



“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
January 28, 2020
Pages 2830 to 2997

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1 --- Upon commencing at 9:02 a.m.

2

3 THE CHAIRPERSON: Good morning,
4 everyone. Ms. Hart...?

5 MS. KATE HART: Thank you, Mr. Chair.
6 On the schedule today, we have closing submissions by
7 AMC, followed by MKO, with Efficiency Manitoba's
8 reply. Thank you.

9 THE CHAIRPERSON: Thank you. Ms. Fo --

10 MS. CARLY FOX: Thank you.

11 THE CHAIRPERSON: Would you like to
12 proceed? Thank you.

13

14 CLOSING SUBMISSIONS BY ASSEMBLY OF MANITOBA CHIEFS:

15 MS. CARLY FOX: Good morning, Board
16 Chair, Vice Chair, and Board members. As you know, my
17 name is Carly Fox, and I will be delivering the
18 closing submissions today on behalf of our client, the
19 Assembly of Manitoba Chiefs. And I'm also here today
20 with my colleague, Emily Gugliemin.

21 The final written submissions of the
22 Assembly of Manitoba Chiefs and associated book of
23 authorities were circulated last Thursday, and they
24 are marked as Exhibits 5 and 6, respectively.

25

1 --- EXHIBIT NO. AMC-5: Final written submission
2 by AMC

3

4 --- EXHIBIT NO. AMC-6: AMC book of authorities

5

6 MS. CARLY FOX: We have also
7 circulated this presentation, I believe it was on
8 Sunday night, which we asked to be marked as Exhibit
9 AMC-7.

10

11 --- EXHIBIT NO. AMC-7: Presentation by AMC

12

13 CONTINUED BY MS. CARLY FOX:

14 MS. CARLY FOX: We'd like to thank
15 everyone for who has taken part in this proceeding,
16 Efficiency Manitoba, experts, Interveners, counsel for
17 all parties, and the public presenters.

18 Although AMC has some concerns with the
19 Plan as it was presented, there are also some positive
20 aspects of the Plan which we believe, if it's
21 implemented properly, will have a positive effect on
22 First Nation customers.

23 The AMC has made a number of
24 submissions and recommendations in our final written
25 submissions as a result of what we have heard at this

1 proceeding. We submit that the Board should consider
2 these as amendments to the Plan.

3 In an effort to keep our closing
4 submissions concise, and as we've already provided
5 written submissions, we'll just be providing a summary
6 of our recommendations today, but we do ask you to
7 take a look at our written submissions for more
8 detailed analysis and corresponding references to
9 transcripts and reports.

10 So before moving into our closing
11 submissions, the AMC would like to set the tone of her
12 closing submissions today by emphasizing that First
13 Nations have a special and unique relationship with
14 the Crown in Manitoba, as is shown in this quote here
15 on this first part of our deck. And this includes
16 Crown agents like Efficiency Manitoba.

17 So next slide. A bit of an overview of
18 what we're going to talk about today. First, we're
19 going to introduce and kind of explain the role of the
20 Assembly of Manitoba Chiefs, and what it does, or how
21 it relates to its member First Nations.

22 Second, we will address what is Section
23 1 in our written submissions that was titled 'Equity
24 Should Be Built in by Design, and Not an
25 Afterthought'.

1 Third, we'll review the balance between
2 accessibility and rate impacts with the lens that rate
3 increases disproportionately affect First Nation
4 ratepayers.

5 Forth, we'll address the issues with
6 the First Nation engagement and Plan development, as
7 well as concerns with Efficiency Manitoba's engagement
8 strategy moving forward.

9 Fifth, we will then briefly touch on
10 the use of nonenergy benefits, such as customer bill
11 reduction and quantifiable economic benefits as a
12 system of measurement in the Plan.

13 And finally, we'll explain some of the
14 concerns that the AMC has with the way that the data
15 is presented and the programs bundled in the Plan.

16 So the Assembly of Manitoba Chiefs is a
17 political organization. It functions to build
18 consensus on issues and priorities for First Nations
19 in Manitoba. Externally, it prevents -- or -- or
20 sorry, it presents a common front to pursue issues of
21 relevance and importance to Manitoba First Nations,
22 including intervening at this proceeding.

23 The AMC recognizes the rights of First
24 Nations governments to exercise and practice self-
25 determination and self-government. It aims to protect

1 the integrity and authority of each First Nations
2 customs, laws, and practices.

3 The Chiefs in Assembly is the AMC's
4 governing authority. That means -- or sorry, that
5 meet -- the Chiefs in Assembly meets approximately
6 once every two (2) months. At these meetings,
7 different items are presented, and the Chiefs or other
8 -- other political representatives from each First
9 Nation debate and vote on resolutions.

10 The majority of the AMC's funding is
11 proposal based, and dedicated to specific activities
12 that are outlined in these proposals. The AMC
13 provides a mechanism that balances the respect for
14 local and regional First Nations autonomy with the
15 need for collective positions and decisions.

16 Our clients' position is that
17 Efficiency Manitoba's three (3) year plan requires
18 more equitable funding and programming for First
19 Nation customers. The AMC submits that the principles
20 of recognition and accessibility support the
21 integration of measures of equity into First Nation
22 programming.

23 Energy efficiency programs should
24 strive to benefit First Nations so as to contribute to
25 the reduction of inequitable energy burdens faced by

1 First Nations customers. In this section of our
2 presentation, we'll discuss some of these
3 inequalities, as well as the various metrics of equity
4 that reveal the under representation of First Nations
5 customers in the Plan.

6 In our review of the Plan, as well as
7 throughout this hearing, it became apparent that
8 considerations of accessibility by Efficiency Manitoba
9 were based on the existence of programming rather than
10 the robust -- robustness of programming. This can be
11 seen from the Dunsky scorecard.

12 Daymark took a similar approach to its
13 review of the Plan and accessibility. If I could get
14 Ms. Schubert to turn to page 1,518 of the January 13,
15 2020 transcript. I tried to summarize this, but I
16 think it might be a little easier just to read it
17 right off the screen here.

18 This is in relation to a question asked
19 by Mr. Wheeler regarding whether Efficiency Manitoba
20 complied with the directions of the Minister. So Mr.
21 John Athas said:

22 "In a general sense, we were
23 familiar with it, and no. We were
24 looking to see if there is -- if
25 actions were consistent with some of

1 these mandates versus directly
2 implementing a mandate. So we
3 didn't have an extensive amount of
4 time to have a lot of discussions
5 with the stakeholders that you'd
6 want to in this kind of review. We
7 would have liked to sit down and
8 talk to Efficiency Manitoba, and
9 talk to representatives of First
10 Nations, and other stuff to get an
11 idea of how these fit in, but we
12 just did not have the time to do
13 that."

14 Then Ms. Kelly stated:

15 "I might just add to that, some of
16 the review that we did relative to
17 this looked at has Efficiency
18 Manitoba paid attention to it? Have
19 they put out some ideas? Are they
20 looking to include it in the
21 program? And it does appear to be a
22 change, and hopefully a better
23 approach for the short term than
24 what was already in place. So it's
25 as John said. There was only so

1 much time to review all of this.

2 Our knowledge of the Indigenous and
3 other here in Manitoba is a bit
4 limited, so."

5 In other words, accessibility of the
6 plan by First Nations was reviewed by Efficiency
7 Manitoba and Daymark on the basis of whether it was
8 considered, and not necessarily on the basis of
9 robustne -- robustness, a real reach of the
10 programming.

11 As Dr. Clark stated in his testimony,
12 when you start to measure these things and include
13 them, they become sort of tangible and more real,
14 because when you're not measuring something, it tends
15 not to be a priority.

16 The AMC submits that by failing to
17 measure or evaluate First Nations programs on the
18 basis of equity, it runs a risk of further
19 exacerbating inequalities between First Nations and
20 non-First Nations populations.

21 Dr. Clark set out a number of
22 statistics and details about the disparities between
23 First Nations and non-Indigenous populations. These
24 numbers are based on averages and we're not suggesting
25 that every First Nation persons faces disparities on

1 these levels, but a large proportion do, and this
2 should be impor -- an important consideration of
3 Efficiency Manitoba's programming.

4 Some of these disparities include
5 higher levels of overcrowding, lower housing stock,
6 and the higher likelihood of experiencing energy
7 poverty.

8 And we have reproduced Figure 5 from
9 Dr. Clark's report, and I'd just like to bring to your
10 attention the blue line there. This is First Nations
11 on reserve customers. And what we would like to show
12 here is that the percentage of homes with five (5) or
13 more occupants and energy bills above three thousand
14 dollars (\$3,000) is significantly more higher in First
15 Nations on-reserve customers than it is for everyone
16 else.

17 The Assembly of Manitoba Chiefs submits
18 that the Efficiency Manitoba Act, regulation, Path
19 Reconciliation Act, framework letter, and mandate
20 letter taken together support a more equitable
21 approach to First Nations programming. We've included
22 some submissions on this topic in our written
23 submissions but what we would like to highlight today
24 is that the very definition of reconciliation
25 legislated in Manitoba refers to creating a more

1 equitable and inclusive society.

2 The Efficiency Manitoba Act also
3 specifies that the Public Utilities Board must
4 consider whether the plan is accessible to all Man --
5 Manitobans, including First Nation customers who
6 comprise a sizable and distinct population of the --
7 portion of the population.

8 We submit that 'accessible' is not the
9 same as 'available'. The AMC submits that the term
10 'accessible' should be read to mean easily obtained.
11 Efficiency Manitoba has also stated that equity is
12 aligned with accessibility and the AMC agrees with
13 this statement.

14 Dr. Clark in his report has referred to
15 two (2) types of equity, horizontal and vertical, and
16 the various means of measuring them. The reason why
17 the higher end of horizontal equity makes sense in
18 this situation is because it targets energy
19 consumption.

20 Dr. Clark noted in his presentation to
21 the Board that distribution of participation versus
22 population is potentially misleading because energy
23 consumption and costs for First Nations are different
24 than for other populations. First Nations on-reserve
25 customers consume substantially more energy than their

1 off-reserve counterparts. If you target participation
2 based solely on population, you'll miss this important
3 factor of higher energy consumption.

4 The table on this slide is taken from
5 Daymark EM I-17 and shows the population and energy
6 consumption for First Nation on-reserve customers.
7 The highlights here are that 4 percent of First Nation
8 on-reserve customers -- or sorry, the highlights say
9 that First Nation on-reserve customers consume 4
10 percent of electric energy in the province and make up
11 4 percent of the population.

12 The plan projects that less than 0.5
13 percent of electric energy savings will come from the
14 First Nations programs and less than 3 percent of the
15 electric budget. We can conclude from reviewing this
16 data that First Nation customers are under represented
17 in the plan.

18 Figure 10 of Dr. Clark's report takes
19 the First Nations dwellings adjusted by household size
20 and shows that First Nation on-reserve customers
21 account for nearly 5 percent of dwellings in the
22 residential programs but only 1.1 percent of proposed
23 programs and only 3.2 percent of the budget for
24 residential programs.

25 Adjusting for household size as Dr.

1 Clark has done here is important because First Nation
2 on-reserve households on average have higher occupancy
3 rates as shown earlier, so programs will affect more
4 persons in a household.

5 Figure 11 here shows that even with the
6 electric program, First Nation on-reserve customers
7 are under-represented. The blue bar in Figure 11
8 shows the total electricity consumption of First
9 Nations on-reserve and the bar below that in red shows
10 the total electric savings under the plan.

11 This is highlighted even further when
12 you consider the high proportion of First Nation
13 customers living off reserve that are likely under-
14 represented by programming. This can be seen to a
15 certain extent by Figure 12, which is the total First
16 Nation population in the province in blue, as opposed
17 to the First Nation on reserve dwelling in green.

18 Although it is challenging to find
19 information on the energy profile of off-reserve First
20 Nation ratepayers, the evidence available indicates
21 that off-reserve First Nation ratepayers suffered from
22 disproportionately high levels of energy poverty.

23 The AMC believes that there is a
24 significant need to determine the energy consumption
25 of off-reserve First Nation ratepayers and create

1 programming for that population group.

2 The AMC can act as an intermediary
3 between Efficiency Manitoba and First Nations to
4 determine some of this information to the extent that
5 the AMC has the resources to do so. However, it
6 should be noted that it is the individual First
7 Nations that keep records of their membership and are
8 best placed to help identify off-reserve First Nation
9 customers.

10 The AMC submits that to make the plan
11 more equitable and accessible for First Nations on-
12 reserve customers, a more significant and stable
13 funding package for First Nation on-reserve customers
14 must be provided. The ability to access general
15 programming does not fix under-representation of First
16 Nations customers in the plan. This is where we see
17 the distinction of available versus accessible come
18 into play.

19 We can see this from the testimony of
20 Mr. John Ross from the Ratepayers Panel, and where he
21 discussed the pamphlet he received from Manitoba Hydro
22 about the Appliance Recycling Program, only to find
23 out that he was not eligible for the program. The
24 bottom line is that general programming does not
25 address barriers to First Nations customers -- to

1 participation for First Nation customers, excuse me.

2 Efficiency Manitoba's engagement
3 strategy to directly partner with the sixty-three (63)
4 First Nations in Manitoba may help First Nations
5 access energy efficiency programming and may increase
6 participation rates.

7 The AMC does see some unmitigated risks
8 here, however, particularly the role of partnering
9 with First Nations is meant to fall to one (1)
10 individual at Efficiency Manitoba. Given the ge --
11 geographic distance covered by all sixty-three (63)
12 First Nations and the remoteness of many communities,
13 it is questionable whether this will be effective.

14 Instead of striving to achieve higher
15 participation levels so as to be more equitable,
16 Efficiency Manitoba set a relatively low target for
17 First Nations participation. We don't understand why.
18 Is it because the target is easy for them to reach?

19 It is also unclear whether budget
20 flexibility truly can accommodate the increased
21 participation by First Nation customers on the basis
22 of horizontal or vertical equity or even marginally
23 higher participation numbers.

24 Section 12.5 of the Act -- 12(5) of the
25 Act, allows Efficiency Manitoba to modify the plan as

1 necessary during the three (3) year period so long as
2 the changes maximize the cost-effectiveness or amount
3 of net savings.

4 First Nations on-reserve programs,
5 although cost-effective, are not as cost-effective as
6 most other electric programs, and in particular, the
7 electric savings attributable to First Nation
8 insulation and direct install programs are less than
9 the savings attributable to many other programs.

10 It is promising that Efficiency
11 Manitoba will not put a cap on participation for First
12 Nation residential customers. If there are issues
13 with lack of participation, hopefully Efficiency
14 Manitoba will be motivated to look for the source of
15 the issue or to redevelop programming that is more
16 accessible.

17 The concern lies in what will happen
18 when participation targets are higher than
19 anticipated. According to Efficiency Manitoba's
20 Undertaking Number 7, Efficiency Manitoba will first
21 look to take funding from within that program
22 category, budget for subsequent years, or the budget
23 from enabling strategies.

24 This will not be helpful for generally
25 high participation levels by First Nation customers

1 because it just means that other parts of programming
2 that are likely necessary will not be funded.

3 If budgets need to be shifted between
4 customer segments to accommodate higher participation
5 levels by First Nation customers, how will this be
6 decided? A better method is to include higher
7 participation rates from the outset, so this creates
8 not only a goal for participation to be achieved, but
9 also a realistic budget for achieving it. The AMC
10 suggests that this is important for program budgets
11 and for enabling strategies like community energy
12 plans.

13 We know there is room for growth in
14 high performing technologies for First Nation on
15 reserve ratepayers, and Efficiency Manitoba has agreed
16 there is room to add higher targets for these
17 technologies, as First Nation customers have been
18 previously under-served where other markets are highly
19 saturated.

20 It is still unclear to the AMC whether
21 insulation programming is truly saturated. One (1)
22 reason this is unclear is that a number of First
23 Nations have not taken part in previous programming by
24 Manitoba Hydro.

25 Evidence from previous rate application

1 shows that only three thousand seven hundred and
2 seventy-eight (3778) of sixteen thousand three hundred
3 and forty-four (16,344) on-reserve homes were eligible
4 for the programming.

5 When asked directly about eligibility,
6 Ms. Tuck indicated that this was not a large issue,
7 but I think we can generally conclude that it's a
8 concern.

9 This is why community energy plans have
10 so much potential. They can help identify the
11 programming that will be most valuable for the First
12 Nation.

13 The next three (3) slides set out AMC
14 submissions and recommendations for revisions to the
15 plan so that equity is built in by design.

16 First, the electric energy savings
17 targets and associated budgets for First Nation
18 programs should be increased. We understand that it
19 is likely not possible to immediately increase these
20 to the extent of higher end -- of the higher end of
21 horizontal equity. But this must increase to at least
22 the lower end of horizontal equity, which is
23 population versus participation.

24 Second, comprehensive approaches that
25 improve energy efficiency for First Nation on-reserve

1 homes and buildings should be expanded.

2 Efficiency Manitoba should be directed
3 to collect data in relation to off-reserve First
4 Nation customers and an off-reserve First Nations
5 income qualified program should be created.

6 Efficiency Manitoba should be directed
7 to establish clear programming targets and reporting
8 of access by First Nation on-reserve customers for all
9 programming, including general programming.

10 Efficiency Manitoba should be directed
11 to include targets and reporting to its future
12 reports. This way we will know whe -- if and which
13 general programming that First Nation customers are
14 participating in.

15 In future plans, Efficiency Manitoba
16 should be directed to report on the extent to which
17 First Nation programming has met measures of equity
18 for evaluation of the plan and for future plans based
19 on the criteria listed in the slide here.

20 Efficiency Manitoba should be directed
21 to create a project management plan for First Nation
22 programs with targets within the three (3) years to
23 ensure that there are goals for First Nation
24 participation and how Efficiency Manitoba will address
25 the potential increase demand for participation.

1 Efficiency Manitoba should be directed
2 to increase the First Nations energy advisor position
3 from one (1) to the absolute minimum, two (2) persons
4 that are regionally-based.

5 Efficiency Manitoba should be directed
6 to expand and allocate stable funding to enabling
7 strategies like community energy plans.

8 Efficiency Manitoba should be directed
9 to conduct additional research and analysis to
10 consider potential benefits or disadvantages to moving
11 to a dedicated funding model for each First Nation
12 from a global funding amount.

13 Efficiency Manitoba should also be
14 directed to track the issue for consideration at the
15 next plan application hearing. We understand that the
16 extent that this will be necessary is going to likely
17 be dependent on how flexible budgeting really is for
18 First Nation customers.

19 Next I'm going to talk about the
20 balance between accessibility and rate impacts.

21 The issue of rate impacts is very
22 concerning to our client. The plan will likely, at
23 some point, require additional revenue from Manitoba
24 Hydro, and is likely to result in rate increases.

25 In this hearing and in previous

1 hearings before this Board, the AMC has provided
2 evidence that shows that rate increases
3 disproportionately impact First Nation ratepayers.

4 The lack of equitable accessibility to
5 programming means that First Nation customers will
6 have less ability to access the benefits of bill
7 reductions than other customers.

8 Estimated bill savings for customers
9 was a -- originally provided with First Nations and
10 Metis programming together. Responding to an
11 undertaking, Efficiency Manitoba provided
12 disaggregated information, showing the bill savings by
13 program.

14 Efficiency Manitoba's data appears to
15 show that most First Nation customers will not have
16 access to the higher bill savings of, for example, the
17 Metis income qualified program, unless each home is
18 projected to have multiple retrofits in the First
19 Nations insulation and direct install programs. But
20 we don't really know from the information provided.

21 So not only is there an under-
22 representation of First Nation customers in the plan,
23 but First Nation customers will also be
24 disproportionately impacted by associated rate
25 increases. And the estimated bill savings may not be

1 as high for each First Nation customer; except for the
2 geothermal pilot program, which is not available to
3 most First Nation customers.

4 Given the high energy consumption of
5 First Nation on-reserve customers, is there more
6 programming that could be made available? This can
7 and will only be determined by direct participation
8 and engagement between Efficiency Manitoba and First
9 Nations.

10 The AMC recommends that as a result --
11 that as their impact of rate increase is
12 disproportionately affects First Nation customers,
13 programs that will ease rate increases for First
14 Nation on-reserve customers should be increased.

15 Further, Efficiency Manitoba should be
16 directed to conduct research and direct engagement on
17 the gaps in bill savings between First Nation on-
18 reserve customers and other customers, and report on
19 what kinds of programming for First Nation customers
20 could decrease that gap.

