

**Order No. 46/20**

**MANITOBA PUBLIC INSURANCE CORPORATION (MPI OR THE CORPORATION):  
COMPULSORY 2020/2021 DRIVER AND VEHICLE INSURANCE PREMIUMS  
AND OTHER MATTERS**

**APPLICATION FOR VARIANCE OF ORDER 6/20**

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**March 30, 2020**

BEFORE: Irene A. Hamilton, Q.C., Panel Chair  
Robert Gabor, Q.C., Board Chair  
Carol Hainsworth, Member

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## 1. BACKGROUND

On December 3, 2019, the Public Utilities Board (Board) issued Order No. 176/19 with respect to the General Rate Application (GRA) of Manitoba Public Insurance (MPI or the Corporation) for rates and premiums for compulsory vehicle insurance and driver insurance premiums effective March 1, 2020.

On December 31, 2019, the Corporation made a written application to the Board for the review and variance of certain directives in Order 176/19. Among the directives for which the MPI requested a variance was Directive 13.10, which required that MPI meet with the Board's Advisors no later than six months prior to the filing of the 2021 GRA, to provide the Board with an update on a number of MPI's Information Technology (IT) initiatives (the IT Meeting). MPI advised the Board that the timeline set by the Board for the IT Meeting presented a compliance challenge, due to MPI's intended filing date for the 2021 GRA. On January 21, 2020, in Order 6/20, the Board varied Directive 13.10, extending the deadline for the IT Meeting to no later than April 30, 2020.

On March 26, 2020, the Corporation made a further application to the Board for an extension of the deadline for the IT Meeting, citing recent challenges brought about by the COVID-19 pandemic.

## 2. MPI POSITION

MPI advised April 9, 2020 had been set as the date for the IT Meeting, and MPI has completed a significant amount of the necessary preparatory work for the meeting. However, as a result of the COVID-19 pandemic, MPI has been transitioning staff to work from home, closed two of its Service Centres to allow for COVID-19 testing, and changed certain procedures to allow customers to conduct business without attending in person. MPI advised that these actions are all heavily IT-dependent, thus preventing IT staff from preparing further material for the IT Meeting. Critical IT staff might also be unable to attend the April 9<sup>th</sup> meeting.

MPI therefore requested that the scheduled IT Meeting be postponed, and requested that Order 6/20 be varied, such that the April 30, 2020 deadline in Directive 13.10 be replaced with a requirement to hold the meeting as soon as reasonably practicable.

## 2.1. Intervener Positions

On March 26, 2020, counsel for CAC and counsel for CMMG wrote to the Board and took no position on the variance requested by MPI.

## 3. BOARD FINDINGS

Pursuant to the Board's Rules of Practice and Procedure, and in particular, Rules 36(1) and 40(2) thereof, the Board may on application or on its own initiative review, rescind, change, alter or vary any decision or Order it has made. The Board's jurisdiction in that regard flows from section 44(3) of *The Public Utilities Board Act* (the *Act*).

In accordance with Rule 36(4), upon receipt of an application for review and variance, the Board is to determine, with or without a hearing, in respect of an application for review, the preliminary question of whether the matter should be reviewed and whether there is reason to believe the order or decision should be rescinded, changed, altered or varied.

After determining the preliminary question under Rule 36(4), pursuant to Rule 36(5), the Board may:

- a) Dismiss the application for review if,
  - i. In the case where the applicant has alleged an error of law or jurisdiction or an error in fact, the Board is of the opinion that the applicant has not raised a substantial doubt as to the correctness of the Board's order or decision;  
or
  - ii. In the case where the applicant has alleged new facts not available at the time of the Board's hearing that resulted in the order or decision sought to

be reviewed or a change of circumstances, the Board is of the opinion that the applicant has not raised a reasonable possibility that the new facts of change in circumstances as the case may be, could lead the Board to materially vary or rescind the Board's order or decision; or

- b) Grant the application; or
- c) Order that a hearing or proceeding be held.

Rule 36(3) requires that an application for review and variance be made within 30 days of the date of the order or decision. However, Rule 3(2) provides that in any proceeding, the Board may dispense with, vary or supplement any of the provisions of the Rules.

The Board has considered the information provided by MPI with respect to the requested variance of Directive 13.10, in accordance with Rules 36 and 40(2).

The Board has determined that a hearing is not required in order to issue a decision on MPI's application for a further review and variance.

### **3.1. Directive 13.10**

The Board has taken into account the pressing and unique situation in which MPI finds itself, given the COVID-19 pandemic, and finds that MPI's request for a variance is reasonable.

The Board notes that Order 6/20 was issued on January 21, 2020, and therefore the 30-day period set out in Rule 36(3) has passed. The Board is prepared to dispense with the 30-day requirement for this application, given that the staffing issues related to the COVID-19 pandemic have recently arisen, and could not have been reasonably anticipated by MPI within 30 days of Order 6/20.

The Board is therefore prepared to further vary Directive 13.10 as requested by MPI, to require that the IT Meeting take place on a date to be agreed, as soon as is reasonably practicable.

#### **4. IT IS THEREFORE ORDERED THAT:**

1. Directive 13.10 of Order 6/20 be varied to read as follows:

13.10 The Corporation shall meet with the Board Advisors on a date to be agreed, as soon as is reasonably practicable, wherein the Corporation will provide the Board with an update on the following Information Technology (IT) initiatives:

- (a) Project Nova, including an update on all aspects of the project including but not limited to resourcing, training, component progress, budget and prototypes;
- (b) IT staffing and consultant strategy and progress towards reduction;
- (c) IT Strategy;
- (d) Progress on IT Information Security, IT Risk Management Process, IT Technology Risk Management, and Enterprise Architecture;
- (e) Agile implementation, training, key performance indicators and overall progress within the Corporation, and discussion of an additional pilot project using Agile;
- (f) Physical Damage Re-Engineering;
- (g) High School Driver Education Redevelopment;

- (h) Credit Card Strategy and related PCI DSS;
- (i) BI<sup>3</sup>/Fineos; and
- (j) Finance Re-Engineering.


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.pubmanitoba.ca](http://www.pubmanitoba.ca).

THE PUBLIC UTILITIES BOARD

"Irene A. Hamilton, Q.C."  
Panel Chair

"Jennifer Dubois, CPA, CMA"  
Assistant Associate Secretary

Certified a true copy of Order No. 46/20  
issued by The Public Utilities Board

  
Assistant Associate Secretary