

**Order No. 140/17**

**MANITOBA PUBLIC INSURANCE CORPORATION (MPI OR THE CORPORATION):  
APPLICATION FOR INTERIM 2018/19 VEHICLES FOR HIRE PREMIUM RATES**

**PROCEDURAL ORDER  
APPROVAL OF INTERVENERS, TIMETABLE FOR HEARING  
AND LIST OF ISSUES**

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**December 22, 2017**

**BEFORE:** Irene A. Hamilton, Acting Chair  
Robert Vandewater, B.A., FCSI, CPA (Hon), CA (Hon), KStJ., C.D., Member  
Carol Hainsworth, Member

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## 1.0 Executive Summary

The Public Utilities Board of Manitoba (Board) hereby accepts Consumers' Association of Canada (Manitoba) Inc. as an Intervener to the Board's hearing of the Application for Interim 2018/19 Vehicles for Hire Premium Rates of Manitoba Public Insurance Corporation (MPI or Corporation) to take effect March 1, 2018. By this Order the Board also confirms the timetable pertaining to the proceeding and provides direction on the issues to be considered in this Application.

## 2.0 Overview

The Corporation filed the Application for Interim 2018/19 Vehicles for Hire Premium Rates (Application) with the Board on December 15, 2017. The filing of the Application followed Board Order 132/17, issued in response to a motion filed by the Corporation on December 4, 2017, for an *ex parte* hearing of the Application.

The Corporation had indicated to the Board in its motion that with the coming into force of *The Local Vehicles for Hire Act*, S.M. 2017, c. 36 on February 28, 2018, in order to provide compulsory insurance for vehicles for hire by March 1, 2018, it would require an order from the Board no later than January 15, 2018. This would enable it the opportunity to implement necessary system changes and to work with the Government to enact the required regulatory amendments by March 1, 2018.

By Order 132/17, the Board declined to allow the Application to proceed *ex parte* but ordered that the Application proceed as a written hearing on an expedited basis given the urgency of the matter. The Board also established a timetable for the hearing of the Application.

### 3.0 Applications for Intervener Status

In accordance with Order 132/17, applications for Intervener status in the Application were required to be filed with the Board on or before December 20, 2017.

The Board received one application for intervener status, from Consumers' Association of Canada (Manitoba) Inc. (CAC).

CAC advised that it intends to test whether the proposed interim rates for vehicles for hire meet the standard for approval of interim rates, and the more general test of being just and reasonable. It also indicated that it intends to consider the implications of the proposed rates on consumers, including persons living with disabilities. CAC advised that its participation in the hearing would include the testing of the evidence and presenting final argument.

CAC also advised that it will seek a costs award, and provided an intervention budget in the amount of \$2,823.88 to \$4,566.34, including legal fees, consulting fees and disbursements.

### 4.0 Board Findings

After considering the application of CAC, the Board is prepared to grant it intervener status in the Application.

Attached to this Order as **Schedule "A"** is the rate sheet by which Board counsel and counsel for CAC shall have their rates set, according to years of seniority at the Bar.

Should CAC determine that its approved budget will be exceeded by 10% or more, it is to immediately notify the Board, explain the reason for the need to revise the budget and also propose the amount of additional funding being sought.

The Board has determined that the following issues shall be considered in the Application:

- a) The rates sought;
- b) The rate-setting framework;
- c) The principles for the rating model;
- d) The classes of vehicles to which the rating model applies;
- e) The clarity of the rates sought as compared to rates already in place for vehicles in the Taxicab, Limousine and Wheelchair Livery Bus classes;
- f) The implications of the proposed rates on consumers, including persons living with disabilities;
- g) Rating model enforceability;
- h) The plan for implementation of the proposed rates;
- i) The process for final approval of rates and any variance between interim and final rates; and
- j) Any other issues that may arise.

The Board hereby confirms the timetable for the hearing of this Application, as was set out in Order 132/17, and which is attached as **Schedule "B"** to this Order.

As was also set out in Order 132/17, the Application shall proceed as a written hearing on an expedited basis. Attached hereto as **Schedule "C"** are the procedures to be followed over the course of the hearing process, and attached hereto as **Schedule "D"** is the Information Request template to be utilized by all parties to the Application. As provided for within the template, the party submitting an Information Request must reflect the rationale for the question. Similarly, and as also provided for within the template, should a full or partial answer be refused, the party refusing to answer or fully answer the question must reflect the rationale for the refusal.

**5.0 IT IS THEREFORE ORDERED THAT:**

1. Consumers' Association of Canada (Manitoba) Inc. shall have intervener status in the Application.
2. **Schedule "B"**, as attached, shall be the timetable for the hearing of the Application.
3. **Schedule "C"**, as attached, shall apply with respect to the hearing of the Application.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with Section 36 of the Board's Rules of Practice and Procedure. The Board's Rules may be viewed on the Board's website at [www.pub.gov.mb.ca](http://www.pub.gov.mb.ca).

