

Sent Via Email

File No. 28759/51

January 10, 2022

MLT Aikins LLP
30th Floor – 360 Main Street
Winnipeg, MB R3C 4G1

Attention: Michael Weinstein

Dear Michael:

Re: Public Utilities Board Order 134/21 and News Release December 15, 2021

I write further to your letter of December 17, 2021.

The Public Utilities Board (Board) conducts its proceedings and issues its orders regarding the Manitoba Public Insurance (MPI) General Rate Application in accordance with the provisions of *The Public Utilities Board Act*, *The Crown Corporations Governance and Accountability Act*, and *The Manitoba Public Insurance Corporation Act*, as well as the Board's Rules of Practice and Procedure (Rules).

The News Release dated December 15, 2021, with which IBAM takes issue, contained excerpts of information found within Board Order 134/21.

The Rules provide a process for the Board to review or vary a decision or order made by it, on its own initiative or upon application by a person. Section 36(2) of the Rules requires that the application contain the following:

- a) a clear and concise statement of facts relevant to the application;
- b) the grounds on which the application is made;
- c) a brief explanation as to the nature of the prejudice or damage that has resulted or will result from the order, decision or direction; and
- d) a brief description of the remedy sought.

The Rules also require that such an application be made within 30 days of the order or decision at issue. Upon receipt, the Board makes a preliminary determination as to whether or not the matter should be reviewed and whether there is reason to believe the order or decision should be rescinded, changed, altered or varied.

As your letter of December 17 was a request for a retraction of the News Release, the Board does not consider this a request for a review and variance of Order 134/21. Should the Board receive a request for a review and variance of Order 134/21, in accordance with its usual practice, the Board would distribute it and any prior relevant correspondence to MPI and interveners of record for their position and then make a determination as to whether or not to hold a hearing. Pursuant to the Board's jurisdiction under section 56(1) of *The Public Utilities Board Act*, the costs payable to or from a party to a hearing for review and variance are in the discretion of the Board.

In the absence of any such formal process, the Board, being an independent, quasi-judicial administrative tribunal, will not be taking any further action in response to IBAM's request.

Lastly, further to my email of December 22, 2021, I would ask that any further correspondence regarding this matter take place only as between our offices. Board staff will decline any further direct communication from IBAM on this matter.

Yours truly,

PITBLADO LLP

per: 

Kathleen McCandless
KAM/sa