

Order No 70/17

**PROCEDURAL ORDER IN RESPECT OF MANITOBA HYDRO'S 2017/18 AND
2018/19 GENERAL RATE APPLICATION**

June 30, 2017

BEFORE: Robert Gabor, Q.C., Chair
Hugh Grant, Ph.D., Member
Marilyn Kapitany, B.Sc. (Hon), M.Sc., Member
Shawn McCutcheon, Member
Sharon McKay, BGS, Member
Larry Ring, Q.C., Member

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IT IS THEREFORE ORDERED THAT: 30

1.0 Executive Summary

The Public Utilities Board's mandate is to set just and reasonable rates for Manitoba Hydro (or the “Utility”) that are in the public interest. The public interest has been defined by the Manitoba Court of Appeal as balancing the impacts of rate increases on ratepayers with the financial health of the Utility.

In order to set just and reasonable rates that are in the public interest, the Board will need to hear and consider all of the evidence that is adduced on the record of this proceeding and hear submissions from Manitoba Hydro and all approved Interveners, as well as presentations and comments from the Manitoba public.

The purposes of the Pre-Hearing Conference that is the subject of this Order were to:

- a. identify and approve appropriate Interveners who are to assist the Board in the hearing of this Application; and
- b. identify the issues that are included in the scope of this public hearing; and
- c. finalize a timetable for the orderly exchange of evidence and the conduct of this public hearing.

The Board received written applications for Intervener status prior to the Pre-Hearing Conference from the following:

1. Assembly of Manitoba Chiefs
2. Business Council of Manitoba
3. Consumers Coalition (Consumers' Association of Canada (Manitoba)/Winnipeg Harvest)
4. Mr. Gerald Finkle

5. Representatives of the General Service Small and General Service Medium Customer Classes
6. Dr. John Gray
7. Green Action Centre
8. Keystone Agriculture Producers
9. Manitoba Industrial Power Users Group
10. Manitoba Keewatinowi Okimakanak

The Board continues to receive applications for Intervener status and will consider such applications in accordance with the Board's Rules if received by the deadline of July 31, 2017.

The Board approves the Applications to Intervene by Assembly of Manitoba Chiefs; Business Council of Manitoba; Consumers Coalition (Consumers' Association of Canada (Manitoba)/Winnipeg Harvest); Representatives of the General Service Small and General Service Medium Customer Classes; Green Action Centre; Keystone Agriculture Producers; Manitoba Industrial Power Users Group and Manitoba Keewatinowi Okimakanak, subject to working within the scope that is approved by the Board.

The Applications for Intervener status by Mr. Gerald Finkle and Dr. John Gray are not approved. As indicated in the body of this Order, in addition to full active intervention throughout the hearing process (including the testing of evidence and cross examination of witnesses at the oral public hearing), the Board welcomes the participation of all interested parties whether that participation be by way of written comment or public oral presentation. In determining whether Intervention status is the appropriate method of

participation the Board considers whether the proposed intervener represents a substantial number of ratepayers that are not otherwise represented on issues that are within the scope of this hearing.

The Board invites Mr. Gerald Finkle to communicate his issues to the Consumers Coalition for its consideration. The Board also invites Mr. Gerald Finkle to either provide a written presentation or register with the Board Secretary to provide an oral public presentation.

The Board invites Dr. John Gray to communicate his issues to the Green Action Centre for its consideration and the Board also invites Dr. John Gray to either provide a written presentation or register with the Board Secretary to provide an oral public presentation. Manitoba Hydro shall invite Dr. Gray to the workshop session that considers the rate design issues involving the electric heat customer.

With a few exceptions, as enumerated in this Order, the Board will approve the issues that are proposed by the now approved Interveners, as attached to this Order as Appendix "A".

Approved Interveners are now required to prepare and file their detailed proposed budgets with the Board for approval.

A timetable for the orderly exchange of evidence leading up to the conduct of the oral public hearing is also approved and attached to this Order as Appendix "B".

2.0 Procedural History

Prior to Manitoba Hydro filing its General Rate Application, the Board instituted processes designed to enhance the information provided by Manitoba Hydro. Included in those processes were Minimum Filing Requirements provided by the Board and additional Minimum Filing Requirements from past Interveners of Record, as approved by the Board, and provided to Manitoba Hydro in the Board's April 24, 2017 letter. Manitoba Hydro was to include the responses to those Minimum Filing Requirements in the material it filed in support of its General Rate Application.

On May 5, 2017 Manitoba Hydro filed with the Board and provided copies to past Interveners of Record a copy of its Letter of Application setting out the specific requests that Manitoba Hydro was making in its General Rate Application.

On May 12, 2017 Manitoba Hydro filed with the Board, and provided copies to past Interveners of Record and on the Utility's website, copies of the Revenue Requirement information on which Manitoba Hydro is relying in support of its rate increase requests.

On May 26, 2017 Manitoba Hydro filed with the Board, and provided copies to past Interveners of Record and on the Utility's website, copies of the Rate Design and Cost of Service Study information on which Manitoba Hydro is relying in support of its General Rate Application.

To facilitate the understanding of past Interveners of Record and Board advisors of the General Rate Application materials filed by Manitoba Hydro, a Workshop was held on May 31, 2017. A further and important purpose of this Workshop was for all parties to identify the issues that they wanted included within the scope of the Board's public hearing process.

On June 5, 2017 prospective Interveners filed their written Intervener Applications with the Board.

On June 9, 2017 the Board communicated its decision with respect to whether there would be a process for consideration of Manitoba Hydro's request for approval of an interim rate – which was a request included by Manitoba Hydro in its General Rate Application filing.

On June 12, 2017 the Board conducted a Pre-Hearing Conference with prospective Interveners and Manitoba Hydro. The prospective Interveners provided submissions on their Applications for Intervention, indicated issues of primary interest for consideration in Manitoba Hydro's General Rate Application and identified possible witnesses for their intervention. The Board also heard submissions from Manitoba Hydro respecting the Applications for Intervener status. The Board also heard submissions respecting the scope of the General Rate Application process and the issues to be canvassed during the General Rate Application. Finally, the Board considered a timetable for the orderly exchange of evidence and scheduling of the public hearing.