THE PUBLIC UTILITIES BOARD

"Irene Hamilton"  
Chair

"Darren Christle"  
Secretary

Certified a true copy of Order No. 140/17  
issued by The Public Utilities Board



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Secretary

**SCHEDULE "A"**

**PUBLIC UTILITIES BOARD OF MANITOBA**

**RATE STRUCTURE**

**(Effective as of January 1, 2016)**

**LEGAL COUNSEL:**

20 or more years of relevant experience	\$285/hr
15-19 years	Up to \$240/hr
10-14 years	Up to \$190/hr
5-9 years	Up to \$140/hr
Base salary (new lawyer)	\$100/hr

**ACCOUNTANTS:**

20 or more years of relevant experience	\$240/hr
15-19 years	Up to \$205/hr
10-14 years	Up to \$170/hr
5-9 years	Up to \$135/hr

Base fee (new accountant)	\$100/hr
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ENGINEERING SERVICES:

20 or more years of relevant experience	\$200/hr
15-19 years	Up to \$175/hr
10-14 years	Up to \$150/hr
5-9 years	Up to \$125/hr
Base fee	\$100/hr



**SCHEDULE "B"****TIMETABLE**

<b>ITEM</b>	<b>DATES</b>	<b>Day of the Week</b>	<b>Elapse d Workin g Days</b>
1. Application filed and served	December 15, 2017	Friday	0
2. Notice of Public Hearing to be published	December 15, 2017	Friday	0
3. Interveners complete Registration	December 20, 2017	Wednesday	3
4. Last day to file as an Intervener	December 20, 2017	Wednesday	3
5. Board to circulate list of Interveners	December 22, 2017	Friday	5
6. MPI to be in receipt of information requests	December 29, 2017	Friday	8
7. MPI to provide responses to information requests	January 4, 2018	Thursday	11
8. MPI to file and serve written submissions	January 5, 2018	Friday	12
9. Interveners to file and serve written submissions	January 9, 2018	Tuesday	14
10. MPI to file and serve written reply submissions	January 10, 2018	Wednesday	15
11. Board issues Order	January 15, 2018	Monday	18

**SCHEDULE "C"**

**PROCEDURES TO BE FOLLOWED IN THE  
MANITOBA PUBLIC INSURANCE CORPORATION**

**2018/19 APPLICATION FOR INTERIM VEHICLES FOR HIRE PREMIUM RATES**

1. The Application for Interim 2018/19 Vehicles for Hire Premium Rates filed by the Corporation shall proceed as a written hearing on an expedited basis.
2. All contents of the Application for Interim 2018/19 Vehicles for Hire Premium Rates and responses to Information Requests shall be confirmed by sworn or affirmed affidavit.
3. All information requests are to be filed in the prescribed form (attached hereto as **Schedule "D"**) and responded to using the prefixes as assigned by the Board when Interveners are registered (set out in the body of the Order). The party requesting information is to use firstly their prefix followed by the prefix of the party being asked e.g. PUB/MPI, etc. Interrogatories are to be numbered sequentially through 1st and 2nd rounds, e.g. PUB/MPI 1-3, PUB/MPI 2-7.
4. The Board's Rules of Practice and Procedure (available on the Board's website) dealing with the awarding of costs will apply to all matters before the Board.
5. The Board indicates its willingness to be available for any problems that may arise during the exchange of information at any time, such time to be arranged through Board Counsel.

6. Seven (7) paper copies of material are to be submitted to the Board's offices and three (3) copies are to be submitted to Board Counsel at the following address:

Attention:

Kathleen McCandless and Robert Watchman, Pitblado LLP, 2500 – 360 Main Street, Winnipeg, MB R3C 4H6.

7. Electronic copies of all material including the evidence of parties, are required to be submitted to the Board's e-mail address: [publicutilities@gov.mb.ca](mailto:publicutilities@gov.mb.ca) Where schedules or other attachments accompany an electronic file, that filing must be discrete and include only the item and schedules to which each refers. The electronic files shall be named in accordance with their parties prefix. All electronic filings shall be in Adobe Acrobat format, with protection securities allowing printing, content copying, content copying for accessibility and page extraction.

**SCHEDULE "D"**

**INFORMATION REQUEST TEMPLATE**

**Manitoba Public Insurance 2018/19 Application for  
Interim 2018/19 Vehicles for Hire Premium Rates**

Optional Applicant Logo

XXX/XXX X-X

<b>Volume and Chapter:</b>		<b>Page No.:</b>	
<b>Topic:</b>			
<b>Subtopic:</b>			
<b>Issue:</b>			

**PREAMBLE TO IR (IF ANY):**

**QUESTION:**

**RATIONALE FOR QUESTION:**

**RESPONSE:**

**RATIONALE FOR REFUSAL TO FULLY ANSWER THE QUESTION:**