

**IN THE MATTER OF:** An application by The Manitoba Public Insurance Corporation to The Public Utilities Board of Manitoba for review and approval of its rate bases and premiums charged with respect to compulsory driver and vehicle insurance effective from April 1, 2023 to March 31, 2024, pursuant to s. 25(1) of *The Crown Corporations Governance and Accountability Act*, C.C.S.M. c. C336.

**AND IN THE MATTER OF:** An application by The Manitoba Public Insurance Corporation to The Public Utilities Board of Manitoba for review of Order 4/23 with respect to compulsory driver and vehicle insurance effective from April 1, 2023 to March 31, 2024, pursuant to Rule 36 of the Rules of Practice and Procedure of The Public Utilities Board.

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**AFFIDAVIT OF SATVIR JATANA**

**SWORN: FEBRUARY 7, 2023**

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**THE MANITOBA PUBLIC INSURANCE CORPORATION**

Legal & Compliance Division  
702 – 234 Donald Street  
Winnipeg, MB R3C 4A4

(Steve Scarfone/Anthony Lafontaine Guerra)  
(Telephone No. 204-985-8770)  
(Facsimile No. 204-942-2217)

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**AFFIDAVIT OF SATVIR JATANA  
SWORN: FEBRUARY 7, 2023**

I, **SATVIR JATANA**, of the City of Winnipeg, in the Province of Manitoba, Vice President and Chief Customer Officer for the applicant, The Manitoba Public Insurance Corporation ("MPI"), MAKE OATH AND SAY THAT:

1) I have personal knowledge of the facts and matters hereinafter deposed to by me, except where same is stated to be based upon information and belief, in which case I have stated the source of my information and do verily believe same to be true.

2) I make this affidavit in support of the Application by MPI to review and vary portions of Public Utilities Board Order 4/23, more specifically, Directive 12.16, which states:

*In the 2024 GRA, MPI shall file an update to the five-year plan filed in this GRA, which includes detailed workplan, start date, and schedule for the Corporation to bring forward about rating modes [sic] Registered Owner, Primary Driver, Listed Driver and Primary/Listed Driver Hybrid to the Board for approval.*

3) I am informed by my colleague, Michael Triggs, General Counsel and Corporate Secretary for MPI, and do verily believe that, on November 15, 2022, following the conclusion of the 2023 General Rate Application, and in anticipation of a directive that would require MPI to take meaningful steps towards implementing an alternative rating model, Mr. Triggs reached out to the Office of the Ombudsman of Manitoba (the "Ombudsman") for comment concerning the legal authority of MPI, if any, to collect personal information about the primary driver of a vehicle, including personal information from them about third parties (in instances when the primary driver is someone other than the registered owner of the vehicle).

4) By way of reply dated December 16, 2022, the Ombudsman validated the concerns of MPI, namely, that the proposed collection and use of third party personal information could violate *The Freedom of Information and Protection of Privacy Act* (Manitoba), a potential violation which they could then be tasked with assessing upon receipt of a customer complaint alleging same. To prevent complaints (which may be upheld), and noting the extensive legislative amendments that would already be required to depart from the existing rating model (i.e., the registered owner model), the Ombudsman recommended that the authority to collect third party driver information (for development of a new rating model) be explicitly set out in legislation. The source of my information and belief is the December 16, 2022 reply MPI received from the Ombudsman, which I reviewed.

5) MPI also approached the Government of Manitoba (the "Government") concerning the development and enactment of regulatory amendments necessary to provide MPI with the authority to collect driver information from MPI customers, as part of the pricing analyses required to implement any of the alternative rating models currently under consideration (i.e., the Primary Driver, Listed Driver, and Primary/Listed Driver Hybrid rating models). David Safruk, Director, Government Relations for MPI, collaborated with others, including me, to prepare a comprehensive Advisory

Note, dated December 7, 2022, for the Minister of Justice (the “Briefing Note”). The Briefing Note contains a summary of the issue at hand, background information, an analysis, a list of options (regulatory amendment being the only one) and a recommendation (along with financial implications). Representatives of the Government and MPI, including me, discussed the Briefing Note at a monthly meeting and during discussions that occurred on an ongoing basis thereafter.

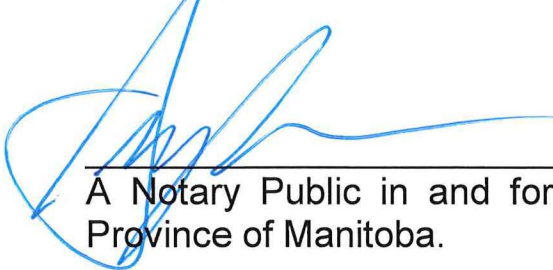
6) On January 12, 2023, during a monthly meeting with Government, Maria Campos, Assistance Deputy Minister, Administration and Finance Division, Manitoba Justice, advised me, I and do verily believe, that Government denied the request by MPI for the development and enactment of regulatory amendments necessary to provide it with the authority to collect driver information from customers to conduct the pricing analyses required to implement any of the alternative rating models referred to herein.

7) Following the January 12, 2023 meeting, MPI requested that the Government confirm its response in writing. On February 3, 2023, I received an email from Maria Campos confirming that the Government would not be proceeding with the regulatory amendments requested by MPI at this time.

Attached hereto and marked as **Exhibit "A"** is copy of the email I received from Maria Campos on February 3, 2022.

**I MAKE THIS AFFIDAVIT *BONA FIDE* AND FOR NO IMPROPER PURPOSE.**

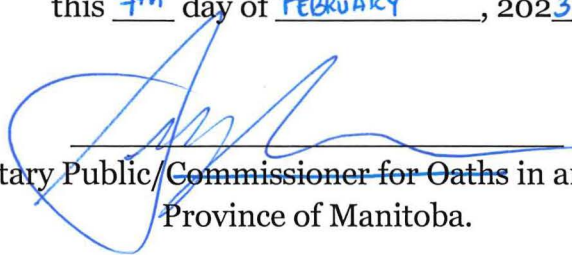
SWORN BEFORE ME at the City )  
of Winnipeg, in the Province of )  
Manitoba, this 7th day of )  
February, 2023. )  
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A Notary Public in and for the  
Province of Manitoba.

  
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**SATVIR JATANA**

# EXHIBIT “A”

This is **Exhibit "A"** to the Affidavit  
of SATVIR JATANA, sworn before me  
this 7<sup>th</sup> day of FEBRUARY, 2023.



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A Notary Public/Commissioner for Oaths in and for the  
Province of Manitoba.

My Commission Expires: \_\_\_\_\_



## Jatana, Satvir

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**From:** Campos, Maria <Maria.Campos@gov.mb.ca>  
**Sent:** Friday, February 3, 2023 9:14 AM  
**To:** Safruk, David; Jatana, Satvir  
**Subject:** Proposed Regulation changes to the Automobile Insurance Plan Regulation to grant MPI clear authority to collect this information  
**Attachments:** 5615f4e.tmp5612675755574.doc

**CAUTION:** [EXTERNAL] This message comes from an external organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning,

After review, it has been concluded that the requested regulatory changes will not be proceeding at this time.

Thank you  
Maria Campos  
Tel: (204) 945-8773  
Cell: (204) 619-2464