3.0 Submissions Regarding Intervener Participation, Hearing Process and Scoping

Assembly of Manitoba Chiefs

Assembly of Manitoba Chiefs is the political, advocacy and technical coordinating body that represents 62 of 63 First Nations in Manitoba and includes approximately 130,000 people. Assembly of Manitoba Chiefs' member First Nations are reserve communities under the federal *Indian Act*. Assembly of Manitoba Chiefs represents residential and general service ratepayers, as well as institutions subject to the First Nations Education Account rate in the Diesel Zone. Assembly of Manitoba Chiefs addresses issues of common concern to the member First Nations.

Assembly of Manitoba Chiefs is proposing to use Philip Raphals, Executive Director of the Helios Centre as an expert witness in this proceeding.

Assembly of Manitoba Chiefs proposes to address the following issues with respect to the General Rate Application: the pacing and extent of the requested rate increase, including the interim rate request, and the ways in which both the current and requested increases affect First Nations communities; mitigation of the impact of rate increases on First Nations communities and bill affordability; the First Nations Education Account Rate and its relationship to the cost of service; the efficacy of energy efficiency initiatives and Demand Side Management programs as they apply to on-reserve residents; the reasonableness, accuracy and necessity of the costs (capital and otherwise) underlying the rate increases; whether Manitoba Hydro's proposed revenue requirement is justified; and whether the proposed rate increases are just and reasonable.

At the Pre-Hearing Conference, Assembly of Manitoba Chiefs indicated that it intends to focus its intervention specifically on how the proposed rate increases will apply to residences and businesses located on reserve, and which are therefore subject to a

different constitutional and jurisdictional matrix than other Manitobans; whether the requested rate increases are appropriately gradual and whether those increases place unacceptable burdens on First Nations ratepayers in the short, medium and long terms; the issue of Demand Side Management measures failing to sufficiently take into account the situation of on-reserve residents; inclined or conservation rates; and on the First Nation Education Account Rate issue. Assembly of Manitoba Chiefs also indicated an intent to pursue issues of service levels and quality as they related to First Nations ratepayers, particularly on reserve.

Assembly of Manitoba Chiefs states that it is engaging in discussions with other prospective Interveners with respect to collaboration. It intends to collaborate with the Consumer Coalition on the issue of the impact of the proposed rates on low-income households, among other possible areas for collaboration. AMC also states that there are shared areas of concern between Assembly of Manitoba Chiefs and Manitoba Keewatinowi Okimakanak and that Assembly of Manitoba Chiefs will fully collaborate to ensure that there is no duplication.

With respect to timetable, Assembly of Manitoba Chiefs submitted that the timetable proposed by Manitoba Hydro prior to the Pre-Hearing Conference was reasonable, but argued for sufficient time for written argument. Assembly of Manitoba Chiefs submits that two rounds of Information Requests is reasonable and that it intends on collaborating with other Interveners to ensure there is no duplication in the Information Requests.

Assembly of Manitoba Chiefs provided an initial draft budget as part of its Application for Intervener Status.

Business Council of Manitoba

This is Business Council of Manitoba's first application for Intervener status in a Manitoba Hydro General Rate Application.

Business Council of Manitoba is a not-for-profit organization, consisting of 84 Chief Executive Officers from a cross-section of businesses, both urban and rural. Collectively these businesses employ more than 30,000 within Manitoba.

The primary purpose of Business Council of Manitoba is to research and advocate positions on selected issues that bear directly on the future health of Manitoba and Manitoba society. Business Council of Manitoba advocates for a competitive economy in the broadest fiscal and economic sense.

Business Council of Manitoba considers that the Government's Order in Council issued April 5, 2017 puts the issue of the financial health of Manitoba Hydro before the Board and gives the Board broader jurisdiction to consider issues relating to Manitoba Hydro's financial health than might otherwise be the case. Business Council of Manitoba is concerned about the Provincial debt load generally and the growing debt in Manitoba Hydro in particular. Business Council of Manitoba wishes to ensure that steps are taken to ensure that Manitoba Hydro can be placed on a solid, independent financial footing, thus restoring it to a dividend-generating asset for all Manitobans while at the same time safeguarding the Province of Manitoba's overall financial stability. To the extent that the proposed rate increases will assist and place Manitoba Hydro on a solid independent financial footing, while safeguarding Manitoba Hydro's and the Province of Manitoba's overall financial stability, Business Council of Manitoba would be supportive of Manitoba Hydro's rate increases.

While Business Council of Manitoba has yet to collaborate with the other prospective Interveners, it does not intend to duplicate the work of others. Business Council of Manitoba has tentatively identified witnesses it may put forward.

Consumers Coalition

Winnipeg Harvest and the Manitoba Branch of the Consumers' Association of Canada together form the Consumers Coalition, which seeks to intervene in the 2017/18 & 2018/19 Manitoba Hydro General Rate Application. The Consumers Coalition seeks to represent the interests of all Manitoba residential consumers and has extensive involvement in regulatory proceedings before the Board.

Winnipeg Harvest is a non-profit, community-based organization committed to providing food to people who struggle to feed themselves and their families. More than 63,000 Manitobans receive food from food banks each month. Winnipeg Harvest shares food through the Manitoba Association of Food Banks and through partnerships with nearly 400 agencies (including soup kitchens, food banks and youth programs) to distribute surplus food to hungry families all over Manitoba.

The Manitoba Branch of the Consumers' Association of Canada has over 400 members and donors. Through its consumer education and information centre, as well as its research, the Manitoba Branch of the Consumers' Association of Canada interacts with roughly 14,000 consumers annually. Approximately 6,000 Manitoba consumers attend annual information sessions and workshops held by the Manitoba Branch of the Consumers' Association of Canada.

The Consumers Coalition is aimed at protecting and reconciling the interests of all Manitoba residential consumers, including low-income consumers, the working poor and those living on reserve and in remote and rural communities.

