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REPLY TO:

[james@beddomeandlongclaws.com](mailto:james@beddomeandlongclaws.com)

November 5, 2019

Public Utilities Board of Manitoba  
400-330 Portage Avenue  
Winnipeg, MB R3C 0C4

Attention: Darren Christle, Executive Director and Board Secretary

Dear Mr. Christle:

**Re: Efficiency Manitoba's 2020/21 – 2022/23 Efficiency Plan**

We are in receipt of correspondence dated November 4, 2019, from Kevin T. Williams of Taylor McCaffrey LLP counsel for Energy Manitoba (EM), and in response, our client the Council of Canadians, Winnipeg Chapter (CoC) would like to offer a few additional comments.

Firstly, it should be noted that our client only received the list of proposed preliminary issues after it filed its application to intervene. We once again thank Public Utilities Board (PUB) counsel Dayna Steinfeld for promptly providing us with a copy of the "Preliminary Issues List (Efficiency Manitoba Draft September 18, 2019)," after CoC applied to Intervene, but this does not change the reality that our client only received this document after it had filed its application to intervene, and it does not change the fact that other prospective intervenors had copies of this document weeks before our client had the benefit of having this information. We have reviewed the websites of EM and the PUB, and *prima facie* it does not appear that this was a document that was publicly available either.

Secondly, we note that EM may not have had the benefit of reviewing our further comments on the proposed scope and proposed timetable, because we were not able to provide comments until November 4, 2019 given that our client only received the "Preliminary Issues List (Efficiency Manitoba Draft September 18, 2019)" and proposed timetables on October 31, 2019.

As we noted in our November 4th correspondence, the CoC notes that they will deal with most if not all of the issues considered to be within the Scope of the Hearing listed in "Preliminary Issues List (Efficiency Manitoba Draft September 18, 2019)" should they be granted intervenor status. To provide a bit more context, this includes:

- testing the reasonableness of methodology used to project net savings including participant and Manitoba Hydro benefits;
- testing the reasonableness of methodology used to project the cost-effectiveness of electric and natural gas DSM program bundles and portfo;



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- the reasonableness of EM's overhead budget;
- consideration of non-energy benefits of electric and natural gas DSM portfolios, including environmental and economic development (including the use of private sector and non-government organizations to deliver DSM initiatives);
- compliance of EM with directions from government through mandate and framework letters;
- cost-effectiveness of electric and natural gas DSM program bundles and portfolio;
- questioning of the DSM evaluation framework and plan proposed by Efficiency Manitoba, in contrast to alternative evaluation frameworks and scenarios that could be used to determine near-term and cumulative impact; and,
- consideration of new and emerging technologies that may be included in a future Efficiency Plan.

CoC therefore wishes to Intervene on the basis of the issues that even EM accepts are clearly within the scope of the review.

Counsel for EM in its November 4, 2019 claims that CoC "does not represent a group that is not already represented by other intervenors," but counsel provides no substantiation of this claim with respect to what other intervenors represent the interests of the CoC. The CoC is a grassroots unincorporated association recognized by the bylaws and policy guidelines of the Council of Canadians, a federal not for profit corporation. CoC relies on engaging the general public to support its activities, and since its beginnings in 1985 7,825 individuals Manitoba have financially supported CoC, and 1098 individual Manitobans financial supporting the CoC in the last two years. Beyond this many more individual Manitobans supporting the CoC through volunteer activities. These are all individual Manitobans who will be affected by the EM plan under review. CoC is raising different issues that are not being raised by other intervenors, and thus CoC is a unique and needed voice in these proceedings.

In light of the aforementioned, and in light of EM's objection to CoC being granted intervenor status, we hope that PUB will take the aforementioned into consideration when making its determination with respect to granting intervenor status.

#### **SCOPE OF REVIEW:**

Ultimately, the PUB determines the scope of the issues of review.

In highlighting how the CoC concerns do fit within the list of issues as proposed by EM, our client also wants to make it clear that they do still hope that the PUB will call for a broader review.

As we indicated in our correspondence of November 4th, our client is not seeking to review broader policy concerns or previous reviews, but rather we feel that the broader context also cannot be simply ignored as EM seems to suggest.



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Our client submits that the PUB must at least appreciate the broader context in order to discharge its public interest mandate.

How can the PUB consider “an analysis of the reductions in greenhouse gas emissions in Manitoba expected to result from the initiatives proposed” (see s. 9(e) of *The Efficiency Manitoba Act*) without also consider existing the current provincial Climate Plan or broader provincial policies on energy strategy? This is not to say that it is the current Climate Plan or energy policies that will in fact be reviewed, but rather that the current Climate Plan and existing energy policies are important contextual background information that simply cannot be considered out of scope and ignored as EM would apparently like the PUB to do.

This problem exists even for issues that are already determined to be within scope by EM. How can new and emerging technologies that may be included in a future Efficiency Plan be considered without attention to and discussion of the global trend towards decarbonization and electrification, which is itself spurring the growth of new and emerging technologies? This is not just limited to the electrification of transport, as CoC will demonstrate in its evidence. We also need to consider new and emerging heating technologies such as geothermal, air source heat pumps, and solar thermal that will result in the electrification of heating.

Likewise, how can the PUB discharge its statutory public interest obligations and determine whether it should recommend to the Minister that they increase or decrease the existing legislated savings targets, as is clearly anticipated by section 11(5) of *The Efficiency Manitoba Act*, if the PUB does not consider the broader context that is germane to determining what is or what is not in the public interest?

We therefore urge the PUB to conduct a broader hearing that suggested by EM, and we note that in general we are supported in this call for a broader review by other prospective intervenors as well.

**CLOSING:**

Thank you for your time and consideration of these comments. Should you have any further questions or comments I can be reached via phone at 204-990-5195 or via email [james@beddomeandlongclaws.com](mailto:james@beddomeandlongclaws.com).

Yours truly,

Per: 

James Beddome  
Beddome and Longclaws Law Corporation  
cc: *Participants List*