



“When You Talk - We Listen!”



MANITOBA PUBLIC UTILITIES BOARD

re:

MANITOBA EFFICIENCY
3-YEAR ENERGY EFFICIENCY PLAN
(2020/21 - 2022/23)

Before Board Panel:

Robert Gabor	- Board Chairperson
Marilyn Kapitany	- Board Vice Chair
Hugh Grant	- Board Member
Irene Hamilton	- Board Member

HELD AT:

Public Utilities Board
400, 330 Portage Avenue

Winnipeg, Manitoba

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Pages 1 to 55

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1 --- Upon commencing at 9:01 a.m.

2

3 THE CHAIRPERSON: Good morning,
4 everyone. Welcome to the Public Utility Board's
5 second prehearing conference regarding the review of
6 Efficiency Manitoba's 2020 to 2023 Efficiency Plan
7 submission. My name is Robert Gabor, and I am the
8 Chair of the Public Utilities Board. I will be acting
9 as the Chairperson for this meeting.

10 I would also like to introduce the rest
11 of the panel. Marilyn Kapitany on my right, the vice-
12 chair of the Public Utilities Board; Irene Hamilton on
13 my immediately -- immediate left; and Dr. Hugh Grant
14 on her left.

15 The Board will be assisted in today's
16 hearing by Secretary Dayna -- Darren Christle, and
17 judicial hearing officer Kristen Schubert, Dayna
18 Steinfeld, and Kate Hart will act as Board counsel.
19 And I'd like to welcome Ms. Hart. This is her first
20 hearing.

21 As in prior hearings, the Board is also
22 assisted by technical advisor Ryall Engineering, and
23 Donna Whitehouse from Digi-Tran will be the reporter.

24 On behalf of all in attendance, the
25 Board would like to acknowledge that the Treaty 1

1 lands on which we now gather for this hearing are the
2 traditional territories of the Anishinaabe Cree, Oji-
3 Cree, Dakota and Dene peoples, as well as the homeland
4 of the Metis Nation.

5 The purpose of this second prehearing
6 conference is to receive submissions as to which
7 issues set out in Board Order Number 162/'19 require
8 oral evidence at the public hearing scheduled for
9 January 2020, and wish -- which issues can be examined
10 on the written evidence alone.

11 The intent of this conference is to
12 streamline the oral hearing process such that the oral
13 hearing can be used to examine issues that are:

- 14 1. Are the subject of material
15 disagreement between the parties,
- 16 2. Involve underlying facts that are in
17 dispute on the written record, or,
- 18 3. Require further testing of the
19 evidence through oral cross-examination to enhance the
20 understanding of all parties and the Board.

21 The panel advises that as long as the
22 record is sufficiently clear so that further oral
23 evidence would not meaningfully contribute to the
24 examination of an issue, it would make sense to deal
25 with that issue by way of written submissions only.

1 I will now ask Board counsel to explain
2 the procedure for today. Ms. Hart...?

3

4 COMMENTS BY BOARD COUNSEL:

5 MS. KATE HART: Thank you, Mr. Chair,
6 and good morning, members of the panel. We would like
7 to start with the agenda for today. An outline of
8 proceedings is on the screen in front of you.

9 As you can see, after opening comments,
10 Efficiency Manitoba will make its initial submissions,
11 followed by AMC, which is on the conference line,
12 Consumers' Coalition, then MIPUG, and finally, MKO.
13 Efficiency Manitoba will then have the opportunity for
14 reply submissions, if any. We will take a midmorning
15 break at approximately 10:20 a.m., and we'll aim to
16 have the conference concluded by 11:30 a.m.

17 Just so that everyone is clear on the
18 process, if the panel determines that an issue will be
19 examined solely on the basis of written evidence,
20 evidence on that issue will be closed once Efficiency
21 Manitoba has filed its rebuttal evidence on January
22 2nd, 2020. Conversely, if the panel determines that
23 an issue requires oral evidence, the Board will
24 receive further evidence on this matter, and there
25 will be an opportunity to cross-examine during the

1 hearing in January 2020.

2 We would also ask that counsel provide
3 in their submissions, to the extent possible,
4 preliminary estimates of how long they will need in
5 the cross-examination of other parties. We understand
6 that these estimates will only be preliminary, and
7 will be subject to change.

8 Mr. Chair, with that, I would suggest
9 that the panel call upon Ms. Merrick and Ms. Schofield
10 to deliver Efficiency Manitoba's submissions.

11 THE CHAIRPERSON: Thank you. And if
12 counsel in your submission could first introduce
13 everybody in your group. Thank you.

14

15 COMMENTS BY EFFICIENCY MANITOBA:

16 MS. JESSICA SCHOFIELD: Thank you, Mr.
17 Chair.

18

19 (BRIEF PAUSE)

20

21 MS. JESSICA SCHOFIELD: Thank you. I
22 am Jessica Schofield, from Taylor McCaffrey, counsel
23 for Efficiency Manitoba, and to my left is Nicole
24 Merrick, also counsel for Efficiency Manitoba. To my
25 right is Colleen Kuruluk, from Efficiency Manitoba.

1 From the perspective of Efficiency
2 Manitoba, while we understand the need for our
3 preliminary comments to go first this morning, we
4 really may be in a better position to respond to the
5 requests of the Interveners once we hear their views
6 this morning. It was very helpful to hear from the
7 Consumers' Coalition and to receive their submissions
8 this morning, and we certainly agree that to the
9 extent possible, matters should be dealt with based on
10 the written evidence.

11 Given the nature of this hearing,
12 Efficiency wants -- Manitoba wants to ensure that it
13 is addressing all of the issues that need to be
14 addressed pursuant to the Act and the regulations with
15 respect to the Plan. Accordingly, our comments this
16 morning may change in response to things that we hear
17 from the Interveners. And while we want to provide
18 our preliminary comments, we would appreciate the
19 opportunity in our reply to adjust those comments
20 based on the comments that are made by others.

21 In terms of our direct evidence, as a
22 starting point it's our intention to have a panel that
23 will be comprised of Ms. Kuruluk, Kyla Kramps, and
24 Michael Stocki, both of Efficiency Manitoba.

25 These three (3) members of Efficiency

1 Manitoba may be joined by others, depending on what is
2 in scope and what requires oral evidence.

3 We expect that our oral evidence will
4 take approximately a half day to a day, depending on
5 the nature of the issues that are in scope.

6 MS. NICOLE MERRICK: It's Nicole
7 Merrick speaking, for the record. So we were looking
8 at comments -- so as Jessica mentioned this morning,
9 it was very helpful to have Consumers Coalition submit
10 their comments to us in writing.

11 The -- Efficiency Manitoba was of the
12 view that certain issues could be dealt with by way of
13 written materials as well, and to those we were -- our
14 preliminary comments were that Issue Number 6 -- and
15 that's compliance of Efficiency Manitoba with
16 directions from government through mandate and
17 framework letters, as you can see coming up on the
18 screen right now, Issue Number 6. We were in
19 agreement with Consumers Coalition on that, that that
20 could be dealt with by -- by way of written material.