The Consumers Coalition states that its reach with Manitoba consumers, combined with its history of active participation on a large number of issues in Manitoba Hydro proceedings before the Board, will make it a helpful addition to the Manitoba Hydro General Rate Application proceeding.

By bringing forward evidence in a number of areas, the Consumers Coalition indicates that it seeks to protect the interests of Manitoba Hydro residential ratepayers and their right to just, reasonable and sustainable rates that are determined in a publicly accessible and transparent process. Both organizations comprised in the Consumers Coalition have a history of relying on extensive use of direct consumer input through both focus groups and stakeholder panels.

Consistent with the statutory framework and the jurisdiction of the Board, the Consumers Coalition states that it intends to bring evidence relating to the key elements of the independent review function and rate-setting role in determining "just and reasonable" rates, including on the issues the Consumer Coalition identified.

Mr. Gerald Finkle

Mr. Finkle appears on his own behalf and requests Intervener status to expand a normal rate application to include a review of Manitoba Hydro's model and what has occurred that requires the Utility to seek large rate increases. Mr. Finkle's concerns extend to whether the large rate increases arise from past governments' social development policy in Northern Manitoba.

A further issue that Mr. Finkle wants explored in Manitoba Hydro's General Rate Application is whether Centra Gas Manitoba Inc. can be sold and the sale proceeds applied to Manitoba Hydro's debt.

Mr. Finkle also submits that the reported capital cost overruns on the construction of the Keeyask Generating Station require investigation.

Green Action Centre

Green Action Centre is a non-profit, non-governmental organization, serving Manitoba. Its mandate is to promote greener living through environmental education and by encouraging green solutions for households, workplaces, schools and communities. It

promotes practical measures to improve the sustainability and quality of life of Manitobans. Green Action Centre's research, education and advocacy are addressed to individuals, institutions, businesses and governments, including the Board and Manitoba Hydro. Green Action Centre shares the provincial goal for Manitoba "to be one of the most sustainable places to live on earth" and the promise to build "a strong, resilient green economy" Green Action Centre sees its policy role as keeping abreast of and contributing to discussions about how to create a more sustainable society, searching for best practices, and advocating positions and solutions in available forums on the basis our understanding of sustainability principles and practices.

With respect to Manitoba Hydro, Green Action Centre advocates policies to ensure power is sustainably produced and used and that the immense benefits of reliable clean power are optimized—not squandered—and are able to meet the needs of Manitobans, including low-income Manitobans. Green Action Centre states that it is guided by an inclusive vision of sustainability: All Manitobans Living Green, Living Well.

Green Action Centre has participated as an intervener at hearings before the Public Utilities Board since 2002. This includes hearings involving Manitoba Hydro for general rate applications, cost of service, capital expansion and rates for energy intensive industries.

Green Action Centre has provided written information as to the issues it intends to focus on if approved as an Intervener – centred on rate design, Bill Affordability and Demand Side Management. Notably, Green Action Centre proposes rate design and Bill Affordability workshops and is interested in the use of workshops to advance understandings and options related to its key issues, with reporting back to the Board during the General Rate Application process.

Representatives of General Service Small and General Service Medium Customer Classes

This proposed Intervener first appeared before the Board during the review of Manitoba Hydro's Cost of Service Study Methodology Review.

The General Service Small customer class contains predominantly small commercial customers with loads of less than ~200kW. Further, this class is divided into Demand and Non-Demand sub-classes. Customers in the Demand sub-class pay a Demand rate, based on the peak demand each month, in addition to a basic monthly charge and an energy charge.

The General Service Medium customer class contains predominantly large commercial customers that use Manitoba Hydro owned transformation equipment exceeding ~200kW.

Ratepayers in these classes include the members of the Building Owners and Managers Association of Manitoba, the Canadian Manufacturers & Exporters Association - Manitoba Division, and the Manitoba Hotel Association. Additional representative ratepayers may be added within this Intervention.

The members of the Building Owners and Managers Association of Manitoba own, develop and manage the bulk of the commercial and institutional real estate in Manitoba.

Canadian Manufacturers & Exporters Association – Manitoba Division represents businesses in the manufacturing sector. This sector directly employs approximately 64,000 Manitobans.

The Manitoba Hotel Association is a not-for-profit organization comprised of the majority of hotels located throughout Manitoba.

The issues of interest to the Representatives of the General Service Small/General Service Medium Customer Classes were contained in its Intervener request form and oral submission of counsel. This proposed Intervener intends to examine a broad range of issues in this hearing.

Dr. John Gray

Dr. Gray, an economist, appeared on his own behalf but urged the Board to also consider his comments as representative of the all-electric customers who use electricity for space heating in Manitoba and particularly in rural and northern Manitoba.

Dr. Gray has concerns that the rate increases proposed by Manitoba Hydro will impact the electric space heating customer to a much greater extent than those Manitoba Hydro customers using natural gas for space heating. Dr. Gray suggests some structural and rate changes are required for the all-electric customers.

Keystone Agricultural Producers

Keystone Agricultural Producers seek to intervene for the first time in Manitoba Hydro's General Rate Application to provide a fulsome and comprehensive view from the agricultural community on the impacts that Manitoba Hydro's proposed rate increases will have. Those impacts include concerns by individual producers and commodity organizations.

Keystone Agricultural Producers is Manitoba's general farm policy organization representing the interests of over 7,000 farm families and 23 commodity associations. Members not only speak to their commercial operation but are also residential customers often using electricity for space heat.

Agriculture Cost of Production Guides are developed by Manitoba Agriculture and demonstrate that current hydro costs are one of the biggest expenditures for farmers - especially the irrigated potato, hog and dairy sectors.

According to Keystone Agricultural Producers, Manitoba has the second largest population of young farmers in the country. Keystone Agricultural Producers states this population of farmers is the future of agriculture in Canada and they should be encouraged by Government and public policy to remain in agriculture and work towards strengthening Manitoba's economy and rural communities. Manitoba Hydro's requested rate increases make it more challenging for new entrants and young farmers to see financial gains within the agriculture industry and it places the future of the agriculture industry in Manitoba at risk.

