

**PRE-HEARING MEETING
BIPOLE III TRANSMISSION PROJECT PUBLIC HEARING
JULY 19, 2012
10:00 PM
WINNIPEG CONVENTION CENTRE**

Report to Parties

The following matters were discussed and conclusions/agreements reached.

1. Motions

- Section 2.08 of the *Process Guidelines* has been amended. (See attached.)
- A new Practice Direction on Motions was presented and discussed.
- Subsequent to the meeting, the Commission decided that the time limits for filing and responding to motions would be **8 and 4** calendar days.
- Please note that new provisions have been added to the Practice Direction. (See attached.)

2. Motions Hearings

- The Commission has set dates for two Motions Hearings: August 16 and August 30. Both will start at 10:00 a.m. Location to be determined.
- **August 16:** will deal with substantive matters – e.g. motions to adjourn; motions re: aboriginal consultations.
 - Notices of Motion must be filed by 12 Noon on August 8
 - Responses must be filed by 12 Noon on August 13
 - (Exception made as 4 days in advance falls on a Sunday.)
- **August 30:** will deal with routine matters – e.g. motions re: no or insufficient answers to IRs.
 - Motions must be file by 12 Noon on August 22
 - Responses must be filed by 12 Noon on August 27
 - (Exception made as 4 days in advance falls on a Sunday.)

3. Information Request Process

- **Round 1** – Deadline for submission is July 20. Manitoba Hydro will respond by July 31.

- **Round 2** – will commence July 21.
 - Deadline for IR submissions – Friday, August 17 – 12 Noon
 - MH to respond – by Friday, August 31 – 12 Noon.

4. Next Pre-Hearing Meeting – Tuesday September 11.

5. Pre-Hearing Calendar

Tuesday, July 31	
Wednesday, August 8, 12 Noon	Notices of Motion on substantive matters
Monday, August 13, 12 Noon	Responses to motions
Friday, August 17, 12 Noon	Submissions for Round 2 IRs
Wednesday, August 22, 12 Noon	Notices of Motion on routine matters
Monday, August 27, 12 Noon	Responses to motions
Friday, August 31, 12 Noon	Responses to Round 2 IRs
Tuesday, September 11, 10 a.m.	Pre-Hearing Meeting

6. Hearing Schedule – Tentative

October 1 - 5	Winnipeg – 4 – 5 days
October 9 – week of	Gillam – 1½ days
October 15 – week of	Thompson & The Pas – 1 day each
October 22, Monday	Dauphin – 1 day
October 24, Wednesday	Portage la Prairie – 1 day
October 26, Friday	Niverville – 1 day
October 29 – week of	Winnipeg – 4 days
November 5 – week of	Winnipeg – 4 days
November 12 – week of	Winnipeg – 4 days, if necessary
November 19 – week of	Winnipeg – 4 days , if necessary

MOTIONS

The following changes will be made to Section 2.08 of the Commission's *Process Guidelines*:

Current provisions:

The Commission will accept motions respecting procedural matters from the Proponent and those designated as Participants.

All motions must be prepared in writing and with sufficient copies to allow distribution to all panel members, and other Parties as directed by the Commission Secretary.

New:

Where possible, Notices of Motion are to be served upon the Commission in such time that they may be heard and dealt with prior to the opening of the public Hearings.

The motion must set out: the precise relief sought; the grounds to be argued, including a reference to any statutory provisions or rules to be relied on; and the documentary evidence to be used or relied upon.

New:

All motions will be presented before a Panel of Commissioners. The motions panel may not necessarily consist of the same persons as the hearing panel.

An opportunity will be provided for the Proponent and designated-Participants to respond.

On hearing the motion, the Commission may allow, dismiss or adjourn the motion, in whole or in part, and with or without terms.

MOTIONS

Section 2.08 of the *Process Guidelines* allows the Proponent and designated Participants to file motions in respect of procedural matters.

In the past, such motions were handled on an ad hoc basis. This Practice Direction sets out further regulation for the process for dealing with motions.

Who

For the purpose of the Motion process, the Proponent and designated-Participants may submit Notices of Motion to the Commission.

The party filing a Notice of Motion must serve it on the Commission, the Proponent and all designated-Participants in accordance with the deadlines set out in this PD.

When

The Notice of Motion is to be filed no later than 12 Noon eight (8) calendar days prior to the date set for the hearing of the Motion.

The responding party must provide a Response to the Motion no later than 12 Noon four (4) calendar days prior to the date set for the hearing of the Motion.

The Commission may extend or abridge any time prescribed by these rules, on such terms as the Commission determines to be fair and reasonable. The Proponent or a designated Participant may make such a request – in writing and in a timely manner.

What

A Notice of Motion must contain the following:

1. The name of the proceeding: (e.g. Manitoba Hydro Bipole III)
2. The name of party making the Motion.
3. State the precise relief sought from the Commission.
4. State the grounds for the Motion. Specify the grounds to be argued, including a reference to any statutory provisions or rules to be relied on.

5. A comprehensive list of the documentary evidence to be used at the hearing of the motion.
6. A clear and concise statement of the facts relevant to this Motion and which should be considered by the Commission.
7. Copies of documents or information in support of the Motion must be attached.
8. Date; name, address, telephone number, email address of the moving party's lawyer or the moving party; signature of lawyer or other representative of the moving party.

How

The Commission may, at its discretion, combine motions which are similar in nature, hearing them as one motion.

The Commission will limit the amount of time allowed for oral argument during a motions hearing. The time-limit will vary depending on the nature of the motion to be heard.

Other

Notices of Motion of a substantive nature – e.g. to delay the start of the hearings; to challenge the Terms of Reference; etc. – must be filed no later than 15 days prior to the date scheduled for the commencement of the hearings. This will allow for the motion to be heard prior to the hearings.

(Please note that this is different from the 8-day period prior to a scheduled Motion Hearing date.)