

# **A Middle Ground, a Necessary Message and A Chance to Gradually Correct the Course**

## **The Final Submissions of MKO**

### **Public Utilities Board Review of Efficiency Manitoba's Initial 3-Year Efficiency Plan**

**Jared Wheeler and Markus Buchart of Jerch Law  
January 28, 2020**

# A Plan to Plan is No Plan At All

**23 MR. JIM GREVATT: I think  
24 the point for me is quite important because I found  
25 that I spent a lot of time trying to understand what  
1 was being proposed. And I don't think that's a good  
2 use of -- I mean, it's my time, I don't care about  
3 that so much, but -- but someone is paying for this  
4 time, and I don't think that's the best investment,  
5 for me to try to be figuring out what's going on.  
6 If I can see what's going on, then I  
7 can use my experience to advise on how appropriate I  
8 think it is.**

**Transcript, January 15, 2020, Pdf pages 1918-19**

# A Plan to Plan is No Plan At All

**DR. TIMOTHY CLARK (BY SKYPE):**

**15 You know, there's -- there's mentions  
16 of well, we're going to coordinate with Indigenous  
17 Services Canada or CMHC, but there's not a lot in the  
18 way of specifics, which again is, I think, a more  
19 endemic problem in the plan. At least in the sections  
20 that I was more focused on, is that it seems like it's  
21 -- it's more of a plan to do a plan, often times. You  
22 know?  
23 And it's like, well what's the plan?**

**Transcript, January 10, 2020, Pdf pages 1221-22**

## **Review and recommendation by PUB**

**11(1) The PUB must review an efficiency plan and make a report, with recommendations, to the minister as to whether the plan should be**

- (a) approved;**
- (b) approved with suggested amendments; or**
- (c) rejected.**

***The Efficiency Manitoba Act, CCSM c E15***

## **MKO's Position**

**Neither approving, nor rejecting the Plan as presented would be in the public interest**

# **Recommendation #1**

## **Middle Ground. Creative Solution.**

**The Board should recommend that:**

- ▶ the Minister approve the Plan on a one-year interim basis,**
- ▶ with suggested amendments, and a**
- ▶ requirement that Efficiency Manitoba file a Progress Report with the PUB,**
- ▶ interveners entitled to file written comments on Progress Report, and**
- ▶ PUB to consider the Progress Report and the comments, and recommend to the Minister whether, for an April 1, 2021 commencement date, the remainder of the Plan be approved on a final basis.**

**MS. KATRINE DILAY**

**17 You'll agree that this plan is for a  
18 three (3) year time frame?**

**19 MS. TRACY STERDAN: Yes.**

**20 MS. KATRINE DILAY: And this means  
21 that the Public Utilities Board will only review  
22 another efficiency plan in three (3) years, so in  
23 approximately 2023, correct?**

**1 MR. MICHAEL STOCKI: That's correct.**

**Transcript, January 7, 2020, Pdf pages 606-07**

**MR. PATRICK BOWMAN**

**10 It would appear to me -- based on  
11 reading those -- the PUB's Order, as well as the Act  
12 and the regs -- that this may be the only opportunity  
13 to weigh in for the next three (3) years, unless some  
14 other mechanism is created, at least before the PUB in  
15 a -- in a regulatory forum.**

**Transcript, January 20, 2020, Pdf page 2105**



**Manitoba  
Keewatinowi  
Okimakanak Inc.  
("MKO")**

9



# **MKO Mission Statement**

10

**To maintain, strengthen, enhance, lobby for and defend the interests and rights of First Nation people within its jurisdiction and to promote, develop and secure a standard quality of life deemed desirable and acceptable by its First Nations.**

**DR. PATRICIA FITZPATRICK:**

**17 I would**

**18 suggest that First Nations and Metis individuals can  
19 be public. They can be members of the stakeholders.**

**20 They may be customers.**

**21 But, in addition, First Nations and**

**22 Metis have inherent rights which transcend all three  
23 (3) of those categories.**

**Transcript, January 15, 2020, Pdf page 1877**

**17 MR. JARED WHEELER:**

**18 would you agree with me that MKO noted in the first  
19 meeting that:**

**20 "There was interest in seeing how  
21 First Nations get engaged in a  
22 meaningful, not token way"?**

**23 MS. COLLEEN KURULUK: Yes, I see that  
24 there.**

**Transcript, January 9, 2020, Pdf pages 1069-70**

**MS. AMY TUCK**

**11 Manitoba**

**12 Hydro had not been directed by Efficiency Manitoba to**  
**13 conduct public engagement with MKO member First**  
**14 Nations, because it was understood that MKO was being**  
**15 represented during the EEAG and that is why outside**  
**16 individual engagement with each individual First**  
**17 Nation did not occur.**

**18 It was understood that, or hoped, that**  
**19 the representation would be covered during the EEAG**  
**20 with MKO's representation there.**

**21 MR. JARED WHEELER: So then, Ms. Tuck,**  
**22 I would take your answer very specifically to mean**  
**23 that Efficiency Manitoba did not engage directly with**  
**24 the MKO member First Nations individually, correct?**