Keystone Agricultural Producers also has concerns that Manitoba Hydro's proposed electricity rate increases will adversely affect the meeting of climate change commitments. Keystone Agricultural Producers sees the proposed electricity rate increases as having the potential to undermine the intended purpose of the Province of Manitoba's anticipated carbon pricing system.

Keystone Agricultural Producers plans to collaborate with other Interveners to avoid duplication and plans to bring witnesses from agricultural commodity associations to provide evidence on its issues.

Manitoba Industrial Power Users Group

Manitoba Industrial Power Users Group is an association of companies who are substantial users of power in the Service Large rate classes (including all three subclasses). This group represents approximately 8,000 GW.h of power purchases (about 35% of Hydro's domestic energy sales).

Manitoba Industrial Power Users Group's key concerns are that rates are cost-based, stable, and predictable, regulated on a transparent basis, and fair to all classes of customers. Cost-based electric power is a factor which can provide a competitive advantage and help attract investment, jobs, and benefits for communities and business in the Province of Manitoba, consistent with the overall intent and purpose of a Crown-

owned Manitoba Hydro. Manitoba Industrial Power Users Group members have been faced with large rate increases over the past 10 years, and the majority of its members are unable to pass the increased costs on to customers. Electricity prices can also adversely affect potential expansion decisions.

Manitoba Industrial Power Users Group also submitted written information as to its collaboration with other proposed Interveners, the issues that it intends to focus on if granted intervener status, the witnesses to be called and the timetable. Manitoba Industrial Power Users Group intends to examine a broad range of issues in this hearing.

Manitoba Keewatinowi Okimakanak

Manitoba Keewatinowi Okimakanak represents more than 65,000 treaty First Nation citizens in 30 First Nations communities in northern Manitoba. It has operated for more than 33 years as a non-profit advocacy organization. The citizens are residential ratepayers of Manitoba Hydro and the First Nations governments and businesses are General Service ratepayers.

Manitoba Keewatinowi Okimakanak is concerned that Manitoba Hydro's proposed rate increases would disproportionately affect its members, many who have lower income. It also states that many of the financial benefits to be generated by the rates paid to Manitoba Hydro will flow to the provincial government to be used for general purposes while Manitoba Keewatinowi Okimakanak First Nations receive little or no benefit from provincial disbursements.

If granted Intervener status, Manitoba Keewatinowi Okimakanak will seek to understand what has changed from the Needs For and Alternatives To Review of Manitoba Hydro's capital projects where detailed financial analysis and forecasts were used to chart a future course for the Utility.

Manitoba Keewatinowi Okimakanak seeks to explore specific mitigation measures including removal of the Utility's mitigation costs and water rental fee from rates charge to its First Nations members; allocation of a greater share of export revenues to First Nations customers and to reduce diesel cost of service; and establishing an "equivalent to gas" rate for the heat portion of bills.

Manitoba Keewatinowi Okimakanak proposes to present an evidentiary ratepayer panel and seeks to review long range energy options for the Diesel communities. With respect to the Diesel communities, counsel for Manitoba Keewatinowi Okimakanak confirms that he has possession of the fully executed Diesel Settlement Agreement and will be filing it as soon as a technical issue is resolved, which will allow his client to say that it has finally released all of the information.

Manitoba Hydro

Manitoba Hydro was provided an opportunity to comment on the Intervener applications as well as any of the issues raised by the prospective Interveners. Its comments are summarized below:

This General Rate Application does not include the setting of Diesel Zone rates except where such rates are currently the same as grid connected rates. For those Diesel rates that are currently the same as grid connected rates, the rate increases proposed for grid connected rates would also apply to the Diesel Zone rates. Manitoba Hydro indicates that once the Settlement Agreement is filed, Manitoba Hydro will seek to ratify all of the interim rates that have been or are in effect and then examine future Diesel Zone rates. Manitoba Hydro suggests the examination of Diesel Zone rates be accomplished through a separate process.

To the extent that Demand Side Management costs are included in the Test Years (i.e. 2016/17 and 2017/18 and 2018/19) for the General Rate Application, such costs and programs can be reviewed. However because there is legislation to create a new entity

known as Efficiency Manitoba to deliver Demand Side Management programs in the future, Manitoba Hydro cannot answer as to the specific programs that will be undertaken by Efficiency Manitoba. The Demand Side Management costs that Manitoba Hydro has used as a “proxy” in its financial forecasts after the Test Years can also be reviewed recognizing the actual programs and costs will be brought before the Board by Efficiency Manitoba and not Manitoba Hydro.

Manitoba Hydro’s organizational model is dictated by the *Manitoba Hydro Act* and it would not be in the Board’s jurisdiction to change that model and therefore intervention on that topic would not be of benefit.

The charges levied by the Province of Manitoba against Manitoba Hydro (such as the debt guarantee fee, water rental fees, capital taxes) are imposed by law so there is no value in debating those charges.

Manitoba Hydro will make efforts in the near-term to develop an alternative residential rate design that takes into consideration the impacts on electrical space heat customers. It would be a rate design that would adopt some level of cross subsidization within the residential class between electric heat and non-electric heat customers. This proposed rate design will be examined in a workshop, together with aspects of time-of-use rates and differentiated rate increases.

Manitoba Hydro has filed as part of its General Rate Application the Bill Affordability Report, as previously directed by the Board. The Utility also filed its response to that Report. The Report contained recommendations directed at bill assistance such as collections, arrears management, and pilot programs that Manitoba Hydro is currently considering. However, the inclusion of a discrete subsidy to lower income customers in Manitoba Hydro rates was not agreed to by the Bill Affordability Working Group and that is a separate matter that should be dealt with at a future time.

The Board issued a Directive to Manitoba Hydro in 2008 regarding benchmarking which was held in abeyance pending the implementation of International Financial Reporting Standards. In the past year, the Board of Directors of Manitoba Hydro has had an external consultant perform some benchmarking. That information is expected to be available in the General Rate Application.