21 Next I'll talk about engagement with
22 First Nation citizens and governments.

23 The Efficiency Manitoba Act clearly
24 anticipates that public and stakeholder engagement are
25 separate items. Beyond that, Efficiency Manitoba, as

1 an agent of the Crown, inherits a special relationship
2 between the Crown and First Nations, which is
3 supported by the Path to Reconciliation Act.

4 The Energy Efficiency Advisory Group is
5 an advisory group only, and does not and cannot
6 replace direct engagement with First Nations and First
7 Nation citizens.

8 First Nations in Manitoba are
9 incredibly diverse, with unique historical backgrounds
10 and living conditions. Bypassing direct engagement
11 ignores the individual sovereignty of each First
12 Nation.

13 Further, bypassing direct engagement
14 directly affects the accessibility of programming.
15 This is shown where access to programming for First
16 Nation on-reserve customers is predicated by a First
17 Nation government having to partner directly with
18 Efficiency Manitoba.

19 The role of the efficiency -- or the
20 EEAG must be clear, and it needs to have a clearly
21 defined mandate. It is apparent that Efficiency
22 Manitoba had a different idea of the purpose of the
23 EEAG than its members did.

24 In our written submissions, the role of
25 the EEAG from Efficiency Manitoba's perspective

1 appears to be very broad. Yet the terms of reference
2 do not reflect this, and there's no evidence that
3 members of the EEAG were tasked with directly engaging
4 with their constituencies about the plan on behalf of
5 Efficiency Manitoba.

6 The terms of reference only refer to
7 EEAG members helping facilitate engagement, not
8 engaging instead of or on behalf of Efficiency
9 Manitoba.

10 If the EEAG is going to be effective,
11 Efficiency Manitoba must listen to the members from
12 all of the EEAG.

13 It is not apparent that this has
14 happened, as meeting notes from all six (6) meetings
15 indicate that the First Nation organizations involved
16 in the meetings requested that Efficiency Manitoba
17 directly engage with First Nations at every meeting.
18 This is not a new issue.

19 It was also confirmed last week by
20 Chief -- Grand Chief Jerry Daniels of the Southern
21 Chiefs Organization in his presentation that the SCO
22 had a representative at every EEAG meeting, but
23 engaging the SCO and their member nations through the
24 -- through only the EEAG is not adequate.

25 First Nations and First Nation

1 organizations have limited funding and staffing for
2 participating in activities outside of their
3 organizations.

4 Given the broad list of items that are
5 supposed to be dealt with by the EEAG, and
6 specifically by First Nation organizations --
7 organizations as part of the EEAG, this issue needs to
8 be addressed by Efficiency Manitoba to ensure that the
9 EEAG is able to do what Efficiency Manitoba
10 anticipates it should do.

11 This is also not new information. The
12 AMC took this position in the 2017/2019 and 2018/2019
13 rate hearings where it expressed its willingness to
14 assist Manitoba Hydro to work with First Nation
15 communities regarding data collection, but that
16 capacity assistance funding would be a prerequi --
17 prerequisite for effective participation.

18 Time spent on EEAG activities is time
19 not spent on other important initiatives.

20 The AMC was not formed to assist
21 Efficiency Manitoba. Its funding is proposal-based,
22 meaning that almost all of the funding that the AMC
23 received is directed to be spent for specific projects
24 and cannot be diverted to assist Efficiency Manitoba
25 with its programming or implementation.

1 The AMC would like to see Efficiency
2 Manitoba come up with a specific engagement strategy
3 that prioritizes direct engagement with First Nation
4 governments and citizens.

5 This is already part of Efficiency
6 Manitoba's plans for the purposes of implementation of
7 programming, so it should be simple to make it broader
8 and more meaningful.

9 The AMC attach the IESO report from
10 Ontario at tab 4 of its Book of Authorities. This
11 document was referred to by Dr. Clark in his report,
12 as well as Daymark, when it provided strategies for
13 reaching hard to reach customers.

14 We proved this report because it shows
15 a number of useful options for directly engaging with
16 First Nations about energy efficiency programming.

17 As noted, the AMC may be a valuable
18 intermediary for Efficiency Manitoba's engagement
19 strategy and can assist with marketing. However,
20 Efficiency Manitoba needs to recognize that the AMC
21 also has limited resources.

22 In addition, for the AMC to be
23 involved, it requires the EEAG to have a clear mandate
24 and processes in place. It will require some level of
25 capacity funding. And the AMC will have to have this

1 information in order to pass a resolution by the
2 Chiefs in Assembly for their consent to participate.

3 From what we understand of the SCO's
4 public presentation, they will require a similar
5 process.

6 We submit to the Board that a mandate
7 and process for the EEAG should be created and passed
8 by its members. Efficiency -- Efficiency Manitoba
9 should be directed to engage with members of the EEAG
10 about resourcing and funding options and come to an
11 agreement.

12 Efficiency Manitoba must engage
13 directly with First Nation governments and citizens
14 and the more fulsome engagement strategy should be
15 part of Efficiency Manitoba's project management plan.

16 Next I'll talk about evaluation and
17 methodology, particularly the consideration of non-
18 energy benefits. The Efficiency Manitoba Act does not
19 preclude use of measurements for consideration of non-
20 energy benefits in addition to the program
21 administrator cost test.

22 Non-energy benefits are considered
23 after portfolio design but not in the design process.
24 The AMC supports the use of the total resource cost
25 test alongside the PAC during portfolio design because

1 the TRC can incorporate measurements like bill
2 reduction or calculation of economic benefits.

3 In addit -- in addition, robustness
4 must be a measurement for evaluation of First Nations
5 programming. The AMC is also concerned with the lack
6 of targets and reporting of economic participation by
7 First Nations.

8 The AMC has provided the following
9 recommendations in our written submissions.

10 Efficiency Manitoba should be directed to provide
11 evaluation for electric programming using the TRC test
12 at the next application hearing and to include metrics
13 for average customer bill reduction and quantifiable
14 economic benefits for the current plan and the next
15 proposed plan.

16 Efficiency Manitoba should be directed
17 to include measures of robustness in its evaluation of
18 First Na -- First Nations programming moving forward.
19 Efficiency Manitoba should be directed to set clear
20 plans and targets for economic participation by First
21 Nations and First Nation citizens and be directed to
22 report on this at the next application.

23 My final point is with regard to data
24 collection and disaggregation. The AMC is strongly
25 opposed to a pan (sic) Indigenous approach to

1 programming. What this means is, grouping Indigenous
2 peoples, including First Nations and Metis, together
3 into one (1) program.

4 This ignores the unique and distinct
5 nature of First Nations and Metis peoples and
6 obfuscates important data for First Nation customers.
7 The AMC submits that data should be disaggregated as
8 between First Nations and Metis customers from the
9 outset of all plans to allow a clear view of the
10 impact and deficiencies of programming for First
11 Nation customers.

12 There is also a lack of information and
13 data in the plan which is hoped will be remedied by
14 the CRM/DSM system. One (1) example of this gap --
15 one (1) example of this is the gap between much higher
16 participation targets for First Nation customers from
17 Manitoba Hydro's programming compared to Efficiency
18 Manitoba's programming.

19 This gap was confirmed by both Daymark
20 and Efficiency Manitoba. Why does this gap exist? It
21 seems unlikely that Hydro would have picked
22 participation numbers out of thin air, so there must
23 have been a reason for anticipated higher
24 participation.

25 One (1) possibility is that Hydro's

1 engagement strategy outreach was deficient. These are
2 the kind of items that will become clear with direct
3 engagement with First Nations and better data
4 collection.

5 To this end, the AMC submits that
6 Efficiency Manitoba should be directed to unbundle
7 First Nation and Metis customer programs into separate
8 programs in recognition of the distinct customer
9 segments.

10 Efficiency Manitoba should and we
11 understand will make an effort to collect and maintain
12 better data about its programming and First Nations
13 energy consumption.

14 And just moving on to our conclusion.
15 Throughout this proceeding we have heard that
16 Efficiency Manitoba is a new organization with a new
17 approach that takes a fresh look at energy efficiency
18 and demand-side management programming.

19 We have heard that it's not simply
20 business as usual, yet when issues have been raised
21 about the lack of programming for First Nation
22 customers or issues that might arise with
23 implementation of the plan, we hear that this should
24 not be a concern as Efficiency Manitoba has transitioned --
25 transitioned from Manitoba Hydro and has years of

1 experience in the DSM programming.

2 The AMC does not wish to appear overly
3 critical of Efficiency Manitoba's plan. There are
4 positive aspects, and we recognize that. However,
5 First Nations are often left out of government
6 program. Our First Nations considerations are only
7 addressed minimally so that it can be said that
8 reconciliation was considered.

9 The AMC hopes that its submissions and
10 recommendations are considered by the Board to ensure
11 that First Nation customers have equitable access to
12 programming from Efficiency Manitoba and to ensure
13 that deficiencies and engagement are remedied moving
14 forward as this will have a large impact on
15 participation rates of First Nations.

16 We'd like to thank you for allowing the
17 AMC to be here as an Intervener. Subject to any
18 questions, those are our submissions on behalf of the
19 AMC.

20 And just to let the Board know that our
21 clients have requested that we attend their special
22 chief's assembly this afternoon. So, after our
23 presentation, unfortunately, we're going to have to
24 leave.

25 THE CHAIRPERSON: Thank you, Ms. Fox.

1 Ms. Kapitany, do you have questions?

2 THE VICE-CHAIRPERSON: Thank you. On
3 slide 20 of your deck, could you just clarify that
4 first point for me?

5 MS. CARLY FOX: So, what I'm trying to
6 get at here is that, because rate increases
7 disproportionately affect First Nations, that what we
8 need to do in order to offset is to make sure that
9 there's efficiency programming that will lower the
10 rate of the bill.

11 And I understand that this is kind of a
12 chicken and an egg situation. But what we're trying
13 to say that is (sic), if rate increases are going to
14 happen, then it needs -- the plan and the programming
15 needs to be accessible enough to First Nations that it
16 will decrease that potential rate increase.

17 THE VICE-CHAIRPERSON: So, are --
18 would it decrease the rate or would it decrease the
19 bill?

20 MS. CARLY FOX: The bill.

21 THE VICE-CHAIRPERSON: Oh, okay.

22 MS. CARLY FOX: Sorry.

23 THE VICE-CHAIRPERSON: That was my
24 confusion. Thank you. And on page 26 of your deck --
25 and I don't know if you would know the answer to this,

1 but you talked about AMC funding, for the mo -- most
2 part, being proposal based?

3 MS. CARLY FOX: Right.

4 THE VICE-CHAIRPERSON: Would it be
5 possible for a proposal to be put forward so that AMC
6 could work with Efficiency Manitoba to try and improve
7 the outcomes for First Nations?

8 MS. CARLY FOX: Definitely. And
9 that's something that the AMC secretary -- AMC's
10 secretariat would take a look at and try to find
11 funding for that.

12 So, usually the way it works is that
13 they apply for funding for a specific project, say for
14 Child and Family Services. And then they get funding
15 through the Federal Government. And then they're
16 required to comply with a number of reporting
17 requirements in order to receive that.

18 So, if it is possible to get some type
19 of funding through that, then that would make sense
20 for sure.

21 THE VICE-CHAIRPERSON: Right. My last
22 question is on page 30 of your deck. And you talked
23 quite a bit about robustness as -- as opposed to just
24 existence of programs. And in here you speak of
25 measures of robustness.

1 Do you have any specific
2 recommendations for what kind of measures you would
3 want to see there?

4 MS. CARLY FOX: Just one (1) second.

5

6 (BRIEF PAUSE)

7

8 MS. CARLY FOX: Yeah. We have it here
9 in our written submissions. And this relates to the
10 Dunsky scorecard. So, it --

11 THE VICE-CHAIRPERSON: Can you point
12 me to a reference in your written?

13 MS. CARLY FOX: Yeah. It's on page
14 32. And it is the paragraph starting with, "As noted
15 previously." And -- and Emily will just pull up the
16 actual reference in the -- I think it's in a cross-
17 examination.

18 But the Dunsky scorecard provides
19 measurements for evaluating Efficiency Manitoba's
20 program. The only aspect of the scorecard that
21 measures equity of programming for Indigenous
22 customers is the maximum of one (1) point that is
23 allotted if Efficiency Manitoba has developed programs
24 for hard-to-reach customers.

25

1 (BRIEF PAUSE)

2

3 MS. EMILY GUGLIEMIN: So, the Dunskey
4 scorecard reference can be found at Daymark EMI-2A,
5 and that's Attachment 1, at page 18.

6 And I thi -- what was shown there was
7 that low-income programs had a measure of robustness,
8 but Indigenous programs didn't, and the explanation
9 was that the information wasn't there.

10 But I think, to a certain extent, the
11 information was there for First Nations customers, but
12 -- what -- for whatever reason, robustness wasn't
13 included as a measurement for First Nations programs -
14 - only the one point four (1.4), whether those
15 programs existed, and that was grouped in with hard-
16 to-reach and Indigenous.

17 THE VICE-CHAIRPERSON: Okay, so this
18 is the kind of measure you'd be talking about. Okay.

19 MS. CARLY FOX: A robustness measure,
20 yes.

21 THE VICE-CHAIRPERSON: And I recall
22 when -- when we had the panel last week and when John
23 Ross was speaking and he -- he gave the example that
24 you also gave, Ms. Fox, of the refrigerator program,
25 where he would have liked to access that, but it

1 wasn't available to him.

2 So are you saying, then, that
3 sometimes, it would be making existing programs more
4 available, and then sometimes, it would be adding
5 specific programs?

6 MS. CARLY FOX: Exactly.

7 THE VICE-CHAIRPERSON: And those two
8 (2) things would come into your measure of robustness?

9 MS. CARLY FOX: Yeah, especially as it
10 relates to the insulation. So we know the -- there's
11 a number of First Nations homes that are not eligible
12 for this insulation upgrade, and we're not quite sure
13 why.

14 THE VICE-CHAIRPERSON: Thank you.

15 MS. CARLY FOX: Thank you.

16

17 (BRIEF PAUSE)

18

19 BOARD MEMBER HAMILTON: Thank you very
20 much, Ms. Fox. With regard to the issue of the
21 identification and information collection for First
22 Nations off-reserve customers, just following up on
23 Ms. Kapitany's question, is that something that,
24 potentially, a proposal could be put forward to
25 provide a program that would assist the individual

1 First Nations governments in getting that information
2 to Efficiency Manitoba?

3 MS. CARLY FOX: Definitely. If
4 there's funding available for that, and I do believe
5 that -- I don't -- I can't speak for all sixty-three
6 (63) First Nations, but I know that there are some who
7 do have that information, who keep information on the
8 addresses of their off-reserve membership to the
9 extent that they can. So I think if there's funding
10 available, then that definitely would be something
11 that the AMC could assist.

12 BOARD MEMBER HAMILTON: Thank you.

13 THE CHAIRPERSON: I had a similar
14 question to Ms. Hamilton, which is data collection for
15 off-reserves.

16 Can you identify some programs where
17 this has been done well, or are we -- in -- in terms
18 of either an energy issue or a specific issue -- or
19 are we start -- are we talking about starting a new
20 program that really hasn't been done elsewhere in
21 Canada or hasn't been done well?

22

23 (BRIEF PAUSE)

24

25 MS. CARLY FOX: Yeah, I'm sorry, we're

1 not aware of anything.

2 THE CHAIRPERSON: Okay, thank you.

3 Thank you for your presentation.

4 MS. CARLY FOX: Thank you.

5 THE CHAIRPERSON: Appreciate it.

6 You know, maybe we'll take two (2)
7 minutes, and we can have Mr. Wheeler and Mr. Buchart
8 move to the front.

9 MR. JARED WHEELER: I do wonder, Mr.
10 Chair, if maybe we want to take an early morning
11 break, only because I'm foreseeing about an hour and a
12 half.

13 THE CHAIRPERSON: Okay. Yeah, we'll
14 take -- so we'll -- we'll reconvene at ten o'clock.
15 Thank you.

16 Thank you again.

17

18 --- Upon recessing at 9:43 a.m.

19 --- Upon resuming at 10:02 a.m.

20

21 THE CHAIRPERSON: Mr. Wheeler...?

22

23 CLOSING SUBMISSIONS BY MKO:

24 MR. JARED WHEELER: Thank you, Mr.

25 Chair. As you know, I am Jared Wheeler. With me is

1 Mr. Markus Bucharth. We are legal counsel to MKO in
2 this hearing. As we have done every time I think
3 we've been on the mic, we do say good morning to the
4 Board and we say good morning to everybody in the
5 room. We say good morning to anybody monitoring this
6 hearing online. I understand my wife might actually
7 be listening this time, which is always a good thing,
8 I hope.

9 We do also want to make sure that we
10 thank and acknowledge the Board staff who have been
11 very helpful through this whole hearing, I'd say
12 instrumental in a different context. That might call
13 for a round of applause. That's probably
14 inappropriate here, so I won't do that, but verbally I
15 am applauding you all. Thank you so much.

16 Now, to get into this, so you can see
17 on the screen here that are -- we're -- we're calling
18 our presentation today A Middle Ground, a Necessary
19 Message, and A Chance to Gradually Correct the Course.
20 These are the final submissions of our client, MKO,
21 and we'll explain all of that as we go.

22 Just to kick this right off, our client
23 sees this hearing into Efficiency Manitoba's initial
24 three (3) year Efficiency Plan, as with all hearings
25 before the Public Utilities Board, as this is about

1 people, and we always have to remember, and keep that
2 in the forefront of our minds, this is about people, a
3 lot of people, all Manitobans, including hard-to-reach
4 Manitobans such as those in northern First Nations,
5 many different people within Manitoba with many
6 different interests facing many different issues and
7 challenges, and with many different concerns, ad
8 considering what is in the public interest is a
9 balancing of all those matters.

10 We understand that, our client
11 understands that. Throughout this proceeding, there's
12 been a lot of very complex and converging information
13 points, and all of this information must be considered
14 and weighed, it all matters, and at the end of the
15 evidentiary portion of the hearing now, the question
16 you must, of course, ask yourselves is: Is this plan
17 as presented in the public interest?

18 There's -- there's certainly been a lot
19 of information on the record of his hearing, and yet
20 our client still feels that they don't actually know a
21 lot about what Efficiency Manitoba's plan is, and we
22 submit that this is because in many ways, in many ways
23 there's -- there isn't a plan. It doesn't yet exist.

24 You've heard Efficiency Manitoba tell
25 you in their closing submissions that the plan is

1 minimalist, that it's bare-bones, and that this was by
2 design. We've heard it said that flexibility and
3 nimbleness are some of the -- the virtues of the plan.
4 And our client characterizes this as being a plan to
5 plan, which -- which we submit is no plan at all.

6 Through this hearing process, some of
7 the expert witnesses have also noted the challenges of
8 reviewing the plan with limited, if any, details.

9 We can see on the screen here, Mr. Jim
10 Grevatt has -- has expressed this in his way at PDF
11 pages 1918 to 1919 of the transcript. And -- and he's
12 -- he's pointed out that this lack of details has
13 contributed in some ways to what our client submits
14 has been somewhat of an inefficient regulatory
15 process.

16 Dr. Timothy Clark also discussed this
17 and -- and he says here at line 21:

18 "It's more of a plan to do a plan."

19 And -- and he follows up and says,
20 well, what's the plan? And that's -- that's some of
21 the concerns of our client as well.

22 And in some ways, our client can
23 certainly appreciate that implementation is yet to
24 come, and our client can appreciate that methods for
25 implementation of the plan will still need to be

1 considered and decided upon in coordination with
2 customers and with stakeholders and with the public,
3 but our client has been concerned from the outset that
4 the information that is included in the plan does not
5 sufficiently take into account the concerns of
6 northern First Nations.

7 And now that the evidentiary record has
8 been closed, this Board has the task of reviewing the
9 record, and of course pursuant to Section 11(1) of the
10 Efficiency Manitoba Act, as you know, it -- it's now
11 up to you to make a report with recommendations to the
12 Minister regarding the plan. And so the big question
13 of course is: Should your recommendation to the
14 Minister be to -- to approve the plan, to approve the
15 plan with suggested amendments, or to reject the plan.

16 Now, our client has not been assured
17 that the plan as proposed is in the public interest or
18 that that plan warrants recommending approval of the
19 plan, but our client also recognizes that an outright
20 rejection of the plan will have long-term negative
21 effects for all Manitobans, which will, therefore,
22 also not be in the public interest.

23 And -- and our client does not
24 subscribe to the -- to the -- the take it or leave it,
25 all or nothing approach. So where is the middle

1 ground? Where's the creative solution?