**25 MS. AMY TUCK: That is correct.**

**MR. JARED WHEELER**

**16 Excluding the important work of the  
17 EEAG, would Efficiency Manitoba say that in preparing  
18 the Plan, Efficiency Manitoba meaningfully engaged  
19 with First Nations in Northern Manitoba?**

**23 MS. COLLEEN KURULUK: No, if you -- if  
24 you take out the MKO representative from the EEAG, I  
25 would say there was not consultation with each  
1 individual community member. However, that is our in  
2 -- intent going forward, is to engage these  
3 communities.**

**Transcript, January 9, 2020, Pdf pages 1073-74**

## **Recommended Finding #1**

**MKO recommends that the Board find that, in preparing the Plan, Efficiency Manitoba did not meaningfully engage with northern First Nations.**

# The Path to Reconciliation Act

**To advance reconciliation, the government must have regard for the following principles:**

**Respect**

**Engagement**

**Understanding**

**Action**



***Efficiency Manitoba Act***

**9** For the three-year period following the commencement date, and for each three-year period

after that, Efficiency Manitoba must prepare an efficiency plan that includes the following information:

**(j)** a description of how the plan addresses the prescribed factors the PUB must consider under subsection 11(4);

**11(4)** In reviewing an efficiency plan and making recommendations to the minister, the PUB must consider

**(d)** any additional factors prescribed by the regulations.

***Efficiency Manitoba Regulation*****Additional factors to be considered by PUB**

**11** In addition to the factors set out in subsection 11(4) of the Act, the PUB must consider the following when reviewing an efficiency plan:

**(l)** whether Efficiency Manitoba has reasonably attempted to comply with the directions of the minister.

**MR. JARED WHEELER**

**1 And can you tell us with respect to  
2 whether in the plan, Efficiency Manitoba has  
3 reasonably attempted to comply with the directions of  
4 the minister, did Daymark consider this second list of  
5 commitments?**

**9 MR. JOHN ATHAS: In a -- in a general  
10 sense, we were -- we're familiar with it and know --  
11 and we were looking to see if there is -- if actions  
12 were consistent with some of these -- the mandates  
13 versus directly implementing a mandate, you know.  
14 So -- and we -- we didn't have an  
15 extensive amount of time to do, you know, a lot of  
16 discussions with the -- with the -- the stakeholders  
17 that you'd want to do in -- in this kind of review.  
18 You know, we would -- we would have liked to sit down  
19 and talk to Efficiency Manitoba and then talk to --  
20 and talk to representatives of -- of First Nations and  
21 other stuff to get an idea as to how these fit in.  
22 But we just did not have the -- the time to do that.**

**Transcript, January 15, 2020, Pdf page 1588**

**MR. JARED WHEELER**

**23 MS. KATHLEEN KELLY: I might just add  
24 to that, some of the review that we did relative to  
25 this looked at has Efficiency Manitoba paid attention  
1 to it? Have they put out some ideas? Are they  
2 looking to include it in the -- in the program? And  
3 does it appear to be an -- a change and, hopefully, a  
4 better approach for the short term than what was  
5 already in place? So it's -- as John said, there was  
6 only so much time to review all of this. Our  
7 knowledge of the Indingent -- Indigenous and -- and  
8 other here in Manitoba is a bit limited, so.**

**Transcript, January 15, 2020, Pdf pages 1588-89**

## **Recommended Finding #2**

**MKO recommends that the Board find that Daymark's conclusion in the Daymark report that all the requirements of the Act and regulation had been addressed by Efficiency Manitoba, should be disregarded.**

## **Recommended Finding #3**

**MKO recommends that the Board find that, in the Plan, Efficiency Manitoba has not explicitly complied with the direction from the Minister to contribute to reconciliation.**

## Recommendation #2

**MKO recommends that the Board recommend that the Minister direct Efficiency Manitoba to amend the Plan to:**

- **explicitly set out Efficiency Manitoba's commitment to contributing to reconciliation between Indigenous and non-Indigenous peoples in Manitoba;**
- **explicitly set out Efficiency Manitoba's commitment to having regard for the principles of reconciliation as set out in The Path to Reconciliation Act, namely: respect, engagement, understanding and action.**

# The Path to Reconciliation Act

**1(1) "Reconciliation" refers to the ongoing process of establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples in order to build trust, affirm historical agreements, address healing and create a more equitable and inclusive society.**

**MS. KATHLEEN KELLY**

**5 The plan relies on some effective  
6 collaboration with First Nations leadership and things  
7 like that, that the -- these kinds of groups are the  
8 more difficult ones, to make sure you can get  
9 appropriate access in to establish the program  
10 communications in such a way that it works, that in  
11 the income-qualified programs -- they've always been  
12 the most difficult programs that -- that I've seen, to  
13 be able to get really good participation rates and  
14 make sure that everyone understands that they're  
15 there, and they're probably the ones that will benefit  
16 the most.**