Manitoba Hydro also provided its comments respecting the applications for Intervener status suggesting:

- Mr. Finkle's issues align with the Consumers Coalition;
- Dr. Gray's issue aligns with Green Action Centre as well as the Consumer Coalition;
- Assembly of Manitoba Chiefs combine with Manitoba Keewatinowi Okimakanak on a single intervention;
- Representatives of the General Service Small and General Service Medium Customer Classes should join with Manitoba Industrial Power Users Group and/or the Consumers Coalition in their intervention;
- Keystone Agricultural Producers should join with Manitoba Industrial Power Users Group in its intervention; and
- Business Council of Manitoba should remain as a separate Intervener as its view do not seem to align with other proposed Interveners.

4.0 Board Findings

Intervener Status and Intervener Costs

Interveners, through their active efforts, are to assist the Board in the hearing process, including in its understanding of the issues that are determined to be within the scope of Manitoba Hydro's General Rate Application. This includes the finalization of the existing 3.36% interim rate approved in Order 59/16 and the request for a new interim rate of 7.9% for August 1, 2017.

The Board denies the applications for Intervener status by Mr. Gerald Finkle and Dr. John Gray. In determining whether intervention status is the appropriate method of participation for a specific Party, the Board considers, for purposes of regulatory efficiency, whether the proposed intervener represents a substantial number of ratepayers that are not otherwise represented on issues that are within the scope of this hearing. The Board encourages individual ratepayers who apply for Intervener status to work with approved Interveners who represent their individual interests best.

The Board continues to receive applications for Intervener status and will consider such applications in accordance with the Board's Rules if received by the deadline of July 31, 2017.

The Board invites Mr. Gerald Finkle to communicate his issues to the Consumers Coalition for its consideration. The Board also invites Mr. Gerald Finkle to either provide a written presentation or register with the Board Secretary to provide an oral public presentation.

The Board invites Dr. John Gray to communicate his issues to the Green Action Centre for its consideration. The Board also invites Dr. John Gray to either provide a written presentation or register with the Board Secretary to provide an oral public presentation.

Manitoba Hydro is to invite Dr. Gray to the workshop session that considers the rate design issues involving the electric heat customer.

The Board has considered the remaining Intervener applications that were submitted at the time of the Pre-Hearing Conference. Subject to the condition that Interveners are to work within the scope approved by the Board, the Board approves separate intervener status for each of:

1. Assembly of Manitoba Chiefs
2. Business Council of Manitoba
3. Consumers Coalition (Consumers' Association of Canada (Manitoba)/Winnipeg Harvest)
4. Representatives of the General Service Small and General Service Medium Customer Classes
5. Green Action Centre
6. Keystone Agriculture Producers
7. Manitoba Industrial Power Users Group
8. Manitoba Keewatinowi Okimakanak

The Board considered Manitoba Hydro's suggestions as to combining various Interveners into joint interventions; however, the Board will proceed on the understanding enunciated by several Interveners that, once the Board approves intervener status it is then incumbent on those approved Interveners to avoid duplication. Failure to avoid duplication will have cost consequences.

Interveners are to collaborate among themselves in the development of their scope of work for the issues and corresponding work plans and budgets. The Board expects

each Intervener to indicate clearly which issue it will lead on with support or input from other Interveners. If Interveners have differing perspectives on a common issue, these need to be highlighted to the Board and reflected in the budgets and work plans. Interveners shall use the Issues List in Appendix “A” to highlight which Intervener will lead on a specific issue and provide a description of any differing perspective an Intervener would take on an issue from that of the lead Intervener.

By July 14, 2017, approved Interveners are to submit for Board approval their detailed budgets for their intervention, including their consultants and expert witnesses.

The full Board is in the process of reviewing its policies and rules respecting interveners – including the factors to be considered for awarding costs. Because of that ongoing review, and for purposes of this General Rate Application, the Board is prepared to determine the award of costs to approved Interveners without consideration of the sufficiency of financial resources of the Intervener. However, the Board will strictly impose the requirement that, to be eligible for a cost award, Interveners must actively participate on the issues for which they are approved to assist the Board.

Interveners will only be compensated for their preparation and for their attendance at the hearing on issues for which they have received approval by the Board. The scheduling of the oral public hearing will be structured by specific topics so that only Interveners which are approved for specific topics will be funded for attending the hearing on the days when those topics are heard. The Board will consider awarding costs for a reasonable amount of time spent reviewing the transcripts on the days the Intervener did not attend the hearing room. The Board will have complete discretion on the awarding of costs to the Interveners.

Intervener budgets should be broken down into the following components:

- Discovery
- Preparation of evidence
- Preparation and attendance at oral hearings
- Preparation of written and oral final argument

Budgets should include costs and rates for all parties and all applicable taxes and disbursements.

As indicated during the Pre-Hearing Conference, should any approved Intervener seeking an award of costs determine that its approved budget will be exceeded by 10 percent or more, that Intervener is to immediately notify the Board, explain the reason for the need to revise the budget, and propose the amount of additional funding being sought. Interveners should not assume that increases in budgets are approved until the Board has adjudicated the requests.

Recognizing that some Interveners assisted in process matters prior to Manitoba Hydro filing its General Rate Application and considering the expected duration of the planned proceedings, the Board is prepared, as it has in past, to provide interim approval of costs for payment while the hearing process is ongoing. Interveners seeking interim approval of costs must provide invoices detailing the amounts actually expended to that point in time. The Board is prepared to provide approval of up to 75% of the amounts actually expended and detailed on the invoices submitted.

Scope of the Hearing

The Board concludes that because of the preliminary steps taken prior to the Pre-Hearing Conference, including the informal meetings of Intervener representatives and counsel as well as the Workshop hosted by Manitoba Hydro, the scope of issues

proposed for this General Rate Application has developed largely by way of consensus. The positions of the Interveners and Manitoba Hydro on what issues are within scope have been usefully reduced to an Issues List chart that is attached for reference to this Order as Appendix "A".