21 In terms of point 9, marketing of and
22 intake of participating customers for loans or
23 financing programs related to energy efficiency and
24 energy conservation, could also be dealt with by way
25 of written argument. We were also adding to that

1 point 8, and that's the mandate for Efficiency
2 Manitoba's activities and recommendations to
3 government regarding net savings targets.

4 And finally point 11, which was
5 Manitoba Hydro distribution -- distributed generation
6 solar other net metering policies, et cetera, as
7 listed under point 11, could also be dealt with by way
8 of -- of written materials.

9 There was one (1) point that was raised
10 by Consumers Coalition in terms of -- of point 2, and
11 while we would typically be in agreement on dealing
12 with matters by way of written materials, we did want
13 to get some clarity. So perhaps when Consumers
14 Coalition is speaking to their matters, if we could
15 get some clarity in terms of the reference to 2(a).
16 That would allow us to respond and confirm in terms of
17 2(b) and (c), which we just can't do at that point --
18 at this point without that clarity. So we would
19 appreciate that when Consumers Coalition has an
20 opportunity to speak to that.

21 I'll turn it back to Ms. Schofield.

22 MS. JESSICA SCHOFIELD: So the other
23 piece that we wanted to touch on today relates to our
24 timing for cross-examinations. We do not expect to be
25 cross-examining the Ratepayers' Panel that's being

1 proposed by the Consumers Coalition and MKO.

2 With respect to the expert reports from
3 Coalition, we expect that we will probably require
4 approximately half an hour with respect to Mr.
5 Harper's evidence.

6 With respect to the evidence from Ms.
7 Fitzpatrick, this will be dependent on the responses
8 that we receive to the IRs, but we expect that we will
9 not need more than fifteen (15) minutes.

10 With respect to Mr. Neme, we would
11 anticipate that we will require approximately half an
12 hour. And finally, with respect to Mr. Grevatt, we
13 anticipate we will require approximately an hour.

14 For the experts from MIPUG, we would
15 expect that we would need approximately fifteen (15)
16 to thirty (30) minutes for each of their experts. Our
17 preliminary thoughts with respect to Daymark is that
18 we would need approximately an hour. And with respect
19 to the Willow Springs (phonetic) report, we also
20 expect that we will need approximately fifteen (15)
21 minutes.

22

23 (BRIEF PAUSE)

24

25 MS. JESSICA SCHOFIELD: And I believe

1 that covers all of the cross-examinations.

2 MS. DAYNA STEINFELD: Mr. Chair, if I
3 may, just before we move on. Ms. Schofield, can you
4 just clarify, you suggested that for Efficiency
5 Manitoba's evidence, you would require half a day to a
6 day.

7 Are you suggesting that Efficiency
8 Manitoba would give direct evidence -- a direct
9 evidence presentation of that length?

10 MS. JESSICA SCHOFIELD: Yes, that --
11 that would be the evidence from the panel, which would
12 be at least Ms. Kuruluk, Mr. Stocki, and Ms. Kramps.

13 MS. DAYNA STEINFELD: Okay, thank you.

14 MS. NICOLE MERRICK: And just to
15 clarify as well -- it's Nicole Merrick speaking, for
16 the record. But just to confirm, that's on a
17 preliminary basis as well, so we would confirm that as
18 we will get closer, but that's on a preliminary basis.

19 THE CHAIRPERSON: Maybe I can ask
20 counsel, in terms of scheduling after we come here,
21 are we going to have sort of a drop-dead date before
22 we have the final schedule? Ms. Merrick just raised
23 the issue about it being sort of a preliminary
24 schedule.

25 We're going to -- we're going to hear

1 from counsel today. Then we're going to have an
2 Order. The Order would normally set out the schedule.

3 I'm just wondering, is that how you
4 propose to proceed, Ms. Steinfeld, or -- or are we
5 going to have a date, you know, let's say a few days
6 before the hearing where we have a final schedule?

7 MS. DAYNA STEINFELD: Well, Mr. Chair,
8 I would suggest that there wouldn't be a final
9 schedule necessarily. Board Order 162 of '19
10 contained a timetable for the proceeding, including
11 the dates of the hearing itself.

12 It is our intention, as Board counsel,
13 after the procedural Order arising from this pre-
14 hearing conference is issued, and as well as, as
15 Information Request responses are filed by Interveners
16 and the independent expert consultant, that we will
17 work with counsel for the parties to develop a draft
18 guideline of a day-by-day schedule.

19 That document, as always, will be in
20 draft form subject to change depending on the Panel's
21 direction during the hearing, and may in fact change
22 day to day as things unfold, but certainly it is our
23 intention that before the hearing starts, we will be
24 in a position to circulate a detailed day-by-day
25 schedule for planning purposes of -- of counsel.

1 THE CHAIRPERSON: Thank you. I guess
2 we will call on counsel for AMC. Are you online?

3 MS. CARLY FOX (BY PHONE): Yes, we
4 are. Can you hear us?

5 THE CHAIRPERSON: Yes, we can. Could
6 you please identify yourself and the parties that are
7 there?

8

9 COMMENTS BY AMC:

10 MS. CARLY FOX (BY PHONE): Sure. My
11 name is Carly Fox. I am legal counsel for the
12 Assembly of Manitoba Chiefs, or AMC. I am from Fox
13 Fraser LLP, and I'm here with our associate, Emily
14 Gugliemin.

15 So good morning, Mr. Chair, Board
16 members, Board counsel, Efficiency Manitoba, and other
17 Interveners.

18 With regard to the AMC's position on
19 whether an oral evidentiary hearing is required, we --
20 our client's position is that it is required because
21 this is the first time and we have -- we have a few
22 questions for oral hearing.

23 Particularly, I'll just go through the
24 list and Appendix A, specifically 1(c), the
25 appropriateness of the method to select or reject

1 demand-side initiatives. That's one (1) of issues
2 that the AMC would like to consider for oral hearing,
3 particularly the consideration of the option, the
4 valuation, and selection on the appropriateness for a
5 First Nation program offering.

6 Second, number 2(d), the rate impact
7 and customer bills' impact for participants and non-
8 participants and whether bill impacts are reasonable,
9 particularly, we would like to determine how it
10 relates to the impact on First Nation customers and
11 whether the impact is equitable, given program
12 offering.

13 We also would submit that Section 3(a),
14 (b), and (c) as it relates to accessibility for First
15 Nation program offerings and engagement, is something
16 that we believe is an issue for oral hearing.

17 Number 5, the consideration of non-
18 energy benefits of electric and natural gas demand-
19 side management portfolios, including environmental,
20 economic development, that's another one (1) we would
21 like to hear for oral evidence as it relates to non-
22 energy benefits for First Nation customers, such as
23 energy security and economic benefits for First Nation
24 customers.

