr. McCulloch...?

12 MR. KEVIN MCCULLOCH: Well, Mr. Chairman,
13 clearly, with the filing of the Application on the 24th
14 of June, the timeframe has been considerably tightened,
15 specifically in light of the fact that we wanted to keep
16 the start date for the Hearings on October 3rd.

17 The -- the time between filing of
18 information requests and responding to those information
19 requests, subject to check, as -- as the witnesses like
20 to say in these hearings, I don't believe has changed.
21 We -- when we moved the suggestion of -- of filing the
22 first round from July 8th to July 15th, we also extended
23 the -- the response time for one (1) week.

24 As I understand Mr. Oakes's request, he
25 would want CMMG to have six (6) extra days in filing

1 their First Round Information Requests. The corporation
2 would still be responding to those by the 9th of August.

3 But for the second round, which gets us
4 much closer to the actual hearing date, it appears that
5 he's looking for two (2) weeks, from August 22nd to
6 September 2nd, for filing.

7 Is there any reason why that second
8 extension has to be quite that long?

9 MR. RAYMOND OAKES: I think that relates
10 to Dr. Hickson's difficulties in attending to that in
11 that period.

12
13 (BRIEF PAUSE)

14
15 MR. KEVIN MCCULLOCH: Well, even if we
16 were to leave a filing of a Second Round Information
17 Request by CMMG to leave it to the 2nd of September, the
18 Corporation would need at least -- at least ten (10) days
19 to respond to that and -- and of course, a lot of that is
20 predicated on what's contained in those Second Round
21 Requests.

22 It's been the experience in the past that
23 there have been occasions where there's been a fairly
24 brief listing of First Round Requests and then when the
25 Second Round comes in, they're -- they're much lengthier

1 and much more detailed than the First Round, that creates
2 added difficulty.

3 If we could perhaps get some commitment
4 that the first round will be the more focussed request
5 for Information and that the second round merely be
6 clarification on issues raised in -- in the first round
7 responses, that might help the timetable.

8 But it looks like if -- if the Board feels
9 that CMMG wouldn't be in a position to file their Second
10 Round Requests until September 2nd, the Corporation would
11 need at least until the 12th of September to respond, and
12 that brings right into the -- the deadlines for filing
13 Information Requests on the Intervenors and -- and the
14 short time for motions, if in fact motions are arising
15 out of the Information Requests.

16 THE CHAIRPERSON: Mr. Saranchuk...?

17 MR. WALTER SARANCHUK: Thank you, Mr.
18 Chairman. Perhaps just to expedite matters, we could
19 give consideration to the requests by Mr. Byron Williams
20 first, and those pertain to Items 11(a), 12, and I would
21 submit, should also therefore involve Number 13.

22 In respect of the request to change
23 Number 11(a), for Intervenors to file pre-filed testimony
24 to all parties, to change that from September 6th, the
25 Tuesday, to Friday, September 9th, and then to have

1 Item 12 changed from September 12th, the Monday, to
2 Friday to September 16th, that is for Intervenors to be
3 in receipt of Information Requests from all parties.

4 I would suggest that that should not
5 present a problem so long as Item 13 is changed where the
6 Board to hear all motions would be, instead of Friday,
7 September 16th, which is going to be the new date for
8 Item 12, if this is acceptable, then Number 13 should be
9 changed to Monday, September 19th.

10 And I'm assuming that we can at least have
11 an agreement in respect of those three (3) items.

12 THE CHAIRPERSON: Mr. McCulloch...?

13 MR. KEVIN MCCULLOCH: I'm trying to get
14 some direction here. We do have an issue from a staffing
15 point of view, in that the -- the staff that are required
16 to be on hand over the summer to prepare and respond to
17 Information Requests, have tried to book vacation around
18 those dates.

19 The changing the response to CMMG Second
20 Round Interrogatories from -- or, sorry, to be in receipt
21 of them, from August 22nd to September 2nd, would create
22 considerable difficulty for Mr. Palmer and -- and his
23 staff.

24 We -- we'd have to try to restrict that a
25 little more; September 2nd is too late.

1 THE CHAIRPERSON: Before we go there, Mr.
2 McCulloch, if we could jump to 11(a), 12 and 13, I think
3 from Mr. Saranchuk's lead into it, will probably give us
4 where the window will work, and we can work backward from
5 there.

6 MR. KEVIN MCCULLOCH: Yes. Those --
7 those changes we can accommodate.

8 THE CHAIRPERSON: Mr. Williams.

9 MR. BYRON WILLIAMS: That's satisfactory,
10 and if it would assist MPI at all, I think certainly we
11 can, from the CAC/MSOS perspective, meet the Information
12 Request deadlines as posed. So, it may -- it may assist
13 so we could still meet the July 15th and August 22nd
14 dates, which may -- may relieve some of the pressure on
15 MPI or it may not.