The Board has concluded that, except as identified below and subject to the Board's directions as to collaboration and non-duplication, each Intervener is approved to participate on the issues it has identified as relevant and within scope in the Issues List and at the Pre-Hearing Conference.

The following issues are not in scope, or are only in scope to the extent specifically identified below:

- The examination of macro economic impacts is restricted to the impact that Manitoba Hydro rate increases, or lack thereof, will have on the aggregate Manitoba provincial economy, and which sectors of the economy are particularly at risk;
- The examination of the fiscal health of the Province of Manitoba is restricted to the impact of any rate increase or lack thereof on the fiscal health of the Utility and any resulting implications for the Province of Manitoba;
- Diesel Zone rates, such as the First Nations Education Account Rate, are excluded from the scope of this Hearing. Such Diesel Zone rates will be the subject of a subsequent application by Manitoba Hydro to approve existing interim rates and address all rates in the Diesel Zone. Grid equivalent rates in the Diesel Zone will be affected by this General Rate Application and are in scope;
- Demand Side Management programming beyond the Test Years is excluded as that programming will be brought before the Board by Efficiency Manitoba, not Manitoba Hydro. However, the financial forecasting assumptions for Demand

Side Management both in and beyond the Test Years are within the scope of this General Rate Application;

- Manitoba Hydro's organizational model as prescribed by legislation is excluded from scope; and
- The Board-approved depreciation methodology (the issue of Average Service Life versus Equal Life Group) is not an issue for this Hearing. However, the proposed recovery of the financial difference in a deferral account is within scope.

The Board also notes that, as identified on the Issues List, finalization of the interim rate of 3.36% approved in Order 59/16 is in scope for this hearing, as is any interim rate granted in 2017. The Board expects that approved Interveners will assist in testing in this regard.

As discussed below, the following issues are in scope for this hearing and also will be considered through the following processes:

- Bill Affordability Issues are to be advanced through a separate workshop with a Report filed by Manitoba Hydro with the Board during the General Rate Application process;
- Rate Design Issues are to be advanced through a separate workshop with a Report filed by Manitoba Hydro with the Board during the General Rate Application process. This workshop should include Manitoba Keewatinowi Okimakanak's Rate Design issues; and
- Base/sustaining capital expenses and asset assessment are to be advanced through an initial technical conference before Information Requests to Manitoba Hydro are filed.

Should any party require further clarification they are to contact the Board.

Hearing Process

Workshops

As above indicated, there are issues that Manitoba Hydro and Interveners can and should advance through workshops. Manitoba Hydro has indicated it will host separate workshops to review, request data, and explore and propose options related to the Bill Affordability Report as well as the various Rate Design matters (including residential conservation rates, time-of use rates, differentiated rate increases and Manitoba Keewatinowi Okimakanak's Rate Design issues). Manitoba Hydro should facilitate the workshops with its internal subject matter experts. For questions at the workshops that Manitoba Hydro is unable to immediately answer, written undertakings can follow. With respect to the Bill Affordability workshop, all stakeholders from the Bill Affordability process should be invited by Manitoba Hydro to attend.

The Board expects the output from such workshops will be Reports to the Board filed by Manitoba Hydro during the process of this General Rate Application. Such Reports may be the subject of evidence and cross examination at the oral public hearing.

Technical Conference

The examination of the topics of base/sustaining capital as well as asset assessments are to proceed by way of a technical conference hosted by Manitoba Hydro prior to the deadline for First Round Information Requests. The technical conference will be transcribed to be filed as an exhibit in the General Rate Application to allow Interveners to rely on the information provided without the requirement for Information Requests to verify what was said. For questions at the technical conference that Manitoba Hydro is unable to immediately answer, written undertakings can follow. Such technical conference is intended to enhance the understandings of the Interveners such that written Information Requests of Manitoba Hydro on these topics will be greatly reduced.

Information Requests

The Board will accept Manitoba Hydro's position that two rounds of written Information requests will be permitted. However, unless the Intervener has obtained permission from the Board, the Second Round Information Requests are to relate to Manitoba Hydro's First Round Responses only.

Parties are encouraged to directly communicate to avoid disputes over Information Requests.

Intervener Evidence

Intervener evidence will be by way of written reports and subject to one round of Information Requests.

Second Pre-Hearing Conference

The Board may schedule a second Pre-Hearing Conference to consider whether specific issues are to be subject to the oral hearing process and whether specific issues should be subject only to written submissions.

Oral Evidentiary Hearing

All Parties will be required to assist in the detailed scheduling of the oral evidentiary hearing. Scheduling by topic will permit Interveners not involved in that topic to be excused from the hearing room. All Parties should expect that there will be time allotments for direct examinations and cross examinations.

Timetable

Intervener applicants and Manitoba Hydro were given the opportunity to provide feedback on the timetable options presented at the Pre-Hearing Conference. The Board

considered all comments and has established the timetable for Manitoba Hydro's General Rate Application as contained in Appendix "B" to this Order.

IT IS THEREFORE ORDERED THAT:

1. Intervener status for Manitoba Hydro's 2017/18 and 2018/19 General Rate Application BE AND IS HEREBY APPROVED FOR:
 - a. Assembly of Manitoba Chiefs;
 - b. Business Council of Manitoba;
 - c. Consumers Coalition (Consumers' Association of Canada (Manitoba)/Winnipeg Harvest);
 - d. Representatives of the General Service Small and General Service Medium Customer Classes;
 - e. Green Action Centre;
 - f. Keystone Agriculture Producers;
 - g. Manitoba Industrial Power Users Group
 - h. Manitoba Keewatinowi Okimakanak.
2. The Issues contained in Appendix "A" to this Order are considered within the scope of this General Rate Application except as directed by the Board in this Order;
3. The Timetable for the orderly exchange of evidence in this General Rate Application is attached to this Order as Appendix "B".