25 We understand the Customers (sic)

1 Coalition and the Efficiency Manitoba's submissions
2 with regard to issue number 6, compliance of
3 Efficiency Manitoba with directions from government
4 through mandate and framework letters.

5 It was our intention to -- to speak to
6 this as part of oral evidence, however, we think that
7 we might be able to do this -- I think this will come
8 up as part of number 2D and 1C in any event.

9 So if it is the Board's wish that this
10 one goes through written submissions, then AMC is okay
11 with that.

12 And then finally, number 10, the
13 comparison of the costs and savings forecast and
14 achievements of past Manitoba hydro programs and
15 budgets to Efficiency Manitoba plan and we would like
16 to address this, it's specific to First Nations
17 program.

18 I guess second, as requested by the
19 Board, for cross-examination at this preliminary time
20 we think that we will have -- we'll have questions for
21 Daymark and we think it will take us no longer than
22 one (1) hour.

23 The other experts that we intend to
24 cross-examine would be Customer (sic) Coalition's
25 experts and I guess we will find out from them if

1 they're going to be as part of a panel or individuals.
2 But if it is part of a panel, we believe it will be
3 about one (1) hour maximum to cross-examination all of
4 them -- cross-examine all of them.

5 And subject to any questions, that's
6 all we have today.

7 THE CHAIRPERSON: Will you be leading
8 any direct evidence at the hearing?

9 MS. CARLY FOX: No, we will not

10 THE CHAIRPERSON: Okay. Thank you
11 very much.

12 MS. CARLY FOX: Thank you.

13 THE CHAIRPERSON: Ms. Dilay...?
14

15 COMMENTS BY CC:

16 MS. KATRINE DILAY: Good morning,
17 Board members.

18 My name is Katrine Dilay from the
19 Public Interest Law Centre and legal counsel to the
20 Consumer's Coalition, which is comprised of the
21 Manitoba branch of the Consumer's Association of
22 Canada, as well as Winnipeg Harvest. To my right is
23 Ms. Gloria Desorcy, executive director of CAC
24 Manitoba.

25 From our clients' perspective, this is

1 an important hearing, as it is the first oral hearing
2 relating to Efficiency Manitoba, which will impact all
3 Manitoba consumers for the next three (3) years in
4 terms of energy efficiency offerings in the province.

5 There have been significant concerns,
6 from our clients' perspective, with respect to this
7 efficiency of the Efficiency Manitoba filing, which
8 was prepared relatively quickly given the timelines
9 that were imposed on it by the Provincial Government
10 and where many elements that would have been expected
11 in an application were missing.

12 The initial filing, as well as the
13 compressed timeline of discovery process, which did
14 not include a second round of Information Requests,
15 have both had cascading effects contributing to the
16 amount of information on the record to date.

17 So because of the importance of the
18 issues for consumers, as well as the quality of the
19 record to date, from our clients' perspective it is
20 essential that material issues be canvassed in oral
21 hearing where consumers and stakeholders can watch and
22 listen and understand the issues.

23 In general, the oral evidentiary
24 hearing will enhance the comprehension of all parties,
25 as well as the Board, of the record.

1 It will allow our clients, the
2 Consumers Coalition witnesses, to explain their
3 evidence on technical matters to the Board, and will
4 also allow for testing of the positions of Efficiency
5 Manitoba, Daymark, and other Interveners.

6 Based on the evidence filed to date, it
7 appears that this is a highly contested application
8 with multiple perspectives. For example, Interveners
9 have filed evidence with different positions, and in
10 some cases Interveners have similar positions to
11 Efficiency Manitoba in terms of their conclusions that
12 are more similar than with other Interveners.

13 And the independent expert consultant
14 has also provided their conclusions and their
15 perspectives.

16 We did file this morning a -- a list of
17 issues that our clients would submit should be
18 addressed in the oral evidentiary hearing, and we
19 would sub -- we would propose that handout be filed as
20 Exhibit CAC-12.

21

22 --- EXHIBIT CAC-12: List of Issues.

23

24 MS. KATRINE DILAY: And just for the
25 Board -- the Board's information, in preparing our

1 list of issues proposed to be canvassed in oral
2 hearing, we applied three (3) criteria.

3 First of all, is the issue relevant and
4 material?

5 Second, is the issue contested in the
6 sense that parties have differences in positions
7 relating to the issue?

8 And three (3) would the Board, as well
9 as the public, benefit from an oral testing of the
10 issue?

11 And so I don't propose to go issue by
12 issue, given that the Board does have copies of our --
13 our list of issues.

14 However, in response to Efficiency
15 Manitoba's submissions, I will make a few
16 clarifications.

17 With respect to issue number 2, given
18 the information that is available to our client,
19 recognizing that some information relating to marginal
20 values is confidential, our clients -- from our
21 clients' position they can address the issues that
22 they need to address through issue 2(a).

23 As we can see, or as was filed in Mr.
24 Harper's evidence, there are two (2) specific concerns
25 with respect to marginal values, which would be that

1 there's no separation of peak versus off-peak, as well
2 as whether marginal values provided by Manitoba Hydro
3 are as current as possible.

4 And so to the extent that our clients
5 will be exploring the issue of marginal values, they
6 expect to be able to do so within the issue 2(a).

7 So throughout the list we have
8 indicated a few issues that our clients do not intend
9 to address by way of oral evidence, and that would
10 include issues 2(b) and 2(c), subject to the comments
11 I just made regarding marginal values, as well as
12 issues 6, 8, 9, and 11, which appear to be consistent
13 with Efficiency Manitoba's view as well.

14 In terms of cross-examination
15 estimates, our clients' do anticipate cross-examining
16 Efficiency Manitoba's panel of witnesses. At this
17 time we would estimate between four (4) and five (5)
18 hours of cross-examination, however depending on other
19 party's cross-examinations, that estimate may go down.

20 In terms of MIPUG's witnesses, we would
21 anticipate one (1) hour or so of cross-examination.

22 For Daymark witnesses, we would
23 estimate one (1) to 1.5 hours.

24 And for AMC's witness, we would
25 estimate approximately twenty (20) minutes of cross-

1 examination.

2 In terms of the Consumers Coalition
3 experts, we do propose that they be -- we do propose
4 to present direct evidence, if that is possible, given
5 scheduling.

6 At this time I have canvassed our four
7 (4) experts for their availability, and while our
8 preference would be to have the four (4) experts
9 present as a panel, I am just waiting for confirmation
10 on their availability.

11 So what I might propose is I'm hoping
12 to get all of that confirmed this week and I would
13 propose to maybe be in touch with PUB counsel to try
14 to confirm a date that may work for a panel of
15 experts, and if the panel is not possible, we may have
16 to present them separately or maybe in panels of two
17 (2).

18 The Consumers Coalition, as well as
19 MKO, have also filed a written request for a
20 ratepayer's panel. We filed that letter on Friday and
21 my understanding is that will be filed as Exhibit CAC
22 9.