16 But, certainly from our clients'
17 perspective, those dates are satisfactory.

18 MR. WALTER SARANCHUK: Just moving onto
19 that, if I may interrupt just for a moment, Mr. Chairman,
20 if we have an agreement, in respect now of Items 11(a),
21 12 and 13, perhaps we can go back then to the requests in
22 respect of 6, 8 and 10(a) which would flow from that.

23 And might I suggest that in respect of
24 Item 6, if additional time is required by CMMG and by
25 MUCDA, a matter of four (4) or five (5) days, then what I

1 suggest that MPI might well be prepared to accommodate
2 those two (2) Intervenors and this is obviously subject
3 to whatever Mr. McCulloch has to say, but so that we
4 still continue with the July 15th date, in number 6, for
5 example, for everyone to follow as I think Mr. Williams
6 alluded to.

7 But if there is a requirement for some
8 additional four (4) or five (5) days or so, and we have
9 to be reasonable in this respect, but I'm assuming that
10 we won't have a problem there.

11 If there's additional four (4) or five (5)
12 days for -- even, for example, to Thursday July 21st,
13 required, I don't know that MPI would object and that
14 then would still allow them to provide responses under
15 Item 7 on August 9th.

16 So, if we can just, perhaps, canvass that
17 suggestion and then we can proceed with the other two
18 (2).

19 MR. KEVIN MCCULLOCH From our point of
20 view, Mr. Chairman, that change or accommodating CMMG for
21 four (4) or five (5) days for filing the first round is
22 acceptable. I mean, clearly, the staff doesn't start
23 work on every single Information Request the first day
24 it's received, the work has to be staggered.

25 So, we could -- we could certainly

1 accommodate the change in the filing for the first round.
2 THE CHAIRPERSON: Thank you.
3 Mr. Oakes...?
4 MR. RAYMOND OAKES: Yes, certainly my
5 discussions with Mr. Saranchuk were along that line
6 yesterday, and that is what I attempted to allude to with
7 respect to Item 6.
8 THE CHAIRPERSON: And just so we're
9 clear, the changes to 11(a), 12 and 13 are acceptable,
10 Mr. Oakes?
11 MR. RAYMOND OAKES: I'm sorry. Yes,
12 certainly we had no difficulty with those previously and
13 wouldn't have any difficulty with the amended ones.
14 THE CHAIRPERSON: Thank you.
15 Mr. Roberts...?
16 MR. NICK ROBERTS: No, we're fine with
17 that.
18 THE CHAIRPERSON: And Mr. Dawson...?
19 MR. ROBERT DAWSON: The proposal's fine.
20 THE CHAIRPERSON: Thank you.
21 MR. WALTER SARANCHUK: Now, moving if I
22 can, Mr. Chairman to Item number 8. Again, to
23 accommodate CMMG, I don't know whether it involves MUCDA
24 this time as well, but perhaps it does, again, perhaps we
25 can continue with the August 22nd date for the target, if

1 you will, for all Intervenors to file the second round
2 IR's and serve upon MPI, with the understanding, again,
3 that if there's some additional time required by CMMG and
4 perhaps MUCDA, in the course of that period, for example,
5 an additional five (5) days or six (6) or seven (7) days
6 maximum, I would suggest that, again, MPI would again,
7 subject to whatever Mr. McCulloch might say, likely be
8 prepared to accommodate on that basis as well.

9 And so long as it were understood that in
10 respect of any such late filing of the second round IR's
11 in respect -- under 10(a) MPI might then require an extra
12 three (3) or four (4) or five (5) days to respond to
13 those late requests by CMMG and MUCDA.

14 So, perhaps we can canvass that area?

15 THE CHAIRPERSON: Mr. McCulloch...?

16

17 (BRIEF PAUSE)

18

19 MR. KEVIN MCCULLOCH: I think the
20 position, Mr. Chairman, is that clearly if we're -- if
21 we're talking four (4) or five (5) days for filing the
22 second round by CMMG, we could probably accommodate that.

23 The difficulty is, that it's not going to
24 be a fixed date and if, for example, they came in as late
25 as September 2nd, the Corporation would first of all have

1 to look at -- at the nature of the requests and maybe
2 left in a position that it wouldn't be able to provide
3 those answers until much closer to the Hearing date, if
4 not at the time of the Hearing itself.

5 At the risk of -- of courting more
6 criticism from Mr. Oakes, I would point out that if you
7 look at the type of interrogatories that CMMG has filed
8 in the past, they are fairly labour intensive.

9 The Corporations have been asked to redo a
10 number of key assumptions and -- and those are the ones
11 that take considerable time.

12 If CMMG could focus on getting those in,
13 in the first round, it would certainly make it much
14 easier for the Corporation to get its responses in on
15 time.