2 And so our client's main broad
3 recommendation is that the Board should recommend that
4 the Minister approve the plan on a one (1) year
5 interim basis with suggested amendments, and with the
6 requirement that Efficiency Manitoba prepare, and by
7 December 31st, 2020, file with the PUB and provide to
8 all approved Interveners in this hearing a progress
9 report.

10 MKO recommends that the Interveners in
11 this hearing then be entitled to file written comments
12 regarding the progress report with the PUB, and partic
13 -- participants might also be engaged in a round of
14 Information Requests, depending on what the Board
15 deems to be in the best interests of the public, and
16 following whatever that process may be, whether
17 there's IRs or -- or strictly written comments, the
18 Board would then consider the progress report and the
19 comments of the Interveners and recommend to the
20 Minister whether for an April 1st, 2021, commencement
21 date the remainder of the plan should be approved on a
22 final basis or -- or approved with suggested
23 amendments again or rejected.

24 Now, given that this initial Efficiency
25 Plan will set the bar for Efficiency Plans to come,

1 our client is not comfortable with waiting three (3)
2 years for the filing of Efficiency Manitoba's next
3 Efficiency Plan to be able to comment on the status of
4 implementation of the plan and the status of the
5 corporation.

6 For example, has the Crown corporation
7 been staffed? What is the status of implementation of
8 the plan? Has the -- the CRM/DSM system been
9 effectively installed? Has the next implementation
10 iteration of the Energy Efficiency Advisory Group been
11 populated? Has Efficiency Manitoba directly engaged
12 with rights bearing First Nations in Manitoba in a
13 meaningful and respectful way? And if so, what has
14 Efficiency Manitoba heard and learned from those
15 interactions?

16 Our client suggests that a one-year
17 interim approval with a required progress report,
18 subject to review and comment from interveners, could
19 be an appropriate regulatory mechanism that sends a
20 necessary message to Efficiency Manitoba that a more
21 robust filing is needed for future plans.

22 People want to know what are we
23 approving. What are we rejecting, if that's the case.
24 What is the plan?

25 We'll spend the majority of the

1 remainder of our time today explaining the reasons for
2 and what is meant by and encompassed in our client's
3 broad recommendation.

4 Before we do that, we would like to
5 take some time to discuss the -- the nature of our
6 client, because this is important.

7 As you know, in this hearing we
8 represent Manitoba Keewatinowi Okimakanak Inc., MKO.
9 MKO is a long-standing non-profit advocacy
10 organization who in turn represents 26 rights bearing
11 northern First Nations with collectively more than
12 sixty-five thousand (65,000) treaty First Nation
13 citizens.

14 As legal counsel, we do not represent
15 each of those twenty-six (26) northern First Nations
16 individually. We represent MKO.

17 I'd suggest that to concurrently
18 represent twenty-six (26) separate independent and
19 sovereign First Nations would inevitably lead to
20 multiple points of divergence and multiple overlapping
21 conflicts of interest, and I'm sure we would run afoul
22 of the Law Society and we'd get our -- ourselves in
23 trouble there.

24 Because each First Nation, even those
25 in similar geographic circumstances is different, with

1 among many other differences, different languages,
2 different interests, different citizens, different
3 issues, and different opportunities.

4 As set out in our clients' Intervener
5 application, MKO indeed provides a collective voice
6 for MKO's twenty-six (26) member First Nations.

7 The mission statement of MKO is to
8 maintain, strengthen, enhance, lobby for, and defend
9 the interest and rights of First Nations people within
10 its jurisdiction, and to promote, develop, and secure
11 a standard quality of life deemed desirable and
12 acceptable by those First Nations.

13 We draw your attention to what this
14 does not say. This does not say that MKO speaks for
15 each of MKO -- MKO's member First Nations. Because
16 MKO does not speak for each independent and sovereign
17 member First Nation.

18 No entity can do that, but each First
19 Nation themselves. It would be disrespectful to speak
20 for individual First Nations and would ignore the
21 independence and sovereignty of those individual First
22 Nations.

23 MKO does not decide how the individual
24 member First Nations pursue their interests or
25 exercise their rights.

1 MKO lobbies for and defends the rights
2 of MKO's member First Nations to speak for and decide
3 for themselves.

4 MKO is not a rights-bearing community.
5 MKO is a non-profit corporation.

6 MKO's member First Nations are rights
7 bearing communities and must be directly engaged. And
8 this is the point here. In the -- in the plan and
9 throughout the hearing, Efficiency Manitoba has -- has
10 told us that in preparing the plan Efficiency Manitoba
11 engaged with First Nations, having engaged with MKO,
12 AMC, and SAO -- SCO, through the EEAG as part of
13 Efficiency Manitoba's stakeholder engagement model.

14 Engaging with political advocacy
15 organizations is not engaging with First Nations.

16 First Nations hold constitutionally
17 protected collective rights. As Dr. Fitzpatrick
18 briefly explained in her expert testimony with respect
19 to public engagement, which is at PDF 1877 of the
20 transcript, First Nations and Metis individuals can be
21 included in the categories of the public, the -- the
22 customers, the stakeholders. First Nations peoples
23 are -- are woven throughout those categories.

24 But Dr. Fitzpatrick also pointed out
25 that First Nations and Metis have inherent rights,

1 which transcend all three (3) of those categories.

2 To be very clear, by engaging with MKO
3 Efficiency Manitoba is engaging with MKO. Of vital
4 importance is that by engaging with MKO Efficiency
5 Manitoba is not engaging with MKO's twenty-six (26)
6 rights bearing member First Nations, and the
7 representative from MKO made this very clear from the
8 outset of the EEAG process.

9 As discussed between Ms. Kuruluk and I
10 at PDF pages 1,069 to 1,070 of the transcript, wherein
11 we discuss some of the -- the minutes from meetings of
12 the EEAG.

13 Contrary to the recommendations of the
14 MKO representative multiple times through the EEAG
15 process, Efficiency Manitoba has -- has testified that
16 outside of the EEAG Efficiency Manitoba has not
17 engaged with northern First Nations. And we see this
18 in a few different points through the transcript at
19 PDF pages 1,058 and 1,073 to 1,074 of the transcript.

20 So, of course, then that comes to the
21 question of: What does it matter if northern First
22 Nations have been directly engaged?

23 The answer is that the plan does not
24 adequately address issues specific to hard-to-reach
25 customers in northern First Nations, including whether

1 the plan as presented is accessible to customers in
2 northern First Nations, because Efficiency Manitoba
3 does not yet know what their issues are, because
4 Efficiency Manitoba has not asked them.

5 There's one (1) example of a suggestion
6 that Efficiency Manitoba has not included in the plan
7 is one we heard from Mr. John Ross from Pimicikamak
8 Cree nation as referred to as well in the closing
9 submission of the Consumer's Coalition, Mr. Ross said
10 that he wants to install a wood stove.

11 He sees that as a way to reduce
12 consumption. From our review of the plan, wood stoves
13 are not available to consumers in the plan. We refer
14 to this only as an example of one (1) idea that could
15 have been provided to Efficiency Manitoba had they
16 asked.

17 We're not weighing in as whether that
18 should be in the plan, we're just saying, you know,
19 there are things out there that folks are thinking
20 about that haven't been included, because they haven't
21 been included yet.

22 And -- and MKO has -- it has been
23 pleased to see and hear continued reference from
24 Efficiency Manitoba that there are plans to engage
25 with northern First Nations throughout implementation

1 of the plan.

2 MKO envisions a role for MKO in that
3 process going forward, which we will discuss in
4 greater detail. But MKO recommends that the Board
5 find that in preparing the plan, Efficiency Manitoba
6 did not meaningfully engage with northern First
7 Nations. And we will discuss some of what our clients
8 sees as -- as other deficiencies as noted in the plan
9 as presented.

10 The panel may recall that in our
11 opening statements in this hearing we referred
12 extensively to the concept of reconciliation, and we
13 posed the questions what does reconciliation have to
14 do with this hearing.

15 And the flip side of this: What does
16 this hearing have to do with reconciliation?

17 We -- we set out in our opening
18 statement portions of the Path to Reconciliation Act,
19 including specifically, as you see on the screen in
20 front of you, the guiding principles in section 2,
21 which sets out that to advance reconciliation, the
22 government must have regard for the following
23 principles: respect, engagement, understanding, and
24 action.

25 And we answered both of our rhetorical

1 questions about what this hearing has to do with
2 reconciliation as simply this hearing has everything
3 to do with reconciliation. This is about establishing
4 a good relationship between First Nations in Manitoba
5 and a new Crown corporation. A new Crown corporation
6 that by its legislation is an agent of the Crown.

7 This is about building trust. This is
8 about equity and inclusiveness.

9 And has been -- as has been discussed
10 at many times throughout this hearing, the word
11 'reconciliation' did not appear in Efficiency
12 Manitoba's plan. This was seen by MKO as a -- as a --
13 as a glaring omission and inconsistent with explicit
14 directions from the Minister.

15 Pursuant to section 9(j) of the
16 Efficiency Manitoba Act, in the plan Efficiency
17 Manitoba is required to include a description of how
18 the plan addresses ---

19 THE CHAIRPERSON: Mr. Wheeler, I'm --
20 I'm sorry, I'm going to have to interrupt you. We're
21 going to take a five (5) minute break.

22 MR. JARED WHEELER: Certainly.

23

24 --- Upon Recessing at 10:19 a.m.

25 --- Upon resuming at 10:22 a.m.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: So, for the record,
4 we have the system going on in our meeting room. And
5 -- and Dr. Grant's going to just listen to your
6 presentation there rather than...

7 MR. JARED WHEELER: Thank you for
8 that, Mr. Chair. And thank you to Dr. Grant, as well,
9 for continuing to listen in. I'll just give him a
10 minute to get there, of course, yeah.

11 THE CHAIRPERSON: Yeah. Well, we'll -
12 - we'll wait for Ms. Steinfeld, as well to return and
13 for him to get there.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: My apologies, Mr.
18 Wheeler. If you could continue.

19

20 CONTINUED BY MR. JARED WHEELER:

21 MR. JARED WHEELER: Mr. Chair, I -- I
22 realize we're all human, even -- even your Board
23 members up there. And so, here we are. We'll --
24 we'll deal with things as they come.

25 And so, I was saying to Ms. Kapitany,

1 maybe it's best to start right at the beginning, and
2 we'll -- we'll kick it off again. I'm totally
3 kidding. I'm not going to do that. If -- if we
4 wanted to, we could.

5 THE CHAIRPERSON: I survived teenage
6 boys. I know when I'm being had, so.

7 MR. JARED WHEELER: So, what I will do
8 is I will just go right back to slide 16, just one (1)
9 slide back, just to point out again that -- that what
10 we're -- what we're talking about right now is -- is
11 this question of reconciliation which we suggest is
12 vitally important to this Hearing now.

13 And -- and we draw the Board's
14 attention to the Path to Reconciliation Act and the --
15 the principles that the government must have regard
16 for, including respect, engagement, understanding, and
17 action.

18 This may, of course, sound familiar at
19 this point. And so, we referred again to the fact
20 that MKO sees it as a glaring omission that the word
21 'reconciliation' itself does not appear in the plan.
22 MKO sees this as being inconsistent with explicit
23 directions from the Minister.

24 And -- and those ex -- what we see here
25 on slide 17 now is section 9(j) of the Efficiency

1 Manitoba Act sets out that, in the plan, Efficiency
2 Manitoba was required to include a description of how
3 the plan addresses the prescribed factors the PUB must
4 consider in its review, including whether Efficiency
5 Manitoba has reasonably attempted to comply with the
6 directions of the Minister.

7 And you may recall, we canvassed this
8 issue of reconciliation through -- through cross-
9 examination of the expert panel from Daymark. This
10 same -- same excerpt was referred to by our friends
11 from AMC. Daymark had reviewed whether Efficiency
12 Manitoba has -- had reasonably attempted to comply
13 with directions of the Minister as required to be
14 described in the plan. In their report, Daymark had
15 concluded that:

16 "Daymark's review of plan
17 completeness generally found that
18 all the requirements of the Act and
19 regulation had been addressed."

20 However, we confirmed that Daymark's
21 review was based on whether Efficiency Manitoba had
22 complied with the requirements to be fiscally
23 responsible. We asked whether Daymark had considered
24 whether Efficiency Manitoba had attempted to comply
25 with the commitment to reconciliation expressed by the

1 Minister.

2 And -- and you heard Ms. Fox refer to
3 this already this morning. We submit that -- that
4 that's because this is of -- of the utmost importance.
5 Mr. Athas explained that Daymark had not really had
6 the time to do so, to consider whether -- whether
7 reconciliation factors in.

8 Ms. Kelly, from Daymark, explained that
9 -- as you heard Ms. Fox say -- refer to -- that
10 Daymark's knowledge of Indigenous peoples in Manitoba
11 is limited. And -- and therefore, Efficiency Manitoba
12 did not include an explicit description in the plan
13 with respect to Efficiency Manitoba's attempt to
14 comply with the direction of the Minister to advance
15 reconciliation. And in their review of the plan,
16 Daymark did not consider this deficiency.

17 Therefore, MKO recommends that the
18 Board find that Daymark's conclusion in their report
19 that all the requirements of the Act and regulation
20 had been addressed by Efficiency Manitoba -- that
21 conclusion should be disregarded.

22 In addition, MKO recommends that the
23 Board find that in the plan, Efficiency Manitoba has
24 not explicitly complied with the direction from the
25 Minister to contribute to reconciliation.

1 It's been acknowledged in Efficiency
2 Manitoba's final written submission that the word
3 'reconciliation' did not appear in the plan and that
4 Efficiency Manitoba has also put in the final written
5 submission that the government was clear in its
6 commitment to advancing reconciliation with Indigenous
7 Manitobans and its expectation that Efficiency
8 Manitoba contribute to reconciliation in their
9 interactions with Indigenous communities and ini --
10 individuals. It's set out in that written submission
11 that Efficiency Manitoba is, through its plan,
12 contributing to reconciliation in its interactions
13 with First Nations and First Nations individuals.

14 Our client suggests that this
15 acknowledgement should be concretely added into the
16 plan. It may seem unnecessary. It may seem that this
17 is implicit.

18 Our client submits that it is vitally
19 important, and therefore, MKO recommends that the
20 Board recommend that the Minister direct Efficiency
21 Manitoba to amend the plan to explicitly set out
22 Efficiency Manitoba's commitment to contributing to
23 reconciliation between Indigenous and non-Indigenous
24 peoples in Manitoba, as required under Section 9(j) of
25 the Efficiency Manitoba Act, and explicitly set out

1 Efficiency Manitoba's commitment to having regard for
2 the principles of reconciliation as set out in the
3 Path to Reconciliation Act, namely, respect,
4 engagement, and understanding and action.

5 Further, as set out in the Path to
6 Reconciliation Act and as we've heard discussed a few
7 times now, reconciliation, according to that Act, is
8 an ongoing process of establishing and maintaining
9 mutually respectful relationships in order to build
10 trust, affirm historical agreements, address healing,
11 and create a more equitable and inclusive society. As
12 we've said, this hearing is about establishing a good
13 relationship between rights-bearing First Nations in
14 Manitoba and Efficiency Manitoba.

15 Both sides of this relationship are
16 representatives of Treaty partners. The Board heard
17 this referred to in our opening statements and also
18 heard Grand Chief Daniels from the Southern Chiefs'
19 Organization refer to this Treaty relationship. As we
20 set out in our opening statement, the Treaty
21 relationship is one of reciprocal responsibilities to
22 each other.

23 While MKO would like to maintain what
24 has see -- what it has seen to date as a good start to
25 MKO's relationship with Efficiency Manitoba, of far

1 greater importance is the direct relationship between
2 Efficiency Manitoba and MKO's individual member First
3 Nations.

4
5 Efficiency Manitoba has a
6 responsibility to meaningfully and respectfully engage
7 with each of these First Nations and cannot discharge
8 that responsibility by engaging with MKO. MKO would
9 be glad to act as an intermediary to facilitate direct
10 communication and two (2) way engagement between
11 Efficiency Manitoba and MKO's member First Nations.

12 Our client recognizes that there will
13 be challenges arising from direct engagement with
14 sixty-three (63) different First Nations. Efficiency
15 Manitoba will undoubtedly hear many, many different
16 things. They'll hear many different concerns, many
17 different issues, different things that people will be
18 happy to see are already in the plan. And -- and
19 there will then be questions of: How does Efficiency
20 Manitoba balance the -- the different things that they
21 hear?

22 MKO can't tell Efficiency Manitoba how
23 to do that but can say that Efficiency Manitoba will
24 need to have a good, clear, and transparent plan for
25 directly engaging with each First Nation and a good

1 plan for what they're planning on doing with the
2 information they hear. Considerations can't be
3 balanced without knowing what they are.

4 Challenges will arise, but our client
5 hopes that Efficiency Manitoba will understand that
6 direct engagement is not meant to be easy, but it is
7 necessary. And importantly, direct engagement will
8 show people that Efficiency Manitoba recognizes that
9 those people matter and will show respect for each of
10 the independent and sovereign First Nations in
11 Manitoba, which will help foster mutual understanding
12 and lead down that path to reconciliation.

13 MKO agrees with Efficiency Manitoba's
14 plan that the EEAG should continue and agrees with
15 Efficiency Manitoba's plan that an Indigenous energy
16 efficiency working group should be established. These
17 are good plans. MKO recognizes that.

18 MKO would certainly like to participate
19 in both of those groups, but the work of the EEAG and
20 the Indigenous working group must be recognized by
21 Efficiency Manitoba as being separate and apart from
22 the work of Efficiency Manitoba to establish and
23 maintain respectful, direct relationships with each
24 First Nation. At PDF pages 1899 to 1900 of the
25 transcript, Dr. Fitzpatrick explained that:

1 "The ongoing process of engagement
2 is building a relationship."

3 Again, our client is pleased to see in
4 here continued reference from Efficiency Manitoba to -
5 - to planning to engage with northern First Nations
6 throughout implementation of the plan, but to date,
7 MKO has not seen what the plan is for Efficiency
8 Manitoba to directly engage with northern First
9 Nations. Have you -- as you've heard us say many
10 times now, a plan to plan is no plan at all.

11 MKO and the independent and sovereign
12 First Nations need to concretely know and understand
13 Efficiency Manitoba's strategy for this direct
14 engagement.

15 And so, MKO recommends that the Board
16 recommend that the Minister direct Efficiency Manitoba
17 to, within no more than one (1) month of interim
18 approval of the plan, file with the Board and share
19 with MKO, AMC, and SCO a robust and clear First Nation
20 direct engagement strategy with respect to all sixty-
21 three (63) First Nations in Manitoba.

22 And that such engagement strategy
23 should, at a minimum, and in keeping with
24 recommendations put forth by Dr. Fitzpatrick, clearly
25 itemize the proposed method of and timeline for

1 establishing two (2) way transparent, inclusive,
2 informed, and meaningful engagement with customers and
3 the public in each First Nation in Manitoba; the
4 timeline for Efficiency Manitoba representatives to
5 complete a schedule for travelling to each First
6 Nation to hold community meetings, with such schedule
7 being prepared in coordination with each First Nation;
8 a list of specific information that will be shared
9 with each First Nation, which, at a minimum, must
10 include information specific to the plan and program
11 development, implementation, and evaluation; a list of
12 specific information that will be requested from each
13 First Nation; and an issues tracking table.

14 You heard Dr. Fitzpatrick refer to that
15 issues tracking table and the importance of it. The
16 point is to keep track of what did you hear.

17 Another concern raised by our client is
18 that Efficiency Manitoba has explained that one (1)
19 Indigenous energy advisor will be employed to help
20 carry out much of the important work with First
21 Nations in Manitoba.

22 Our friends from AMC this morning also
23 referred to this in their closing submissions, that
24 there is one (1) Indigenous energy advisor to satisfy
25 the calls from MKO and other Interveners in this

1 hearing and to conduct far more direct engagement with
2 First Nations.

3 MKO cannot envision how one (1)
4 Indigenous energy advisor will be sufficient to carry
5 out this work, even in tandem with -- with the
6 Efficiency Manitoba executive team.

7 We have heard that the position of
8 Indigenous Energy Advisor will be responsible for --
9 for many important items under the Plan, including
10 training First Nation community members to install
11 products, coordinating and communicating with all
12 First Nations, coordinating direct install and
13 community geothermal installations.

14 We've also heard that Efficiency
15 Manitoba proposes establishing two (2) to three (3)
16 First Nations Community Energy Advocates, who will be
17 retained for two (2) year terms on -- on a -- on a
18 rolling basis, and will also -- those folks will also
19 have an important role for Efficiency Manitoba's
20 engagement efforts.