23 And so at this time we've set out in
24 that letter, essentially, what we're looking at in
25 terms of the ratepayer's panel. We're proposing a

1 panel of four (4) to six (6) panelists, represent --
2 representing, pardon me, a cross-section of Manitoba
3 Hydro ratepayers and which fall within two (2)
4 groupings, ratepayers who have participated in
5 programs and/or initiatives for energy efficiency, and
6 ratepayers who have attempted to participate, but have
7 not for different reasons.

8 Both myself and Mr. Wheeler are
9 available for questions regarding the ratepayer's
10 panel from the Board or from other parties, if there
11 are any.

12 And at this time, I believe those would
13 be our submissions for this morning, unless I've
14 forgotten anything. So subject to any questions,
15 those would be our submissions.

16 THE CHAIRPERSON: Ms. Dilay, in terms
17 of the experts, whether it's one (1) panel or two (2)
18 panels, any idea how -- how much time you looking at?

19 MS. KATRINE DILAY: I would expect
20 approximately two (2) hours for direct examination.

21 THE CHAIRPERSON: And if it's two (2)
22 panels, it's still within, or is it two (2) hours for
23 each panel?

24 MS. KATRINE DILAY: I think it would
25 be two (2) hours total, so it could be -- I'm just

1 thinking about half an hour for each expert to make
2 their presentation, so however we decide to schedule
3 that, I would say half an hour for each expert.

4 THE CHAIRPERSON: And in -- for you
5 and Mr. Wheeler, any idea how long the ratepayer panel
6 would take?

7 MS. KATRINE DILAY: Thank you for that
8 question. We would expect one (1) to two (2) hours
9 for direct, just recognizing that answers may differ
10 in length based on the participant.

11 THE CHAIRPERSON: Yeah, I'm not -- I'm
12 not trying to tie you to a specific time frame, but
13 we're trying to get an estimate in terms of the days.
14 What I really would like to avoid is having a
15 situation where we're going for an hour in one (1) day
16 or two (2) hours and the rest of the day is gone, so.

17 MS. KATRINE DILAY: Thank you.

18 THE CHAIRPERSON: Okay, that -- that's
19 your submission? Thank you.

20 Well, we're moving right along, so Mr.
21 Hacault.

22

23 COMMENTS BY MIPUG:

24 MR. ANTOINE HACAULT: Yes, bonjour.
25 Welcome, all, Mr. Chair, Board members, Efficiency

1 Manitoba, Board counsel, Board advisors, and all other
2 counsel, and Interveners. For the record, my name is
3 Antoine Hacault, represent Manitoba Industrial Power
4 Users Group, which is -- reference is MIPUG. We're
5 pleased to participate in this hearing.

6 I'll start maybe a little bit reverse
7 order. We have two (2) experts, Mr. Bowman and Mr.
8 Dale Friesen, who have both presented reports.
9 Depending on the scope that's ordered by this Board,
10 that'd be between half an hour to an hour each. I'd
11 put them on as a panel. I think it would make sense
12 because the evidence is interrelated.

13 With respect to the issues to be dealt
14 with by oral evidence, I also wish to make some
15 preliminary comments before addressing those points.
16 To note, that this is a compressed hearing with only
17 one (1) round of IRs -- and I noted that the Board, in
18 its procedural Order, said, Well, one (1) of the ways
19 we're going to deal with not having a second round of
20 IRs is give people an opportunity to ask further
21 questions, possibly in an oral part of the hearing.
22 Some IRs led to answers by Efficiency Manitoba that it
23 did not have time to answer the questions, so there's
24 some questions that we believe are material that have
25 not yet been dealt with.

1 Some infor -- access to information
2 has, in our respectful view, been restricted. For
3 example, when we did the gas hearing as industrial gas
4 users, we had access to CSI with respect to various
5 values. We did not have access to that some
6 information here, although we had offered to sign a
7 non-disclosure agreement and an undertaking. So that
8 poses some challenges.

9 I echo Ms. Dilay's statement that this
10 is the first review. It's a critical one, and when I
11 look back on the -- I'm going to say relative
12 efficiencies that we achieved in the gas hearing by
13 sometimes not having direct evidence or truncating the
14 issues -- I'm not sure that we really gained a lot of
15 efficiencies as far as time.

16 If parties are well bounded with
17 respect to cross-examination times and direct evidence
18 -- and maybe we saved, like, half an hour here or half
19 an hour there, but it wasn't a lot of time savings,
20 and it allowed flexibility for everyone to have a
21 short presentation on key points and for the Board and
22 all Interveners to ask questions so that the Board has
23 the best information possible.

24 As Ms. Dilay indicated, there -- there
25 are fairly different perspectives being put in the

1 evidence on most of the issues, and for these reasons,
2 for -- I'm going to go -- our evidence deals with
3 Issue 1. We believe that there are different
4 perspectives on that issue and that it would be useful
5 to have oral evidence on that.

6 With respect to Issue number 2, I'm not
7 as confident as Ms. Dilay that we can isolate just
8 2(a). I think some of (b) and (c) is tied into 2(a).
9 I don't expect an oral part of this to take a lot more
10 time, but I think it would be useful because
11 industrial users are particularly concerned about the
12 resource planning issue and whether or not the choice
13 of programs is really a cost-effective choice if we're
14 taking a resource-planning approach to this, as we
15 believe was the source of creating this entity and
16 this approach to demand-side management, so that we
17 believe it would be useful to have oral hearing on
18 Issue number 2 -- or, Issues in number 2.

19 With respect to the third item, the
20 accessibility, we can indicate that we, as MIPUG,
21 haven't really delved into and don't have particular
22 issues as it relates to hard-to-reach customers as
23 described in 3(a), (b) and (c).

24 The accessibility issue is more related
25 to industrial customers and some program limits, where

1 we believe it doesn't make sense to have limits, so it
2 would be a pretty limited area where we would present
3 evidence if we did, if we were allowed to.

4 Issue 4. We don't, again, believe that
5 we need any oral part to that issue.

6 Issue 5. It would be very short.
7 There will be, I believe, some presentations made by
8 industrial users related to this issue, which is the
9 non-energy benefits, economic benefits, and there's
10 some part of our evidence that deals with that also.
11 So I'm not too sure, if we decide there's no oral part
12 of it, how our clients can make presentations on those
13 issues. We think it would be informative for this
14 Board to have some oral evidence on Issue number 5.

15 With respect to Issues 6 and 7, which
16 is more the framework, we believe that some limited
17 oral evidence is required because it does tie into the
18 approach and the intent of both of the previous PUB
19 and the government in how the plan is evaluated. Is
20 it evaluated from an IRP -- independent resource
21 planning -- perspective, or should it be evaluated on
22 the basis that you sprinkle programs right across the
23 board?

24 And I think there's a difference of
25 views that has emerged on the evidence filed thus far

1 with respect to the fundamental approach, and we
2 believe it would be useful for this Board to have a
3 thorough canvassing of that, because it is setting a
4 course for how we're going to be going ahead with the
5 programs, the design of programs, and how it gets
6 sprinkled between various sectors, being commercial,
7 residential, and industrial.

