

MANITOBA) Order No. 12/09
)
THE PUBLIC UTILITIES BOARD ACT) February 17, 2009

BEFORE: Monica Girouard, CGA, Acting Chairperson

**INTERVENER STATUS AND PROCESS:
CENTRA GAS MANITOBA INC. –
2009/2010 AND 2010/2011 GENERAL RATE APPLICATION**

EXECUTIVE SUMMARY

By this Order, the Public Utilities Board (Board):

- a) grants intervener status to interested parties; and
- b) establishes a timetable and process for the public hearing of Centra Gas Manitoba Inc.'s (Centra) General Rate Application with respect to 2009/10 and 2010/11.

Intervener status is provided to:

- a) Direct Energy Marketing Ltd. (DEML);
- b) Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors (CAC/MSOS);
- c) Energy Savings (Manitoba) L.P. (ESMLP); and
- d) Koch Fertilizer (Canada) ULC, (Koch).

BACKGROUND

By a Public Notice published January 31, 2009, the Board advised of Centra's General Rate Application (GRA) for its 2009/10 and 2010/11 fiscal years. In that Notice, the Board invited applications for Intervener status.

At a Pre-Hearing Conference (PHC) held at the Board offices in Winnipeg, Manitoba on Monday, February 9, 2009, the Board heard applications for intervener status and considered a timetable for the process.

Through the discussions at the PHC and subsequent consultation involving Board Counsel, Centra and interveners, the attached timetable for the hearing was developed.

APPLICATIONS FOR INTERVENER STATUS

Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors

CAC/MSOS was represented by legal counsel, Mr. Kris Saxberg.

CAC/MSOS has long represented general consumer and senior's issues at regulatory proceedings related to Centra and its parent Manitoba Hydro. CAC/MSOS sought intervener status expressing an interest in all issues pertaining to Centra's application.

CAC/MSOS indicated its intention to appear throughout the hearing, produce evidence, test evidence, and make final argument. CAC/MSOS noted it had engaged one consultant with regard to GRA matters and will reserve judgment on whether or not they would require one when the Cost of Gas material was filed by Centra.

CAC/MSOS indicated it would apply for costs and that the proposed hearing budget would be filed following its evaluation of the requirements when the Cost of Gas material was filed.

Centra accepted CAC/MSOS as an intervener, and reserved the right to review and comment on CAC/MSOS' proposed budget, when filed.

Direct Energy Marketing Ltd.

DEML was not present at the PHC. A letter was tabled from Mr. R. Forster, Director of Government and Regulatory Affairs, indicating DEMML's desire to intervene, although it did not specify its areas of interest.

DEML does not seek a cost award.

Centra accepted DEMML as an intervener.

Energy Savings (Manitoba) L.P.

ESMLP was not present at the PHC. A letter was tabled from Ms. N. Ruzycki, Director of Regulatory Affairs, indicating ESMLP's desire to intervene, although it did not specify its areas of interest.

ESMLP noted an intention to appear throughout the hearing and provide final argument, though it indicated no intention of producing witnesses or testing the evidence. ESMLP has no intention to apply for costs.

Centra accepted ESMLP as an intervener.

Koch Fertilizer Canada ULC

Koch was not present at the PHC. A letter was tabled from Mr. D Hill, legal counsel, indicating Koch's desire to intervene primarily in matter related to transportation.

Koch indicated an intent to appear throughout the hearing, participate in the production and testing of evidence and present final argument. Koch will not apply for costs.

Centra accepted Koch as an intervener.

The Board accepts all applicants for intervener status as interveners. The Board reserves its discretion as to accepting and subsequently providing cost awards with respect to CAC/MSOS's intervention, the only intervener seeking a cost award. The granting of a cost award by the Board is a discretionary act dependent upon the Board's view of how such an award serves the public interest. Criteria used by the Board in its assessment of cost award applications, though not binding on the Board, are set out in the Board's Rules of Practice and Procedure, which may be found on the Board's website, www.pub.gov.mb.ca. In addition to the criteria, the Board also limits reimbursement with respect to the hourly rates charged by professionals and/or others assisting parties seeking cost awards; guidance is available from Board staff.

PROPOSED TIMETABLE

CAC/MSOS indicated that it had some difficulty with the draft timetable proposed by Centra. In the alternative, CAC/MSOS proposed a revised timetable for consideration.

Centra noted that, not having received the amendment prior to the PHC, it could not accept the timetable advanced by CAC/MSOS.

The Board directed Board Counsel to consult with all parties to arrive at a schedule that represents a consensus and is workable and efficient in the view of Counsel. Such consultation occurred following the PHC and the resulting timetable is attached as Schedule "A".

Note: 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.

IT IS THEREFORE ORDERED THAT:

1. Intervener Status for the hearing in respect of Centra's General Rate Application for 2009/10 and 2010/11 is granted to:
 - i. Consumers' Association of Canada (Manitoba) Inc./Manitoba Society of Seniors;
 - ii. Direct Energy Marketing Ltd;
 - iii. Energy Savings (Manitoba) L.P.; and
 - iv. Koch Fertilizer Canada Ltd.