21 However, we -- we also note that there
22 are sixty-three (63) First Nations in Manitoba.
23 Daymark also noted in their response to Undertaking 13
24 that the number of organizations representing First
25 Nations is in the dozens, and that two (2) to three

1 (3) Community Advocates may be a stretch for truly
2 being impactful to help assure accessibility to
3 meaningful Indigenous program designs.

4 And so therefore, MKO recommends that
5 the Board recommend that the Minister direct
6 Efficiency Manitoba to increase the budget in the Plan
7 for enabling strategies under the Indigenous customer
8 segment to enable Efficiency Manitoba to employ at
9 least two (2) Indigenous Energy Advisors, which we
10 suggest could be one (1) for the northern First
11 Nations, one (1) for southern First Nations.

12 We suggest at least two (2). That
13 doesn't necessarily mean that two (2) is the right
14 number, but that one (1), we can't see as being the
15 right number, and at least five (5), and possibly more
16 First Nations Community Advocates at a time.

17 And we're suggesting that that's
18 because when you take into account sixty-three (63)
19 First Nations, two (2) Community Advocates is going to
20 take us thirty (30) years to get there. I'm not a
21 mathematician. I think I've said that on the record
22 before, and my -- my wife reminds me of that all the
23 time, but I do know that having two (2) Community
24 Advocates for sixty-three (63) First Nations is going
25 to take us incrementally down the road, and maybe we

1 need to actually be looking at how to make broader --
2 broader investments in this area.

3 In addition, Efficiency Manitoba
4 testified that a lot of information about engagement
5 do date with First Nations is anecdotal and has not
6 been documented, but Efficiency Manitoba also told us
7 going forward -- Ms. Tuck said in -- in this
8 transcript excerpt here, from PDF page 1,061, that
9 going forward, the -- the Indigenous Energy Advisor
10 and all employees will be required to document all
11 interactions with First Nations.

12 We agree that that absolutely should be
13 something that happens. So therefore, we recommend
14 that the Minister direct Efficiency Manitoba to amend
15 the Plan to include a concrete requirement that all
16 employees document those interactions with First
17 Nations. Saying that's going to happen is one (1)
18 thing. Putting it into the Plan and saying you have
19 to do it, we suggest, is -- is a much more concrete
20 commitment to doing that.

21 And it shows our client and shows other
22 First Nations and other organizations that we are
23 going to do that. We are -- that's there. It's --
24 it's a lot harder to -- to deviate from that. And
25 including this commitment explicitly in the Plan is

1 one (1) way our client sees of ensuring that this
2 becomes a practice of the Company and more than just a
3 -- a verbal assurance.

4 And with respect to the EEAG, the
5 Board may recall that Mr. Grevatt discussed several
6 energy efficiency collaboratives that he worked on,
7 and he pointed out that participants are not always
8 comp -- compensated. But he also observed that while
9 there is generally good representation among these
10 organizations that have funding to send people to
11 these collaboratives, there's a gap in representation
12 from groups without access to funding.

13 You -- you heard Ms. Fox talk about
14 that. You've heard Dr. Fitzpatrick refer to this. A
15 volunteer committee is not going to -- to assure us
16 that the right voices are at the table.

17 And so there's going to be groups
18 without access to funding that need to be involved in
19 the EEAG, including AMC and MKO. And MKO submits that
20 the success of the EEAG is dependent on representation
21 from hard-to-reach customer segments. And therefore,
22 MKO recommends that the Minister direct Efficiency
23 Manitoba to increase the budget in the Plan for
24 enabling strategies under the Indigenous customer
25 segment.

1 I feel like I jumped back here, sorry.

2 Give me one (1) second.

3 MKO recommends that the Board --
4 recommend that the Minister direct Efficiency Manitoba
5 to amend the Plan and a budget for enabling strategies
6 to specify that participants on both the EEAG and the
7 Indigenous Energy Efficiency Working Group will be
8 compensated for their time and effort spent working
9 with these groups. And -- and we do think that this
10 needs to be in the Plan, that the Plan as presented
11 needs to be amended to specify that, and put it
12 concretely in the Plan.

13 In keeping with practices described by
14 Mr. Neme at PDF page 1,967 of the transcript, MKO also
15 recommends that the EEAG should have available to them
16 a budget to retain expert consultants if that is the
17 will of the EEAG.

18 If the EEAG looks at things and says,
19 we have to make a decision about this, and we don't
20 understand it, and we don't know what we're -- what
21 we're looking at, and what's being asked of us, they
22 should have access to the resources to ensure that
23 they do understand it, and that they understand the --
24 the basis of the request, and that they understand
25 what are the options.

1 So again, we recommend that -- that the
2 EEAG should have a budget to ret -- retain expert
3 consultant. As Mr. Neme has pointed out, other
4 advisory groups have this capacity.

5 In addition, MKO recommends that
6 Efficiency Manitoba be directed to, as soon as
7 possible after commencement of the Plan, populate the
8 postapproval implementation iteration of the EEAG.
9 We've heard that this is the Plan to go forward.
10 That's good. We think that they perhaps need to be
11 directed to do that as soon as possible.

12 MKO agrees with and adopts our
13 understanding of Dr. Fitzpatrick's recommendation that
14 at the first meeting post approval of the Plan, the
15 EEAG should be directed to discuss whether to set out
16 a process and timeline for developing a clear
17 articulation of its mandate, terms of reference, and
18 bylaws, if that is the direction in which the EEAG
19 chooses to proceed.

20 Our client has concerns about the
21 process to date of preparing the Plan. We've made
22 that very clear. But our client is also hopeful about
23 what is anticipated to come through the process of
24 implementing the Plan.

25 Throughout this hearing, again, we've

1 been -- we've been clear that we have some -- our
2 client has had some criticisms of the Plan, but MKO
3 also wants to make it very clear that based on their
4 interactions to date with Efficiency Manitoba through
5 the EEAG and through this hearing process, our client
6 is hopeful that the Efficiency Manitoba executive team
7 have good intentions. We've -- we -- we haven't seen
8 anything to show us that they don't.

9 And our client hopes that the
10 Efficiency Manitoba executive team legitimately wants
11 to improve and wants to move forward together in a
12 good way.

13 And our client certainly does recognize
14 and acknowledge the efforts of Efficiency Manitoba in
15 having prepared and filed the Plan as presented, and
16 having prepared responses to many, many information
17 requests, and all of their efforts throughout this
18 entire regulatory processes. It's been exhausting
19 from our side. I'm sure from your side, it's also
20 been more so.

21 Our client recognizes a very aggressive
22 savings targets set for Efficiency Manitoba, and
23 recognizes that the Plan as presented has some focus
24 on and commitments to assisting hard-to-reach
25 customers, including Indigenous customers.

1 Our client sees that the Efficiency
2 Manitoba executive team, as it currently exists,
3 appears to have the will to deliver on the commitments
4 made to date, but our client asks, how can we be
5 assured that the leadership of -- of Efficiency
6 Manitoba will remain for at least the duration of a
7 three (3) year plan? How can MKO be assured that a
8 different board of the corporation wouldn't have
9 different priorities? And how can MKO be assured that
10 unwritten commitments will remain commitments of this
11 Corporation?

12 As it stands, MKO submits that it
13 doesn't have assurances about any of those things.
14 And very importantly, our client has not been assured
15 that the Plan as submitted is sufficient to bring
16 Manitoba and all Manitobans through to 2023 in energy
17 efficiency programming.

18 And for these reasons and more, MKO
19 submits that good intentions and good ideas do not
20 necessarily make a good plan. Those ideas must be set
21 out as concrete actions. That is why we're -- we're
22 seeking to have some of those commitments concretely
23 put into the Plan.

24 There are far too many unknowns in the
25 plan as presented, and MKO is not comfortable with

1 proceeding on the basis that Manitobans should simply
2 trust that the significant gaps in information in the
3 plan will become adequately filled.

4 MKO needs assurances. For example, our
5 client has not been assured that this plan will be
6 accessible to customers or members of the public and
7 First Nations in northern Manitoba, including --
8 including those in remote and isolated First Nations
9 and including those serviced by diesel.

10 Our client has not been assured that
11 the plan is either financial accessible, as in
12 affordable, or physically accessible, as in available,
13 to customers or members of the public in First Nations
14 in northern Manitoba.

15 And as this Board is aware, pursuant to
16 the Efficiency Manitoba Act, in reviewing an
17 efficiency plan and making recommendations to the
18 Minister, this Board must consider whether Efficiency
19 Manitoba is reasonably achieving the aim of providing
20 initiatives that are accessible to all Manitobans.

21 And we note that there has been some
22 different ideas on the record about what that word
23 'accessible' actually means. At PDF pages 414 to 15
24 of the transcript Mr. Stocki testified about
25 Efficiency Manitoba covering the costs of measures and

1 installation as one (1) of the key accessibility
2 criteria.

3 At PDF page 798 of the transcript, in
4 response to questions from AMC, Ms. Tuck similarly
5 explained that programs specific to Efficiency
6 Manitoba's Indigenous customers were accessible
7 because the upfront costs are being covered.

8 And now, our client had some concerns
9 with the idea and suggestions implicit in these
10 excerpts that 'accessible' means financially
11 accessible as our client has certainly not read the
12 requirement in the legislation that same way.

13 We heard from expert witnesses from
14 both the Daymark panel and the -- the Coalition panel
15 that, in their independent reviews of the plan, they
16 considered 'accessible' to mean different things.

17 First, at -- at PDF page 1,523 of the
18 transcript, Daymark suggested that, in their review of
19 whether the plan is accessible to all Manitobans, they
20 should have but had not considered whether the plan is
21 financially accessible, as in is it affordable.

22 Daymark agreed that, in their review of
23 accessibility, they had only considered whether the
24 plan was physically accessible to customers and its
25 target market.

1 And based on what our client considers
2 to be a limited definition of 'accessible', at PDF
3 page 138 of Daymark's expert report, Daymark had
4 concluded that Efficiency Manitoba has produced a plan
5 that should successfully present programs that are
6 highly accessible to the hard to reach Manitobans.

7 However, even on the basis of Daymark's
8 review of whether programs in the plan or physically
9 accessible to hard to reach Manitobans, we asked some
10 questions of Daymark on this conclusion, and
11 specifically whether geography plays a role.

12 Daymark had set out in response to PUB
13 Daymark IR I-3 that, in Daymark's expert opinion,
14 Daymark viewed the major objectives put forth by the
15 Province with respect to Efficiency Manitoba to
16 include the major objective that the plan should
17 provide programs that are accessible to all Manitobans
18 regardless of geography, and especially to hard to
19 reach customers, such as those who have lower incomes
20 and Indigenous people and businesses.

21 And we had discussed with Mr. Athas at
22 PDF page 1,000 -- 1,527 of the transcript. Mr. Athas
23 explained that, in Daymark's opinion, geographic reach
24 was not specifically required by the legislation.

25 And so, in Daymark's view, it was not a

1 compliance issue that the plan did not consider
2 geography.

3 And then, as set out at PDF pages 1,529
4 to 1,530 of the transcript, we asked:

5 "While it may not be a compliance
6 issue, does Daymark have an opinion
7 as to whether the plan is reasonably
8 achieving the aim of providing
9 initiatives that are accessible to
10 all Manitobans?"

11 Mr. Athas said that:

12 "We've articulated that geography as
13 not one that we've been able to see
14 a lot of the proof of attention and
15 activity and -- and the like, so
16 that the extent of geography is one
17 (1) of the different --
18 differentiators that make subgroups
19 of all.

20 We're saying that it's not
21 accessible to all Manitobans and we
22 might not had that clear view of
23 that in our report compared to what
24 I just stated now."

25 In their opening statements in this

1 Hearing, at PDF page 180 of the transcript, Efficiency
2 Manitoba acknowledged that geography adds to the
3 challenge of designing programs that meet the needs of
4 diverse customer segments in every corner of the
5 Province, including very remote communities.

6 A few days later, at PDF page 1,764 of
7 the transcript, Mr. Grevatt, from the Consumers
8 Coalition's expert witness panel, explained that, in
9 reviewing the plan, he specifically questioned the
10 definition of the word 'accessible'.

11 So, we asked Mr. Grevatt about his
12 expert opinion with respect to that word
13 'accessibility' and his review of whether the plan as
14 presented is accessible to all Manitobans.

15 And starting at PDF page 1,906 of the
16 transcript, we asked Mr. Grevatt whether his review
17 included both financial and physical accessibility.
18 He testified that he could not say that to his
19 satisfaction he was able to review the financial
20 implications or the financial ability of different
21 customer segments to participate based on what was
22 offered in the plan.

23 He also testified that, from his
24 review, it was unlikely that opportunities would be
25 available to income-qualified and Indigenous

1 customers.

2 So, for many reasons, including the
3 ease of regulatory review of future efficiency plans,
4 MKO recommends that this Board find that, for the
5 purposes of reviewing whether this plan or future
6 plans are accessible to all Manitobans, we recommend
7 that this Board find that 'accessible' means
8 financially accessible and physically accessible,
9 which we suggest means affordable and physically
10 available.

11 And based on a definition of
12 'accessible' meaning both financially and physically
13 accessible and regardless of whether the Board agrees
14 with our proposed definition, based on Daymark's
15 revised conclusion under cross-examination in which
16 they specified that this plan is not accessible to all
17 Manitobans, MKO recommends that the Board find that
18 Daymark's conclusion in their report, that Efficiency
19 Manitoba has produced a plan that should successfully
20 present programs that are highly accessible to the
21 hard to reach Manitobans, that conclusion should be
22 disregarded.

23 Now, MKO is very concerned that the
24 plan as presented is not necessarily accessible to
25 citizens of northern First Nations. And, as -- as Mr.

1 Bowman expressed at PDF page 2,135 of the transcript,
2 there's no dispute that the plan will inevitably
3 result in a rate increase.

4 Ultimately, as discussed by Mr. Stocki
5 at PDF page 387 of the transcript, all Manitoba
6 ratepayers will pay for Efficiency Manitoba to operate
7 and all ratepayers will pay for Efficiency Manitoba to
8 provide energy efficiency measures, be they DSM
9 programs, products, or services.

10 While the inevitable rate increase
11 resulting from Efficiency Manitoba may be a relatively
12 small rate increase when compared to other recent rate
13 applications from Manitoba Hydro, any rate increase is
14 a challenge for First Nation ratepayers on reserve to
15 -- or off reserve to absorb due to many factors of
16 which this Board is aware, including high energy
17 consumption rates, challenges with housing stock, high
18 rates of poverty, and specifically energy poverty.

19 You've heard Ms. Fox discuss this issue
20 this -- this morning. We all agree that this issue of
21 accessibility of programs to First Nation customers is
22 of the utmost concern.

23 During the ratepayers panel jointly
24 presented from the Consumers Coalition and MKO you
25 heard Mr. Ross testify that he feels rate hikes in two

1 (2) ways, once on his home energy bill and a second
2 time from the Northwest Company store in his
3 community.

4 Mr. No -- Mr. Ross noted that when
5 hydro rates go up, the store raises their prices. And
6 we all feel that. We all see that. Every -- every
7 Manitoban sees that their rate goes up, and so do
8 prices elsewhere.

9 So, Efficiency Manitoba can and must
10 take a leadership role in reducing the impacts of rate
11 hikes by providing access to programs to address the
12 energy efficiency of both homes and business which
13 will reduce consumption which will, in turn, help to
14 address energy poverty, helping to alleviate pressures
15 on -- on residential energy bills and on prices in
16 stores.

17 A properly managed DSM program
18 targeting the First Nations on reserve customers, both
19 residential and businesses, can and should reduce
20 energy consumption, which will also have the effect of
21 moving directionally towards Efficiency Manitoba's
22 mandated targets for reducing consumption, and can
23 also assist this population base with addressing their
24 high energy bills and other bills.

25 The -- the impact of the rate increase

1 resulting from Efficiency Manitoba's plan will be
2 reduced for participants of Efficiency Manitoba's
3 programs on their own bills as participants will be
4 able to seize opportunities to lower their
5 consumption, thereby resulting in lower energy bills.

6 But ratepayers can only participate in
7 Efficiency Manitoba's programs if they can access
8 those programs. So, we submit that this is the reason
9 why the PUB's legislated mandate to consider whether
10 Efficiency Manitoba is reasonably achieving the aim of
11 providing initiatives that are accessible to all
12 Manitobans.

13 This is of the utmost importance. All
14 Manitobans are paying for Efficiency Manitoba,
15 therefore, Efficiency Manitoba initiatives must be
16 accessible to all Manitobans. This makes good sense.
17 This is not to suggest that all Manitobans will take
18 advantages of the opportunities Efficiency Manitoba
19 will provide. Some ratepayers will not but that
20 should be a product of consumer choice, not a lack of
21 accessibility.

22 In the response to IR-3(b) from MKO,
23 Efficiency Manitoba confirmed that:

24 "Customer participation in
25 programming offered by Efficiency

1 Manitoba may, in fact, may be a
2 product of availability of programs
3 and not entirely driven by customer
4 choice."

5 Regarding customers participation,
6 another significant concern our client has with
7 respect to the plan as filed is that we have now heard
8 a variety of figures for how many customers are
9 included in Efficiency Manitoba's calculations and
10 estimates regarding First Nations on-reserve
11 residential customers.

12 And we've also heard that the criteria
13 for which businesses qualify as Indigenous businesses
14 has not yet been determined.

15 With respect to the numbers of First
16 Nations on-reserve residential customers, in our
17 review of the plan as presented, we recognized a
18 discrepancy between the figures provided by Manitoba
19 Hydro in the previous GRA and the figures provided by
20 Manitoba Hydro to Efficiency Manitoba for use in this
21 hearing.

22 When asked about this difference at PDF
23 pages 1,099 to 1,100 and 1,102 to 1,103. Efficiency
24 Manitoba informed us that they don't use either of
25 those values but, instead, use an approximate number

1 of customers which is less than either value derived
2 from Manitoba Hydro data.

3 In addition, although there are
4 programs in the plan directly targeting Indigenous
5 small businesses, at PDF pages 1,093 to 94 of the
6 transcript, Efficiency Manitoba confirmed that it has
7 not yet been determined what businesses are Indigenous
8 small businesses.

9 Efficiency Manitoba plans to establish
10 that criteria for those businesses in coordination and
11 conjunction with the various -- various groups
12 representing First Nations and -- and Metis peoples in
13 Manitoba.

14 And while MKO certainly appreciates
15 that Efficiency Manitoba wants to set out the criteria
16 through further engagement with Indigenous peoples,
17 such steps should have already been undertaken.

18 Without knowing who's an Indigenous
19 business, projections and estimates relating to
20 Indigenous businesses are unsupportable. This
21 includes projected participation levels.

22 And at PDF page 666 of the transcript,
23 Mr. Stocki testified that participation levels drive
24 budgets.

25 Efficiency Manitoba also confirmed at

1 PDF page 1,095 of the transcript that, once
2 determined, the number of Indigenous businesses could
3 in fact be higher than Efficiency Manitoba
4 anticipates, which means participation levels in the
5 small business programs could also be higher than
6 anticipated.

7 And following that through, that means
8 that the necessary budget for the Indigenous small
9 business bundles could need to be higher than
10 anticipated.

11 In addition, Daymark set out at PDF
12 page 32 of their expert report that successfully
13 installing all participant projects presented in this
14 three (3) plan requires that Efficiency Manitoba
15 accurately assess the target market, as well as a
16 reasonable estimate of how many incremental sales will
17 occur each year, and then tell us that, when no
18 information is given for the target market, it is
19 difficult to accept -- to assess how successful
20 Efficiency Manitoba will be at achieving those
21 incremental sales.

22 We asked for some clarification of that
23 in -- in -- through cross-examination, and -- and
24 that's what we were told.

25 So, the envision -- Daymark also

1 confirmed that, unless a program is continuing from a
2 previous Manitoba Hydro legacy program, to estimate
3 savings, to estimate market penetration, to estimate
4 market saturation, the target market size needs to be
5 known.

6 The Indigenous Small Business Program
7 is not continuing from a previous Manitoba Hydro
8 legacy program. This is a new program. This is a new
9 program. This is a new initiative. It's a good
10 initiative.

11 But when no information is given for
12 the target market, none of the estimates are -- are
13 based on accurate information. This is -- this is a
14 significant concern to MKO.

15 MKO submits that flawed, unreliable,
16 conflicting, or nonexistent data regarding customers
17 in the Indigenous customer segment, both residential
18 and small business customers, can be a significant
19 barrier to participation. We don't know who those
20 customers are.

21 And so, MKO recommends that the Board
22 find that, given that information about market size in
23 the Indigenous customer segment is unreliable.
24 Efficiency Manitoba's estimates and projections
25 relating to the Indigenous residential and small

1 business programs under the plan should also be deemed
2 to be unreliable.