**Transcript, January 13, 2020, Pdf page 1322**



**DR. PATRICIA FITZPATRICK**

**25 So it's a five (5) stage process, and  
1 there should be opportunities for public participation  
2 and engagement at each stage. And so it's an ongoing  
3 process. Particularly when you're calling it  
4 engagement, you're building a relationship.**

**Transcript, January 15, 2020, Pdf pages 1899-1900**

# Recommendation #3: First Nation Engagement Strategy

**MKO recommends that the Board recommend that the Minister direct Efficiency Manitoba to file a First Nation Direct Engagement Strategy which clearly itemizes:**

- **The proposed method of, and timeline for establishing two-way transparent, inclusive, informed and meaningful engagement with customers and the public in each First Nation in Manitoba;**
- **The timeline for Efficiency Manitoba representatives to complete a schedule for travelling to each First Nation to hold community meetings, with such schedule being prepared in coordination with each First Nation;**
- **A list of specific information that will be shared with each First Nation, which at a minimum must include information specific to Plan and program development, implementation and evaluation;**
- **A list of specific information that will be requested from each First Nation; and,**
- **An Issues tracking table.**

**16 You recall, Ms. Tuck, in response to  
17 AMD counsel yesterday that you had referred to a  
18 dedicated First Nation energy advisor?**

**19 MS. AMY TUCK: That's correct, yes.**

**20 MR. JARED WHEELER: And you'll confirm  
21 that the plan right now is that this will be one  
22 position?**

**23 MS. AMY TUCK: That is correct.**

**Transcript, January 9, 2020, Pdf pages 1060-61**

**15 MS. CARLY FOX: So these community  
16 energy advocates, then, would be retained for at least  
17 two (2) years?**

**18 MS. AMY TUCK: That is the hope, yes.**

**19 MS. CARLY FOX: And so they would  
20 assist with implementation as a result?**

**21 MS. AMY TUCK: That's correct.**

**Transcript, January 8, 2020, Pdf page 832**

## **Recommendation #4: Indigenous Energy Advisors and Community Advocates**

**MKO recommends that the Board recommend that the Minister direct Efficiency Manitoba to increase the budget in the Plan for enabling strategies under the Indigenous customer segment to enable Efficiency Manitoba to employ at least two Indigenous Energy Advisors, and at least 5, and possibly more First Nations Community Advocates at a time.**

**15 MS. EMILY GUGLIEMIN: Yes. But then  
16 we -- we were just asking beyond that, if you had the  
17 any record of individual First Nation engagements or  
18 First Nation customers' engagement.**

**19 MS. AMY TUCK: I -- I do. A lot of it  
20 is anecdotal and it hasn't been put into a survey or -  
21 - or a report, but the information that I've received  
22 over the years has definitely been taken into  
23 consideration and put into the plan and how we deliver  
24 the plan and how we are going to engage with our First  
25 Nation and Indigenous customers.**

**Transcript, January 8, 2020, Pdf page 888**

**3 MR. JARED WHEELER: Can you say at  
4 this time whether that employee will be required to  
5 document all interactions with each First Nation?**

**6 MS. AMY TUCK: I can say that that  
7 will be a requirement going forward for all employees  
8 at Efficiency Manitoba.**

**Transcript, January 9, 2020, Pdf page 1061**

## Recommendation #5

**MKO recommends that the Board recommend that the Minister direct Efficiency Manitoba to amend the Plan to include a concrete requirement that all employees document all interactions with First Nations.**



**10 MR. JIM GREVATT: And if I could just  
11 add, on the several collaboratives that I work on  
12 there is not compensation. And my observation is  
13 that, while there's good representation among advocacy  
14 organizations that have funding to send people to  
15 these collaboratives, there is very likely some gaps  
16 in representation, and I would say specifically gaps  
17 in -- in hearing the voices of customers rather than  
18 sort of large organizations that advocate on behalf of  
19 customers.**

**Transcript, January 15, 2020, Pdf page 1968**

**6 MR. JARED WHEELER: Can you tell us --**  
**7 also with respect to the EEAG, you've recommended**  
**8 compensation for members of the EEAG a couple of**  
**9 times, correct?**  
**10 DR. PATRICIA FITZPATRICK: Yes.**

**Transcript, January 15, 2020, Pdf page 1902**

## Recommendation #6

**MKO recommends that the Board recommend that the Minister direct Efficiency Manitoba to amend the Plan and budget for enabling strategies to specify that participants on both the EEAG and the Indigenous Energy Efficiency Working Group will be compensated for their time and efforts spent working with these groups.**

**10 MR. CHRIS NEME: It's not exactly the  
11 same thing, but in the three (3) southern New England  
12 states, in Massachusetts, Connecticut, and Rhode  
13 Island, where there are energy efficiency advisory  
14 councils, the advisory councils hire experts.**

**[...]**

**20 And the funding for our time to support  
21 the energy efficiency advisory councils is paid by the  
22 utilities whose programs the advisory council is  
23 charged with reviewing, interacting with the utilities  
24 on negotiating performance goals with, et cetera.**