8 The...

9

10 (BRIEF PAUSE)

11

12 MR. ANTOINE HACAULT: Issue 9 probably
13 doesn't need oral evidence. It's more or less
14 technical. It's some program limits from the
15 industrial's perspective on programs, which leaves low
16 hanging fruit not being taken advantage of. It might
17 be collaterally touched on some of the other issues
18 that I raised.

19 And number 10, again, collaterally
20 touched, because it's a comparison of costs and
21 savings forecasts and achievements in resp -- and the
22 budgets of Efficiency Manitoba's Plan. I think
23 there's things that we can learn from the past, and to
24 truncate the past from the oral hearing, any reference
25 to it, might hinder the presentation and the ability

1 to properly evaluate as to the reasonableness of where
2 we're going.

3 Number 11, we don't anticipate any
4 evidence, oral being advi -- required.

5 Now that brings me to --

6 BOARD MEMBER KAPITANY: Me. Hacaault,
7 can I just ask you to clarify -- back on number 5, I
8 think you said you expect to have some of your clients
9 make a presentation.

10 MR. ANTOINE HACAULT: The --

11 BOARD MEMBER KAPITANY: Could you
12 elaborate on that, please?

13 MR. ANTOINE HACAULT: Well, as we have
14 in the -- in the past, because there's -- and I think
15 it may be on January 24, tentatively, there would be
16 presentations by industrials with respect to the
17 economic impact.

18 I don't want to kind of forecast
19 evidence, but something like, you know, if we had
20 access to this programming, which is unduly restricted
21 by program parameters, we feel that, you know, we have
22 opportunities to perhaps expand our -- our facilities,
23 increase employment, explain the challenges of getting
24 capital in international corporations with various
25 branches throughout the world, or throughout Canada,

1 so that these are nonenergy benefits, and expect --
2 strictly speaking, it -- it is economic benefits to
3 the Province, securing employment or additional
4 employment.

5 The -- it's economic del -- development
6 in the sense of, you look at the second line of issue
7 number 5, Consideration of non-energy benefits of
8 electric and gas, demand-side management portfolios,
9 including environmental. But the next words, "Economic
10 development" --

11 MS. DAYNA STEINFELD: Mr. Hacaault,
12 sorry to interrupt, but perhaps just for clarification
13 for the record, am I right in understanding that
14 members of MIPUG have been in contact with Board
15 staff, and have registered to provide public
16 presentations in the -- on the public presentation day
17 in the hearing?

18 MR. ANTOINE HACAULT: It's my
19 understanding that we've taken steps to do that. And
20 I know that Mr. Friesen's evidence deals with it from
21 the perspective of a consultant being informed by the
22 clients, but I think it would -- that we hope it would
23 assist the Board in getting a full picture of both the
24 ener -- energy benefits in this hearing, but the
25 nonenergy benefits.

1 So Mr. Friesen does touch upon it in
2 his evidence, and it's expected that the presentations
3 would also deal with that. I don't know if that
4 answers your question, Madam Kapitany.

5 THE CHAIRPERSON: Mr. Hacault, did you
6 touch on number 8? I just don't have anything for
7 that.

8 MR. ANTOINE HACAULT: I had intended
9 to put 7 and 8 together.

10 THE CHAIRPERSON: Okay.

11 MR. ANTOINE HACAULT: And the
12 evaluation of framework, I had put both of those
13 together because of the -- we view it as a very
14 important discussion of where we're going with this
15 long-term, and the evaluation of the -- the framework
16 and plan. So we think -- and -- and there's some
17 different views.

18 I haven't seen Mr. Harper's full
19 evidence yet because of some timing issues, but there
20 -- there are some divergent views on what should be
21 done. And I maybe ineloquently explained it, but some
22 of it is, let's sprinkle it pretty much equally across
23 all the different sectors. That's one (1) kind of
24 general approach, or if it's going to be an IRP
25 approach, independent resource planning, do we look at

1 if it's more efficient to do all residential, because
2 it's the most cost-effective resource planning option
3 that is more effective industrial, maybe we ought to
4 do that.

5 We don't necessarily have to sprinkle --
6 there's that kind of discussion that needs -- needs to
7 happen as to how we're going to approach this.

8 Are there are any other questions?

9 THE CHAIRPERSON: Do you have any
10 estimate of time required for cross-examination?

11 MR. ANTOINE HACAULT: Yes, I do. I --
12 I was just asking questions about the scope first.
13 Thank you very much.

14 These estimates, again, are done on the
15 basis that probably Board counsel will -- does it --
16 usually does a -- can -- does a pretty broad
17 canvassing of general issues, and it -- they may be a
18 bit too long. It depends a little bit how the
19 evidence defends -- evolves on contrary views.

20 But I've put a placeholder -- holder of
21 four (4) to five (5) hours for Efficiency Manitoba
22 witnesses as a whole, three (3) hours for Daymark,
23 three (3) hours for Coalition witnesses, probably more
24 focused on Mr. Harper.

25 And we don't expect to ask questions of

1 other parties, but if we're doing a tentative schedule
2 because we haven't got all the answers to IRs, et
3 cetera, I'd like to have a fifteen (15) minute
4 placeholder for the other parties, just in case we
5 have a couple questions.

6 THE CHAIRPERSON: Thank you. Mr.
7 Wheeler...?

8

9 COMMENTS BY MKO:

10 MR. JAROD WHEELER: Good morning, Mr.
11 Chair and Board members. Good morning to Board
12 counsel, and Board staff, and to Efficiency Manitoba,
13 and Efficiency Manitoba's counsel, as well as all the
14 Interveners and -- and their counsel here this
15 morning.

16 My name is Jarod Wheeler, and I am here
17 with my colleague Mr. Marcus Buchart. We are from a
18 firm called Jerch Law here in Winnipeg, and we are
19 representing Manitoba Keewatinowi Okimakanak Inc. in
20 this hearing; that's MKO. It makes it a lot easier.

21 First off, our client recognizes that -
22 - that the goal this morning -- of course, we're
23 trying to find efficiencies in -- in this hearing, and
24 -- and how to proceed on these matters. Our client
25 echoes some of the concerns raised by counsel to the

1 Coalition, that we recognize that this is a review of
2 the -- the first plan of Efficiency Manitoba.

3 Our client has some concerns that this
4 plan sets out the baseline for -- for Efficiency
5 Manitoba as a new Crown corporation for going forward,
6 and -- and this baseline will -- will also be against
7 which future plans may be measured. And so we want to
8 make sure that we're -- we're doing this right, that
9 we're doing it in -- in a good way for everybody.

10 So with respect to the -- the issues
11 that should be subject to oral evidence, of course one
12 (1) our goals and the goals of -- of everybody here is
13 to enhance the understanding of all the parties.
14 Where do we need further oral evidence to this end to
15 enhance the understanding of all the parties, and
16 where do we need to test the evidence on the record
17 that we haven't done so far?