3 And our client also agrees with the
4 suggestion of Mr. Gervatt at page 1,763 of the
5 transcript, that residential budgets which we know
6 should be read to include residential Indigenous
7 budgets are too conservative, which also means the
8 incentives and opportunities for these customer
9 segments are too low.

10 In addition, at PDF page 67 of
11 Daymark's direct testimony presentation, the
12 independent expert consultant noted that, in using low
13 participation rates in Manitoba Hydro legacy data as a
14 comparator, it is important to understand whether pace
15 of annual installations for the Manitoba Hydro Program
16 was limited by budget or an accurate reflection of
17 customer interests.

18 If budget limited, this suggests a
19 faster pace of market penetration might be possible.
20 And so, MKO submits that the pace of installations for
21 the Indigenous customer segment should not be at risk
22 of being limited by budget.

23 In addition, to meet some of the
24 commitments made by Efficiency Manitoba through this
25 hearing process, such as that there will not be a cap

1 on participation rates for Indigenous residential
2 customers if the demand exists, the budget to do so is
3 not currently in the plan.

4 And MKO agrees with and adopts the
5 revised recommendation of Mr. Grevatt as set out at
6 PDF 1,921 of the transcript.

7 And MKO then recommends that the Board
8 recommend that the Minister direct Efficiency Manitoba
9 to increase the budgets, participation targets, and
10 savings targets for programs targeting both the income
11 qualified and Indigenous customer segments, which for
12 the Indigenous customer segment includes both small
13 business and residential customers.

14 And -- and we heard Mr. Chair question
15 Ms. Dilay yesterday about increase the budgets and the
16 targets, increase them by how much? And without
17 having reliable data about how many customers are
18 currently in the Indigenous customer segments, we
19 don't have a hard number in mind. We don't know who's
20 even in the target market.

21 We suggest that those numbers need to
22 be known, need to be calculated. From there, we might
23 have an actual hard number about what we should
24 increase this by.

25 And besides budget concerns, other

1 barriers to First Nation customer participation in and
2 access to DSM programs have been identified. And some
3 potential strategies and best practices for addressing
4 some of these -- these issues have been provided by
5 Daymark.

6 In Undertaking -- in response to
7 Undertaking 13, Daymark was -- was asked by the Board
8 to advise as the best practices for improving for hard
9 to reach customers.

10 At PDF pages 4 to 5 of this undertaking
11 response Daymark noted that polic -- policy makers and
12 regulators should establish special incentives,
13 targets and/or requirements for program administrators
14 to ensure that hard to reach customers are not
15 neglected.

16 At pages 7 to 9 of that same response,
17 Daymark noted that, especially for rural customers,
18 studies noted that access to broadband, or even the
19 internet, cannot be taken for granted.

20 And during the ratepayers panel, Mr.
21 Ross, from Pimicikamak also noted that the internet
22 service in his home community, I believe he said in
23 his words, it's not very good up there.

24 And in -- in response to -- to MKO's IR
25 28(a) and (b) -- just (a):

1 "With respect to retail rebates, we
2 -- we referenced PDF pages 289 to
3 290 of the plan in which Efficiency
4 Manitoba had referred to online
5 rebates for some programs with
6 higher upfront costs.
7 We asked whether a lack of internet
8 availability and connectivity had
9 been considered to be a barrier to
10 participation."

11 To which Efficiency Manitoba agreed and
12 said:

13 "Especially in remote and northern
14 areas of the Province."

15 And at PDF page 869 of the transcript,
16 in response to questions from -- from AMC, Ms. Tuck
17 agreed that there could be some reduced participation
18 because of lack of internet availability.

19 And as a result of this information and
20 these discussions, MKO recommends that the Board find
21 that availability of reliable internet access could be
22 a barrier to participation in DSM programs for
23 customers and the public in northern First Nations and
24 find that availability of reliable internet access is
25 necessary for Efficiency Manitoba to engage in

1 effective two (2) way communication with all
2 Manitobans and is necessary for providing initiatives
3 that are accessible to all Manitobans.

4 And so, MKO recommends that the Board -
5 - recommend that the Minister direct Efficiency
6 Manitoba to conduct preliminary research and to
7 internet available -- availability in northern
8 Manitoba First Nations, find out more and provide the
9 results of their research to the EEAG, provide the
10 results of that research to the Indigenous Energy
11 Efficiency Working Group.

12 And these groups with Efficiency
13 Manitoba may want to consider whether increase access
14 to internet connectivity in northern First Nations in
15 Manitoba might be a strategy to increase participation
16 rates.

17 And perhaps this could be funded by
18 Efficiency Manitoba under enabling strategies and
19 under that portion of the budget of the plan. Do we
20 want to look at maybe investing some money into --
21 into whether internet availability maybe can make some
22 parts of this plan more accessible to some of these
23 hard-to-reach customers?

24 In response to Undertaking 13, again,
25 best practices for improving access for hard-to-reach

1 customers, Daymark also noted that for Indigenous
2 customers, programs intended for all customers did not
3 always make clear that First Nations customers were
4 eligible to participate.

5 Respondents, in -- in some of the
6 research that they looked at, suggested that such
7 programs should make this eligibility clear. Daymark
8 noted that, for Efficiency Manitoba, it may be
9 important to focus on ensuring that in addition to
10 awareness of dedicated programs for First Nations and
11 Metis customers.

12 These customers should be aware of and
13 know that they are eligible for all other Efficiency
14 Manitoba programs.

15 So, MKO recommends that the Board find
16 that, in the plan as proposed, Efficiency Manitoba has
17 not made it clear that all residential programs,
18 including energy efficiency loans, are available to
19 First Nations on-reserve residential customers,
20 including those with hydro accounts in arrears, and
21 has not made it clear that all small business offers
22 are available to Indigenous small business and, as --
23 as a result, confusion could arise about the
24 availability of these programs.

25 We sort of started to understand some

1 of -- of what is available through the IR process,
2 through cross-examination, through all of those
3 things.

4 It -- it's not clear in the plan that -
5 - that an Indigenous customer -- an Indigenous
6 residential customer can access all of the residential
7 programs. It's not clear.

8 But further, MKO recommends that the
9 PUB recommend to the Minister that Efficiency Manitoba
10 be directed to amend the plan to explicitly set out in
11 the plan that all residential programs are accessible
12 to Indigenous residential customers.

13 In additional to the residential
14 programs, the Indigenous residential programs are also
15 available. All of this should be very clearly spelled
16 out in the plan, that, if you're an Indigenous
17 residential customer, you can access all the
18 residential programs and can also access the
19 Indigenous residential programs.

20 The same thing with the small
21 businesses. We confirmed that it -- it's analogous
22 that Indigenous can access small business programs but
23 can also access Indigenous small business programs.

24 That was not clear to us in our review
25 of the -- of the plan, and it absolutely should be,

1 because as much we all enjoy this process, not
2 everybody is paying attention. Not everybody hears
3 this. But folks should know what they have available
4 to them.

5 It should also be very explicitly set
6 out in the plan that energy efficiency loans are
7 available to customers whose accounts are in arrears
8 because I -- maybe that's not on the record. But our
9 understanding is that that was not the case under
10 Manitoba Hydro's programs.

11 THE CHAIRPERSON: I think that is on
12 the record.

13 MR. JARED WHEELER: Then that is on
14 the record and --

15 THE CHAIRPERSON: The question was put
16 in terms of people before, if they were in default,
17 could not access the programs. So I think that it is
18 on the record.

19 MR. JARED WHEELER: And -- and so
20 that's my point, is that if -- if folks are seeing
21 that Efficiency Manitoba is -- is built off of the
22 programs that were -- in some ways that were
23 accessible under Manitoba Hydro and is building on
24 that, folks should know where those differences are,
25 especially should know that if my account is in

1 arrears, I might still be able to access some of these
2 loans.

3 Because that's not clear in this plan,
4 and it should be very, very explicitly made clear in
5 this plan.

6 And so we are going to be discussing
7 our clients' broad recommendation, we'll -- we'll do a
8 drum roll before we get there, but before we get
9 there, we -- we do know and we would like to briefly
10 touch on the fact that this Board has raised the
11 question multiple times in -- in hearings in which
12 we've participated, this question about who pays the
13 energy bills on reserve.

14 Is it -- is it the resident, is it the
15 First Nation, is it the Federal Government? I hope
16 Dr. Grant is listening, because I know he has posed
17 this question a number of times to folks. Who is
18 paying this bill?

19 In the context of this hearing, we take
20 this question, I mean, assuming that DSM programs are
21 available to on reserve customers, who benefits from
22 DSM programs targeting the on reserve population in
23 Manitoba?

24 Unfortunately, we can't provide the 100
25 percent definitive answer because I don't think

1 anybody really can. But I don't know that anybody can
2 definitively tell you an answer about who in Winnipeg
3 is paying the bills of somebody living in -- in a --
4 in an apartment building. Is it the tenant? Is it
5 the -- it -- it's different. It's different for
6 different folks.

7 And the point here is that while there
8 hasn't been a definitive answer, we -- we absolutely
9 intend to address these questions in a robust way in
10 future hearings.

11 But in this hearing, we draw the
12 Board's attention to the ratepayer's panel, and one of
13 the -- the many important things you heard, including
14 from Mr. Ross, who lives on reserve in Pimicikamak
15 Cree Nation, and he tells us that he owns his home and
16 he pays his energy bill.

17 My only point being here that while
18 this is anecdotal, at least in some circumstances
19 somebody living on reserve is paying their energy
20 bill.

21 Is that definitive? No. Not at all.
22 But it is anecdotal and I do think that it has to be
23 recognized that we do have evidence on this record
24 that somebody living on reserve is paying their bill,
25 and that those folks could directly benefit from

1 Efficiency Manitoba's DSM programs.

2 In addition, we want to briefly discuss
3 customers in the diesel zone. As you can see on this
4 -- this slide, we didn't -- we didn't really add a lot
5 into here because not enough is known.

6 With respect to customers in the diesel
7 zone, we submit that there's not enough substantive
8 evidence on this record to make concrete
9 recommendations with respect to Efficiency Manitoba's
10 programming that may impact First Nations in the
11 diesel zone.

12 We recognize that residential folks
13 there would be able to access the residential
14 programs, the Indigenous residential programs. The --
15 our understanding is that all of that is -- is
16 available to folks living in the diesel zone.

17 With the exception that the community
18 geothermal program might not be available to folks in
19 the diesel zone, it might not be compatible with the
20 existing infrastructure, our point here is that
21 Efficiency Manitoba has indicated a willingness to
22 work with this -- maybe I'll call it a subset of the -
23 - the Indigenous customer group, to assist those folks
24 with their specific energy efficiency needs.

25 The Efficiency Manitoba Regulation as -

1 - as you know, sets out that the affordable energy
2 fund can be used to fuel switch away from home heating
3 sources that are not natural gas or electric.

4 A program to fuel switch away from
5 diesel could very likely access the affordable energy
6 fund. It's not clear what home heating sources these
7 folks might switch to.

8 Efficiency Manitoba has indicated in IR
9 responses that a fuel switch to an alternative such as
10 biomass would be a retrofit option that would be
11 within the mandate of Efficiency Manitoba.

12 Our recommendation -- our clients'
13 recommendation here is that the Board should find that
14 further research and data are required regarding
15 energy efficiency programs and consumers in the diesel
16 zone for future reviews by the Board or by the
17 government.

18 The Board and government would be well
19 served by further and more extensive industry-wide and
20 consumer-based research with Indigenous consumers in
21 the diesel zone, including potential options for fuel
22 switching away from diesel. We should find out more.

23 Very similarly, our clients find that
24 there's insufficient data with respect to the
25 prevalence of fuel oil and propane for heating in

1 First Nations in northern Manitoba. And therefore our
2 client recommends that we should know more. As a
3 result, analysis and decision making with respect to
4 this unique customer group we -- we're not there yet.

5 So MKO recommends that the Board find
6 that further research and data are required regarding
7 consumers using fuel oil and/or propane and potential
8 options for fuel switching should be considered and
9 should be part of this research. Let's find out more
10 about this.

11 And so I suppose here's where my drum
12 roll is. We're going to look at our major
13 recommendation here.

14 This is the -- the recommendation that
15 the Board should recommend to the Minister, that the
16 plan, with amendments, receive a one-year interim
17 approval. And Efficiency Manitoba should be directed
18 to prepare and file a progress report about which
19 interveners will have an opportunity to provide
20 written comments.

21 Again, as you know, there appear to be
22 three (3) options available to the panel: approve the
23 plan, approve the plan with suggested amendments, or
24 reject the plan.

25 Our client has considered whether the

1 plan as presented should be approved. Our client has
2 concluded that there's far too much uncertainty and
3 too many deficiencies in the plan for MKO to consider
4 approval of the plan as presented to be in the public
5 interest.

6 MKO has considered whether the plan as
7 presented should be rejected. However, there's no
8 time to reject the plan. Our client recognizes that
9 if -- if no plan was in place, there would be
10 significant challenges in staffing the corporation,
11 there'd be challenges for Efficiency Manitoba to enter
12 into contracts with third parties. There would be
13 many, many issues with this -- with rejecting the
14 plan.

15 MKO agrees with Mr. Harper, at PDF page
16 2,009 of the transcript, that it's preferable that a
17 plan be approved as opposed to no plan.

18 In Efficiency Manitoba's final written
19 submission, the corporation submitted that any
20 rejection of the plan would be a significant loss of
21 opportunity to achieve savings, to reduce energy
22 consumption, and -- and would defer other efficiency
23 plan achievables.

24 And MKO agrees with that submission in
25 this regard and considers an outright rejection of the

1 plan as presented to not be in the public interest.

2 In keeping with Mr. Grevatt's testimony
3 at PDF pages 2,058 to 60 of the transcript, our client
4 does not want to lose momentum with respect to energy
5 efficiency in Manitoba.

6 We see that we are getting better and
7 we want to keep down this road. And -- and our client
8 does not want Manitoba to fall behind other provinces
9 in this respect, and does not want northern Manitoba
10 to feel those effects of -- of not having ener -- any
11 energy efficiency programs in place.

12 MKO does not want to see Efficiency
13 Manitoba miss DSM opportunities that can be beneficial
14 for many different consumers for First Nations, for
15 the province, for Efficiency Manitoba, or for Manitoba
16 Hydro.

17 On their face, neither of the options
18 available to the Board until 11(1) of the Act, these
19 options don't quell MKO's concerns that the next
20 opportunity to comment on implementation of the plan
21 will be in 2023.

22 Given the significant concerns
23 expressed by MKO and other interveners in this
24 proceeding, three years from now is too far down the
25 road. Too many things can happen. This is a -- this

1 is a quickly-moving area right now. The expert
2 consultants from Daymark made it clear, at PDF page
3 1,555 of the transcript, that given the wide range of
4 programs targeting hard-to-reach customers,
5 implementation has to be monitored.

6 In the interest of seeking to ensure
7 that programs targeting First Nations roll out in a
8 good way, and in the event implementation of the plan
9 may not be as smooth as Efficiency Manitoba is
10 projecting, MKO would like an opportunity to assist
11 with gradually correcting the course of the
12 corporation if needed, rather than wait three years to
13 potentially suggest what would then at that point
14 could be an abrupt change of course.

15 And so similar to a recommendation from
16 Mr. Grevatt at PDF page 1,783 of the transcript, MKO
17 recommends that the plan should be approved on a one-
18 year interim basis.

19 And MKO recommends that the plan, with
20 amendments, may receive final approval for years 2 and
21 3 of the plan, but that such final approval, if
22 granted, would come after Efficiency Manitoba files a
23 progress report and after Interveners in this hearing
24 have an opportunity to provide written comments about
25 the progress report, which will then form part of this

1 Board's review of whether final approval of the
2 remainder of the plan would then be in the public
3 interest.

4 Our clients noted the comments of Mr.
5 Hacault in closing submissions yesterday, that it is
6 appropriate for the PUB to closely monitor DSM's
7 spending, and that such monitoring would be prudent
8 and in the public interest.

9 And so what is this progress report
10 that we're suggesting? Which is a terrible time for
11 that screen to not follow me, but I'll walk us through
12 it.

13 At a minimum the progress report should
14 include information to the date of that progress
15 report regarding whether Efficiency Manitoba has
16 retained the services of a public participation
17 expert, such as Blueprint as -- as was done for the --
18 the commencement of the EEAG, and if so, what are the
19 purposes that -- that public participation expert has
20 been retained for, including potentially facilitate
21 ongoing engagement with the EEAG, or the Indigenous
22 energy efficiency working group.

23 The progress report should include
24 information regarding participants, terms of
25 reference, bylaws, mandate of the EEAG, as determined

1 by the participants of the EEAG.

2 And also whether any areas of research
3 have been identified in collaboration with the EEAG,
4 and if so, whether that research has commenced and a
5 time frame within which the results of that research
6 are anticipated to be available.

7 What should be included in the progress
8 report is results to date of Efficiency Manitobans
9 First Nation engagement strategy, which we had
10 previously discussed, and which should have been
11 prepared at that point already.

12 Including which First Nations have been
13 directly engaged to date by Efficiency Manitoba. What
14 are the methods of engagement with the First Nations
15 directly engaged to date by Efficiency Manitoba, what
16 have those methods been?

17 What are the results of community
18 meetings attended by Efficiency Manitoba in First
19 Nations?

20 What additional barriers to
21 participation identified by First Nations -- what --
22 what has been raised, if there's been any? If anybody
23 has said this is a barrier to participation that we're
24 facing that hasn't been discussed already, what is it?

25 What are the plans to address any of

1 those additional barriers to participation, if any
2 have been raised?

3 What are the plans and proposed
4 schedules to engage with First Nations that had not
5 yet been directly engaged to date by Efficiency
6 Manitoba?

7 Who are the participants? What are the
8 terms of reference, and what is the mandate of the
9 Indigenous energy efficiency working group? And has
10 that been determined by the participants?

11 In the progress report we suggest that
12 there should be a clear description of the criteria
13 for a business to be eligible for programs targeting
14 Indigenous businesses.

15 In the progress report we should see an
16 accurate and reliable figure for the number of
17 Indigenous small businesses, and we should see an
18 accurate and reliable number of First Nations on
19 reserve residential customers.

20 We should -- we should know in the
21 progress report what has been the progress with resp -
22 - with respect to Efficiency Manitoba's work with the
23 Manitoba Indigenous housing capacity enhancement, and
24 mobilization initiative working group?

25 And -- and what has been the progress

1 with respect to that group's objective of creating a
2 First Nations building code? Let us know.

3 Whether First Nations community ene --
4 energy advocates have been retained, and if so, how
5 many, and from where? This should be in this progress
6 report.

7 What progress has been made on procu --
8 procurement of provider and roll-out of the integrated
9 customer relationship management and DSM system?
10 Where are we at with the CRM DSM system?

11 What progress has been made on staffing
12 levels? Where are we at? And -- and -- and what
13 comments does Efficiency Manitoba has -- have at that
14 point about whether anticipated staffing levels are
15 sufficient? Almost a year in, we'll have a better
16 idea at that point of how -- how's the roll-out been
17 happening with this? Do we have staff? Do we know if
18 they're there? And if -- and if the numbers are
19 right? Is seventy-five (75) staff, is that enough?
20 Should it be less, should it be more? These are
21 things that we can comment on.

22 What's the progress been on the RFP
23 process and whether all necessary contracts are in
24 place? And how those contracts are being
25 administered, what's happening?

1 The progress report should include
2 whether the independent assessor has been appointed,
3 pursuant to section 16.1 of the Act, and if so,
4 whether that appointment was in collaboration with the
5 EEAG, as has been suggested.

6 And if so, whether an evaluation
7 criteria has been established by the independent
8 assessor, including an independent review of codes and
9 standards savings. What has this independent assessor
10 said, assuming that they're in place at that point?

11 What's the time frame within which the
12 independent assessor's report will be submitted to the
13 PUB and published on Efficiency Manitoba's website,
14 pursuant to section 16.3 of the Efficiency Manitoba
15 Act.

16 The progress report should include any
17 observed budget variances and/or any instances in
18 which budgets have been shifted, as we've seen
19 described in Efficiency Manitoba's response to
20 undertaking 7. What's happened so far?

21 The progress report should tell us
22 whether the contingency fund has been utilized, and if
23 so, what's it been utilized for?

24 We don't think that Interveners or this
25 Board should wait three (3) years to find out about

1 that. And I -- we understand that some reports are
2 required, we get that, but we also see that there's --
3 currently there isn't an opportunity to comment on a -
4 - any of these things. And we think that there
5 absolutely should be. Our client sees that as
6 necessary.