**Transcript, January 15, 2020, Pdf page 1967**

## **Recommendation #7**

**MKO recommends that the EEAG should have available to them a budget to retain expert consultants if that is the will of the EEAG.**

## **Recommendation #8 - EEAG**

**MKO recommends that the Board recommend that the Minister direct Efficiency Manitoba to, as soon after interim Plan approval as possible, populate the post-approval implementation iteration of the EEAG. MKO agrees with and adopts Dr. Fitzpatrick's recommendation that at that first meeting post-approval the EEAG should be directed to discuss whether to set out a process and timeline for developing a clear articulation of its mandate, Terms of Reference, and by-laws – if that is the direction in which the EEAG chooses to proceed.**

# MKO Recognizes and Acknowledges

- ▶ **That the Efficiency Manitoba executive team appear to have good intentions,**
- ▶ **That the Efficiency Manitoba team appears to legitimately want to improve, and want to move forward together in a good way.**
- ▶ **The efforts of Efficiency Manitoba in having prepared and filed the Plan as presented, and having prepared responses to many, many IRs,**
- ▶ **Some focus on and commitments to assisting hard to reach customers – including Indigenous customers**
- ▶ **The apparent will to deliver on commitments**

# **Is the Plan Accessible to All Manitobans?**



# ***The Efficiency Manitoba Act***

## **Section 11(4)(c):**

- ▶ **In reviewing an efficiency plan and making recommendations to the minister, the PUB must consider**
- ▶ **(c) whether Efficiency Manitoba is reasonably achieving the aim of providing initiatives that are accessible to all Manitobans.**

**22 MR. MICHAEL STOCKI: So, by way of  
23 another example, say example -- say for First Nations  
24 communities, one (1) of the key accessibility criteria  
25 there is that Efficiency Manitoba has to cover the  
1 cost of not only the measure, but also the -- the  
2 installation costs, as well.  
3 And so, certainly that contributes to  
4 the cost effectiveness of those measures. But we  
5 strongly feel that without that cost contribution from  
6 Efficiency Manitoba, we would not get the  
7 participation from First Nations that we're -- we're  
8 intending to achieve.**

**Transcript, January 7, 2020, Pdf pages 414-15**

**7 MS. AMY TUCK: So with respect to the  
8 guiding principle accessibility, we wanted to make  
9 sure that our Indigenous customers had equitable  
10 access to programming, which is why we established  
11 programs that were specific to our Indigenous  
12 customers and that in a lot of cases they were much  
13 easy -- they were easy access because of the up-front  
14 cost that we would be covering.**

**Transcript, January 7, 2020, Pdf page 798**

**6 MR. JARED WHEELER: So in considering  
7 accessibility, in Daymark's opinion, does  
8 accessibility of programs include whether programs are  
9 financially accessible, meaning affordable?**

**13 MR. JOHN ATHAS: The -- the -- just  
14 had a discussion that -- that accessibility within the  
15 -- within Manitoba is a very specific actions,  
16 mandates -- I'm not sure what the right word is -- as  
17 opposed to -- so it's a -- like, it's a -- it's a  
18 capital 'A' word versus a -- a small 'A'. I can  
19 honestly say that -- that I'm not sure that we were  
20 aware that we probably should have looked at that --  
21 at that trigger and stuff like that.**

**Transcript, January 13, 2020, Pdf page 1523**

**15 MR. JARED WHEELER: So then would you  
16 agree that to be accessible a program has to be  
17 physically accessible to customers in its target  
18 market?**

**19 MR. JOHN ATHAS: Yes.**

**Transcript, January 13, 2020, Pdf page 1524**

**MR. JOHN ATHAS**

**14 although it mentions**

**15 geography as a potential challenge,**

**16 does not directly focus on the**

**17 question of whether the programs it**

**18 proposes are applicable to all the**

**19 geographic regions of Manitoba."**

**Transcript, January 13, 2020, Pdf page 1527**

**MR. JOHN ATHAS**

**The -- so that -- so**

**6 that the extent that geography, as it -- is it one of  
7 the differentiations between -- differentiators that  
8 makes subgroups of all, and we're saying that -- and  
9 we'd say that -- say that it's not -- it's not  
10 accessible to all Manitobans, and we might not have  
11 had that clear -- clear a view on that in -- in our  
12 report compared to what I just stated now.**

**Transcript, January 13, 2020, Pdf page 1530**

## **Recommended Finding #4**

**MKO recommends that the Board find that for the purposes of reviewing whether the Plan is “accessible to all Manitobans”, that “accessible” means financially accessible and physically accessible, meaning affordable and available.**



## Recommended Finding #5

**MKO recommends that the Board find that Daymark's conclusion in the Daymark report that Efficiency Manitoba has produced a Plan that should successfully present programs that are highly accessible to the Hard to Reach Manitobans, should be disregarded.**