16 THE CHAIRPERSON: Thank you, Mr.
17 McCulloch.

18 Mr. Oakes...?

19 MR. RAYMOND OAKES: Mr. Chairman, of
20 course, I'll certainly raise that with Dr. Hickson and
21 working in together with him on the interrogatories,
22 we'll try and make all of those more detailed questions
23 be proposed in the first round.

24 Of course, if the Corporation chooses to
25 duck those questions, as has often been the experience,

1 then they'll be featured in the second round as well.

2 But certainly we'll work together and try
3 and have that done.

4 THE CHAIRPERSON: Thank you. Well, I
5 appreciate the cooperative atmosphere, at least at this
6 point in time and we'll look to maintaining those dates
7 on number 6 and number 8, with the understanding that
8 CMMG and MUCDA may file their interrogatory request a
9 little later than those dates and certainly thank the
10 Corporation for accommodating that.

11 From -- for the Intervenors, though, the
12 later they are filed, obviously the potential that the
13 answers are also later.

14 Mr. Saranchuk...?

15 MR. WALTER SARANCHUK: I am assuming,
16 then, that we have an agreement in general, in respect of
17 the timetable.

18 Just to review, Item number 6 is for MPI
19 to be in receipt of first round information requests on -
20 - by July 15th, that's the Friday, with accommodation to
21 be extended to CMMG and MUCDA if necessary.

22 Then number 7 is to remain, that's MPI to
23 file -- to provide response to First Round Information
24 Requests by August 9th, that's to continue, that's the
25 Tuesday.

1 And then number 8, MPI to be in receipt of
2 second round information requests; that's to continue to
3 be August 22nd, that's the Monday.

4 And then number 9, is to remain the same,
5 where MPI is to publish the reminder notice on August
6 27th.

7 Number 10(a), MPI to file responses to
8 Second Round Information Requests is to continue to be
9 Friday, September 2nd -- September 2nd, on the
10 understanding that if CMMG and MUCDA do -- or are
11 accommodated in respect of their late filing, if you
12 will, of second round IR's upon MPI, then they similarly
13 will understand that MPI will require some extra time to
14 respond to those, and that comes under item 10(a).

15 For all other purposes, the target date is
16 Friday, September 2nd.

17 Moving on to Item 11(a), that is for the
18 Intervenors to file pre-filed testimony to all parties,
19 that is now to be Friday, September 9th.

20 Number 12, Intervenors to be in receipt of
21 Information requests from all parties, is now to be
22 Friday, September 16th.

23 And number 13, Board to hear all Motions
24 is now to be Monday, September 19th.

25 That's my understanding of the changes and

1 I hope we have an agreement on that score.
2 THE CHAIRPERSON: Mr. McCulloch...?
3 MR. KEVIN MCCULLOCH: Yes, Mr. Chairman,
4 that's our understanding as well.
5 THE CHAIRPERSON: Thank you.
6 Mr. Williams...?
7 MR. BYRON WILLIAMS: You can see me
8 nodding my head.
9 THE CHAIRPERSON: Thank you.
10 Mr. Dawson...?
11 MR. ROBERT DAWSON: I have no problem
12 with what's been proposed.
13 THE CHAIRPERSON: Thank you.
14 Mr. Roberts...?
15 MR. NICK ROBERTS: No problems.
16 THE CHAIRPERSON: Thank you.
17 Mr. Oakes...?
18 MR. RAYMOND OAKES: I am fine with that,
19 thank you, Mr. Chairman.
20 THE CHAIRPERSON: Thank you. We do have
21 an agreement. The only thing left would be on number 16,
22 a listing of the dates for the Hearing.
23 And, Mr. Saranchuk, if I could ask you as
24 Board Counsel to coordinate that and put together a list
25 of those dates that we would have available for this

1 Hearing?

2 MR. WALTER SARANCHUK: Yes, we'll
3 endeavour to do that, sir.

4 Might I also mention that there is the
5 question of the Application that's forthcoming, to our
6 understanding, by IBAM, Insurance Brokers Association of
7 Manitoba, and the Board might want to know what MPI's
8 response is in respect of that application that's
9 forthcoming.

10 THE CHAIRPERSON: Thank you, Mr.
11 Saranchuk.

12 Mr. McCulloch, on behalf of the
13 Corporation?

14 MR. KEVIN MCCULLOCH: On behalf of the
15 Corporation, I can indicate that as long as there's not
16 radical change from the purported type and level of
17 intervention from -- from IBAM, the Corporation would
18 have no opposition to their being granted Intervenor
19 status.

20 THE CHAIRPERSON: Thank you. As soon as
21 we receive the documentation we will forward it on and
22 we'll await your response and make our decision
23 accordingly.

24 There being nothing further, thank you for
25 attending. The Board will consider the matters it heard

1 this morning and we'll publish our orders as to the
2 granting of Intervenor status as soon as possible.

3 Thank you everyone.

4

5 --- Upon adjourning at 10:07 a.m.

6

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8 Certified Correct

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Wendy Warnock

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