7 In the progress report, it should
8 include whether Efficiency Manitoba has -- has
9 prepared a project management plan. And if so, that
10 plan should be included in that progress report, as --
11 and the same with a risk assessment and mitigation
12 plan.

13 The progress report should include
14 whether Efficiency Manitoba intends to prepare and
15 file with the PUB a DSM market potential study, and if
16 so, what's the time frame proposed for doing so?

17 In the progress report we should know
18 about adoption rates by customer segment at a bundle
19 level and where reasonably possible at a measure
20 level, with a specific focus on hard to reach
21 customers, including low income and Indigenous
22 customers, and especially customers in remote and
23 isolated areas of the province.

24 We know we're not going to have
25 concrete information, but we should have some

1 information about our -- are people utilizing some of
2 the programs, and if so, by the end of December, which
3 we suggest the date for the -- the progress report to
4 be submitted.

5 At that point, we'll have a bit of an
6 idea about should this course be gradually corrected,
7 and if so, how? What should happen?

8 The progress report should include
9 instances in which Efficiency Manitoba has used the
10 affordable energy fund to undertake initiatives to
11 encourage and realize efficiency improvements and
12 conservation and the use of home heating fuels other
13 than electrical energy or natural gas.

14 And the progress report should also
15 include opportunities identified by Efficiency
16 Manitoba for using the affordable energy fund going
17 forward.

18 Assuming that there will not be any
19 delays in the April 1st, 2020 commencement date of the
20 initial efficiency plan, as prescribed by section 2 of
21 -- of the Efficiency Manitoba Regulation, MKO
22 recommends that the -- the Board recommend to the
23 Minister that this progress report be submitted to
24 this Board by no later than December 31st, 2020. The
25 progress -- although that's New Year's Eve, and so

1 probably the day before.

2 The progress report should be separate
3 and apart and in addition to other reports already
4 required by Efficiency Manitoba under the legislation
5 and regulation, including in addition to quarterly
6 reports, as recommended by Daymark, if the Board
7 adopts that recommendation.

8 As well as an addition to the
9 corporation's annual report, this progress report is
10 intended to satisfy a different requirement.

11 MKO is cognizant of the Minister's
12 direction to Efficiency Manitoba in the April 24th,
13 2019 framework letter, to work with the Public
14 Utilities Board to develop streamlined processes in an
15 effort to reduce overall costs to ratepayers of
16 regulatory hearings.

17 MKO recognizes and agrees with this
18 priority, that the overall costs should be reduced of
19 regulatory hearings. It is with this priority in mind
20 that MKO is not recommending a full regulatory process
21 following Efficiency Manitoba's submission of the
22 progress report.

23 However, MKO does want an opportunity
24 to review the progress report and to pro -- provide
25 comments within a specific time frame. And to have a

1 -- a process set out within which the comments of MKO
2 and other Interveners may be considered by this Board,
3 and perhaps included in future recommendations with
4 respect to the information in the progress report, and
5 whether at that time the plan should receive final
6 approval.

7 And this is why MKO recommends that the
8 review of the progress report prior to final approval
9 of the initial three-year plan should be a written
10 process. If the -- if the Board decides that an oral
11 regulatory process would be required, it -- it would -
12 - it should be a very streamlined, efficient, and
13 pointed process. Very specific issues.

14 MKO at this point does not see that an
15 oral hearing would be necessary. But of course,
16 depending on what -- what gets filed, MKO does not
17 count it out as a potential option, should the Board
18 deem it necessary.

19 And MKO is not suggesting that
20 regulatory intervention will be required at that time,
21 but is recommending reporting in-line with Daymark's
22 recommendations to ensure transparency and to provide
23 assurances to this Board and -- and to Interveners and
24 to the public and to customers and to stakeholders and
25 to the government, that Efficiency Manitoba has

1 launched in a good way.

2 MKO recognizes that if the Board agrees
3 with our clients' recommendation of one-year interim
4 approval of the plan, and the requirement to file a
5 progress report was some form of regulatory process,
6 to review the corporation's progress regardless of the
7 process flowing from the progress report, there will
8 be some increased regulatory costs to Efficiency
9 Manitoba. MKO recognizes that.

10 Ms. Kramps explained in her testimony
11 at PDF page 271 of the transcript, that regulatory
12 expenses are included in Efficiency Manitoba's budget
13 under overhead costs.

14 Ms. Kramps also explained at PDF page
15 280 of the transcript that Efficiency Manitoba does
16 not intend to have a permanent staff member in the
17 regulatory department, because it is anticipated that
18 Efficiency Manitoba will only come back to the PUB
19 every three (3) years.

20 Therefore, MKO recommends that the
21 Minister direct Efficiency Manitoba to amend the plan
22 to increase the budget for overhead costs to account
23 for an increase in regulatory costs arising from the
24 review of the progress report.

25 MKO submits that the increase

1 regulatory costs are -- of preparing and reviewing a
2 progress report will provide significant value to
3 Efficiency Manitoba and to Manitobans.

4 A one-year interim approval of the plan
5 with recommended revisions will provide Efficiency
6 Manitoba with a year to provide assurances in a
7 transparent way to the public, to customers, to
8 stakeholders, to this Board, and to the government,
9 that a -- that an amended plan will assist in
10 correcting the course of this new Crown corporation.

11 A one-year interim Order will -- will
12 provide Efficiency Manitoba with staff and a budget to
13 get off the ground in a good way. And a one-year
14 interim approval of the plan will seek to ensure that
15 Manitoba as a whole continues to seize opportunities
16 in reducing energy consumption, and does not fall
17 behind in DSM programming.

18 But a one-year interim approval of the
19 plan will also send a clear message to Efficiency
20 Manitoba that a deficient filing, lacking in important
21 detail is not acceptable.

22 This has resulted in an inefficient
23 regulatory process. Good ideas are not robust plans.
24 Future hearings before this Board into future
25 efficiency plans must have a more robust record, so

1 that the Board, Interveners and other interested
2 parties can plainly understand exactly what it is
3 Efficiency Manitoba plans to do.

4 Ratepayers are paying for this Crown
5 corporation to operate and ratepayers deserve to know
6 what those operations are.

7 And these are messages that our client
8 submits need to be sent to Efficiency Manitoba.

9 And subject to any questions, those are
10 our submissions. Thank you very much.

11 THE CHAIRPERSON: Thank you, Mr.
12 Wheeler. Ms. Hamilton...?

13 BOARD MEMBER HAMILTON: Thank you, Mr.
14 Wheeler. I have a couple of mandate questions for
15 you. The first is with regard to your recommendation
16 number 1.

17 Looking at section 9, and the
18 requirement to file a three-year plan, and then
19 section 11, which states what the authority of the
20 Public Utilities Board is with regard to the review of
21 that plan, could you please explain to the Board
22 how you think its mandate can be exercised by
23 approving an interim plan?

24 MR. JARED WHEELER: Yes, absolutely,
25 and thank you for that question. We suggest that

1 Section 9 absolutely says to file a three (3) year
2 plan, and Efficiency Manitoba has done that. They've
3 filed a three (3) year plan.

4 Now, where we see the authority of the
5 PUB and the ability to -- to grant a one (1) year
6 interim approval, we suggest that Section 17 of the --
7 of the Efficiency Manitoba Act -- and maybe we can
8 pull that up -- sets out that Part 1 of the PUB Act
9 applies with necessary changes. Part 1 of the PUB Act
10 gives this Board the authority to -- to grant interim
11 approvals -- or, pardon me, in that case, it talks
12 about interim Board orders.

13 But it -- it's -- with the necessary
14 adjustment that -- we suggest, then, that that reading
15 absolutely gives you the authority to approve an
16 interim approval, given that Part 1 of the PUB Act
17 gives you that authority to grant an interim Board
18 order. And so this is applying that with those
19 necessary changes.

20 So if we look at Section -- I'm sorry
21 about this, Ms. Schubert -- about bouncing around --
22 but if we look at Section 12 of the Efficiency
23 Manitoba Act. So we don't see here that this says
24 that the PUB's recommendation is for a three (3) year
25 plan. This doesn't -- this doesn't show us that the

1 PUB is -- is handcuffed in that way. It shows us that
2 we have to look to the PUB Act and Part 1 to see,
3 well, what can we do? And Part 1 of the PUB Act gives
4 you that ability to do an interim approval.

5

6 (BRIEF PAUSE)

7

8 BOARD MEMBER HAMILTON: And with
9 regard to 11(1), what it provides is that we must
10 review if -- the plan and then make a report with
11 regard to whether the plan should be approved,
12 approved with amendments, or rejected.

13 That wording -- I'm not sure that I
14 agree that it contemplates having an interim plan that
15 is effectively approved for one (1) year without the
16 approval of the -- the entire three (3) year or the
17 approval with amendments or rejection. Can you
18 comment on that?

19 MR. JARED WHEELER: I -- I absolutely
20 do see the concern. I see what you're saying here
21 that this -- this says:

22 "The PUB must refu -- review an
23 efficiency plan and make a report as
24 to whether the plan should be
25 approved, approved with amendments,

1 or rejected."

2 It looks like you have three (3)
3 options, and those three (3) options now -- number 1,
4 it doesn't give you any parameters within what is a
5 suggested amendment. So a suggested amendment,
6 absolutely, can say a one (1) year approval is a
7 suggested amendment.

8 However, as I said, this -- this
9 doesn't say that must review -- must make a report
10 with recommendations as to whether that three (3) year
11 plan can only be approved on a three (3) year basis.
12 It doesn't -- it doesn't say that. It says whether
13 the plan should be approved, whether the plan should
14 be approved with suggested amendments -- those
15 suggested amendments coming from this Board.

16 And so like I said, our -- our read of
17 this is that Part 1 of the PUB Act gives you that
18 ability to do an interim approval.

19 THE CHAIRPERSON: I just want to make
20 it clear, we're not approving anything, right? We're
21 writing a report. And this is where I have the
22 problem. You're equating a report that we write with
23 recommendations to the Minister with our authority to
24 grant approvals or orders at hearings under Part 1.

25 Now, it seems that you're saying

1 they're both the same thing, but when I read 11(1) --
2 and maybe I'll put a little different emphasis on the
3 wording -- it says:

4 "The PUB must review the efficiency
5 plan and make a report with
6 recommendations to the Minister as
7 to whether the plan [the plan is a
8 three (3) year plan] should be
9 approved, approved with suggested
10 amendments --"

11 So as I read this, it's whether the
12 three (3) year plan should be approved with suggested
13 amendments, so I guess we can amend -- we can suggest
14 something.

15 But the concern I have is you seem to
16 be going on the basis of that we're approving -- we're
17 approving a plan. We're writing a review with
18 recommendations. So I'm just wondering, are those,
19 you know -- are we talking the same thing, or are we -
20 - or are you -- or are you giving us authority that we
21 actually don't have under this legislation?

22 MR. JARED WHEELER: No, and I
23 understand what you're saying, that it's not actually
24 this Board that is approving the plan. I -- I do
25 understand that, and our client understands that; that

1 is, it is, in fact -- this Board is -- is making
2 recommendations to what the Minister should do. We do
3 understand that.

4 We do suggest, though, and as I -- and
5 -- as I said, Section 17 says "with necessary
6 revisions." And so we'd suggest that -- I understand
7 that the PUB Act is about -- and that section is about
8 Board orders and what this Board can order, and in
9 this case, this is the Minister taking on that final
10 determination role. We understand that.

11 We do suggest, though, that -- I -- I
12 should have massaged my -- my language a bit -- that
13 the -- the Minister should be -- that this Board
14 should be recommending that the Minister approve this
15 plan on an interim basis. That is absolutely our --
16 our recommendation.

17 And I understand what you're saying as
18 well, that this says 'whether the plan should be
19 approved with suggested amendments.' And we -- we
20 suggest that this Board should be recommending that
21 the plan should be approved with the suggested
22 amendment that that plan be approved on an interim
23 basis.

24 I almost feel like I'm going around in
25 a circle, but I'm trying to circle back to what our

1 understanding of -- of what the answer to your
2 questions should be.

3 BOARD MEMBER HAMILTON: Thank you for
4 that. The other mandate question I have for you is
5 with regard to your recommendation that Efficiency
6 Manitoba should be looking at the question of
7 accessible Internet in the north.

8 I'm not sure where there -- that falls
9 within the mandate that they are given under the Act,
10 and I wondered if you could provide some information
11 on that.

12 MR. JARED WHEELER: I am suggesting
13 that as a further research question that they should
14 find out, and I would suggest that Internet
15 connectivity in the north should be looked at as -- as
16 an enabling strategy, as a way to -- to ensure that --
17 that programs and -- and areas of the plan are
18 accessible to folks.

19 And I'm not saying that Efficiency
20 Manitoba would -- would be the final decision-maker on
21 that, but I would say, absolutely, that as far as that
22 could be a -- an enabling strategy -- and I wish I had
23 the -- the excerpt of where the definition of
24 'enabling strategy' is -- but our suggestion is that
25 that falls under that heading of -- of research into

1 enabling strategies.

2 BOARD MEMBER HAMILTON: Thank you.

3

4 (BRIEF PAUSE)

5

6 THE VICE-CHAIRPERSON: Thanks, Mr.

7 Wheeler. I have a couple questions. Starting on page
8 29 of your deck, this is around the budget.

9 So I noticed that on Recommendation 4,
10 6, 7, 9, and 15, you've recommended increases in
11 budget. In some cases, you've talked about that the
12 budget in the plan should be increased, so I'm
13 assuming that you are speaking in those cases of the
14 budget beyond the 69 million. But in some other
15 cases, such as Recommendation 7, on page 37, and
16 Recommendation 9, on page 65, you haven't said that.

17 And I'm just wondering if you can
18 clarify to what extent do you think this budget should
19 be increased to do all of the things that you're
20 recommending in your presentation.

21 MR. JARED WHEELER: So, Ms. Vice-chair
22 Kapitany, you're absolutely right that we are
23 recommending increasing the budget itself above the 69
24 million that's -- that's in the budget right now.

25 With respect to number 7, maybe we can

1 bring that back up. So part of our problem that we've
2 been looking at is that it looks like the EEAG doesn't
3 have a budget, and so -- which means that the EEAG --
4 we've heard recommendations that the EEAG should be
5 compensated in some way.

6 Our recommendation here is that also
7 above being compensated, they should have access to
8 expert consultants. We know that those aren't free.
9 We know that if -- if somebody's retaining an expert
10 consultant, if that's decided to be the best way, that
11 that's going to cost something. And that is some of
12 our concerns, is that we don't see where that cost is
13 coming from.

14 And so definitely, we wouldn't see that
15 any money would be moved out of Indigenous programs.
16 The EEAG is not an Indigenous program specifically.
17 It's -- it's a number of different stakeholders,
18 Indigenous and -- and non-Indigenous.

19 And so I guess we would see that this
20 recommendation 7 specifically would also fall under
21 the heading of budget for the EEAG, which should be
22 included, and isn't. And so what money that is,
23 again, I don't know that we have hard numbers on that.
24 And in fact, I'd -- I'd be pulling it out of the air
25 right now, unfortunately, and -- and so --

1 THE VICE-CHAIRPERSON: But you're
2 contemplating that that one should come within the
3 existing budget?

4 MR. JARED WHEELER: Absolutely. That
5 -- well, well, that this should come under the EEAG
6 budget, which should be there, and that that EEAG
7 budget, I do believe that that's -- should be under
8 enabling strategies as well, which there are already
9 budgets in there for enabling strategies, and there
10 should be a specific budget line for that to say --

11 THE VICE-CHAIRPERSON: -- your
12 recommending increasing the EEAG budget?

13 MR. JARED WHEELER: Well, making an
14 EEAG budget, absolutely.

15 THE VICE-CHAIRPERSON: Okay. And then
16 on number 9, on page 65?

17 MR. JARED WHEELER: Yes, and this --
18 this I did address in some way in our -- in our
19 submission that we don't know who's actually in the
20 Indigenous customer segment, and because of that --
21 because of that lack of information -- lack of
22 reliable data, anyhow, it's -- it's almost impossible.

23 Again we -- and I don't want to pull
24 out an arbitrary number and say it should be increased
25 by 'X' amount. We don't even know who's in this

1 group. So we do think that the -- the data has to --
2 has to support what that budget is.

3 And as of right now, we feel that there
4 is a budget here, and that budget that's here is
5 almost based on -- it -- it's based on unreliable
6 data. And so whatever -- so if the budget right now
7 says that there is fifteen thousand five hundred
8 (15,500) Indigenous residential customers, but we know
9 that there is eighteen thousand (18,000), well, we
10 would suggest that the -- the budget for that -- those
11 programs should be increased to reflect the actual
12 numbers.

13 And so number 1, do we use that
14 eighteen thousand (18,000) number that Hydro supplied
15 in the previous GRA? Maybe. And -- and if so, then
16 that means that that percentage base should also --
17 whatever the percentage difference is -- I believe I
18 calculated it to just over 20 percent -- that that
19 budget should also then increase by that 20 percent to
20 reflect the actual people that are in that customer
21 segment.

22 Same thing with the Indigenous small
23 businesses. Now we don't know -- I haven't seen an
24 estimate for how many are in there, but we have
25 dollars that are attached to that under the budget for

1 Indigenous small businesses. Show us who that is,
2 decide who it is, and then show us why that budget is
3 the right number. And -- and based on that, then
4 maybe there could be a recommendation of what an
5 actual budget should be.

6 As of right now, unfortunately, there's
7 -- we don't have the -- the data to support what the -
8 - the budget should be. We just know what's there.

9 THE VICE-CHAIRPERSON: So you don't
10 have advice, then, on whether this should be within
11 the existing budget, or whether it should be another
12 increase to the 69 million?

13 MR. JARED WHEELER: I can't say that I
14 have a suggestion either way, because I don't know
15 who's there. So I don't know what the actual change
16 would be, and so if it was, you know, if it was a
17 change of, you know, a -- a couple grand or something,
18 I would say yeah, it should be within this budget.

19 If it's an increase of -- well, it's
20 not going to be an increase of millions of dollars.
21 There's eight hundred thousand (800,000) or something
22 is in the Indigenous customer segment. But whatever
23 that should be should be commensurate with what the
24 actual numbers of those people are, and -- and those
25 target markets.

1 THE VICE-CHAIRPERSON: So my next
2 question is on your slide 80, and it's around your
3 major recommendation.

4 So I think I heard you say that you're
5 recommending a one (1) year interim approval. You're
6 saying probably not a hearing at the end, but an
7 extensive progress report, which pretty much equates
8 to a paper hearing. It would be by December 31st,
9 2020, which is nine (9) months after Efficiency
10 Manitoba starts operating, but you don't want them to
11 lose momentum.

12 So I'm having a problem squaring that
13 circle.

14 MR. JARED WHEELER: And -- so this
15 part of why we're also recommending that there should
16 actually be a dedicated employee, if not employees, in
17 the regulatory department, which apparently there
18 isn't as of right now. It is not the plan.

19 We absolutely recommend that there
20 should be somebody there, and so this would be part of
21 that is that we suggest, yes, there should be an
22 additional employee then contemplated -- then --then
23 that contemplated in the Plan already right now.

24 There's a lot of data that we're
25 requesting. Absolutely, I understand that. And I --

1 I don't think that the Company itself would need to
2 lose any momentum. There should be dedicated folks to
3 gathering this info, and presenting this info, so that
4 folks see what is going on, because the information at
5 different stages throughout will -- will be available,
6 but that information has to be gathered by somebody.

7 And I -- and we recognize that, which
8 is why we're saying that we have to recognize that
9 there isn't somebody in a regulatory department right
10 now. We suggest there should be.

11 THE VICE-CHAIRPERSON: Thank you.

12 BOARD MEMBER HAMILTON: Mr. Wheeler,
13 with regard to your slide 26, you've set out a -- a
14 detailed framework for a First Nations engagement
15 strategy. And I believe that you said this should be
16 concluded within the first month, or thirty (30) days
17 after the commencement of operation.

18 And I'd just like you to comment on
19 whether you think that that's a reasonable suggestion
20 as far as timeframe is concerned, given the -- the
21 staffing levels that EM has right now.

22 MR. JARED WHEELER: I -- I do think
23 that it's reasonable, and I think that it's also
24 necessary. And the point here is that we've heard
25 from Efficiency Manitoba a number of times that we're

1 -- we're -- our plan is to engage with these folks,
2 which -- this is been the plan all along.