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

THE PUBLIC UTILITIES BOARD

Robert Gabor, Q.C.
Chair

Kurt Simonsen
Acting Secretary

Certified a true copy of Order No. 70/17 issued
by The Public Utilities Board



Acting Secretary

Appendix A

Issue	Manitoba Hydro	Consumers Coalition	Green Action Centre	Representatives General Service Small/ General Service Medium	Manitoba Keewatinowi Okimakanak	Manitoba Industrial Power Users Group	Keystone Agricultural Producers	Assembly of Manitoba Chiefs	Business Council of Manitoba
1. Interim Rate Request									
Final approval of 3.36%		In scope but not central focus	In scope but will not be testing this interim rate		Yes	Yes – in context of approval of 7.9%		In scope, but not our focus	
New interim of 7.9%		See submissions	See submissions	Yes	Yes	See submissions		In scope, central to our submissions	
2. Rate Increases and Rate Impacts									
Rate shock and pacing		Yes	Yes	Yes		Yes		In scope, central to our submissions	Yes
Impact of increase on consumers, including intergenerational impacts		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Macro Economic (Provincial Economy) impacts		Yes	In scope but will not be involved in this aspect of review (but will monitor and reserves the right to	Yes, to the extent that it affects GSS/GSM		Yes	Yes	Yes, particularly its impact on FN economies in MB	Yes

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			cross-examine and comment in final submission → this applies to all Issues on which GAC will not be involved in the review)						
Impacts on Fiscal Health of the Province	No								Yes
Impact on production/industry/businesses, and any resulting impact on other classes of consumers		Yes	In scope but will not be involved in this aspect of review	Yes, to the extent that it affects GSS/GSM		Yes	Yes	Yes, particularly its impact on the ability of vulnerable FN industry and business to succeed	Yes
3. Financial Targets/Capital Structure/									
Appropriate financial targets		Yes	In scope but will not be involved in this aspect of review	Yes		Yes – including purpose, mandate, role and objects of Hydro and Manitoba Hydro		In scope, but not our focus	Yes

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						Act			
Intergenerational impacts and choices		Yes							Yes
Appropriate Capital structure for Crown utility (debt:equity levels)		Yes	In scope but will not be involved in this aspect of review	Yes		Yes		In scope, but not our focus	Yes
Pacing to achieve financial targets		Yes	In scope but will not be involved in this aspect of review (except as it is linked to rate shock and pacing under "Rate Increases and Rate Impacts"	Possibly	Yes	Yes		Yes	Yes
Cash flow/capital coverage		Yes	In scope but will not be involved in this aspect of review	Possibly		Yes			Yes
CFO to CAPEX Ratio		Yes	In scope but will not be involved in this aspect of review			Yes			Yes
Credit rating		Yes	In scope but will not be involved in	Yes		Yes			Yes

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			this aspect of review						
Risks		Yes	Yes	Yes, as these risks affect GSS/GSM		Yes			Yes
Changes in financial assumptions since NFAT		Yes	In scope but will not be involved in this aspect of review		Yes	Yes			Yes
4. Debt Management									
Interest rate forecast, including Berkley Report		Yes	In scope but will not be involved in this aspect of review	Yes		Yes – only regarding implications			Yes
Debt maturity schedules		Yes	In scope but will not be involved in this aspect of review						Yes
Change in strategy with debt		Yes	In scope but will not be involved in this aspect of review	Yes	Yes	Yes			Yes
Debt management		Yes (efficient frontier)	In scope but will not be involved in this aspect of review	Yes, to the extent that it is different than the immediate above.		Yes			Yes

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5. Economic Outlook – Forecast Assumptions									
US Exchange Rates			In scope but will not be involved in this aspect of review	Yes (somewhat)					
Population		Yes	In scope but will not be involved in this aspect of review						
GDP		Yes	In scope but will not be involved in this aspect of review						
Provincial Carbon Pricing							Yes		
6. Export Revenues									
Export price forecasts		Yes	Yes	Yes	Yes	Yes – only regarding implications		Yes	
Changes in export price forecasting methodology		Yes	Yes	Yes	Yes	Yes		Yes	
Export prospects and strategies			Yes						
7. Load Forecast									

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Impact on domestic revenues			In scope but will not be involved in this aspect of review	Yes				In scope, but not our focus	
Changes in load forecasts: - Residential - GS MM - Top Consumers (PLIL, pipeline load)		Yes	Yes	Yes	Yes	Yes – industrial load			
Implementation of price elasticity estimates		Yes	Yes	Yes		Yes			
Domestic utilization projects and strategies affecting load			Yes						
8. Major New Capital									
Cost overruns		Yes	In scope but will not be involved in this aspect of review	Yes					Yes
Changes to cost		Yes –	In scope but	Yes	Yes			In scope,	Yes

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estimates and reliability of budgets			will not be involved in this aspect of review					but not our focus	
Current control budgets		Yes	In scope but will not be involved in this aspect of review	Yes		Yes			Yes
Interest costs forecast for projects		Yes	In scope but will not be involved in this aspect of review	Yes		Yes			Yes
Contingencies		Yes	In scope but will not be involved in this aspect of review	Yes					Yes
Issues related to revenue requirement and resulting rates		Yes	Yes	Yes		Yes		Yes	Yes
9. Major and Base/Sustaining Capital									
Cost estimating		Yes	In scope but will not be involved in this aspect of review	Possibly	Yes				
Prioritization of expenses		Yes		Possibly			Yes		
Forecast assumptions for timing of capital expenditures and tracking of		Yes		Yes			Yes		

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expenditures over time									
Asset condition assessment		Yes							
Capital expenditures to reliability results		Yes		Possibly					
Asset management methodologies		Yes							
10. OM&A									
Restructuring and change management, including staffing reductions and procurement changes		Yes	In scope but will not be involved in this aspect of review	Yes					
Labour contracts		Yes							
Service levels and quality		Yes		Yes			Yes	Yes as it relates to FN ratepayers, particularly on reserve	
Prioritization		Yes							
Testing MH OM&A numbers, including areas of change since NFAT		Yes		Yes	Yes	Yes – general testing of OM&A forecast spending			
Targets for		Yes		Yes					