2. The timetable for the hearing is attached as Schedule "A" and will be posted on the Board's web site.

THE PUBLIC UTILITIES BOARD

"MONICA GIROUARD"
Acting Chairperson

"H. M. SINGH"
Acting Secretary

Certified a true copy of Order No. 12/09
issued by The Public Utilities Board

Acting Secretary

SCHEDULE "A"

Centra Gas Manitoba Inc.
 2009/10 and 2010/11 General Rate Application

Timetable

	By No Later Than
Centra to File Volume 1 & Public Notice – Revenue Requirement	Tuesday, January 20, 2009
PUB Approval of Notice	Thursday, January 22, 2009
Centra to Publish Notice in Daily/Weekly Newspapers	January 31 & February 2 – 6, 2009
Interested Parties to Register with the PUB for Intervener Status	Monday, February 2, 2009
Pre-Hearing Conference	Monday, February 9, 2009
Centra to File Volume II - Cost of Gas - Cost Allocation & Rate Design - Terms & Conditions of Service - PUB Directives	Tuesday, February 24, 2009
Centra to be in Receipt of 1 st Round Information Requests on Volume I	Friday, February 27, 2009
Centra to be in Receipt of 1 st Round Information Requests on Vol. II	Tuesday, March 10, 2009
Centra to File Responses to 1 st Round Information Requests to Vol. I and II	Tuesday, March 31, 2009
Centra to be in Receipt of 2 nd Round Information Requests on Vol. I and II	Thursday, April 9, 2009
Centra to File Responses to 2 nd Round Information Requests to Vol. I and II	Friday, May 1, 2009
Centra file Cost of Gas Update	Tuesday, May 5, 2009
Centra to file Reminder Notice with PUB	Tuesday, May 5, 2009
PUB Approval of Reminder Notice	Thursday, May 7, 2009
Centra to Publish Reminder Notice in Daily/Weekly Newspapers	May 16 and May 19 – 22, 2009
All Parties to be in Receipt of Intervener Evidence	Monday, May 11, 2009
All Parties to File Information Requests of Intervener Evidence	Tuesday, May 19, 2009
Interveners to File Response to Information Requests	Monday, May 25, 2009
Centra to File Rebuttal Evidence, if any	Friday, May 29, 2009
Hearing Commences	Tuesday, June 2, 2009

SCHEDULE "B"

**PROCEDURES TO BE FOLLOWED AT THE
CENTRA MANITOBA GAS INC
2009/10 AND 2010/11 GRA HEARING**

1. Hearing: The hearing will be held at the Board's office, 4th floor, 330 Portage Avenue, Winnipeg, commencing on June 2, 2009 at 9:00 a.m. and continuing thereafter as necessary.
2. Hearing Times Each Day: 9:00 a.m. to 12:00 Noon
1:15 p.m. to 4:00 p.m.
(amendments may be made by the Board at the hearing)
3. Assigned Sittings: Presenters will be heard commencing at 1:15 p.m., Monday, June 2, 2009, and at 7:00 p.m. that day if necessary.
4. Opening statements will be made by Board Counsel, and by Counsel for Centra.
5. (a) Centra has filed its application and supporting evidence. Further submissions to be served on all parties.

(b) Centra to introduce witnesses. Board Counsel and interveners to cross-examine Centra's witnesses.
6. (a) Leading of testimony by witnesses for interveners (if any).

(b) Witnesses to be available for cross-examination by all parties following each presentation.

7. All interrogatories are to be filed and responded to using the prefixes as assigned by the Board when interveners are registered (set out in the body of the Order). The party requesting information is to use firstly their prefix followed by the prefix of the party being asked eg. PUB/Centra, etc. Interrogatories are to be numbered sequentially through 1st and 2nd rounds, eg. PUB/Centra 1-3, PUB/Centra 2-7.
8. All pre-filed evidentiary material to be filed at the commencement of the hearing by Board Counsel using assigned prefixes.
9. All witnesses to be sworn or affirmed.
10. All presenters are to register with the Board's Secretary on or before May 28, 2009. (Presenters are not subject to cross-examination, nor is their presentation considered evidence. The Board may ask for clarifications of statements made.)
11. Daily transcripts will be available. Parties to make arrangements with the Reporter. Transcripts can be found at www.pub.gov.mb.ca at no charge.
12. It is the Board's request that all motions be dealt with pursuant to the Board's Timetable.
13. The Board's Rules of Practice and Procedure (available on the Board's website) dealing with the Awarding of Costs will apply to all matters before the Board.
14. The Board indicates its willingness to be available for any problems that may arise during the exchange of information at any time, such time to be arranged through Board Counsel.
15. Five (5) copies of material are to be submitted to the Board's offices, one (1) copy to each of Cathcart Advisors Inc., 21 Fall Ridge Road, Winnipeg, MB R3Y 1X9 and Energy Consultants International, 202 – 1015 Wilkes Avenue, Winnipeg, MB R3P 2R8 and three (3) copies are to be submitted to Board Counsel at the following address: Attention: Robert Peters, Fillmore Riley, 1700 - 360 Main Street, Winnipeg, MB R3C 3Z3.
16. Electronic copies of all material including the evidence of parties, are required to be submitted to the Board's e-mail address: publicutilities@gov.mb.ca. Where schedules or other attachments accompany an electronic file, that filing must be discrete and include only the item and schedules to which each refers. The electronic files shall be named in accordance with their parties prefix as per #7. All electronic filings shall be in Adobe Acrobat format, with protection securities which will allow them to be included in one Multiple-Files Document and which will allow extracts to be copied from the documents.