3 But the Plan isn't clear about how are
4 you engaging with those folks. So we'd suggest that
5 there -- there is -- just as there -- there is
6 anecdotal data that hasn't been documented right now
7 about what some of the engagement to date has been,
8 whether that would be under Manitoba Hydro or
9 Efficiency Manitoba since -- since their launch, we
10 suggest that some of these strategies exist as well.
11 They've -- they've got something in mind of how are we
12 contacting folks.

13 And so we're not asking about who have
14 you talked to already, but we are asking about what's
15 the plan? Just fill in the gaps. And so we're asking
16 for the proposed method of and timeline for
17 establishing communication. We're asking for -- just
18 tell us what the actual plan is. Fill in this gap of
19 -- so that it's not a -- a plan to plan. Plan it.
20 Give us the engagement strategy. Just tell us what
21 the -- what is going on.

22 And so do I think that one (1) month is
23 unreasonable? I think that what's been put forward is
24 that a lot of things are coming based on the
25 engagement with First Nations to -- to come, and we

1 would say that anything that's moving forward is going
2 to be moving forward, and that moving forward should
3 be with the First Nations input, which in some cases,
4 hasn't happened already.

5 So yes, I do think that one (1) month
6 is tricky, but I don't think that it is unreasonable.

7 BOARD MEMBER HAMILTON: Thank you.

8 THE CHAIRPERSON: Mr. Wheeler --
9 sorry. Kristen, can you go to 29.

10 So here you would like at least two (2)
11 Energy Advisors, and actually, you would be better to
12 have five (5) Community Advocates dealing with the
13 First Nations.

14 Is that correct?

15 MR. JARED WHEELER: That's correct.
16 Yeah.

17 THE CHAIRPERSON: Okay. Go back to
18 26, Kristen.

19 You heard at this hearing that
20 Efficiency Manitoba has five (5) staff now. They're
21 going to get an order on April 1st that deals with
22 their entire Efficiency Plan. I'll put the same
23 question that my colleague put to you.

24 Do you really think that thirty (30)
25 days is a realistic timeframe for five (5) people to

1 put together, among other things, a First Nations
2 engagement strategy?

3 MR. JARED WHEELER: I think that this
4 has to be a recognized priority of the Company, and if
5 that means that -- that this has to be the first thing
6 done, maybe.

7 But I also think that there's no reason
8 why we have to wait until April 1st to start figuring
9 out how are we engaging with First Nations. I -- I
10 don't think that we have to wait for that. We're at
11 the end of January right now. We do have five (5)
12 staff there, and the -- the game plan here is to -- to
13 start to get some of the employees, start to figure
14 out how that's happening.

15 We think that this right here shows
16 that there would absolutely be a priority to direct
17 engagement with First Nations, and we do think that
18 that should be right off the -- right at the get-go.

19 THE CHAIRPERSON: Do you think they
20 might want to wait till our report's out?

21 MR. JARED WHEELER: I think that
22 regardless --

23 THE CHAIRPERSON: All of the items in
24 the report, with -- and to see what the Minister says
25 to give direction to them, or are you suggesting that

1 before the report's out, before the Minister gives the
2 approval, that they should actually determine what
3 steps to take, even though they haven't seen our
4 report, they haven't seen the Minister's decision?

5 MR. JARED WHEELER: I think there's
6 already been a plan submitted to you, and I think that
7 a lot of that work that has gone into the plan has
8 already happened, and I can't see why there shouldn't
9 be a plan to move forward in a good engagement
10 strategy with First Nations without knowing what is
11 coming from this.

12 We don't see -- I don't -- we haven't
13 heard anybody suggest that the plan should be
14 rejected. We haven't seen anybody say that Efficiency
15 Manitoba should -- should not happen. We're already
16 here. And we'd suggest that there is no reason to
17 wait to see what gets approved.

18 This is about an engagement strategy.
19 This isn't about -- this is about seeing what is
20 actually planned to happen now. And so, regardless of
21 what the -- the Minister's approval says, I can't
22 imagine that somebody's going to say don't engage with
23 First Nations from this. I can't imagine that anybody
24 is -- is going to suggest that -- that engaging in at
25 least some way is completely unnecessary.

1 THE CHAIRPERSON: Can I ask you in
2 terms of the consultation you're contemplating -- so
3 we've got sixty-three (63) First Nations. There's
4 going to be a community meeting at each First Nation,
5 as I understand it, according to your second bullet.

6 Efficiency Manitoba -- I'm just trying
7 to -- trying to understand. Does Efficiency Manitoba
8 take comments from the community meetings? Do they
9 meet with the representatives, Band council -- and
10 Band councils?

11 Now, they're taking -- as part of the
12 consultation, they're taking information back from --
13 from whom? Is it like individual comments? Is it
14 specific meetings with the councils that set forth
15 here's the position for the First Nation?

16 I'm just trying to understand what this
17 -- what this consultation looks like.

18 MR. JARED WHEELER: I would suggest
19 that that's going to be dependent on what the First
20 Nation wants to see.

21 So if -- if -- if a specific First
22 Nation says to Efficiency Manitoba, we would like you
23 to have a community meeting here and take comments
24 from our community members, I think absolutely they
25 should do that.

1 And if -- if that First Nation says,
2 you know, our elected representatives, they're
3 representing our community, and that's who we want to
4 engage with with Efficiency Manitoba, then that should
5 be how that goes forward as well.

6 And I don't think that we should be
7 prescriptive about how that happens. I think that
8 each First Nation is going to decide for themselves
9 how they want to engage with Efficiency Manitoba, and
10 I think that if we were to say this is how you do it,
11 right now, would be a terrible mistake.

12 We shouldn't be telling -- telling any
13 First Nation how they should engage, but we should
14 give the opportunity for however they want to engage,
15 to engage.

16 THE CHAIRPERSON: So I -- I would
17 suggest then that your second bullet is somewhat
18 changed, because it says to hold community meetings.

19 MR. JARED WHEELER: I do suggest that
20 Efficiency Manitoba does need to hear from, what
21 Patricia Fitzpatrick has referred to as the -- the
22 public in First Nations, and so I think that there --
23 there absolutely does have to be some introductory,
24 this is who we are in first Nations, and whether
25 that's a community meeting, I -- I absolutely believe

1 that it should be a community meeting, and that
2 comments should be taken from folks in that.

3 Now, does that mean that that's the
4 extent of that engagement? No, absolutely not. It's
5 a first initial, here's who we are.

6 So I understand what you're saying,
7 that -- you're saying I'm -- I'm giving you --

8 THE CHAIRPERSON: Well, I'm saying
9 it's a -- it's -- I'd suggest it's a little more
10 complicated than just, say, have community -- you
11 know, go to the sixty-three (63) First Nations.

12 So, for example, if -- if Efficiency
13 Manitoba wants to go to Pimicikamak and they get a
14 note from Chief and Council saying you're meeting with
15 us, you're not having a community meeting, then if Mr.
16 Ross wants to meet with Efficiency Manitoba, do they
17 meet with Mr. Ross and other community people or do
18 they just go with -- with what Band and -- what the
19 Chief and Council say?

20 MR. JARED WHEELER: It's a good
21 question, and I think that -- you're right, I don't
22 think that a community meeting should be absolutely,
23 this is what you have to do. Yes, I see what you're
24 saying, that if -- if Chief and Council say we don't
25 want a community meeting, that shouldn't be there

1 either.

2 And so I think that the answer
3 absolutely has to be that Efficiency Manitoba needs to
4 figure out what the First Nations want to see, and
5 that's the answer for what the engagement should be.
6 And right, that should say maybe to hold community
7 meetings if -- if recommended by the First Nation
8 themselves.

9 Again though, this is about
10 establishing a schedule. It's about establishing a
11 strategy --

12 THE CHAIRPERSON: M-hm.

13 MR. JARED WHEELER: -- which we
14 suggest has not been clear about what that is. And so
15 maybe the specifics of what that First Nation
16 engagement strategy actually is needs to be ironed
17 out, but the broad recommendation here is absolutely
18 that that strategy has to be -- has to be at least
19 started and -- and shared with folks, what's -- here's
20 our strategy.

21 And so if that means to hold community
22 meetings, perhaps, yes, that has to be to hold
23 community meetings if the First Nations choose that
24 that is what they want.

25 THE CHAIRPERSON: Going back on my

1 friend's question, which I was going to -- to raise
2 this issue, the Internet, did I understand you that
3 you thought that Efficiency Manitoba might look at
4 investing in broadband services up north?

5 MR. JARED WHEELER: No, and if that's
6 what I put forward, that I was -- that's not what my
7 suggestion is.

8 THE CHAIRPERSON: Okay.

9 MR. JARED WHEELER: No, it's not. But
10 research into whether that could assist as an enabling
11 strategy, perhaps, but that would be something to
12 decide at -- at a later date.

13 THE CHAIRPERSON: Yes. Okay. Mr.
14 Wheeler, can you -- I mean, you -- you've talked a lot
15 about this, the consultation with First Nations.

16 Can you identify a successful program
17 that's targeted northern First Nations on programs
18 that need to be accessible?

19 I mean, we're hearing a lot on what
20 needs to be done, sometimes in broad strokes,
21 something -- but I -- I'm just trying to understand,
22 are we talking about essentially recreating the wheel,
23 are we talking about something that's never been done
24 before, or can we pinpoint to -- to another program
25 where they say, yes, there is good consultation with

1 First Nations; yes, these are programs that require
2 accessibility; this has been addressed; we should be
3 looking at certain other programs?

4 I raised this before in terms of
5 residential programs, and it was -- received an
6 undertaking later, and I'm not -- certainly not asking
7 you for an undertaking -- about programs in other
8 places.

9 Is there a program that you can point
10 to in terms of northern Manitoba were you say this is
11 what we should be doing, this is what a good program
12 looks like?

13 MR. JARED WHEELER: I'd love to say
14 yes, I have that answer, this is what you should do.
15 Can I point to something off the top of my head? I
16 cannot.

17 THE CHAIRPERSON: Thank you. I just
18 want to clarify with Ms. Steinfeld -- so if Dr. Grant
19 wanted to ask a question, he was to come in?

20 MS. DAYNA STEINFELD: That's right,
21 and Mr. Ryall checked as well and Dr. Grant does not
22 have any questions of Mr. Wheeler.

23 THE CHAIRPERSON: Okay. Thank you
24 very much. Gentlemen, thank you very much. We're
25 going to adjourn for reply. I don't know -- how long,

1 Ms. Merrick, are we looking at in terms of an
2 adjournment?

3 MS. NICOLE MERRICK: I spoke to Ms.
4 Hart earlier, before we recommenced after the break,
5 and I think if we could have the allotted time that
6 was proposed in the schedule, that would be very
7 helpful for us. We would appreciate that.

8 THE CHAIRPERSON: Okay. How about two
9 o'clock?

10 MS. NICOLE MERRICK: That would be
11 terrific. Thank you very much.

12 THE CHAIRPERSON: Okay. We'll adjourn
13 until two o'clock. Thank you.

14

15 --- Upon recessing at 12:06 p.m.

16 --- Upon resuming at 2:02 p.m.

17

18 THE CHAIRPERSON: For the record, Dr.
19 Grant is in the other room, but he is listening in.
20 So Ms. Schofield, would you like to proceed with
21 reply, or if you have any -- I don't know if you have
22 any administrative matters to deal with first, or...

23 MS. JESSICA SCHOFIELD: Just one.

24 THE CHAIRPERSON: Okay.

25 MS. JESSICA SCHOFIELD: Yes. We do

1 have our final undertaking, which we have filed as
2 Efficiency Manitoba Exhibit number 35.

3

4 --- EXHIBIT NO. EM-35: Efficiency Manitoba's
5 final undertaking

6

7 MS. JESSICA SCHOFIELD: And the slide
8 -- our presentation. The slide deck will be marked as
9 Exhibit number 36.

10

11 --- EXHIBIT NO. EM-36: Efficiency Manitoba's
12 presentation slide deck

13

14 MR. JARED WHEELER: Mr. Chair, if I
15 could just very briefly attend to the exact same
16 housekeeping matter?

17 THE CHAIRPERSON: Yes, certainly, Mr.
18 Wheeler.

19 MR. JARED WHEELER: Our slide deck
20 this morning should have been marked as MKO Exhibit
21 number 5.

22

23 --- EXHIBIT NO. MKO-5: Slide deck from MKO's
24 January 28, 2020, morning
25 presentation

1 THE CHAIRPERSON: Okay, thank you very
2 much, Mr. Wheeler.

3 MR. JARED WHEELER: Thank you.

4 THE CHAIRPERSON: Okay.

5

6 (BRIEF PAUSE)

7

8 REPLY BY MS. JESSICA SCHOFIELD:

9 MS. JESSICA SCHOFIELD: And so for the
10 purpose of our submissions this afternoon, we will
11 simply be going through each of the recommendations
12 that have been made by the Interveners in this -- in
13 their final submissions.

14 THE CHAIRPERSON: Okay.

15 MS. JESSICA SCHOFIELD: So if we could
16 move to slide number 3, I'll start by going through
17 these first seven (7) recommendations from Consumers
18 Coalition. Next slide, please.

19 So Efficiency Manitoba has provided
20 measure level data to Daymark, including its work
21 papers, and has through the Information Request --
22 sorry -- has, through responses to Information
23 Requests, provided a significant amount of measure
24 level detail.

25 In addition, Efficiency Manitoba has

1 committed to providing measure level detail -- detail
2 in future submissions. We would suggest that any
3 issue relating to CSI should not be dealt with in an
4 Efficiency Manitoba efficiency plan review and that
5 this should be dealt with directly with Manitoba
6 Hydro. Next slide, please.

7

8 (BRIEF PAUSE)

9

10 MS. JESSICA SCHOFIELD: The Efficiency
11 Manitoba Act does not require this panel to analyze
12 the scope of part -- public participation in its
13 analysis of Section 9(h).

14 Daymark has determined that Efficiency
15 Manitoba has met this requirement, and as outlined in
16 the plan, there are significant engagement strategies
17 and educational initiatives. There are social media
18 accounts that have already been operating and a
19 general email for public inquiries that is easily
20 accessible on the website.

21 Efficiency Manitoba has confirmed that
22 it would appropriately contract professionals to
23 prepare and analyze survey -- survey results, and
24 Efficiency Manitoba has already committed to utilizing
25 a more robust issue-tracking table for input from

1 stakeholders.

2

3

(BRIEF PAUSE)

4

5 MS. JESSICA SCHOFIELD: As it relates
6 to compensation for the EEAG, we would just reiterate
7 that this recommendation and this issue has to be
8 considered in the context of Efficiency Manitoba's
9 limited budget and its mandate to do less -- to do
10 more with less. I apologize. There is a typo on my
11 slide. It should say "more with less."

12 In terms of the savings targets -- I ap
13 -- I'm really sorry. Efficiency Man --

14 THE CHAIRPERSON: We will -- we will
15 allow you to correct that page and -- and --

16 MS. JESSICA SCHOFIELD: Thank you very
17 much --

18 THE CHAIRPERSON: -- refile --

19 MS. JESSICA SCHOFIELD: -- Mr. Chair.

20 THE CHAIRPERSON: -- yeah, certainly,
21 certainly.

22

23 CONTINUED BY MS. JESSICA SCHOFIELD:

24 MS. JESSICA SCHOFIELD: Okay, as it
25 relates to the savings targets, Efficiency Manitoba

1 has agreed in its rebuttal evidence to develop a
2 standardized methodology for consistent reporting of
3 these targets for future efficiency plans. The
4 revised calculations on the electric side can be found
5 at page 12 of the Efficiency Manitoba rebuttal
6 evidence.

7 So then moving to portfolio development
8 and the criteria, there has been a -- a number of
9 competing interests discussed in this proceeding, and
10 Efficiency Manitoba does not believe it will be
11 possible to achieve a consensus with respect to the
12 appropriate portfolio development evaluation criteria,
13 let alone the weighting that would be appropriate for
14 each of those criteria.

15 We submit that the screening process
16 that has been utilized in preparation of this plan is
17 reasonable and that Efficiency Manitoba should be
18 trusted to utilize its expertise to determine the
19 appropriate programming for the portfolio.

20 Efficiency Manitoba has committed that
21 a conservation potential study will be done during the
22 first three (3) years of its plan, and I will speak to
23 the issue of an integrated resource planning in the
24 context of the MIPUG recommendations.

25 With respect to marginal values,

1 Efficiency Manitoba submits that the Efficiency
2 Manitoba Act is clear that this information has to be
3 obtained from Manitoba Hydro and that Efficiency
4 Manitoba has to rely upon it. Any issue relating to
5 the accuracy of the marginal values should not be
6 determined to be in the scope of a future efficiency
7 plan review, and this should be dealt with with
8 Manitoba Hydro at a general rate application.

9 So then moving on to the second set of
10 recommendations from Consumers Coalition and,
11 specifically, to cost-effectiveness, Efficiency
12 Manitoba has included the natural gas PACT analysis
13 with and without interactive effects in its
14 submission. It later adopted a refinement suggested
15 by Daymark during the IR process, and Efficiency
16 Manitoba will continue to provide this refined PACT
17 ratio information in the future, including in future
18 filings.

19 Efficiency Manitoba also does not take
20 issue with providing TRC results in future hearings on
21 the understanding that the legislation requires cost-
22 effectiveness to be determined based on the PACT and
23 that this -- these TRC results are provided for
24 information purposes only.

25 Efficiency Manitoba has also committed

1 to including a calculation of LRI based on a ten (10)
2 year -- on a ten (10) year basis, as suggested by Mr.
3 Harper.

4

5

(BRIEF PAUSE)

6

7

MS. JESSICA SCHOFIELD: Daymark

8 testified in this proceeding that Efficiency Manitoba
9 has adequately acknowledged and addressed its risks.
10 Example -- as an example, Efficiency Manitoba
11 testified that if there was a delay with the CRM
12 system, they would continue to utilize the system that
13 is available at Manitoba Hydro. There is unequivocal
14 evidence from Ms. Kuruluk that Manitoba Hydro will
15 continue to provide support until the transition to
16 Effi -- Efficiency Manitoba is complete.

17

Efficiency Manitoba submits that time
18 is of the essence and that the focus should be on the
19 implementation of the plan at this critical time. The
20 creation of a risk management strategy or plan to
21 satisfy a corresponding filing requirement provides no
22 meaningful benefit and simply takes away time from
23 imfo -- from implementation of the plan. Next slide.

24

There has been a suggestion by
25 Coalition that a report should be filed within six (6)

1 months as it relates to codes and standards and the
2 findings by the independent assessor. This is
3 addressed at Section 16(3) of the Efficiency Manitoba
4 Act, and we would suggest that there should be no
5 timeline with regards to the filing of this report,
6 that it should be filed once the independent assessor
7 has been chosen in consultation with the EEAG, and
8 once it has been completed properly.

9 And Efficiency Manitoba acknowledges
10 that this is an important step that needs to be taken.

11

12 (BRIEF PAUSE)

13

14 MS. JESSICA SCHOFIELD: Efficiency
15 Manitoba is obligated, as per Section 12(5) of the
16 Act, to stay within its approved budget, and this is
17 also consistent in accordance with its mandate to do
18 more with less.

19 So as it relates to air source heat
20 pumps, it was suggested yesterday during Coalition's
21 final submissions -- and specifically, at slide 102 of
22 their presentation -- that studies show that 55
23 percent of -- that there are 55 percent average
24 savings versus electric resistance heat.

25 The studies that we understand are

1 being referred to is, in fact, the preliminary results
2 of a study that was done by the CSA. We would suggest
3 that no weight should be provided to this study, which
4 everyone is in agreement was preliminary and in draft.

5 Mr. Neme also confirmed that to his
6 knowledge, this -- the actual study was not publicly
7 available at this time, and it is unclear whether this
8 study actually appropriately categories -- categorized
9 Manitoba and its climate. There is also no
10 information that's provided as to the equipment
11 specifications of the tested equipment that was looked
12 at in this study.

13 We would also point the panel,
14 specifically, to the transcript of the evidence from
15 Michael Stocki and from Dale Friesen as it relates to
16 the information provided by contractors.

17 Efficiency Manitoba did provide
18 evidence in this regard. It did come from survey
19 results as well as anecdotal in -- information that
20 Mr. Stocki had with respect to the use of this
21 technology as an air conditioning substitute rather
22 than for heating purposes.

23

24

(BRIEF PAUSE)

25

1 MS. JESSICA SCHOFIELD: In terms of
2 cost allocations and Mr. Harper's recommendation,
3 Efficiency Manitoba respectfully submits that it is
4 not practical to make these amendments for the current
5 2020/2023 plan, but Efficiency Manitoba would like to
6 consider Mr. Harper's methodology as it relates to the
7 preparation of the next plan.