**MR. PATRICK BOWMAN**

**19 But in general, I think that there's no  
20 dispute that EM's actions will result in increases in  
21 rates.**

**Transcript, January 20, 2020, Pdf page 2135**

**9 MS. DAYNA STEINFELD: But the**  
**10 increased costs that are borne by the Utility would**  
**11 effectively be borne by all ratepayers, so those who**  
**12 are not participating would see their bills go up?**  
**16 MR. MICHAEL STOCKI: Yeah, that's**  
**17 correct on a measure level.**

**Transcript, January 7, 2020, Pdf page 387**

**MR. JIM GREVATT**

**23 And so if there are**

**24 opportunities -- abundant, accessible opportunities**

**25 for res -- residential customers to participate –**

**1 that's how we reduce costs for those customers.**

**Transcript, January 14, 2020, Pdf page 1774-75**

**4 MS. KATRINE DILAY: And I believe**  
**5 Efficiency Manitoba agreed to this yesterday, but to**  
**6 confirm, you'll agree generally that having access to**  
**7 energy efficiency programs can be beneficial to**  
**8 residential customers?**

**9 MS. TRACY STERDAN: Yes, I agree with**  
**10 that.**

**11 MS. KATRINE DILAY: And one (1) reason**  
**12 for this would be because certain programs can assist**  
**13 customers in reducing their energy bills by conserving**  
**14 energy, correct?**

**15 MS. TRACY STERDAN: Yes, that is --**  
**16 that is one (1) benefit, as well as other benefits**  
**17 that may include increasing the comfort of the home,**  
**18 things like that.**

# EM Response to MKO/EM I-3b

**At pdf page 141, with respect to Electric Customer Bill Impacts, Efficiency Manitoba states that:**

**226 The estimated electric rate impacts will apply to all Manitoba electric customers as  
227 summarized in Table 5.6. Customers that choose to participate in the programming  
228 offered by Efficiency Manitoba will see the same rate impacts but will realize annual  
229 bill reductions based on their respective energy savings.**

**b) Please confirm that customer participation in programming offered by Efficiency Manitoba may be a product of availability of programs, and not entirely driven by customer choice.**

**b) Confirmed.**

# How Many Indigenous Customers?

**MR. JARED WHEELER**

**20 Maybe it's easiest to ask, for**

**21 Efficiency Manitoba's purposes, what number are you**

**22 using for how many on reserve homes there are in**

**23 Manitoba?**

**1 MS. AMY TUCK: So, in the plan --**

**2 Efficiency Manitoba, in the plan that we put forward,**

**3 used a number that is in the re -- is Manitoba Hydro's**

**4 residential energy use survey, which is about fifteen**

**5 thousand five hundred (15,500), an approximate of**

**6 fifteen thousand five hundred (15,500) on reserve**

**7 homes.**

**Transcript, January 9, 2020, Pdf page 1102-03**



**MR. JARED WHEELER**

**17 Ms. Tuck, we've heard in IR responses  
18 as well as your response to AMC's counsel yesterday  
19 that Efficiency Manitoba has not yet determined who is  
20 an Indigenous business. Is that correct?**

**24 MS. AMY TUCK: That -- that is  
25 correct. We're looking to do that in coordination and  
1 in conjunction with MKO, the AMC, and MMF, and SCO.**

**Transcript, January 9, 2020, Pdf page 1093-94**

**12 MS. KATRINE DILAY: And one (1) of  
13 this -- one (1) of these factors [that will impact savings]  
could include**

**14 participation levels in programs?**

**15 MR. MICHAEL STOCKI: Correct.**

**16 MS. KATRINE DILAY: And this would  
17 also include the budgets at which programs can be  
18 delivered?**

**19 MR. MICHAEL STOCKI: Typically,  
20 participation levels would drive budgets, as we've  
21 spoken to before.**

**Transcript, January 8, 2020, Pdf page 666**

**14 MR. JARED WHEELER: And so once the  
15 criteria for who is an Indigenous business has been  
16 determined, the numbers for who is an Indigenous  
17 business could be higher than Efficiency Manitoba  
18 anticipates, correct?**

**19 MS. AMY TUCK: That's correct.**

**Transcript, January 8, 2020, Pdf page 1095**

**“Successfully installing all participant projects presented in this three (3) year plan requires that Efficiency Manitoba accurately assess the target market, as well as a reasonable estimate of how many of the incremental sales will occur each year. When no information is given for the former, it is difficult to assess how successful Efficiency Manitoba will be at achieving the latter.”**

Daymark Energy Advisors

INDEPENDENT EXPERT REPORT: DEMAND SIDE MANAGEMENT & ENERGY EFFICIENCY

DECEMBER 9, 2019 REVISED 1/10/2020

Pdf page 32

## **Recommended Finding #6**

**MKO recommends that the Board find that, given that information about market size in the Indigenous customer segment is unreliable, Efficiency Manitoba's estimates and projections relating to the Indigenous residential and small business programs under the Plan should be deemed unreliable.**

**MR. JIM GREVATT**

**4 But my general conclusion is that the -- the budgets  
5 are unreasonably conservative in how opportunities are  
6 targeted to residential customers.**

