

Order No. 24/23

**THIRD PROCEDURAL ORDER
IN RESPECT OF
MANITOBA HYDRO'S 2023/24 AND 2024/25 GENERAL RATE APPLICATION
(UPDATED HEARING TIMETABLE)**

February 23, 2023

BEFORE: Robert Gabor, K.C., Board Chair
Marilyn Kapitany, B.Sc., M.Sc., Vice Chair
Carol Bellringer, FCPA, FCA, Member
George Bass, K.C., ICD. D., Member

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1.0 OVERVIEW AND PROCEDURAL HISTORY

This is the Third Procedural Order of the Public Utilities Board (“Board”) in the hearing of Manitoba Hydro’s 2023/24 and 2024/25 General Rate Application (the “Application”). It updates the hearing timetable with respect to the following:

- any potential motions with respect to Round 2 Information Requests;
- Information Requests with respect to commercially sensitive information filed by Manitoba Hydro; and
- the involvement of Daymark Energy Consultants (“Daymark”) as an Independent Expert Consultant.

In the First Procedural Order released on December 8, 2022 (Order 130/22), the Board approved several Interveners and established a hearing process with two rounds of Information Requests.

In the Second Procedural Order released on January 23, 2023 (Order 9/23), the Board ruled several Information Requests out of scope and varied others.

On January 31, 2023, the Board advised Manitoba Hydro and approved Interveners that Daymark had been retained as an Independent Expert Consultant with respect to the Application.

The ability of the Board to view commercially sensitive information (“CSI”) filed by Manitoba Hydro in confidence under Rule 13 of the Board’s *Rules of Practice and Procedure* was delayed by disputes about the scope of undertakings of confidentiality and non-disclosure agreements. The scope of those undertakings and agreements has now been settled.

The developments described above have caused a need to update the hearing timetable established in the First Procedural Order.

2.0 BOARD FINDINGS

The Board finds it necessary to revise the hearing timetable to account for the following issues.

2.1 Motions with Respect to Round 2 Information Requests

After the issuance of Round 1 Information Requests, and after the receipt of responses to those Information Requests, the Board received motions as to scope and completeness. While the Board strongly encourages parties to settle disputes about Information Requests without the need for a ruling of the Board, the Board establishes a deadline for motions, responding submissions, and reply submissions in case such motions are needed.

2.2 Information Requests with Respect to Commercially Sensitive Information

As a result of a dispute with respect to the scope and wording of undertakings of confidentiality and non-disclosure agreements for information filed by Manitoba Hydro in confidence, the Board's advisors were delayed in accessing CSI. The dispute has now been resolved and the requisite undertakings and agreements have been signed. The Board establishes a timetable for the Board to ask, and for Manitoba Hydro to respond to, Information Requests dealing with CSI.

The Board notes that Interveners are not affected by this addition to the hearing timetable.

2.3 Involvement of Daymark

As set out above, the Board advised hearing participants of Daymark's involvement on January 31, 2023. The scope of Daymark's work includes the preparation of Information Requests to Manitoba Hydro, the preparation of a public report, a response to Information Requests from the Board and from Interveners, and Daymark's participation in oral cross-examination.

Under the revised hearing timetable, Interveners are required to file evidence before Daymark is required to do so. The Board notes that Interveners may determine that they need to supplement their evidence based on Daymark's report. A deadline to do so is included in the revised hearing timetable.

3.0 IT IS THEREFORE ORDERED THAT:

1. The revised hearing timetable set out in Appendix A **BE AND HEREBY IS ESTABLISHED.**

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.

THE PUBLIC UTILITIES BOARD

"Robert Gabor, K.C."

Board Chair

"Rachel McMillin, B.Sc."

Associate Secretary

Certified a true copy of Order No. 24/23
issued by The Public Utilities Board



Associate Secretary

APPENDIX “A” – REVISED HEARING TIMETABLE

Procedural Step	Due Date
Motions (if any) on refusals to answer Information Requests (Round 2)	February 27, 2023
Responding submissions to motions on refusals to answer Information Requests (Round 2)	March 1, 2023
Reply submissions to motions on refusals to answer Information Requests (Round 2)	March 2, 2023
Information Requests from the Public Utilities Board to Manitoba Hydro on commercially sensitive information	March 6, 2023
Information Requests from Daymark to Manitoba Hydro	March 8, 2023
Manitoba Hydro responses to Information Requests (Round 2)	March 10, 2023
Manitoba Hydro’s responses to commercially sensitive Information Requests from the Public Utilities Board	March 13, 2023
Motions (if any) on insufficient responses to Information Requests (Round 2)	March 15, 2023
Responding submissions to motions on insufficient responses to Information Requests (Round 2)	March 20, 2023
Reply submissions to motions on insufficient responses to Information Requests (Round 2)	March 21, 2023
Manitoba Hydro’s responses to Information Requests from Daymark	March 24, 2023
Intervener evidence	April 3, 2023
Pre-hearing conference (if required)	April 6, 2023
Pre-submission of Daymark evidence to Manitoba Hydro to allow the utility to review the document for commercially sensitive information	April 11, 2023
Public release of Daymark evidence	April 13, 2023
Information Requests from all parties to interveners	April 14, 2023
Information Requests from all parties to Daymark	April 21, 2023
Supplemental intervener evidence (if any) following the release of Daymark’s evidence	April 26, 2023
Intervener responses to Information Requests	April 28, 2023
Daymark’s responses to Information Requests	May 2, 2023
Manitoba Hydro rebuttal evidence	May 5, 2023
Oral Hearing	May 15 – June 30, 2023