8

9 (BRIEF PAUSE)

10

11 MS. JESSICA SCHOFIELD: And I'll just
12 briefly touch on the recommendation from Consumers
13 Coalition that there should be a amended two (2) year
14 plan filed less than twelve (12) months from now with
15 information req -- with an Information Request process
16 and written submissions.

17 As we suggested yesterday, this is, in
18 our view, contrary to the legislation and Efficiency
19 Manitoba's mandate to do more with less and streamline
20 the regulatory process, and it would impose
21 significant budget and operational issues. Efficiency
22 Manitoba relies on the comments that it made in its
23 final submission with respect to this recommendation.

24 So then moving on to the MIPUG
25 recommendations, I have included these recommendations

1 in my presentation in three (3) categories: firstly,
2 as it relates to the current plan; secondly, as it
3 relates to future plans; and thirdly, as it relates to
4 recommended changes to the legislation. So dealing
5 first with the two (2) recommendations that were made
6 with respect to the current plan.

7 The recommendation that Mr. Hacault
8 discussed yesterday of minimizing spending on
9 programming that exhibit unfavourable economics can
10 only be incorporate if there was a legislav --
11 legislative amendment with respect to the savings
12 targets. As we've testified at length, there is a
13 balanced portfolio that has been achieved by
14 Efficiency Manitoba that is con -- that is consistent
15 with the Act as it is currently written.

16 And then secondly with respect to the
17 contingency fund, Efficiency Manitoba has provided
18 evidence that there is flexibility in the plan as it
19 relates to industrial projects. A contingency fund
20 has been proposed at seven million dollars (\$7
21 million), but we have specifically asked the Panel to
22 provide a recommendation with respect to the
23 appropriate amount for this budget item. And again,
24 we have included a reference to the transcript with --
25 with respect to Mr. Stocki's evidence as to the

1 flexibility to include -- or to utilize, sorry, the
2 contingency fund budget for this purpose.

3 So on the following slides where there
4 is a recommendation marked in green, Efficiency
5 Manitoba has either already incorporated this point in
6 the plan or accepts this recommendation.

7 So MIPUG's recommendations with respect
8 to future plans are outlined on Slide 21, and you will
9 note that there are two (2) recommendations that
10 Efficiency Manitoba has marked in green: firstly,
11 number 3:

12 "Efficiency Manitoba's future plans
13 should calculate savings for new
14 industrial customers compared to
15 base line of what technologies would
16 have been reasonably -- of what
17 technologies would have been
18 reasonably adopted absent Efficiency
19 Manitoba's programming."

20 That is already the way Efficiency
21 Manitoba has calculated savings in the -- in the
22 current plan.

23 And then number 6:

24 "Efficiency Manitoba's industrial
25 focus programming must allow for

1 flexibility in terms of time lines
2 on participation."

3 And again, Mr. Stocki has already
4 testified that that is incorporated in the current
5 plan. Next slide.

6

7 (BRIEF PAUSE)

8

9 MS. JESSICA SCHOFIELD: So with
10 respect to integrated resource planning, Efficiency
11 Manitoba has confirmed that it would participate in
12 this process if one was initiated by Manitoba Hydro or
13 by the Provincial Government.

14 Alternative portfolios would likely be
15 developed within this integrated resource planning
16 process that would reflect various energy savings
17 targets. Creating alternative portfolios within this
18 context is reasonable. Creating alternative
19 portfolios to achieve the prescribed energy savings
20 target is inconsistent with a streamlined public
21 hearing process.

22 Evidence has been provided on the
23 unlimited number of alternatives -- alternative
24 portfolios that would be possible, and Mr. Neme spoke
25 to that, and the transcript reference is included on

1 Slide 22.

2 So with respect to MI -- MIPUG's
3 recommendations in relation to elas -- elasticity and
4 rate impacts, as we have previously articulated,
5 Efficiency Manitoba disagrees with Mr. Bowman's
6 recommendations and analysis on elasticity, and as it
7 relates to rate impacts, Efficiency Manitoba suggests
8 that this analysis would have to be completed with --
9 by Manitoba Hydro and that this too should not form
10 part of an efficiency plan review hearing but would be
11 better addressed through a GRA.

12

13 (BRIEF PAUSE)

14

15 MS. JESSICA SCHOFIELD: And then MIPUG
16 has made three (3) recommendations as it relates to
17 changes to the legislation. Efficiency Manitoba has
18 already asked the Panel to make sure that it is clear
19 that the cumulative target should be calculated based
20 on a simple sum of the annual target over fifteen (15)
21 years.

22 Efficiency Manitoba does not take any
23 position with respect to MIPUG's suggestion on codes
24 and standards and the way that that should be
25 calculated. However, in relation to the

1 recommendation that there should be a change to the
2 annual savings target, Efficiency Manitoba suggests
3 that this target is reasonable and that the
4 legislation should not be changed as determined by
5 Daymark as well.

6 And then, Kristen, if we could move to
7 Slide 26, please.

8 So moving to the Assembly of Manitoba
9 Chief recommendations, there are on Slide 26, two (2)
10 recommendations that are accepted by Efficiency
11 Manitoba, and those are number 3 and number 4:

12 "Data for First Nations off reserve
13 customers should be collected and --
14 and income qualified program
15 created."

16 And number 4:

17 "Clear programming targets and
18 reporting for access by First
19 Nations on reserve customers to
20 general programming should be added
21 to future reports."

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Sorry, can I just

1 interrupt for a second? In terms of the ones --
2 there's another page as well earlier on, but you're --
3 you're highlighting the -- the sections in green where
4 you're either doing it or going to adopt it.

5 What's the position on the other ones?
6 You -- you've indicated here they're recommendations.
7 We don't know if you're agreeing with, like, one (1)
8 and two (2). We don't -- on page 26.

9 MS. JESSICA SCHOFIELD: Yes. So --

10 THE CHAIRPERSON: We -- we don't know
11 what -- and I've got an earlier one on page 21 where
12 you have a whole list of will you have a whole list of
13 recommendations and you highlighted the two (2) in
14 green.

15 The other ones are recommendations -- I
16 have no idea whether you agree with the
17 recommendations or disagree with the recommendations
18 or --

19 MS. JESSICA SCHOFIELD: So -- so if we
20 go back to Slide 21 --

21 THE CHAIRPERSON: Yeah.

22 MS. JESSICA SCHOFIELD: -- there are
23 six (6) recommendations on this page.

24 THE CHAIRPERSON: Right.

25 MS. JESSICA SCHOFIELD: Three (3) and

1 six (6) are agreed to. If we flip to Slide 22, it
2 provided Efficiency Manitoba's position with respect
3 to one (1) and two (2) from the previous slide.

4 THE CHAIRPERSON: I see.

5 MS. JESSICA SCHOFIELD: And then Slide
6 23 deals with Recommendations 4 and 5.

7 THE CHAIRPERSON: Okay, thank you.
8 Thank you.

9 MS. JESSICA SCHOFIELD: And just so
10 that it's clear for the record as well, on the MIPUG
11 slides, it indicates in the slide whether it's
12 recommendations for future plans or legislative
13 amendments.

14 So if we could go to Slide 27. Thank
15 you. So as it relates to the AMC recommendations for
16 increased budgets and programmings -- programming,
17 sorry, the participation targets that were used in the
18 plan by Efficiency Manitoba were based on actual
19 Manitoba Hydro participation, rather than anticipated
20 participation, and that's the reason for the
21 significant difference in the targets.

22 As opportunities arise, Efficiency
23 Manitoba will pursue new opportunities and will
24 increase participation in the budget accordingly, and
25 Ms. Tuck testified to this and the page reference is

1 on Slide 27.

2 With respect to the recommendation that
3 there should be a further energy advisor appointed,
4 Efficiency Manitoba does have staff and technical
5 resources that have worked in their positions at
6 Manitoba Hydro with these communities and will
7 continue to provide support to the First Nations
8 Energy Advisor.

9 Efficiency Manitoba is certainly open
10 to appointing new energy advisors if that appears to
11 be appropriate, but first they want to see how it
12 works rolling out that -- that program.

13

14 (BRIEF PAUSE)

15

16 MS. JESSICA SCHOFIELD: So with
17 respect to the recommendations about reporting on
18 equity, we understand and acknowledge the importance
19 of the principles of equity and did -- and intend to
20 continue to look at these in the development of the
21 next plan.

22 We understand the evidence of Dr. Clark
23 to be that these have never been practically applied
24 in any other jurisdiction, and we would suggest that
25 it's premature to make recommendations that these

1 should be implemented and reported on by Efficiency
2 Manitoba. However, Efficiency Manitoba intends to
3 continue to incorporate the principles of respect,
4 engagement, understanding, and action in all of its
5 interaction with Indigenous communities.

6

7

(BRIEF PAUSE)

8

9 MS. JESSICA SCHOFIELD: And so if we
10 move to the next slide, on this slide we have
11 Recommendations 8 through 11, and 8, 9, and 11 are all
12 agreed to by Efficiency Manitoba. So:

13

"Efficiency Manitoba should conduct

14

additional research to consider

15

potential benefits or disadvantages

16

to moving to a dedicated funding

17

model for each First Nation and

18

track the issue for consideration at

19

the next hearing."

20

Efficiency Manitoba is committed to

21

doing this.

22

"Efficiency Manitoba should conduct

23

research and direct engagement on

24

the gaps between bill savings for

25

the installation and direct install

1 programs and income qualified
2 programs to determine what further
3 can be done to reduce the gap and
4 increase bill saving -- savings for
5 more First Nation on reserve
6 customers."

7 Again, Efficiency Manitoba is committed
8 to doing that.

9 And number 11:

10 "Efficiency Manitoba must engage
11 directly with First Nation
12 governments and citizens."

13 And Efficiency Manitoba is committed to
14 continuing to do that.

15 With respect to the EEAG, we just refer
16 the Panel back to our previous slide relating to the
17 Coalition recommendation in this regard.

18 And so on Slide 30, we have
19 Recommendations 12 through 16, and all of these
20 recommendations are accepted by Efficiency Manitoba.

21 So Efficiency Manitoba will use the TRC
22 test as an information piece, as we've already
23 indicated.

24 Efficiency Manitoba will include
25 measures of robustness in its evaluation of First

1 Nations programming moving forward.

2 Efficiency Manitoba should set clear
3 plans and targets for economic participation for First
4 Nations and First Nation citizens and report on same
5 in the next submission.

6 Efficiency Manitoba should unbundle
7 First Nations and Metis customer programs into
8 separate programs in recognition of the distinct
9 customer segments.

10 And Efficiency Manitoba should make an
11 effort to collect more information and data about
12 energy consumption of and the use of energy efficiency
13 programming by First Nation customers.

14 So now lastly moving to the
15 recommendations made by MKO, and so on Slide Number 31
16 there are five (5) recommendations, and the fifth one
17 is agreed to by Efficiency Manitoba. That is:

18 "That the Board recommend that the
19 Minister direct Efficiency Manitoba
20 to amend the plan to include a
21 concrete requirement that all
22 employees document all interactions
23 with First Nations."

24 Now, with respect to Recommendations 2
25 and 3 from the previous slide, the plan and Efficiency

1 Manitoba's evidence reflect that Efficiency Manitoba
2 has committed to working with Indigenous communities
3 to collaborately -- collaboratively work with these
4 communities consistent with the principles of
5 reconciliation.

6 And we would suggest that a First
7 Nation Direct Engagement Strategy, as suggested by
8 MKO, is real -- unrealistic and impractical given the
9 time, staffing, and budgetary restraints faced by
10 Efficiency Manitoba.

11 And we would also refer the Panel back
12 to the concerns that we raised yesterday and in this
13 presentation with respect to a one (1) year plan
14 approval. So on Slide --

15 THE CHAIRPERSON: Sorry to interrupt.
16 Could you go back to the last screen?

17 Are you -- are you disagreeing with the
18 concept of a First Nations Direct Engagement Strategy
19 or are you disagreeing with the timing of it?

20 MS. JESSICA SCHOFIELD: It's simply an
21 issue of timing.

22 THE CHAIRPERSON: Okay, thank you.

23

24 (BRIEF PAUSE)

25

1 MS. JESSICA SCHOFIELD: So with
2 respect to Slide 33, we have Recommendations 6 through
3 9, and again we have one (1) recommendation that is
4 agreed to, and that is:

5 "That the Board recommend that the
6 Minister direct Efficiency Mani --
7 Manitoba to populate the post-
8 approval implementation iteration of
9 the EEAG."

10 Next slide. With respect to the
11 suggestion that Efficiency Manitoba should conduct
12 preliminary research into internet availability in
13 northern Manitoba First Nations, Efficiency Manitoba
14 respectfully submits that this issue is outside of the
15 scope of its mandate.

16 And just to be clear, with respect to
17 recommendations 6 and recommendation 8, in slide 33
18 we've simply referred the panel back to the previous
19 slides that address similar recommendations from other
20 Interveners.

21 MKO has recommended that the panel
22 recommend to the Minister that Efficiency Manitoba be
23 directed to amend the plan to explicitly set out that
24 all residential programs are admis -- accessible to
25 Indigenous regi -- residential customers; and that the

1 Indigenous residential programs are available in
2 addition to the residential programs; that all small
3 business programs are accessible to Indigenous small
4 business customers; and that the Indigenous small
5 business programs are available to the small business
6 offers; and that energy efficiency loans are available
7 to customers whose accounts are in arrears, including
8 First Nation on-reserve residential customers within
9 the Indigenous customer segment whose accounts are in
10 arrears.

11 And Efficiency Manitoba accepts that
12 recommendation.

13 So, turning to the next slide, we have
14 two (2) recommendations with respect to further
15 research both in the diesel communities and with
16 respect to fuel switching.

17 And Efficiency Manitoba -- sorry, on
18 the next slide:

19 "Efficiency Manitoba has committed
20 to work with the diesel communities
21 to put in place the programming that
22 best meets their needs.

23 As part of a conservation potential
24 study, Efficiency Manitoba could
25 consider fuel switching options for

1 propane and fuel oil heated
2 customers."

3

4 (BRIEF PAUSE)

5

6 MS. JESSICA SCHOFIELD: And so,
7 finally, with respect to the last four (4)
8 recommendations, so that's 14 to 17 on slide 38, we do
9 refer the panel to slide 17 as it relates to the
10 recommendation that Efficiency Manitoba be directed to
11 amend the plan to increase budget.

12 And then with respect to the last three
13 (3) recommendations, Efficiency Manitoba submits that
14 engagement is an ongoing process and that this
15 commitment has been clearly laid out in the plan.

16 Efficiency Manitoba has committed to
17 engagement with all First Nation customers, including
18 northern First Nations.

19 With respect to MKO's suggestion that
20 Daymark's evidence on statutory compliance should be
21 ignored or given no weight, we would suggest that
22 Daymark has a significant amount of knowledge and
23 experience and has been chosen to fulfill this role
24 and that they did a thorough job in that regard and
25 that their findings should, in fact, be provided

1 significant weight.

2 Oh, I apologize, I was wrong. There is
3 one (1) more slide. So, there are three (3)
4 recommendations on slide 40, and one (1) of those is
5 accepted by Efficiency Manitoba. That's that the
6 Board should find that the purpose of reviewing
7 whether the plan is accessible to all Manitobans means
8 that 'accessible' is defined by financially accessible
9 and physically accessible, meaning affordable and
10 available. And the next slide, please.

11 Efficiency Manitoba submits that the
12 path to reconciliation is an ongoing process and that
13 its plan has demonstrated a respect for the spirit of
14 reconciliation.

15 And its plan highlights its intentions
16 to engage with First Nation governments and
17 communities directly to understand the specific
18 interest for energy efficiency of community members
19 and leadership in order to take the most appropriate
20 actions to ensure barriers to access have been
21 addressed.

22 And we also have considered Dr. Clark's
23 testimony, that off-reserve customers are extremely
24 difficult to identify and that no one (1) entity has
25 successfully accomplished this goal.

1 Efficiency Manitoba has used the data
2 that it has accumulated for Manitoba Hydro's end-use
3 database as well as the program database that tracked
4 participation detailed to the individual -- individual
5 home and First Nations programming and -- and intends
6 to continue to explore this issue.

7 And subject to any questions, that's my
8 presentation.

9 THE CHAIRPERSON: Thank you very much.
10 Do you have any questions?

11 THE VICE-CHAIRPERSON: Just one (1).

12 THE CHAIRPERSON: Okay.

13 THE VICE-CHAIRPERSON: Thank you, Ms.
14 Schofield. I just have one (1) question on slide 14.
15 You refer there to Man -- Efficiency Manitoba being
16 obligated to stay within its approved budget.

17 Is that saying that, despite the fact
18 that the plan has not yet been approved by the
19 Minister, that you have received specific approval for
20 the budget that's outlined in the plan?

21 MS. JESSICA SCHOFIELD: No. But once
22 a budget is approved, we have to stay within that
23 budget.

24 THE VICE-CHAIRPERSON: Thank you.

25 BOARD MEMBER HAMILTON: Thank you, Ms.

1 Schofield. On your slide 37 you've said, as part of
2 the conservation potential study, Efficiency Manitoba
3 could consider fuel switching options.

4 Is that that you'll consider whether
5 you'll consider it or you will consider it?

6 MS. JESSICA SCHOFIELD: So, my
7 understanding is that there's a potential that this
8 could be cost-prohibitive, and so we have to explore
9 further whether we could include it in the
10 conservation potential study, which we're committed to
11 doing.

12 But we cannot commit to actually
13 including it in the conservation potential study
14 without knowing what the cost of that will be.

15 BOARD MEMBER HAMILTON: Okay. Thank
16 you for that clarification.

17

18 CLOSING COMMENTS BY THE CHAIRPERSON:

19 THE CHAIRPERSON: Thank you very much
20 to Efficiency Manitoba. I'm going to provide some
21 closing comments.

22 The conclusion of Efficiency Manitoba's
23 oral reply submission brings to a close the hearing of
24 Efficiency Manitoba's 2020/2023 efficiency plan
25 submission.

1 The oral evidentiary portion of this
2 Hearing on specifically identified issues commenced on
3 January 6th, 2020. Since that date, and in addition
4 to the written evidence filed both before and during
5 the oral hearing, the Board has heard from Efficiency
6 Manitoba's witness panel, seven (7) Intervener expert
7 witnesses, independent expert consultant witnesses,
8 and public presenters.

9 This has been a lengthy hearing that
10 has required a great deal of commitment and time from
11 all involved.

12 I would like to take this opportunity
13 on behalf of the Board panel to thank all parties and
14 witnesses for their efforts in assisting the Board.

15 I would also like to thank all counsel
16 for their professional and cooperative approach in
17 ensuring the hearing moved forward in as smooth a
18 manner as possible.

19 The Board also appreciates the
20 engagement in the process by members of the public,
21 whether through oral and written public presentations
22 to the Board, viewing the live stream, attending at
23 the hearing, and comments provided on the Board's
24 website.

25 On behalf of the hearing panel, I would

1 like to extend thanks to the Board staff who've
2 assisted in the running of this hearing. Specific
3 thank you to our secretary, Dr. Darren Christle, and
4 assistant associate secretary, Rachel McMillan, to our
5 judicial hearing officer, Kristen Schubert, to our
6 executive coordinator, Angela Wilde, and our
7 administrative assistant, Marjory Ostrander, who ensure
8 that the Board's logistical needs for the hearing are
9 met and, importantly, that we are fed and watered; to
10 our hearing reporter, Donna Whitehouse.

11 I would like to further thank our Board
12 advisors for the assistance to the hearing panel. I
13 would specifically like to thank my colleagues on the
14 hearing panel for their service and dedication over
15 the course of the past several months and our many
16 meetings prior to the hearing as well as during these
17 hearing days.

18 The work of the panel will continue as
19 we embark on deliberations of the evidence and issues
20 in Efficiency Manitoba's efficiency plan submission.

21 Finally, I note that the Board is
22 committed to a continuous improvement process to
23 introduce changes that enhance participation and
24 transparency and promote a more efficient and
25 effective hearing process.

1 The Board welcomes written comments and
2 feedback from all parties in this current hearing
3 process, criti -- criticisms as well as constructive
4 suggestions of a general or specific nature.

5 This concludes the hearing of the
6 Efficiency Manitoba's 2020/2023 efficiency plan
7 submission. In accordance with section 1 of the
8 Efficiency Manitoba Act, the Board will prepare a
9 written report with recommendations to the Minister
10 regarding the efficiency plan submission.

11 Thank you, all. We stand adjourned.

12 Thank you.

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14 --- Upon adjourning at 2:39 p.m.

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16 Certified Correct,

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20 Donna Whitehouse, Ms.

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