**Transcript, January 14, 2020, Pdf page 1763**

**The pace of installations for the Indigenous customer segment should not be at risk of being limited by budget.**

**MR. JIM GREVATT:**

**2 I recall other instances in the  
3 transcript where Efficiency Manitoba indicated that  
4 they would not cap participation, that they would do  
5 more homes if the demand was there, my concern  
6 continues to be whether there is really sufficient  
7 budget to allow them to do that.**

**8 And if there's not, they may not have a  
9 cap in place, but they really -- I don't see how they  
10 will -- will manage to do that increased participation  
11 to meet that response -- to respond to that demand.**

**Transcript, January 14, 2020, Pdf page 1891**



## **Recommendation #9 - Increase Budget for Indigenous Programs**

**MKO recommends that the Board recommend that the Minister direct Efficiency Manitoba to increase the budgets, participation targets, and savings targets for programs targeting the income qualified and Indigenous customer segments, which for the Indigenous customer segment includes both small business and residential customers.**

# EM Response to IR MKO/EM I-28a

At pdf pages 289-90 of the Plan Efficiency Manitoba states:

237 Online rebates will [be] available on technologies with higher upfront costs including  
238 appliances and smart thermostats. Customers will participate by purchasing an  
239 eligible product either in-store or online and then completing an online form on  
240 Efficiency Manitoba's website to claim their rebate. Online rebates will be offered  
241 year-round.

a) Does Efficiency Manitoba consider a lack of internet availability and connectivity to be a barrier to participation in the online rebates program for technologies with higher upfront costs?

a) Yes, **Efficiency Manitoba has recognized and anticipated that a lack of internet availability may be a barrier to participation in online rebates offers particularly in remote and northern areas of the province.** Equity and access is a Guiding Principle for Efficiency Manitoba and as such, the organization has taken steps within the three-year plan to mitigate anticipated barriers to participation.

**5 MS. EMILY GUGLIEMIN: Okay. Thank**  
**6 you. Moving on now to still within the residential**  
**7 programs, I understand that Efficiency Manitoba has**  
**8 recognized that a lack of internet is a barrier to**  
**9 participation and online rebate offers for First**  
**10 Nations.**

**11 Would you agree?**

**12 MS. AMY TUCK: I would agree that**  
**13 there could be some reduced participation because of**  
**14 lack of internet availability, correct.**

**Transcript, January 8, 2020, Pdf page 869**

## Recommended Finding #7

**MKO recommends that the Board find that availability of reliable internet access:**

- **could be a barrier to participation in DSM programs for customers and the public in northern First Nations;**
- **is necessary for Efficiency Manitoba to engage in effective two-way communication with all Manitobans;**
- **and is necessary for providing initiatives that are accessible to all Manitobans.**

## **Recommendation #10 – Internet Availability Research**

**MKO recommends that the Board recommend that the Minister direct Efficiency Manitoba to conduct preliminary research into internet availability in northern Manitoba First Nations, and provide the results of their research to the EEAG and the Indigenous Energy Efficiency Working Group.**

# **Daymark Response to Undertaking 13 – Best Practices for Improving Access for Hard to Reach Customers**

- ▶ **For indigenous customers, programs intended for all customers did not always make clear that First Nations customers and on-reserve buildings were eligible to participate. Respondents suggested that such programs should make this eligibility clear.**
- ▶ **For Efficiency Manitoba it may be important to focus on ensuring that, in addition to awareness of dedicated programs for First Nations and Metis customers, these customers are aware of and know they are eligible for all other Efficiency Manitoba programs.**

**MS. EMILY GUGLIEMIN:**

**10 Will Efficiency Manitoba's programming**

**11 be available to First Nations customers that have**

**12 accounts in arrears with Manitoba Hydro?**

**13 MS. AMY TUCK: Yes, and they will be**

**14 able to access the programs.**

**Transcript, January 8, 2020, Pdf page 876**

## **Recommended Finding #8**

**MKO recommends that the Board find that, in the Plan as proposed, Efficiency Manitoba has not made it clear that all residential programs, including energy efficiency loans, are available to First Nations on-reserve residential customers, including those with Manitoba Hydro accounts in arrears, and all small business offers are available to Indigenous small businesses, and as a result confusion could arise about the availability of these programs.**



# Recommendation #11

**MKO recommends that the PUB recommend to the Minister that Efficiency be directed to amend the Plan to explicitly set out in the Plan that:**

- **All residential programs are accessible to Indigenous residential customers – and that the Indigenous residential programs are available in addition to the residential programs;**
- **All small business programs are accessible to Indigenous small business customers – and that the Indigenous small business programs are available in addition to the small business offers; and**
- **Energy Efficiency Loans are available to customers whose accounts are in arrears, including First Nation on-reserve residential customers within the Indigenous customer segment whose accounts are in arrears.**