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expenses against standard measurables									
Organizational models for Manitoba Hydro	No								
Manitoba Hydro's mandate as a Crown utility vs a private entity	No					Yes			
Benchmarking	Yes – external study to be filed								
11. Regulatory Deferral Accounts									
Conawapa Treatment		Yes	In scope but will not be involved in this aspect of review	Yes	Yes – if changed since NFAT	Yes		In scope, but not our focus	
DSM Deferral Account		Yes	Yes	Yes	Yes – if changed since NFAT	Yes		In scope, but not our focus	
Overhead	Workshop	Yes	In scope but will not be involved in this aspect of review	Yes	Yes – if changed since NFAT	Yes		In scope, but not our focus	
ELG v ASL		Yes	In scope but will not be involved in	Yes	Yes – if changed since NFAT	Yes		In scope, but not our focus	

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			this aspect of review						
Bipole III		Yes	In scope but will not be involved in this aspect of review	Yes	Yes – if changed since NFAT	Yes		In scope, but not our focus	
12. Bill Affordability									
Results of collaborative process, including testing Prairie Research Associates work, and information that formed part of collaborative process	Yes	Yes	Yes	Possibly	Yes			Relevant and central to our issue	
Implementation of measures from process		Yes	Yes	Possibly				Relevant and central to our issue	
Bill Affordability options not arising from collaborative process report, including rate design options to mitigate impacts on consumers, and whether assistance from taxpayers or	No	Yes	Yes	Possibly	No			Relevant and central to our issue	

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ratepayers is most efficient and effective									
Further consultation and future implementation of bill affordability measures		Yes	Yes	Possibly				Relevant and central to our issue	
13. Rate Design									
Conservation rates	Workshop	Yes	Yes – including a proposed conservation rate	Yes				Yes	
Time of Use rates	Workshop	Yes	Yes	Yes		Yes		Yes	
Differentiated rate increases based on implementation of PCOSS18	Yes	Yes	Yes	Yes		Yes		Yes	
Marginal cost considerations in rate design		Yes	Yes	Yes		Yes		Yes	
Cost of Service Study review	No	No	Review of compliance, new data	Yes		No		In scope, but not our focus	

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			and issues not resolved in COSS review						
Confirmation that PCOSS18 follows Board's principles		Yes	Yes	Yes		Yes		Yes	
Mitigation of rate impacts		Yes	Yes	Yes	Yes	Yes		Yes and central to our issue	
Design of Diesel Rates	No		Yes		Yes			Yes	
14. DSM									
DSM spending in test years		Yes (but may be lower priority than normal)	Yes	Yes	Yes	Yes		Yes	
DSM spending assumptions in forecast		Yes (but may be lower priority than normal)	Yes	Yes		Yes		Yes	
Curtaillable Rate Program		Yes (but may be lower priority than normal)	Yes	Yes		Yes			
Pacing and prioritization of spending		Yes (but may be lower priority than normal)	Yes	Yes		Yes		Yes	
DSM program testing	No	Yes (but may be lower priority than normal)	Yes	Yes		No		Yes	
DSM as it relates to the load forecast	Yes	Yes (but may be lower priority than normal)	Yes	Yes				Yes	

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DSM programs for residential consumers	No	Yes (but may be lower priority than normal)	Yes	Yes				Yes	
15. Depreciation									
Testing of Board approved methodology	Workshop		In scope but will not be involved in this aspect of review	Possibly, if so, not much time would be spent under this heading.		Yes			
Recovery of difference between ASL and ELG	Workshop	Yes	In scope but will not be involved in this aspect of review			Yes			
Accumulated Depreciation Accounts	Workshop		In scope but will not be involved in this aspect of review			Probably not			
ASL vs ELG	Workshop	No	In scope but will not be involved in this aspect of review		Yes	No			
Changes from NFAT			In scope but will not be involved in this aspect of review						
16. Diesel Zone									

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Capital expenditures to upgrade generating units		Yes	In scope but will not be involved in this aspect of review	Yes	Yes			Yes	
Finalization of Diesel Zone rates		Yes	Yes	Yes	Yes			Yes	
Bill reduction issues		Yes	Yes	Yes	Yes			Yes	
First Nations Education Account Rate	No							Yes	
17. Risk and Uncertainty Analysis									
		Yes	Only as it affects other issues, such as rate design and DSM	Yes		Yes		In scope, but not our focus	
18. Review of Special Rates and Rate Programs									
New streetlighting rates for new fixture configurations		The Coalition expects to monitor this issue	In scope but will not be involved in this aspect of review	Possibly					
Approval of Option 1 of the SEP		The Coalition expects to monitor this issue	Yes						

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Approval of previous interim ex parte orders (e.g. CRP)			The Coalition expects to monitor this issue	Yes						

Appendix B

Item	Date
Pre-Hearing Conference	June 12, 2017
Panel Meeting	June 14, 2017
MH Filing for Interim Rate	June 20, 2017
Capital MFR Filing	June 21, 2017
Rate Design Workshops	
Bill Affordability Workshops	
MH Filing of Updated Financial Forecast	July 14, 2017
Oral Hearing on Interim Rate Request	July 18 and 19
Workshop – Sustaining Capital	Prior to deadline for Round 1 IR Questions
Round 1 IR Questions	July 24, 2017
IR Refusals Motions Day	If needed
Round 1 IR Responses	Sept 5, 2017
Round 2 IR Questions	Sept 18, 2017
IR Refusals Motions Day	If needed
Round 2 IR Responses	Oct 16, 2017
Intervener Evidence	Oct 31, 2017
Second PHC	TBD
IRs on Intervener Evidence	Nov 8, 2017
Intervener Responses to IRs	Nov 15, 2017
MH Rebuttal Evidence	Nov 22, 2017
GRA Oral Hearing	Dec 4, 2017 – February 9, 2018
Written and/or Oral Final Submissions	TBD