18 There hasn't been a second round of
19 IRs; that's just where we're at on this. It's been a
20 very quick process so far. We understand how this is
21 going, but we also need a -- a robust record. We have
22 to ensure that all parties understand where we're at.
23 We have to ensure, again, that Efficiency Manitoba is
24 starting out in a good way.

25 So we do agree that there are certain

1 issues that can be dealt with through written
2 materials only, and our client's position -- position
3 does not diverge significantly from the positions
4 voiced so far this morning, though we do apparently
5 have some divergence.

6 So specifically, where we think that
7 oral evidence is still required, it seems we diverge
8 in -- in issue number 6, specifically, in that we
9 would like to test the evidence still with respect to
10 compliance of Efficiency Manitoba with directions from
11 government through mandate and framework -- work
12 letters.

13 We would like to cross-examine on that
14 issue to a certain extent, as well as Issue Number 9,
15 marketing of an intake of participating customers for
16 loans or financing programs related to energy
17 efficiency and energy conservation. We also believe
18 that this should still be the subject of oral evidence
19 and cross-examination in this hearing.

20 Now, the rest of our position, really
21 we don't diverge. We believe that Issue 1 really -- I
22 don't think anybody has said it shouldn't be part of
23 the oral hearing.

24 Issue Number 2, we specifically want to
25 make sure that the rate impacts and customer bill

1 impacts are the subject of the oral hearing, as well
2 as reasonableness of methodology to evaluate cost-
3 effectiveness. It seems I jumped around there a bit,
4 but (d) and (a) specifically.

5 Also while I didn't vocalize it,
6 specifically 1(c), we want to also ensure that we --
7 we will be testing the evidence on that for sure, the
8 appropriateness of the methods to select or reject
9 demand-side management initiatives.

10 2(b) and 2(c), our understanding is
11 this is probably -- as My Friend Mr. Hacault said,
12 this is very likely going to intertwine through some
13 of the other matters anyhow, but we don't see
14 specifically focusing on levelized costs to Efficiency
15 Manitoba of natural gas. Specifically, our clients
16 are all electric anyhow, so that's not going to be our
17 focus.

18 But 3(a), (b), and (c), we certainly
19 want to see as part of the oral hearing.

20 Issue Number 4, consideration of the
21 appropriate percentage of DSM budget for income
22 qualified hard to reach customers, we want -- we do
23 want to focus on that.

24 Number 5, consideration of non-energy
25 benefits, I can't see that we are going to be spending

1 any time on that, but we don't take any issue with it
2 being the subject of the oral hearing itself.

3 Number 7, will be in the same boat. I
4 don't see us spending any time on it, but of course I
5 can understand why others would like to.

6 Number 8, we don't think that we need
7 to spend any time in the oral hearing on it.

8 I've already touched 9 -- 10 and 11, we
9 -- we're not going to be focusing on that either, so
10 whether there's an oral hearing on that or not, 10 and
11 11, we don't take any position on that whatsoever.

12 To the question of: Are estimates of
13 time required for cross-examination? This is, of
14 course, going to be dependent on what other parties
15 canvass before we cross-examine. We wouldn't
16 duplicate any -- and efforts and duplicate and any
17 questions. We'll be paying close attention to what's
18 -- what takes place before we do any cross-
19 examination.

20 Of course, that also is going to depend
21 on Efficiency Manitoba's rebuttal evidence, but our
22 preliminary estimates right now is that for Efficiency
23 Manitoba witnesses, our estimate is one (1) to two (2)
24 hours of cross-examination.

25 For AMC's witness, we may cross-

1 examine, and if we do, it would be a approximately a
2 half an hour. We wouldn't be doing any kind of
3 sweetheart cross, I believe is the term. We wouldn't
4 be going down that road, but we do have some
5 questions.

6 For the Coalition's experts, and -- we
7 anticipate no more than two (2) hours for all four
8 (4). We'd be specifically focusing more on Dr.
9 Fitzpatrick and Mr. Harper and Mr. -- it's either Neem
10 (phonetic) or Neme, I'm not sure. So it's going to
11 depend on how that's split, if there's two (2)
12 different panels or if it's on one (1) panel, so we'd
13 see an hour to two (2) hours. At most would be two
14 (2) hours.

15 MIPUG's witnesses, we have a couple of
16 questions that we may be able to find our own answers
17 through the record already, and if we cross-examine
18 MIPUG's witnesses, it would be no more than ten (10)
19 minutes -- ten (10) to fifteen (15) minutes, I guess.

20 And Daymark's witnesses, we'd be
21 looking at about an hour of cross at most.

22 And I believe I have touched on
23 everything, so if -- if there's any questions, I'm
24 happy to answer them.

25 THE CHAIRPERSON: Thank you. Do you

1 have any questions? Ms. Steinfeld...?

2 MS. DAYNA STEINFELD: Mr. Chair, if I
3 may just before we perhaps take a break to allow
4 Efficiency Manitoba to collect its thoughts before
5 reply, there are a few matters that may assist the
6 Panel. I am receiving some clarification. Some of
7 you in the room may be familiar with my sort of firing
8 line approach to questions, putting you on the spot
9 for procedure.

10 So the first thing is whether
11 Efficiency Manitoba intends to produce Mr. Dunsky as a
12 witness, to provide any direct evidence, and whether
13 any parties are intending to cross-examine Mr. Dunsky.
14 I don't believe that has been touched on specifically.

15 And the second is if anyone takes a
16 position in terms of the process for submissions. So
17 if issues are a subject of written evidence only,
18 should parties be permitted to nonetheless provide
19 closing submissions on the days scheduled in the oral
20 hearing for closing submissions, and on matters that
21 oral submissions are being provided, are parties
22 wanting to also provide written submissions, and if
23 so, what is the timeline on those matters?

24 So I don't know if everybody got that.
25 The first one is views on Mr. Dunsky, both on direct

1 and cross; the second is the process for submissions
2 on any issues that are the subject of written evidence
3 only; and the third is written submissions generally
4 and parties' plans in that regard.

5 So I have to put people on the spot.
6 Let's start with Efficiency Manitoba counsel on those
7 matters, please.

8 MS. NICOLE MERRICK: It's Nicole
9 Merrick speaking, for the record. Efficiency Manitoba
10 is not presently considering calling Mr. Dunsky, so
11 that would, of course, be subject to others' interest
12 in cross-examination, but presently that's not our
13 intention.

14 MS. DAYNA STEINFELD: And submissions
15 -- closing submissions?

16 MS. NICOLE MERRICK: Are you asking,
17 Ms. Steinfeld, in terms of timing?

18 MS. DAYNA STEINFELD: We can always --
19 parties want a bit of time to collect their thoughts
20 on this. We can come back to it after we take a
21 break, but specifically not so much timing, but if
22 issues are going to be decided on the basis of the
23 record -- written record alone, is any party proposing
24 that there be only written submissions on those
25 issues, or should they be included in the oral

1 submissions that are scheduled for January 28th and
2 29th?