# **Who pays energy bills on-reserve?**

## **Diesel Zone**

► **Not enough is known**

**MS. AMY TUCK**

**22 but there**

**23 are options and there are things that we want to**

**24 potentially pursue if the diesel communities want to**

**25 participate or have other options available.**

**1 We're open to other possibilities and**

**2 looking at ways that we can help diesel communities**

**3 with energy efficiency.**

**Transcript, January 8, 2020, Pdf pages 1121-22**

## Recommendation #12 - Research

- **MKO recommends that the Board find that further research and data are required regarding energy efficiency programs and consumers in the Diesel Zone for future reviews by the Board or Government. The Board and Government would be well-served by further, and more extensive, industry-wide, and consumer-based research with Indigenous consumers in the Diesel Zone, including potential options for fuel switching away from diesel.**

## Recommendation #13 - Research

- **MKO recommends that the Board find that there is insufficient data with respect to the prevalence of fuel oil and propane for heating in First Nations in northern Manitoba, and as a result, analysis and decision making with respect to this unique customer group is not yet possible. Therefore, MKO recommends that the Board find that further research and data are required regarding consumers using fuel oil and/or propane, and potential options for fuel switching away from fuel oil and/or propane.**

# **MKO's Major Recommendation**

**The Board should recommend to the Minister that the Plan, with amendments, receive a one-year interim approval, and Efficiency Manitoba should be directed to prepare and file a Progress Report, about which interveners will have an opportunity to provide written comments, before the amended Plan might receive final approval**



**7 MS. DAYNA STEINFELD: So, are you**  
**8 suggesting, Mr. Harper, that even with concerns and**  
**9 shortcomings, you've identified it is preferable for**  
**10 Efficiency Manitoba's plan to proceed than it would be**  
**11 to maintain say a status quo Manitoba Hydro DSM**  
**12 programming?**

**13 MR. WILLIAM HARPER: Yes, I'm saying**  
**14 I'm pre -- it's preferable for a plan to -- to**  
**15 proceed. I haven't -- I was looking at the appro --**  
**16 the -- the approach taken in terms of the actual**  
**17 results that come out.**  
**18 You -- you -- there were lots of other**  
**19 views that have been presented here in terms of that,**  
**20 but I think it's preferable that a plan be -- be**  
**21 approved as opposed to no plan.**

**22 MS. DAYNA STEINFELD: Yesterday you**  
**23 had some discussion about the idea of starting with**  
**24 the first year of Efficiency Manitoba's plan,**  
**25 approving the first year, but having Efficiency**  
**1 Manitoba file an amended plan for year two (2) and**  
**2 year three (3).**  
**3 What difference do you think it would**  
**4 make to take that approach of amending the second and**  
**5 third year of the plan?**

**Transcript, January 15, 2020, Pdf page 2058**

**MR. JIM GREVATT**

**15 [One] reason that I suggest that  
16 approach is that to simply approve the plan as filed  
17 says we think this is sufficient and appropriate, and  
18 -- and I personally, if I were making that decision, I  
19 wouldn't be comfortable saying that.  
20 I think more information is needed, I  
21 think more needs to be done in terms of accessibility  
22 for residential customers, and I think -- how --  
23 however the reason I suggest as a -- an option for the  
24 Board to consider this first year approval, is that  
25 many of the launch tasks that Efficiency Manitoba's  
1 going to be required to accomplish, they're not going  
2 to change that much.**

**Transcript, January 15, 2020, Pdf pages 2059-60**

**MR. JIM GREVATT**

**3 Even if -- so if -- if the Board chose**

**4 to reject the plan outright, send it back and have**

**5 them do another plan, that would delay staffing up,**

**6 the contracting the development of the CRM and all**

**7 these tasks that they need to do.**

**8 So -- so I personally wouldn't want to**

**9 say stop everything. We don't want to lose those**

**10 opportunities to -- to get savings in the meantime,**

**11 but neither do we want to say everything's just great**

**12 the way it is.**

**Transcript, January 15, 2020, Pdf page 2060**

**MR. JIM GREVATT**

**4 However, another option might be to let  
5 Efficiency Manitoba get started, approve the first  
6 year, do all this work on the CRM and the other tools,  
7 the online home -- online home energy audit tool, the  
8 staffing, the contractor procurement, get all those  
9 things going and get started on the first year of the  
10 plan.**

**11 Perhaps require Efficiency Manitoba to  
12 file its project man plan -- project management plan  
13 with the Board and risk mitigation strategy so that  
14 you have the confidence that it's done, and then for  
15 the second two (2) years of the plan, perhaps require  
16 them to file an amended plan that has independent  
17 vetting of the codes and standards savings, the  
18 estimates.**

**19 It's different than an evaluation,  
20 evaluation after the fact**

# Recommendation #1

**MKO recommends that the Board recommend that the Minister approve the Plan, with amendments, on a one-year interim basis. And MKO recommends that the Plan, with amendments, may receive final approval for years two and three of the Plan, but that such final approval, if granted, would come after Efficiency Manitoba files a Progress Report, and after interveners in this hearing have an opportunity to provide written comments about the Progress Report which will then form part of this Board's review of whether final approval of the remainder of the Plan would then be in the public interest.**

