

June 25, 2019

Mr. Mike Triggs
General Counsel and Corporate Secretary
Manitoba Public Insurance Corporation
702 - 234 Donald Street
P.O. Box 6300, Stn. Main
Winnipeg, MB R3C 4A4

VIA EMAIL

-and-

Past Interveners of Record
(2019 GRA – per attached list)

Re: Manitoba Public Insurance (MPI) 2020/21 General Rate Application - Process for Treatment of Commercially Sensitive Information

The Public Utilities Board (Board) acknowledges receipt of the letter dated May 24, 2019 from Mike Triggs to Board Counsel, setting out MPI's proposed process for the treatment of confidential/commercially sensitive information in the 2020 GRA.

The Board also acknowledges receipt of the letter dated June 6, 2019, from counsel for the Consumers Association of Canada (Manitoba) Inc. (CAC), advising of CAC's support for the proposed process, provided that it be limited to the 2020 GRA and reviewed thereafter.

The Board is prepared to approve the process proposed by MPI for the 2020 GRA, set out in detail below, subject to the following:

1. The Board will not require the provision of an undertaking of confidentiality as a condition of granting intervener status in the GRA. However, any intervener wishing to access any confidential material will be required to provide executed undertakings and confidentiality agreements as set out below.
2. Should any third party vendor require a confidentiality agreement other than the one previously provided by MPI and attached hereto, MPI will be required to obtain Board approval of the form of confidentiality agreement to be signed.

3. Board staff shall not be required to give undertakings or execute confidentiality agreements as they are (a) subject to an oath of office which requires that they maintain the confidentiality of any information designated as such; and (b) are immune from personal liability for anything done by them in carrying out their duties, pursuant to section 23 of *The Public Utilities Board Act*.

Therefore, the process for the treatment of confidential information in the 2020 GRA will be as follows:

1. Interveners (and their legal counsel, representatives, employees, advisors, consultants and assistants) and professional advisors to the Board (and their representatives, employees, consultants and assistants) seeking access to confidential material will be required to execute:
 - a. An undertaking in the form attached hereto;
 - b. A confidentiality agreement in favour of MPI in the form attached hereto; and
 - c. Where applicable, a confidentiality agreement in favour of the third party vendor in the form attached hereto.
2. The undertakings and confidentiality agreements set out in items 1 will apply to material filed with the Board and initially claimed as confidential by MPI, and ultimately found to be confidential by the Board following the omnibus motion referred to in item 4 below.
3. Where MPI intends to claim certain material as confidential (and therefore subject to the conditions as set out in item 1):
 - a. In the public version of the filing, MPI will indicate that a claim for confidentiality has been made over that material, and redact such information as is necessary;
 - b. MPI will file the material with the Board, with a cover letter identifying it as confidential and indicating MPI's intention to seek a determination of confidential status pursuant to Rule 13; and
 - c. At the same time, MPI will provide the material claimed as confidential in a non-redacted form to those interveners and professional advisors to the Board who have provided the undertakings and confidentiality agreements set out in item 1.
4. Once all material claimed as confidential for the 2020 GRA has been filed with the Board, MPI shall file an omnibus motion pursuant to Rule 13 of the Board's Rules of Practice and Procedure, seeking confidential status of the material. The Board will then determine the process it intends to follow regarding the hearing of the motion, and will issue a decision on the confidential status of the material.

5. Any documents or information found not to be confidential by the Board will be placed on the public record, subject to MPI's right to withdraw the material pursuant to Rule 13(5).

Should any party have any questions or comments regarding the foregoing, please contact Board counsel.

Yours truly,

A handwritten signature in black ink that reads "Darren Christle". The signature is written in a cursive, flowing style.

Darren Christle, PhD, CCLP, P.Log., MCIT
Secretary/ Executive Director

DC/kl

- cc. Kathleen McCandless, Board Counsel
Steve Scarfone, MPI
Anthony Lafontaine Guerra, MPI