3 And then in respect of the oral
4 submissions that are scheduled for January 28th and
5 29th, are parties planning on also providing written
6 submissions or does any party take the position that
7 written submissions should be provided, and in that
8 sense the timing of any written submissions that are
9 going to be filed, should it be in advance or at the
10 time of or after, those kinds of process matters? But
11 certainly if parties want a few minutes to consider -

12 THE CHAIRPERSON: I was just -- I was
13 just going to interrupt, and I'm -- I was going to
14 say, why don't the parties think about it, and you can
15 think about your reply in --

16 MS. NICOLE MERRICK: Thank you.

17 THE CHAIRPERSON: -- terms of the
18 issues list.

19 And, Ms. Steinfeld, maybe if -- it may
20 be helpful -- I'm not sure if it is or not, but it may
21 be helpful for you to talk to counsel, and we'll give
22 you twenty (20) minutes.

23 We'll come back at quarter after and
24 perhaps there can be more discussion on this and
25 parties can think it through.

1 Okay. So we'll adjourn until 10:15.

2

3 --- Upon recessing at 9:56 a.m.

4 --- Upon resuming at 10:19 a.m.

5

6 THE CHAIRPERSON: If we could resume.

7 I don't know, Ms. Merrick or if Ms. Schofield is going

8 to -- I think what we're going to do is break it down

9 to two (2) parts. Let's deal with the issues on

10 reply, and then we can go, counsel -- to counsel to

11 talk about the -- the issues of the submissions.

12 Ms. Merrick...?

13

14 REPLY BY EFFICIENCY MANITOBA:

15 MS. NICOLE MERRICK: Thank you. In

16 terms of the issues on reply, there were a few points

17 that we had wanted to address from the perspective of

18 Efficiency Manitoba.

19 The first was with respect to the

20 points raised by Consumer's Coalition for 2(a), 2(b),

21 and 2(c) of the issues list. I'll just make sure I've

22 got that correctly here. Yes, I do.

23 And so thank you for the clarification

24 that you provided.

25 I -- I know that this point was also, I

1 believe, addressed by MIPUG, but in terms of the
2 Consumers Coalition's position that this would not
3 need to be addressed by oral evidence, we are fine
4 with 2(b) and 2(c) not being addressed in oral
5 evidence, provided that 2(a), the understanding was
6 that there may be the application of CSI for
7 information under 2(a). So we simply wanted to raise
8 that as a point.

9 In terms of MIPUG's comments concerning
10 issues 6, 7, and 8, I think we maybe lacked a bit of
11 clarity in terms of your comments on which were 6 and
12 7 and 7 and 8, and I think we wouldn't mind some
13 clarity on that.

14 And with respect to Daymark, we also
15 wanted to raise the issue that there may be a need for
16 a closed portion of a hearing for cross-examine (sic)
17 of Daymark depending on, again, the issue of CSI. So
18 we simply raised that. So that -- that is on
19 everyone's mind as well.

20 And in terms of -- so turning to the
21 second issue, --

22 THE CHAIRPERSON: Before we go to the
23 second issue --

24 MS. NICOLE MERRICK: Sure.

25 THE CHAIRPERSON: -- maybe you can ask

1 Mr. Hacault exactly about 6, 7, and 8 and we can get
2 some clarity. I'd like to deal with the issues first.

3 MS. NICOLE MERRICK: Right here, sure.
4 Certainly we can do that.

5 THE CHAIRPERSON: So, do you want to
6 put your question directly to Mr. Hacault?

7 MS. NICOLE MERRICK: Sure.

8 So, Mr. Hacault, can you please confirm
9 in terms of your position, or MIPUG's position, in
10 terms of issues 6, 7, and 8? In the course of your
11 comments I think 6 and 7 were lumped together, and
12 perhaps 7 and 8 were lumped together. But I think we
13 needed some clarity on that.

14 MR. ANTOINE HACAULT: As I read items
15 6, 7, and 8, they've all been dealt with in our
16 evidence. They're more policy and framework issues,
17 including number 8, this recommendations to government
18 regarding net savings targets.

19 So there's discussion in the evidence,
20 for example, the industrial load displacement programs
21 and -- and other initiatives with industrials are
22 fairly lumpy.

23 There's a discussion, I think, in --
24 going to be evaluation, you know, is it -- does it
25 have to be exactly 1.5 percent every year? Does the

1 target in the context of an integrated resource plan
2 make sense to -- to look over a longer timeframe?
3 What happens with lumpy savings? How do you deal with
4 I'm going to say a kneco (phonetic) sprinkling of DSM
5 programs versus an integrated resource planning
6 process, which might be more focused on what's the
7 best resource plan to deal with peaks, seasonal items.

8 So that kind of general discussion
9 going forward and -- and whether or not you even need
10 the 1.5. I know it's initially set that way in the
11 legislation, but there's also the possibility for this
12 Board to make recommendations to government regarding
13 net savings targets, and -- and that's in 8.

14 But I think at all it's -- it's pretty
15 much all inter-related. It's hard to segregate
16 anything in a particular issue, and there's I see some
17 debate happening in the evidence about this, and it'll
18 be useful, I believe, to the Board to have that debate
19 and then to be able to make its recommendations.

20 MS. NICOLE MERRICK: Thank you. If I
21 may just have one (1) moment?

22 THE CHAIRPERSON: Yeah, I don't know
23 if I'm any further ahead on this.

24 So Mr. Hacault, when I was taking my
25 notes of your initial one, I had for 6, 7, and 8 the

1 position of MIPUG was limited oral evidence.

2 Is that the position? Because I think

3 Ms. Merrick --

4 MS. NICOLE MERRICK: That's my

5 question.

6 THE CHAIRPERSON: -- needs to know

7 whether the position is do you want oral evidence for

8 6, 7, and 8, or is written evidence sufficient so that

9 she can respond to that?

10 MR. ANTOINE HACAULT: We believe oral

11 evidence is required.

12 THE CHAIRPERSON: For 6, 7, and 8?

13 MR. ANTOINE HACAULT: For 6, 7, and 8.

14 THE CHAIRPERSON: Okay. So, Ms.

15 Merrick...?

16 MS. NICOLE MERRICK: If I may just

17 have one (1) moment.

18 From the perspective -- oh, I'm sorry.

19 THE CHAIRPERSON: I'm sorry, Ms.

20 Merrick...?

21 MS. NICOLE MERRICK: From the

22 perspective of Efficiency Manitoba, I -- our position

23 remains the same on points 6 and 8, so we simply let

24 our earlier comment stand.

25 THE CHAIRPERSON: Okay. Okay, so I

1 take it your position on 6 is written, on 8 it's
2 written, and on 7 it would be oral?