## **At a Minimum the Progress Report should Include Information to Date About:**

- ▶ **Whether Efficiency Manitoba has retained the services of a public participation expert, such as Blueprint Inc., and if so, for what purpose(s), including potentially to facilitate ongoing engagement with the EEAG or the Indigenous Energy Efficiency Working Group;**
- ▶ **Participants, Terms of Reference, by-laws, mandate of the Energy Efficiency Advisory Group as determined by the participants of the EEAG;**
  - ▶ **Whether any areas of research have been identified in collaboration with the EEAG, and if so whether that research has commenced, and a time frame within which the results of the research are anticipated to be available;**

## **At a Minimum the Progress Report should Include Information to Date About:**

- ▶ **Results to date of Efficiency Manitoba's First Nation Engagement Strategy (previously discussed, and which should have been prepared no more than one month after commencement of the Plan) including;**
  - ▶ **First Nations directly engaged to date by Efficiency Manitoba;**
  - ▶ **Methods of engagement with First Nations directly engaged to date by Efficiency Manitoba;**
  - ▶ **Results of community meetings attended by Efficiency Manitoba in First Nations;**
  - ▶ **Additional barriers to participation identified by First Nations, if any;**
  - ▶ **Plans to address additional barriers to participation identified by First Nations, if any;**
  - ▶ **Plans and proposed schedule to engage with First Nations that had not yet been directly engaged to date by Efficiency Manitoba;**



## **At a Minimum the Progress Report should Include Information to Date About:**

- ▶ **Participants, Terms of Reference, and mandate of the Indigenous Energy Efficiency Working Group as determined by the participants;**
- ▶ **A clear description of the criteria for a business to be eligible for programs targeting “Indigenous businesses”;**
- ▶ **An accurate and reliable figure for the number of Indigenous small businesses;**
- ▶ **An accurate and reliable number of First Nation on-reserve residential customers;**
- ▶ **Progress with respect to Efficiency Manitoba’s work with the Manitoba Indigenous Housing Capacity Enhancement and Mobilization Initiative Working Group, and their objective of creating a First Nations Building Code;**
- ▶ **Whether First Nations Community Energy Advocates have been retained, and if so, how many and from where;**

## **At a Minimum the Progress Report should Include Information to Date About:**

- ▶ **Progress on procurement of provider and rollout of the integrated customer relationship management and DSM system – also known as the CRM/DSM system;**
- ▶ **Progress on Staffing levels – and comments on whether anticipated staffing levels are sufficient;**
- ▶ **Progress on the RFP process and whether all necessary Contracts are in place and how those contracts are being administered;**

## **At a Minimum the Progress Report should Include Information to Date About:**

- ▶ **Whether the Independent assessor has been appointed pursuant to section 16(1) of the Efficiency Manitoba Act and if so whether that appointment was in collaboration with the EEAG;**
  - ▶ **And if so, whether Evaluation criteria has been established by the independent assessor, including an independent review of codes and standards savings;**
- ▶ **Timeframe within which the independent assessor's report will be submitted to the PUB and published on Efficiency Manitoba's website pursuant to section 16(3) of the Efficiency Manitoba Act;**

## **At a Minimum the Progress Report should Include Information to Date About:**

- ▶ **Any Observed budget variances and/or any instances in which budgets have been “shifted” as described in Efficiency Manitoba’s response to undertaking 7;**
- ▶ **Whether the contingency fund has been utilized, and if so, for what;**
- ▶ **Efficiency Manitoba’s Project management plan;**
- ▶ **Efficiency Manitoba’s Risk assessment and mitigation plan;**
- ▶ **Whether Efficiency Manitoba intends to prepare and file with the PUB a DSM market potential study, and if so the timeframe for doing so;**

## **At a Minimum the Progress Report should Include Information to Date About:**

- ▶ **Adoption rates by customer segment at a bundle level and, where reasonably possible, at a measure level – with a specific focus on hard to reach customers, including low income and Indigenous customers, and especially customers in remote and isolated areas of the province;**
- ▶ **Instances in which Efficiency Manitoba has used the Affordable Energy Fund to undertake initiatives to encourage and realize efficiency improvements and conservation in the use of home heating fuels other than electrical energy or natural gas;**
- ▶ **Opportunities identified by Efficiency Manitoba for using the Affordable Energy Fund going forward.**

# Recommendation

**MKO recommends that the Board recommend to the Minister that Efficiency Manitoba should be directed to prepare and provide to the PUB and all registered interveners in this current regulatory process the recommended Progress Report by no later than December 31, 2020. The Progress Report should be separate and apart, and in addition to other reports already required by Efficiency Manitoba under the legislation and regulation, including in addition to quarterly reports as recommended by Daymark, if the Board adopts that recommendation.**

## Recommendation #14

**MKO recommends that the Board recommend to the Minister that Efficiency Manitoba be directed to amend the Plan to increase the budget for overhead costs to account for an increase in regulatory costs arising from the review of the Progress Report.**

# **A One Year Interim Approval Sends a Clear and Necessary Message**



**Thank you**