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SENT VIA E-MAIL

Darren Christle
Secretary/Executive Director
The Public Utilities Board
400 - 330 Portage Avenue
Winnipeg, Manitoba R3C 0C4

Dear Mr Christle:

Re: Legal Issues and Legal Argument in 2017/18 & 2018/19 MH GRA

I write on behalf of the Assembly of Manitoba Chiefs (the “AMC”), intervener in the above-noted proceeding, in respect of the ruling of the Board set out at pp 6195-6197 of the transcript.

AMC wishes to say that the legal issues which it intends to raise in the final submissions are as follows:

1. Does the Public Utilities Board have the jurisdiction to order a bill affordability program for low income ratepayers, or a process leading up to such a program?
2. Does the Public Utilities Board have the jurisdiction to order a rate design that discounts rates in First Nations reserves, or otherwise discounts rates based on higher consumption patterns on reserve?
 - a. What is the proper interpretation of s.39(2.1) and s.39(2.2) of the *Manitoba Hydro Act*, C.C.S.M. c. H190?
3. Does the Public Utilities Board have the jurisdiction to order a rate discount for persons registered as “Indians” under the *Indian Act*, RSC 1985, c I-5?
4. With respect to the scope of the Board’s jurisdiction in (1), (2) and (3), what is the role of the following in interpreting that scope:
 - a. Charter values
 - b. *The Path to Reconciliation Act*, CCSM c R90.5
5. With respect to the exercise of the Board’s jurisdiction in (1), (2) and (3), what is the role of the following in guiding the exercise of that jurisdiction:
 - a. Charter values
 - b. *The Path to Reconciliation Act*, CCSM c R90.5

It is anticipated that the Assembly of Manitoba Chiefs will take the position, in reference to the above, that:

1. The Public Utilities Board does have jurisdiction to order a bill affordability program for low income taxpayers, and targeted toward residents of First Nations reserves with Indian status. This scope of jurisdiction is supported by:
 - a. the Board's enabling legislation and regulatory precedent
 - b. Charter values
 - c. *The Path to Reconciliation Act*, CCSM c R90.5
2. The Board should exercise its jurisdiction to order a discounted rate for on reserve residents with Indian status. This position is supported by:
 - a. the Board's enabling legislation and regulatory precedent
 - b. Charter values
 - c. *The Path to Reconciliation Act*, CCSM c R90.5
3. A discounted rate for on reserve residents is consistent with s.39(2.1) and s.39(2.2) of the *Manitoba Hydro Act*, C.C.S.M. c. H190.

I trust that you have found the foregoing satisfactory. Please be sure to be in touch should you have any questions.

Yours truly,
Olthuis Kleer Townshend LLP


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