3 MS. NICOLE MERRICK: That's correct.

4 THE CHAIRPERSON: Okay.

5 MS. NICOLE MERRICK: And our earlier
6 comments would stand as well on -- on 9 and 11.

7 THE CHAIRPERSON: Sure.

8 MS. NICOLE MERRICK: In terms of the
9 issues.

10 THE CHAIRPERSON: Okay. Now, in terms
11 of -- Ms. Steinfeld, how do you want to handle the
12 issue of the submissions?

13 MS. DAYNA STEINFELD: So first I'll
14 just confirm for the purposes of the record that
15 during the break there was discussion between counsel
16 and I understand that in addition to Efficiency
17 Manitoba not intending on calling Mr. Dunsky to
18 provide direct evidence, that counsel for the
19 Interveners do not intend to cross-examine Mr. Dunsky.

20 So if I am misunderstanding that in any
21 way, counsel can comment on that when called upon.

22 In terms of submissions, I think if we
23 can start with Efficiency Manitoba and then maybe go
24 through the Intervener list alphabetically, Ms. -- Ms.
25 Fox is still on the line as well for AMC to get

1 parties comments, if any, on the process for
2 submissions.

3 MS. NICOLE MERRICK: Thank you, it was
4 very helpful for -- we had a discussion with Board
5 counsel during the break and it was much appreciated.

6 In terms of the written submissions,
7 it's our expectation and our -- our request that those
8 would be filed at the time parties would commence to
9 present their oral submissions, so that we have
10 adequate time to consider those.

11 And the second question that Board
12 counsel had raised was in terms of the submissions on
13 oral issues and written issues in summary.

14 And so our position on that would be
15 that the summary -- that submissions would be on oral
16 issues and written issues, but only to the extent that
17 they are intertwined or inter-related to issues
18 presented during the oral component of the
19 proceedings.

20 Subject to any questions, those are our
21 comments?

22 THE CHAIRPERSON: Any questions? No.
23 Ms. Fox, are you still on the line?

24 MS. CARLY FOX: I am, thank you.

25 THE CHAIRPERSON: Could we have your

1 client's position on the issue of submissions?

2 MS. CARLY FOX: We will -- we agree
3 with the position put forward by counsel for
4 Efficiency Manitoba, and we're fine with their
5 suggested process. Thank you.

6 THE CHAIRPERSON: Thank you. Ms.
7 Dilay...?

8 MS. KATRINE DILAY: Thank you, Mr.
9 Chair.

10 With respect to Mr. Dunsky, I would
11 agree with what PUB counsel summarized, so the
12 Consumer's Coalition, to the extent there are any
13 questions on the material prepared by Mr. Dunsky,
14 would pose those questions to Efficiency Manitoba and
15 would expect the answers from -- from them.

16 With respect to closing submissions,
17 our clients would submit that all issues, including
18 those who are only dealt with by way of written
19 evidence, should be able to be dealt with either in
20 oral or written submissions.

21 It is our clients' practice with
22 respect to PUB hearings to, essentially, present oral
23 submissions supported by a PowerPoint presentation
24 that contains all the references to the record.

25 And so we would intend to include all

1 issues in those oral submissions. Given that the --
2 by that time the evidentiary portion of the hearing
3 will be closed, we -- we would see it as appropriate
4 to be able to deal with all issues in oral
5 submissions.

6 While our office was not involved in
7 the Centra Gas hearing, our client CAC Manitoba was,
8 and they did express that there was some -- there were
9 some difficulties with having to both prepare written
10 closing submissions, as well as oral, just in terms of
11 having to segregate those issues when some of them are
12 intertwined, while they may not all be needing cross-
13 examination on them, we would appreciate the
14 opportunity to present in oral submissions on all
15 issues.

16 With respect to oral or written
17 submissions, we at this time don't intend to present
18 written submissions, but we would reserve the right to
19 do so and would propose that parties should have the
20 option to present written submissions in addition to
21 oral submissions on the day that they present their
22 oral submissions.

23 Subject to any questions, those would
24 be our submissions on the question posed by PUB
25 counsel.

1 THE CHAIRPERSON: Thank you, Ms.

2 Dilay. Mr. Hacault...?

3 MR. ANTOINE HACAULT: Yes. On the
4 issue of cross-examination, we don't intend to cross-
5 examine.

6 In the discussions that CAC was having,
7 they said that they might pose questions and ask for
8 an undertaking of Mr. Dunky -- Dunsky to answer that
9 may be that their issues can be dealt with that way.

10 On the issue of oral submissions, we as
11 well would request the opportunity to provide oral
12 submissions on all issues, whether they were part of
13 the oral hearing or not.

14 As the Board knows, we do our best to
15 provide comprehensive written submissions, whether it
16 be on written evidence or a combination of written
17 evidence and oral evidence, and we intend to do so
18 again.

19 And we'll try to comply with whatever
20 deadlines the Board seeks to have. It is a fairly
21 tight deadline after the end of the hearing, so we
22 probably would require time up to the day that we do
23 present orally to provide our written submission. But
24 we'll attempt to get whatever the Board believes it
25 needs.

1 Thank you.

2 THE CHAIRPERSON: Thank you. Mr.

3 Wheeler...?

4 MR. JAROD WHEELER: Yes, thank you,
5 Mr. Chair. Our position with respect to Mr. Dunsky is
6 that we don't foresee cross-examining him at all.

7 We -- with respect to submissions, our
8 position would be that we would hope that our -- our
9 submissions could focus on the entire evidentiary
10 record and all issues, whether those issues are dealt
11 with orally or in writing only.

12 And also with respect to the question
13 of oral or written submissions, our preference is for
14 oral submissions, and we would hope to also reserve
15 the right to provide written submissions if we see
16 there's a reason to do so. And our suggestion would
17 also be to provide those written submissions at the
18 same time as our oral submissions.

19 THE CHAIRPERSON: Thank you. Are
20 there any other matters that parties would like to
21 bring up at this time? Hearing none, I'll --

22 MS. CARLY FOX (BY PHONE): Hi, it's
23 Carly Fox. Sorry.

24 THE CHAIRPERSON: Yes, please.

25 MS. CARLY FOX (BY PHONE): I -- I -- I

1 apologize. My -- my colleague reminded me that I
2 neglected to mention as part of my earlier submissions
3 that we would also like to cross-examine Efficiency
4 Manitoba's panel --

5 THE CHAIRPERSON: Okay.

6 MS. CARLY FOX (BY PHONE): -- and we
7 estimate that would take about two (2) hours.

8 THE CHAIRPERSON: Okay. Thank you,
9 Ms. Fox.

10 MS. CARLY FOX (BY PHONE): Thank you.

11 THE CHAIRPERSON: And anything else
12 from parties?

13 If not, we'll adjourn the hearing and
14 resume on January 6th. Merry Christmas, happy
15 holidays to everyone. Thank you. We're adjourned.

16

17 --- Upon adjourning at 10:37 a.m.

18

19

20 Certified Correct,

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23 _____

24 Donna Whitehouse, Ms.

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